

City of Sandy

Agenda

City Council Meeting

Meeting Location: City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055

Meeting Date: Monday, December 16, 2019

Meeting Time: 6:00 PM



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Staff Report

Meeting Date: December 16, 2019

From Tyler Deems, Finance Director

SUBJECT: Council Rules & Boards, Commissions, and Committees Policy

Background:

In May 2018 the City Council adopted Ordinance 2018-06, repealing various sections of Chapter 2 of the Sandy Municipal Code, which related to the establishment of advisory boards. Additionally, Resolution 2018-14 was adopted, which re-created all advisory boards. The original staff report and various other documents can be found [here](#). At the same time, Administrative Policy 100 became effective. This policy dictates how advisory boards, commissions, and committees operate, and is attached for your review.

Additionally, the Council Rules were reviewed, but Council at the time did not want to adopt the proposed changes without further discussion. Since then, new council members have been elected, a new City Manager was appointed, and the conversation has been brought to staff's attention again to review and revise the current Council Rules. Attached is the most recent version, which includes track changes for the edits that were previously brought before the Council.

Specific areas for review that have come up recently include, but are not limited to, the following:

- The interview and appointment process for board, commission, and committee members.
- Terms and term limits for advisory board, commission, and committee members
- Distinction between advisory boards and commissions

Recommendation:

Review the Council rules and administrative policy and provide direction on any changes to bring back to the Council for approval.

Code Analysis:

None.

Budgetary Impact:

None.

Advisory Boards, Commissions and Committee Policy

Number: ADMIN 100

Effective Date: May 22, 2018

Approval: City Manager

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Purpose

To be used as a guide for the operations and management of Advisory Boards, Commissions and Committees as developed and appointed by the Sandy City Council.

Scope

This policy applies city wide to all Advisory Boards, Commissions and Committees, in addition to any other regulationary authority such as Oregon Revised Statutes, Sandy Municipal Code and the City Charter.

Policy

The City Council and staff welcome citizen involvement and support Advisory Boards, Commissions and Committees as they provide a much needed perspective on specific topics. All meetings are open to the public and the City of Sandy encourages you, whether a member or not to attend any meeting of interest.

It is the policy that all Advisory Boards, Commissions and Committees shall be established by a majority vote of the City Council, and by Resolution unless they are established by other governance such as State Law. No other entities will be established without following this process.

Definitions:

Advisory Boards - Citizens appointed by Council in an advisory role. Will advise council on a variety of issues and recommend policy.

Commissions - Planning Commission, Art's Commission and other assigned by ordinance or ORS that have decision making and/or quasi-judicial responsibility.

Committee - Budget Committee as required and defined by ORS.

Council Liaison - See "Liaison Councilors Assigned" below.

Entity - Advisory Boards, Commissions and Committees

Member - Anyone appointed to serve on an Advisory Board, Commission or Committee.

Staff Member In Charge- The Department Head or his/her staff member designee is responsible for setting up agendas, meeting minutes, meeting space and other items needed for the holding of and assistance to the Advisory Boards, Commissions and Committees.

Filling Vacancies on Advisory Boards, Committees and Commissions

When a vacancy occurs on any Advisory Boards, Commissions and Committees, the City Manager shall cause applications to be filed by all interested candidates. All applications will be collected by the City Recorder.

A. Applications for Budget Committee, Planning Commission and the Arts Commission will be forwarded to the City Council, and a date set for interviews and appointment of the positions by a majority vote of the council. All deliberations and votes are to be held in a noticed public meeting in accordance with Chapter 192 of the Oregon Revised Statute.

B. Applications for Advisory Boards, including the Youth Advisory Council, will go to the Staff Member in Charge. Time will be set aside on a meeting agenda for discussion and recommendation of applicants by the other members of the applicable Advisory Board. All deliberations and votes are to be held in a noticed public meeting in accordance with Chapter 192 of the Oregon Revised Statute. The Staff Member In Charge will bring the recommendations to the City Council for approval.

C. All Advisory Boards, Committees or Commissions, shall have between five and seven members, unless otherwise directed by ORS, SMC or other governance.

Advisory Boards

Advisory Boards, are established by the City Council via resolution. These Advisory Boards may also be governed by certain Oregon Revised Statutes (ORS), the City Charter, City Ordinance (SMC) or Resolution.

Qualifications for Appointment to Advisory Boards

In order to apply for an Advisory Boards you must either live inside the City Limits, or service district (Library District or Transit Service Area as examples). This include residents residing in the Urban Growth Boundary or Urban Reserve areas. Applications are also accepted from those that own a business in Sandy, yet live elsewhere. Employees of local businesses may also serve on Advisory Boards.

In the event of more applicants than open positions, priority will be given to residents of the City of Sandy unless the opening is in a District or Service area as stated above.

You must be 18 years old or older (except for the Youth Advisory Council).

Advisory Board Terms of Service

All members are appointed to a four year term, with half of the members terms expiring on the even years and the other half on the odd years to avoid replacement of the entire board at any one time. Members may serve only two consecutive terms unless no other candidates apply. Terms of service shall commence on the first day of January in the year of their appointment.

Appointments to fill an unexpected vacancy shall be for the remainder of the unexpired term. If necessary to establish continuity of membership, appointments may be made for less than a four-year term.

Advisory Board Powers and Duties

Unless otherwise directed by ORS, SMC or other governance, all Advisory Boards shall practice the following:

- Advise the Staff Member in Charge regarding policies for the development of services and facilities to best meet the current and long-standing needs of the community.
- Recruit and encourage other qualified citizens to be involved and apply for openings.
- Represent the needs, interests and desires of the entire service area for that entity.
- Assist the entity in achieving Council Goals.
- Each member shall have one vote for each topic requiring a vote.
- Help prepare and provide a presentation to City Council annually. The annual meetings regarding the advisory boards will be scheduled prior to Council goal setting. This will assist council with their vision and goal setting for the following year and beyond.

Liaison Councilors Assigned

To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will, at least biennially, make liaison and membership appointments to City boards, commissions and committees (except to Planning Commission to avoid ex parte issues).

In order to respect the separation between policy making and advisory boards, commissions and committees, councilors assigned as a liaison to advisory boards and committees shall adhere to the following guidelines:

- A. Not attempting to lobby or influence boards, commissions and committees on any item under their consideration. It is important for the advisory boards to make objective recommendations to the Council on items before them.

B. Attending meetings of assigned liaison bodies, but should avoid becoming involved in the body's discussions without first explaining his or her role as a Council liaison.

C. Not voting at the body's meeting on any item.

The agenda for the board, commission or committee will have an item for the Councilor to share information from the City Council and vice versa with the advisory body.

Councilors assigned as members of a board, commission, task force, or committee shall participate in the discussion and framing of recommendations to forward on to the full City Council. Councilors will represent the position of the advisory board, commission, task force, or committee when presenting recommendations to the City Council.

Advisory Board Officers

Unless otherwise governed by ORS, SMC or other statutory requirements all Advisory Boards, shall have a Chair and Vice Chair.

Planning Commission

The Planning Commission was established by the City Council in 1973 with the passing of Ordinance 1473. More information on the Planning Commission can be found in Chapter 2.16 of the Sandy Municipal Code.

The Sandy Planning Commission is a seven-member volunteer body of Sandy residents and/or business owners, there are also other opportunities for those living outside the city limits if they meet certain criteria referenced in Chapter 2.16 of the Sandy Municipal Code. that advises the City Council on long-range, comprehensive planning and land use issues within city limits and urban growth boundary. The Planning Commission also approves all amendments and updates to the Comprehensive Plan, recommends policy direction with regard to land use rules and regulations, and helps city staff ensure that Sandy is working within the framework of the State of Oregon's stated land use goals.

Budget Committee

ORS 294.414 requires that the governing body of each municipal corporation establish a budget committee in accordance with the provisions of that section.

The City of Sandy adopts a budget to guide its decision making and execution of the operating and capital plans. The budget is prepared at the direction of the City Manager to address the

goals and objectives of the City Council and fulfill the service level expectations of its citizens and customers.

The budget is presented to the Budget Committee for consideration, deliberation and approval. The committee consists of seven (7) citizens members appointed by the City Council. The full committee also consists of the Mayor and City Council for a total of 14 members.

The City of Sandy operates on a biennial budget, so this committee meets every two years. The process usually takes about three days and includes opportunities for training.

At the first meeting of the Budget Committee, the body shall elect a presiding officer from amongst its members.

Arts Commission

Arts Commission was established to help enhance the quality of life in Sandy through art. By promoting the educational, cultural, economic and general welfare of Sandy by actively pursuing the placement of public art in public spaces within the Sandy City Limits, supporting literary arts, promoting musical and visual art performances and serving generally to develop, facilitate, and preserve access to the arts.

The Sandy Arts Commission was established by Ordinance 2017-07. Additional information on the Arts Commission can be found in Sandy Municipal Code, Chapter 18.01.

Meetings

All Advisory Boards, Committees, and Commission shall establish a regular time and place for meetings. Meetings need not occur if there are insufficient agenda items. Meetings shall be open to the public. Notice of each meeting shall be publicly posted at least twenty-four hours prior to a meeting in accordance with ORS 192. A meeting date may be changed or canceled by the Staff Member Facilitator, with prior notice to the membership.

If a need for an Ad Hoc or sub-committee should arise, the Staff Member Facilitator or Council Liaison will bring a request to City Council for consideration.

All meetings will have an agenda established and posted in accordance with ORS Chapter 192. The agenda shall contain an item label "Council Liaison Report".

Meeting Minutes will be taken at all Advisory Boards, Commissions and Committees meetings and a copy forwarded to the City Recorder within 30 days of the meeting.

Meeting Minute format will be prescribed by the City Recorder.

Government Standards and Practices Commission Requirements and Reporting

All Members of Advisory Boards, Commissions and Committees shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain.

A. Members shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Planning Commission or Council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of Council Rules.
4. Promoting relatives, clients or employees for boards and commissions.
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole.
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. In general, Members shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before them and abiding by all decisions of the Council.

C. **PLANNING COMMISSION ONLY** - In accordance with ORS 244.050, it is the Commissioner's responsibility to file annual statements of economic interest with the



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Sandy, OR 97055
503-668-5533

Government Standards and Practices Commission. Each year, on or around the 1st of April, Commissioner's will be sent a Statement of Economic Interest form from the Government Standards and Practices Commission. Commissioners should complete the form and return it directly to the Commission. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office. Commissioners are also responsible for filing a Supplemental Statement of Economic Interest with the Government Standards and Practices Commission within 30 days of leaving office.



City of Sandy

COUNCIL RULES

Adopted **June 1, 2015**
(Resolution **2015-12**)

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Agenda. The City Manager, or designee, shall prepare an agenda of the business to be presented at a regular Council meeting. Wherever possible, it is desirable that no item of business be added to an agenda after 12 Noon on the Friday ten days before the 1st or 3rd Monday of the month. The agenda packet containing all agenda items will be available for the City Council and public on the Thursday four days before the Council meeting.

A. A Councilor may place an item on a Council agenda by motion or with the Mayor's approval. The City Manager shall be notified. Council members will endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

B. A Councilor who desires major policy or ordinance research should first raise the issue at a meeting under Council Reports. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before staff time is spent preparing a report. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

Annual Report of Boards and Commissions. Each board, commission and committee will annually report to the Council on their activities for the previous year at a regular City Council meeting. The report will be prepared in a format prescribed by the Council.

Attendance. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor. Meeting attendance is critical to appropriate policy development. Councilors will make best efforts to schedule absences/vacations around Council meetings. Excused absences are typically for personal, family, or medical reasons.

Bias and Disqualification. Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgement, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner. such challenges shall be made prior to the commencement of the public hearing. The Mayor shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted. Such challenges shall be incorporated into the record of the hearing.

A. In the case of a quasi-judicial matter that is heard by the Council, a Councilor must disclose his or her participation in a prior decision or action on the matter that is before the Council. A common example of this is when a Planning Commission member is elected or appointed to the City Council, or if a Councilor testifies at a Planning Commission meeting. The Councilor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to disqualify him or herself from participating in the proceedings and to leave the room.

B. If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Councilor is a party with standing.

City Manager Evaluation. The evaluation of the City Manager will be performed under the terms of the Manager's contract.

~~**City Newsletter.** — As a general policy, the City newsletter should be used for only City government related articles, leaving community articles to local newspapers. Events not sponsored entirely or partially by the City should not be allowed space in the newsletter. Requests for placement of articles in the newsletter shall be approved by the City Manager or designee.~~

Communication with Staff. Councilors shall respect the separation between policy making and administration by:

A. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.

B. Not attempting to influence or coerce the City Manager or department director concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.

C. Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All written information given to the City Manager or his/her designee to one Councilor should be distributed to all Councilors.

D. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.

E. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public ~~electronic~~ e-mail messages. Staff shall have the same respect for the roles and responsibilities of Council members.

All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.

Public Comment. At the beginning of each regular meeting, the Council shall designate a time for Public Comment, which shall be reserved for citizens to address the Council on matters related to City government and properly the object of Council consideration. Time is limited to five minutes for each speaker, unless the Council decides prior to the Public Comment period to allocate less time. The purpose of the Public Comment period is to provide citizens an

opportunity to be heard by the Council primarily on issues not on the agenda. Councilors should refrain from engaging speakers in debate or extended dialogue, or directing questions to staff for immediate response. Councilors should refer complaints or questions to the City Manager or the appropriate staff person.

Conferences and Seminars. Members of the Council are urged to educate themselves about local government news, legislative issues, and best practices. To that end, and as funding allows, Councilors are urged to attend the League of Oregon Cities functions. Requests to attend other government related conferences, training seminars and meetings will be presented to the Council for approval. Members of the Council who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other such government group will be reimbursed for reasonable expenses not covered by the respective body. If a member of the Council is retiring and serves on a League of Oregon Cities, National League of Cities or other such government group committee or board and is expected to attend a meeting, conference or seminar, the approved expenses not covered by the respective body will be reimbursed by the City. Upon the Councilor's return from attending a conference, training seminar or meeting, the Council will give a report to all members of the Council unless the majority attended the same function, or if requested by any Councilor who did not attend the conference, seminar or meeting.

Confidentiality. Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

A. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

B. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or a designated Councilor.

C. The Council, by resolution, may censure a member who discloses a confidential matter.

Conflict of Interest. Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

Consent Agenda. In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be disposed of by a single motion “to adopt the consent agenda” which shall not be debatable. An item removed from the consent agenda shall not receive public testimony unless agreed to by a majority of the Council.

Council Rules. The Council shall review its rules at least once every ~~four~~two years. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter.

Emergency Meetings. A special meeting may be called by the Mayor or through the request of three members of the Council. All available Council members will be notified, and the meeting will be held at a time between three and forty-eight hours after the notice is given. Special meetings of the Council may also be held at any time by common consent of all members of the Council. The City shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

Executive Sessions. An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192.640. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular or special meetings, so long as appropriate statutory limitations are met.

A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Attorney and specific staff members, and news media representatives can attend (see also News Media). Members of the press must be told that they may not report the substance of an executive session.

B. ~~A major~~The primary reason for allowing members of the news media to attend such sessions is to keep them informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. As determined by the Council, minutes may be taken or, in the alternative, a sound recording of the meeting may be made as provided for in ORS 192.650(2). Material discussed during an executive sessions should not be disclosed, as provided in ORS 192.610 and 192.660.

C. The topic areas for which an executive session may be called consist of all items listed in ORS 192.660, including the following:

1. To consider the employment of a public officer, employee, staff members, or individual agent. This applies only to the employment of specific individuals. ORS 192.660 (a)

2. To consider the dismissal or disciplining of, or to hear complaints or charges against a public officer, employee, staff member, or individual agent, unless the individual requests an open hearing. ORS 192.660 (b)
3. To deliberate with persons designated by the governing body to carry on labor negotiations. ORS 192.660 (d)
4. To deliberate with persons designated by the governing body to negotiate real property transactions. ORS 192.660 (e)
5. To consider records exempt by law from public inspections. ORS 192.660 (f)
6. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. ORS 192.660 (g)
7. To consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. ORS 192.660 (h)
8. To review and evaluate the employment related performance of the chief executive officer, a public officer, employee, or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. ORS 192.660 (i)

Exhibits. Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the ~~meeting reeorder~~City Recorder.

Ex Parte Contacts and Disqualification. For quasi-judicial hearings, Councilors will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts by a party on a fact in issue under circumstances which do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.

A. If a Councilor has ex parte contact prior to any hearing, the Councilor will reveal this contact at the meeting and prior to the hearing. The Councilor shall describe the substance of the contact and the contact and the presiding officer shall announce the right of interested persons to rebut the substance of the communication. The Councilor also will state whether such contact affects the Councilor's impartiality or ability to vote on the matter. The Councilor must state whether he or she will participate or abstain.

B. For quasi-judicial hearings, a Councilor may be disqualified from the hearing by a 60 percent vote of the Council and must leave the room. The Councilor disqualified shall not participate in the debate, shall step down from the dais for that portion of the meeting, and cannot vote on that motion, provided that the Councilor may participate in the proceedings as a private citizen if the Councilor is a party with standing.

~~C. For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.~~

Expenses and Reimbursement. Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the Personnel Policy Manual. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide.

A. The Councilor who will be traveling should make his or her own reservations for travel and lodging. The City will issue the appropriate purchase order/expenditure upon request and approval by the City Manager.

B. The City does not reimburse Councilors for expenses incurred by their spouses (Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007).

Filling Vacancies on the Council. Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. When the balance of the term of a vacant Council position is less than one year or until an election is held, the Council will make an appointment to the seat. The vacancy will be advertised and applications will be completed. After the filing deadline has passed the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.

Filling Vacancies on Boards, Commissions and Committees. When a vacancy occurs ~~on any standing commission, board, or committee~~ the City Manager shall cause applications to be filed by all interested candidates. All applications shall be submitted to the City Recorder.

~~A. Applications for Arts Commission, Budget Committee, or Planning Commission shall be forwarded to Council, and a date set for public interviews and appointment of the position. All deliberations and votes are to be held in a noticed public meeting in accordance with ORS 192.~~

~~B. Applications for Advisory Boards shall be forwarded to the staff liaison for the applicable board. Time will be set aside in a meeting agenda for discussion and recommendation of applicants by the other members of the specific board which the individual is applying for. All deliberations and votes shall be held in a noticed public meeting in accordance with ORS 192. The staff liaison for the board shall bring the recommendations to Council for final approval.~~

~~A. The Council will interview applicants for the Planning Commission and Budget Committee. The Mayor will make a nomination for each vacancy for approval by the Council. The Mayor may open the process of selection by taking nominations from the Council; then make an appointment for approval by the Council.~~

Flags, Signs, and Posters. No flags, posters, placards or signs, unless authorized by the Mayor, may be carried or placed within the Council chambers in which the Council is official meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

Gifts. On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with City funds. Expenditures of this type should receive prior approval from the Mayor.

Government Standards and Practices Commission Requirements and Reporting.

Councilors shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain.

A. Councilors shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of Council Rules.
4. Promoting relatives, clients or employees for boards and commissions.
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole.
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

C. In accordance with ORS 244.195, it is the Councilor's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission. Each year, on or around April first, Councilors will be sent a Statement of Economic Interest form from the Government Standards and Practices Commission. Councilors should complete the form and return it directly to the Commission. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office. Councilors are also responsible for filing a Supplemental Statement of Economic Interest with the Government Standards and Practices Commission within 30 days of leaving office.

Legal Advice. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique and sensitive personnel, yet City business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager.

Liaison to Boards, Commissions and Committees. To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will, at least biennially, make liaison and membership appointments to City boards, commissions and committees. In order to respect the separation between policy making and advisory boards, commissions and committees, councilors assigned as a liaison to advisory boards and committees shall adhere to the following guidelines:

~~A. Not attempting to lobby or influence boards, commissions and committees on any item under their consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.~~

~~——— B. ——— Attending meetings of assigned liaison bodies, but should avoid becoming involved in the body's discussions without first explaining his or her role as a Council liaison.~~

~~——— C. ——— Not voting at the body's meeting on any item.~~

~~The agenda for the board, commission or committee will have an item for the Councilor to share information from the City Council and vice-versa with the advisory body.~~

~~Councilors assigned as members of a board, commission, task force, or committee shall participate in the discussion and framing of recommendations to forward on to the full City Council. Councilors will represent the position of the advisory board, commission, task force, or committee when presenting recommendations to the City Council.~~

A. Provide the entity with information, requests for advice, and requests for feedback on items of interest to the Council at large.

B. Remember it is important for the board, commissions, and committees to feel free to make objective recommendations to the Council. This allows Council to hear from citizens and gain different perspectives.

C. Council liaisons do not chair, co-chair, or vote.

A-D. The primary role of this position is to bring information back and forth between the board, commission, or committees and Council.

Interaction with Departments.—Councilors shall respect the separation between policy-making and administration by:

—A.— ~~Not influencing or coercing the City Manager or department head concerning personnel, purchasing, work priorities or operations.~~

—B.— ~~Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All information given to one Councilor should be distributed to all Councilors.~~

—C.— ~~Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.~~

—D.— ~~Not changing or interfering with the operating rules and practices of the City department.~~

—E.— ~~Working together with the staff as a team in a spirit of mutual confidence and support.~~

Litigation. Within 30 days of the City’s receipt of:

A. A statutory notice of intent to sue, or

B. A summons and complaint for damages.

The Council will either receive a written report, or will meet in executive session with the City Manager

Meeting Staffing. The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend the first Council meeting of the month unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council’s parliamentarian. The City Manager shall designate a staff member as the official “City Recorder” or contract person as a meeting recorder who will attend all Council meetings and keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager.

Meeting Times. The Council shall meet regularly at 7:00 p.m. on the first and third Monday of each month in the Council Chambers. Such meetings may be preceded by a work session which shall be open to the public.

Minutes. Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

A. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

1. The name of Councilors and staff present.
2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
3. The result of any votes, including ayes and nays and the names of the Councilors who voted.
4. The substance of the discussion on any matter.
5. Reference to any document discussed at the meeting.

B. The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council members should read and submit any changes, additions or corrections to the City Manager in order that a corrected copy can be issued prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such a change.

Motions. When a motion is made, it shall be clearly and concisely stated by its mover. Councilors are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The Presiding Officer will state the name of the Councilor who made the motion and the name of the Councilor who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

A. A motion may be withdrawn by the mover at any time without the consent of the Council.

B. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.

C. A motion that receives a tie vote fails.

D. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting at

which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

E. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or no later than the next meeting.

F. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.

G. A motion to call for the question shall close debate on the main motion. A second motion to call for the question is undebatable. Debate is reopened if the motion fails.

H. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.

I. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.

J. A motion to amend an amendment is not in order.

K. Amendments are voted on first, then the main motion as amended.

L. Council will discuss a motion only after the motion has been moved and seconded.

M. The motion maker, Presiding Officer, or ~~meeting recorder~~ City Recorder should repeat the motion prior to voting.

N. A motion to continue or close a public hearing is debatable.

O. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

News Media. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. See also Executive Sessions. The terms “new media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either

B. Regularly reports on the activities of government or the governing body; or

C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

Order and Decorum. A law enforcement officer of the City may be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Mayor for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-at-Arms determines that the actions of any person who violates the order

and decorum of the meeting constitutes a violation of any provision of the Sandy Municipal Code, ~~in a manner that actually interferes with the Council's ability to conduct business, may be cause for arrest. the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code, or take other appropriate action as outlined in the Sandy Official Police Manual Revised.~~

A. Any of the following, ~~if they cause an actual disruption of the meeting so as to preclude the Council from conducting business,~~ shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Mayor, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:

1. Use of unreasonably loud or disruptive language.
2. Making of loud or disruptive noise, including applause.
3. Engaging in violent or distracting action.
4. Willful injury of furnishings or of the interior of the Council chambers.
5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
6. Refusal to obey an order of the Mayor or an order issued by a Councilor which has been approved by a majority of the Council present.

B. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall be given a warning by the Mayor to cease his or her conduct. ~~If a meeting is disrupted by members of the audience, t~~The Mayor or a majority of the Council may take any lawful action necessary to maintain order and decorum as necessary for Council to conduct business~~present may declare a recess and/or order that the Council chamber be cleared.~~

Order of Business. The order of business at a regular Council meeting may be as follows:

- ~~A.~~ A. Call to Order.
- ~~B.~~ B. Pledge of Allegiance.
- ~~A.C.~~ A.C. Roll Call.
- ~~D.B.~~ D.B. Public Comments.
- ~~E.C.~~ E.C. Proclamations ~~and Recognitions from Council.~~
- ~~F.~~ F. Presentation.

~~G.D. Business Meeting.~~

~~H. Ordinances.~~

~~I. Resolutions.~~

~~J. Old Business.~~

~~K. New Business.~~

~~1. Public Hearings~~

~~2. Ordinances and Resolutions~~

~~3. Council Policy Issues~~

~~4. Other Business~~

~~5. Consent Agenda~~

~~L.E. Report from the City Manager.~~

~~M.F. Business from the Council/Council/Committee Reports.~~

~~N. Staff Updates.~~

~~O. Adjourn.~~

Ordinance Reading and Adoption. All ordinances and resolutions shall be prepared under the supervision of the City Manager and, as needed, reviewed as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department headdirector.

A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.

B. The Council may adopt an ordinance in any of the following circumstances:

1. Before being considered for adoption, the ordinance has been read in full at two separate Council meetings;

2. At a single meeting, without objection and by unanimous vote of the whole Council, after being read once in full and once by title only;

3. At a single meeting, if copies are provided to each Councilor and three copies are available for public inspection one week before the first reading.

C. Ordinances shall be effective on the thirtieth (30th) day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption.

D. Councilors can call for a roll-call vote on any ordinance or resolution, otherwise they may be adopted by the provisions outlined in the city charter.

Planning Commission Testimony. The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the City. In an effort to maintain the impartiality of the Planning

Commission, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commissioner representative if so designated by the Commissioner, or as a citizen. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the proceeding Commission decision, may not testify before the Council on the respective matter.

Presiding Officer. The Mayor shall be the Presiding Officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

Public Members Addressing the Council.

A. When called by the Presiding Officer, those wishing to address the Council shall come to the designated area and state their name and address in an audible tone. They shall limit their remarks to five minutes unless the Council decides prior to a particular agenda item to allocate more or less time. They shall address all remarks to the Council as a body and not to any member thereof.

B. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor. Questions from the public shall be asked of a Councilor or staff through the Mayor. No public member will be allowed to speak more than once on a particular agenda item.

C. Any person making personal, offensive, or slanderous remarks, or who become boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. The Mayor has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The Mayor may request the assistance of Sergeant-at-Arms to restore order at any meeting.

Public Hearings.

A. Legislative Hearings:

1. The Mayor shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda.

2. Discussion of conflict of interest of the Sandy City Council and Councilors.

3. The Mayor will then declare the hearing to be open and invite members of the audience to be heard in the following order:

- a. Staff introduction of topic.
 - b. Correspondence.
 - c. Persons wishing to speak on the matter.
4. The Mayor will call for the staff report.
 5. Close the public hearing.
 6. Council deliberation and vote.

B. Quasi-Judicial Hearing: Conduct of quasi-judicial hearings shall conform to the requirements of ORS 197.763 and the Sandy Development Code including, but not limited to the following:

1. The Mayor shall announce prior to opening the hearing the nature of the matter to be heard as it is set forth on the agenda and the procedure to be followed for the hearing.
2. The Mayor shall give notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.
3. Discussion of jurisdiction and impartiality of the Sandy City Council and Councilors.
4. Staff introduction of appeal.
5. Correspondence.
6. Appellant's presentation.
7. Other testimony in support of the appeal.
8. Applicant's testimony, if appropriate.
9. Opponent's testimony.
10. Neutral testimony.
11. Staff report and recommendation.
12. Appellant's rebuttal testimony.
13. Applicant's rebuttal testimony.

14. Upon demonstration of new evidence presented during applicant's rebuttal, any participant may petition the presiding officer for an opportunity to present sur rebuttal.

15. Questions from the Council to staff.

16. Closure of public hearing, no further information from the audience.

17. Discussion by Council and decision.

18. Council has the discretion to adopt findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting. If adoption of findings is postponed to allow staff or prevailing party to submit findings, Council will allow written comments on the findings only by both proponents and opponents prior to adoption.

C. If there are objections to the jurisdiction of the City Council to hear a matter, the Mayor shall terminate the hearing if the inquiry results in substantial evidence that the Council lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met.

Public Records. The disposition of public records created or received by Councilors shall be accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including ~~electronic~~-e-mail or text messages, notes, memos and calendars (e.g., "Daytimers") are public records and are subject to disclosure under the Public Records Law.

Questioning of Staff by Council Members. Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Quorum. The quorum requirement for the conduct of Council business is four Council members.

Reconsideration of Actions Taken. A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council.

Representing the City. When a member of the City Council represents the City before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council. Personal opinions and comments may be expressed only if the Councilor clarifies that those statements do not represent the position of the Council.

A. The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City's voice. When Councilors represent the City in a "lobbying" situation, it is

appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.

B. When Councilors attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Councilor is expected to report that fact.

Speaking by Council Members. Any Councilor desiring to be heard shall be recognized by the Mayor, but shall confine his or her remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish.

Special Meetings. The Mayor, or in the Mayor's absence, the President of the Council, may, or, at the request of two members of the Council, shall call a special meeting for the Council.

A. Written notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the Councilor is not found, left at his or her place of residence. All notice requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.

B. Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.

Suspension of Rules. These rules may be suspended at any time upon majority vote of a quorum of the Council.

Televising Streaming of Council Meetings. Acknowledging that the citizenry of Sandy is generally a sophisticated and interested viewing audience, regular business meetings of the Council will be covered gavel-to-gavel live on the City's ~~government access cable channel~~ YouTube channel. Videotapes will not be kept.

A. To enhance viewer interest and understanding of the subject matter, ~~televised~~ streamed meetings of the Council shall, whenever practical, employ the highest technical quality and techniques, such as multiple camera angles and informational captioning.

B. It is intended that Council meetings be ~~televised~~ streamed in an unbiased, even-handed manner, using camera shots that are appropriate for individual Councilors, witnesses and audience members and are relevant to the discussion.

C. Video and audio shall be deleted only for the purpose of conforming with applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of ~~videotaped-recorded~~ Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

D. Regular business meetings of the Council shall be ~~televised-streamed~~ live and simultaneously ~~videotaped-recorded~~ for subsequent replay on the ~~government access-channel~~City's YouTube channel. Meetings shall be ~~televised-streamed~~ and ~~taped-recorded~~ in accordance with policies and procedures approved by the City Manager, including the camera operator's guide.

Voting. Every Councilor, when a question is taken, shall vote unless a majority of the Council present, for special reason, shall excuse said person.

A. No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.

B. The concurrence of majority of the Council members present at a Council meeting shall be necessary to decide any question before the Council. ~~The meeting recorder shall call the roll, and the order of voting shall be rotated on each question in order that each Councilor has an equal opportunity vote first and last.~~ In the event of a tie vote, the matter before the Council shall be a NO vote.

Work Sessions. Work sessions of the City Council shall be held in accordance with the Oregon Public Meetings Law (ORS 192.6-710). Whenever circumstances require such a session, it shall be called by either the Mayor, City Manager, or two Councilors.



SANDY RIVER
watershed council

Annual Report
Sandy City Council
December 16, 2019



SRWC Office Relocation

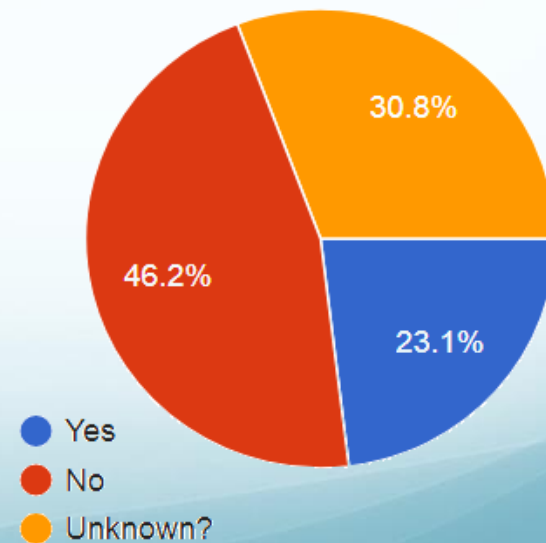
- Notice of non-renewal 4/15, requiring us to depart by 7/1, displaced by Small Business Development Center that lost lease in Rockwood
- Gresham Green business network connected us to St. Aidan's Episcopal Church nest to Nadaka Park in Rockwood



Justice, Equity, Diversity, Inclusion (JEDI) update

- Participated in year-long Intertwine Cohort
- Completed Coalition of Communities of Color Self-assessment
- Partnerships with Native Tradition Keepers on Delta, MHCC Chinook wawa signage
- Next steps:
 - → Equity inclusion goals, criteria, plans for
 - Partners, community engagement
 - Staff
 - Board

Does your organization have written procedures to increase the recruitment, retention and promotion of people of color?



YTD Income / Expense

Jan 1 – Nov 15

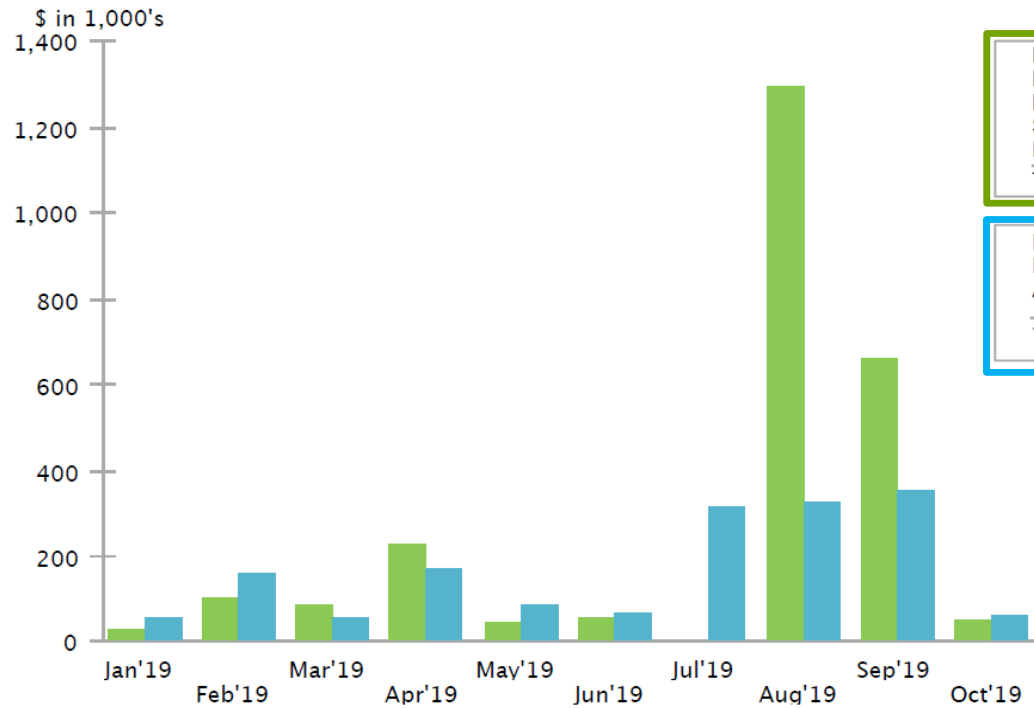
INCOME		
<i>CATEGORY</i>	<i>AMOUNT</i>	<i>%</i>
Government Grants	\$ 1,073,449.94	61%
Direct public support	\$ 691,133.54	39%
Private Funding	\$ 1,867.97	0%
Other	\$ 88.00	0%
TOTAL INCOME	\$ 1,766,539.45	

EXPENSES		
<i>CATEGORY</i>	<i>AMOUNT</i>	<i>%</i>
Program/Project	\$ 1,215,784.38	75%
Human Resources	\$ 356,112.41	22%
Administration	\$ 47,147.57	3%
Other	\$ 11.94	0%
TOTAL EXPENSES	\$ 1,619,056.30	

YTD Income / Expense

Jan 1 - October 31

Income and Expense by Month
Jan - Oct '19



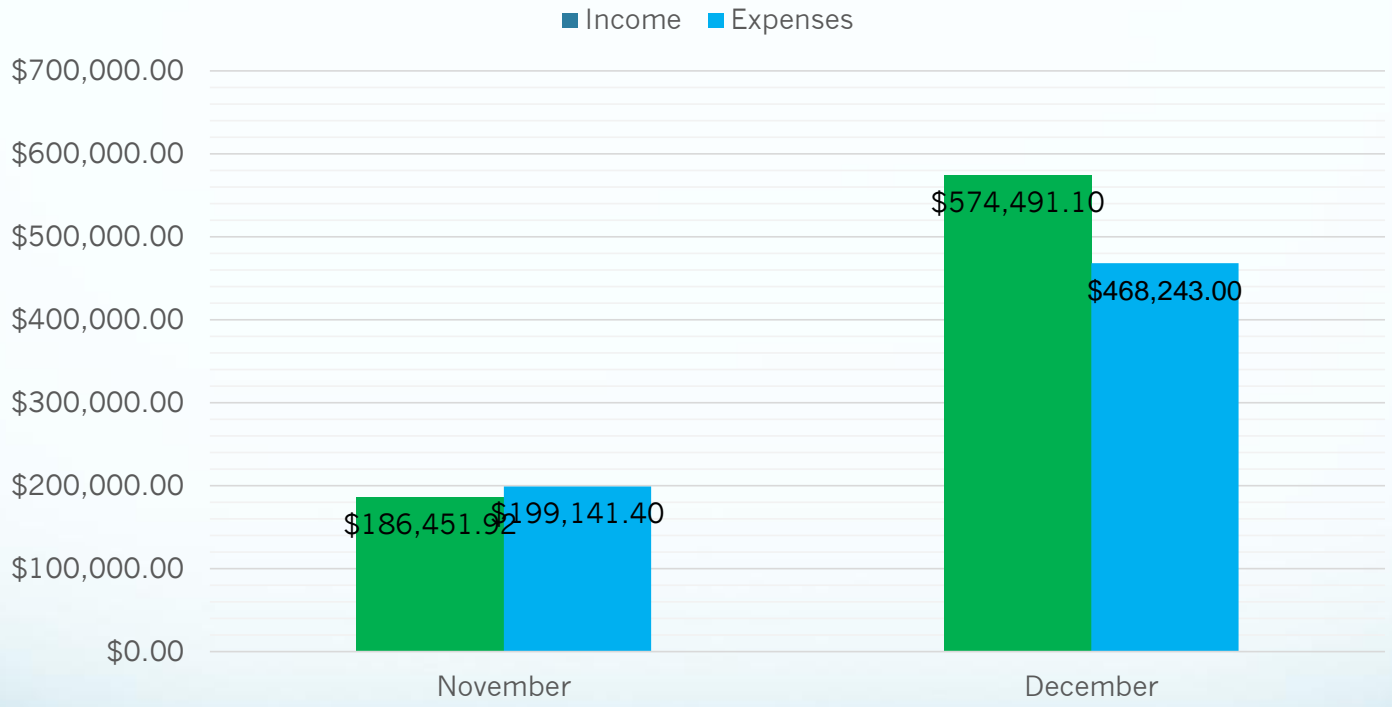
Income
Expense

PRIVATE FUNDING	%1
PUBLIC SUPPORT	9
LOCAL GOVT	39
STATE GOVT	16
FEDERAL	35
Total	\$1,619,335.90

PROGRAM/PROJECT EXPENSES	%74
HUMAN RESOURCES EXPENSES	23
ADMINISTRATION EXPENSES	3
Total	\$1,646,515.68

Year End Income / Expense

November – December (estimated)



Estimated YE TOTAL Income: \$2,380,278.92
Estimated YE TOTAL Expense: \$2,313,900.08
Estimated carryover: \$66,378.84

SRWC Finances 5-year view

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) 2018	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any 'unusual grants'.)	560,946.	448,673.	705,259.	640,808.	1,012,046.	3,367,732.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf.						0.
3 The value of services or facilities furnished by a governmental unit to the organization without charge	11,250.					11,250.
4 Total. Add lines 1 through 3.	572,196.	448,673.	705,259.	640,808.	1,012,046.	3,378,982.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) 2018	(f) Total
7 Amounts from line 4.	572,196.	448,673.	705,259.	640,808.	1,012,046.	3,378,982.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties, and income from similar sources.						0.
9 Net income from unrelated business activities, whether or not the business is regularly carried on.						0.
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part VI.)						0.
11 Total support. Add lines 7 through 10.						3,378,982.

Reconnect to the River Event

- Income: \$4,868.06
 - Expenses: \$2,955.99
- NET: \$1,912.07***

Two awards presented
Made 71 friends.



Sandy-Salmon Floodplain Reconnection

- Late in-water start because of archeological review
- Levee removal, log jams, channel re-connection completed
- Excess material exported via contractors, ODOT
- Rep Earl Blumenauer visited Aug. 5, offered to assist future work





- 35,000 cubic yards removed
- 653 logs from Mr. Tree and Clackamas County



**Sandy-Salmon
Haulers of Fame:**

- **Keystone Contracting**
- **Janz Enterprise**
- **Mt. Hood Rock**
- **Britton Excavating**
- **Clackamas County**
- **ODOT**

MHCC Retrofit Updates

- Parking lots G-H completed with revised, streamlined designs
- 4MG per year runoff treated
- Plant establishment underway, planting new swales in winter
- Facilities Director Charles George returns: “I will be a champion...”

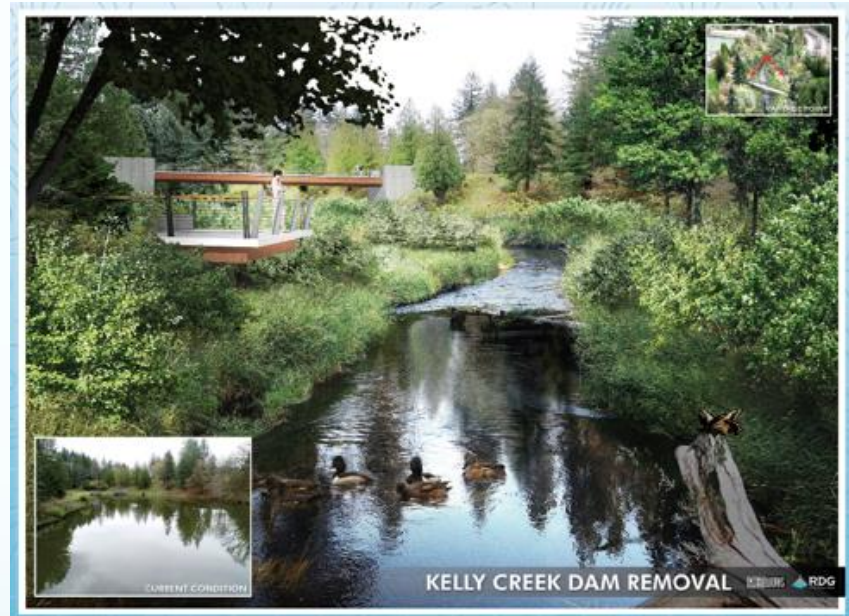


Kelly Dam Removal Feasibility Study

- Pond sediment sampled 5/7/19



- Implementation: 2 years, \$3M includes design, permitting, removal, bridge + restoration
- MHCC will evaluate as part of revised capital plan beginning ~ January 2020
- SRWC funded for Phase II to cultivate public awareness, inclusion in MHCC Capital Plan and Metro capital bond



Nature For All Metro Bond: “...capital restoration projects including, but not limited to, removal or replacement of culverts and dams on fish-bearing streams; restoration of native plant communities and opportunities to bring nature back into urban areas”



Sandy Delta 4th Annual Eco Blitz

- 94 participants
- 18 from Urban Nature Partners
- Thanks to Board members who attended
- Partners: USFS, NPS, Friends of Sandy River Delta, Extracto Coffee, Voodoo Donut

Delta Stewardship Education

- 700 participants
- 366 students
- 56,000 native trees and shrubs planted
- Stakeholder dialog with USFS, partners




T2T Cleanups / Stash the Trash*

- *Stash* adds year-round effort to episodic cleanups
- Recreators pick up mesh bags at 5 Park partners for collection
- 1200 bags, positive feedback in Y1
- Timberline to Troutdale Cleanups extended to 'All Mountain' event – ~ 400 participants in two events



Sandy WWTP Green Infrastructure Lab

- Workshop conducted 10/22
- National expert Dave Roseen from UNH Stormwater
- Potential followup support from Earth Economics
- Treated effluent may = “Class A Recycled Water” with different use potential than “effluent”



GREEN INFRASTRUCTURE LAB
CITY OF SANDY

SESSION ONE (9AM-12PM)
Build shared language and understanding of the triple-bottom-line benefits of GI solutions and articulate a collective vision and set of goals for scaling GI solutions.

9:00 - 9:15 **OPENING AND INTRODUCTIONS**

9:15 - 10:15 **MAKING THE CASE FOR GREEN INFRASTRUCTURE (GI)**
The Big Picture – Nature and the Economy
Triple Bottom Line Benefits of GI
Scaling GI Adoption

10:15 - 11:00 **TAKING STOCK OF GI ASSETS IN SANDY**
Community Assessment of GI Adoption
Distribution of GI Assets – Mapping Exercise

11:00 - 11:15 **BREAK**

11:15 - 12:00 **ESTABLISHING A SHARED VISION FOR GI IN SANDY**
Barriers and Opportunities for Scaling GI
Defining a Shared Vision for a GI Portfolio

LUNCH (12-1PM)
Provided by the City of Sandy

SESSION TWO (1-5PM)
Develop an in-depth understanding of key topics for scaling GI adoption, including cost-benefit analyses of green and grey infrastructure, getting GI to scale with regulatory and incentive-based tools, and paying for GI portfolios.

1:00 - 2:15 **ECONOMICS OF GREEN AND GREY INFRASTRUCTURE**
Costs and Benefits of Green and Grey Options
Holistic Cost-Benefit Analysis
Stakeholder Mapping and Messaging

2:15 - 2:30 **BREAK**

2:30 - 3:15 **GETTING TO SCALE: REGULATORY AND INCENTIVE-BASED TOOLS**
Regulatory Tools for Integrating GI in Codes and Ordinances
Incentive-Based Tools and Strategies

3:15 - 4:00 **PAYING FOR GREEN INFRASTRUCTURE: FUNDING AND FINANCING**
Financing GI: Municipal Bonds, Public-Private Partnerships
Funding Mechanisms: Utility Rates & Fees, Grants, Tax Increment Financing

4:00 - 4:15 **BREAK**

4:15 - 5:00 **WRAP UP – ACTION PLANNING AND SETTING MILESTONES**

**SAVE THE DATE
TUES., OCT. 22**

Earth Economics is coming to the City of Sandy this fall to host a **Green Infrastructure (GI) Lab**—a one-day workshop focused on building the capacity of local leaders to effectively scale investment and adoption of green storm water infrastructure as a complement or alternative to traditional grey storm water systems. During this interactive lab, Earth Economics staff and industry leaders will share tools and concepts for creating and sustaining a portfolio of urban green infrastructure assets—everything from pervious streets, to living roofs, to parks and open space—to manage stormwater runoff and build community resilience.

Contact us to learn more!
Jordan Wheeler, City of Sandy
jwheeler@ci.sandy.or.us
Mike Walker, City of Sandy
mwalker@ci.sandy.or.us

PRESENTED BY
EARTH ECONOMICS
WORKSHOPS MADE POSSIBLE WITH
FUNDING BY THE SUMMIT FOUNDATION

Outreach Activities to Date



145 Volunteers, 2 dogs at the very Windy Delta Climate Adaptive Planting



Keen Earth Day Cleanup at MHCC

	2019	2018
Volunteers	2505	5001
Events	56	101

Beaver Creek Brunch at Skyland Pub



Thank You



SANDYRIVER
watershed council

Questions?

SANDY CITY COUNCIL

Introduction to the Clackamas Soil and Water Conservation District



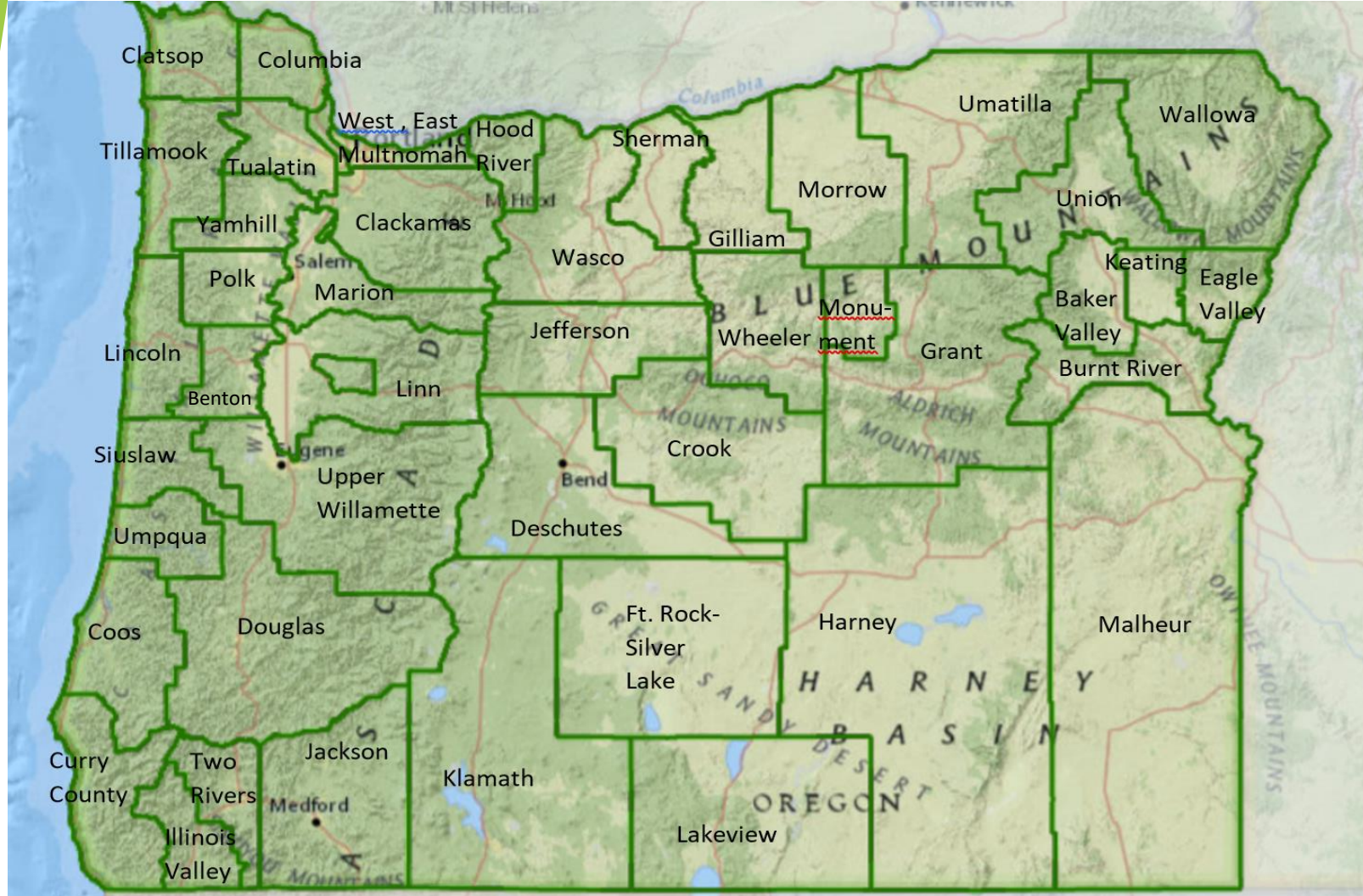
CLACKAMAS SOIL AND WATER
CONSERVATION DISTRICT
www.conservationdistrict.org

Good dirt. Clean water.

TWO PARTS

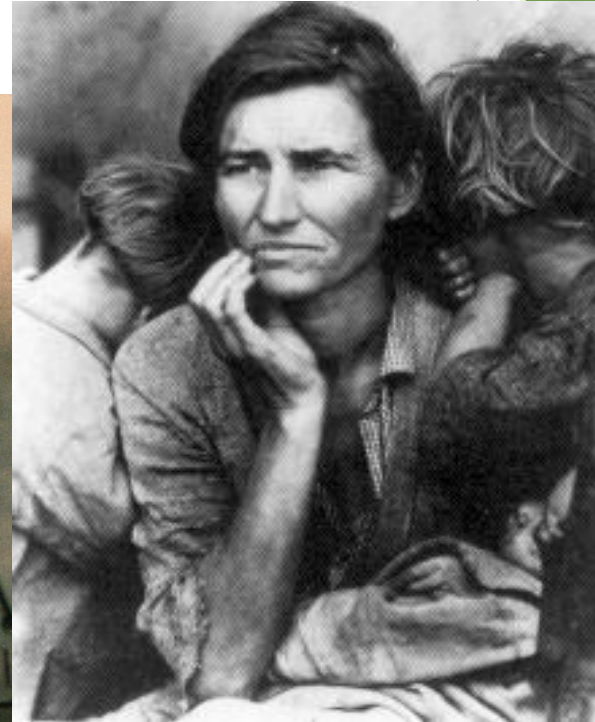
- ▶ **Soil and water conservation districts
“101”**
- ▶ **Clackamas SWCD priorities and
projects**

OREGON HAS 45 SWCDs



WHAT IS A SOIL AND WATER CONSERVATION DISTRICT?

- ▶ Created as a result of the Dust Bowl



OREGON SOIL AND WATER CONSERVATION DISTRICTS

- ▶ **ORS Chapter 568 in 1939**
- ▶ **Formed as local governments, special districts**
- ▶ **Generally represent an entire county**
- ▶ **SWCD board members elected on county ballot, serve 4-year terms**
- ▶ **SWCDs provide voluntary services in cooperation with local landowners**
- ▶ **Oregon Department of Agriculture performs compliance and enforcement**

SERVICES PROVIDED BY SWCDs

- ▶ **Cost-share grant programs** help landowners pay for eligible conservation projects
- ▶ **Technical assistance** for urban and rural projects
- ▶ Local implementation of **federal farm bill** programs
- ▶ **Farmland preservation**
- ▶ **Weed management** services, sometimes acting as county weed board
- ▶ Assessment and assistance with **energy efficiency**
- ▶ Assistance with **tide gates, culverts and pipelines**
- ▶ **Erosion control**

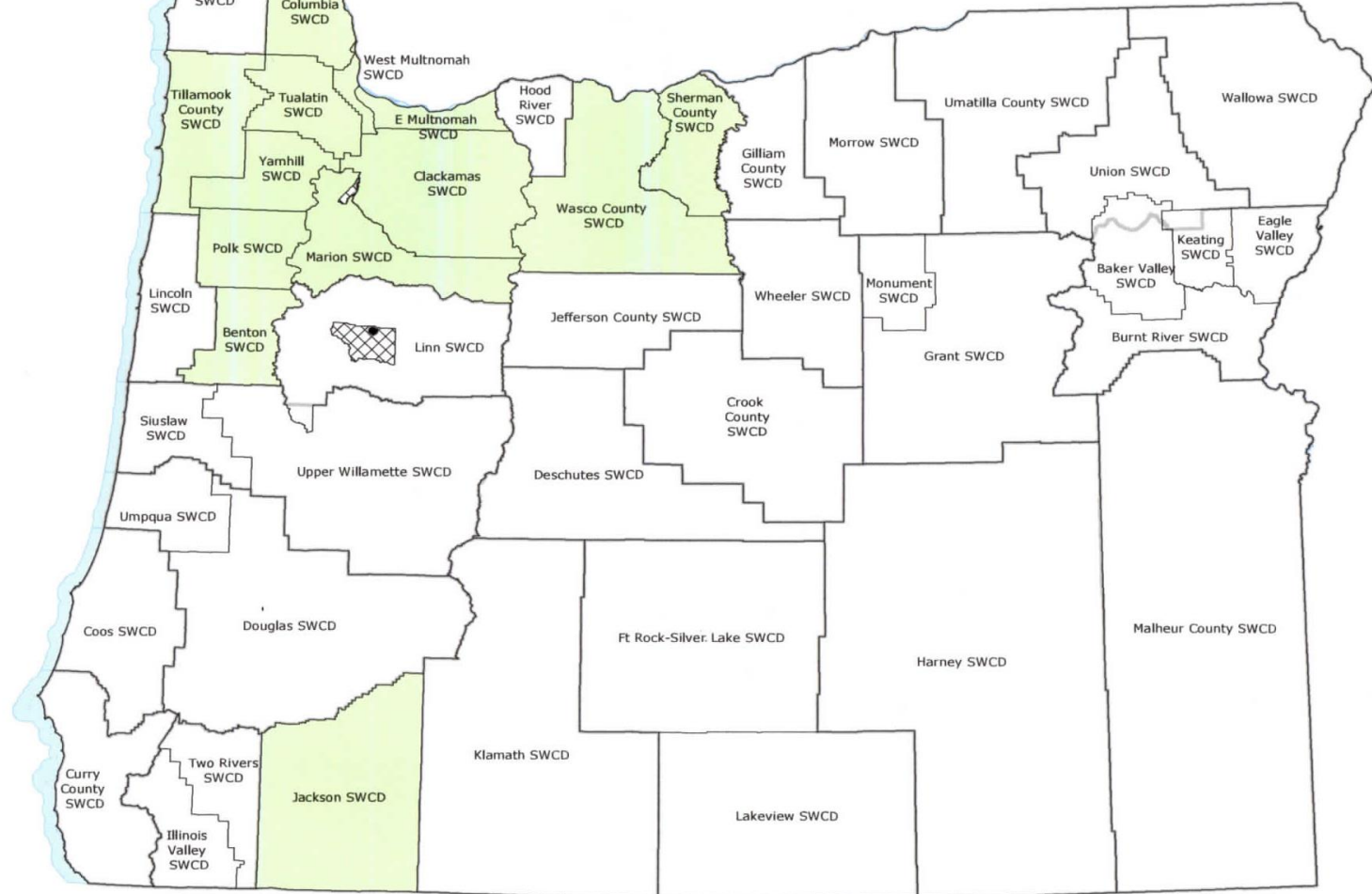
SERVICES....

- ▶ **Loan programs for conservation projects**
- ▶ **Forest health and wildfire planning, including on-site assessments**
- ▶ **Livestock and nutrient management: manure storage/composting, heavy use area planning, fencing, off-channel watering facilities**
- ▶ **Irrigation efficiency programs**
- ▶ **Assistance with permits, engineering, and contracting**
- ▶ **Oregon water quality management plan implementation through Oregon Dept. of Ag**

TAXING DISTRICTS

- ▶ **ORS 568.806 provides the authority for soil and water conservation districts to levy tax**
- ▶ **13 of Oregon's 45 soil and water conservation districts have voter-approved tax bases**

Oregon Soil and Water Conservation Districts



- Taxing District
- County Boundary
- SWCD Boundary
- Ocean/Water
- Excluded Area

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Prepared By: dwalker
 Date Saved: 10/30/2018
 Date Printed: 10/30/2018
 Scale: 1:2,669,067
 Projection: NAD 1983 Oregon Statewide Lambert Feet Intl
 Path: V:\NRPA\swcd\SWCDTaxingDistricts.mxd



DISTRICTS WORK WITH MANY PARTNERS

▶ FEDERAL

- FSA - Farm Service Agency
- NRCS - Natural Resources Conservation Service
- USFS - US Forest Service
- BLM - Bureau of Land Management
- ...and others

▶ STATE

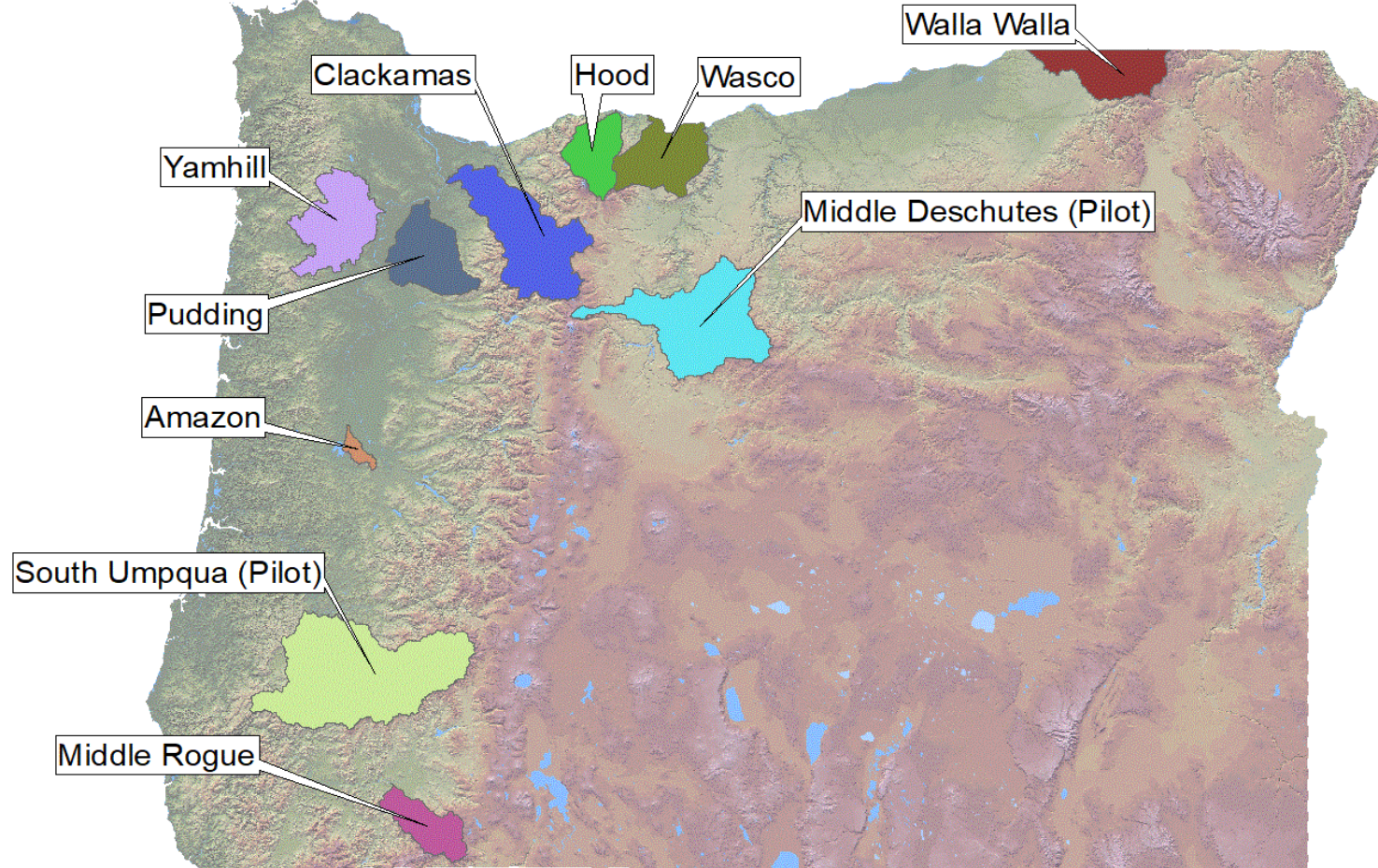
- ODA: Oregon Department of Agriculture
- OWEB: Oregon Watershed Enhancement Board
- ...and others

▶ LOCAL GOVERNMENTS & NGOs

OREGON CONVERSATION PARTNERSHIP



Oregon Pesticide Stewardship Partnerships



PART 2: CLACKAMAS SWCD



Clackamas SWCD: Overview

- ▶ **416,075 people**
- ▶ **1,870 square miles**
- ▶ **7 directors and 17 technical, administrative, managerial staff**
- ▶ **\$2.4 million from property tax, plus numerous state and federal grants**
- ▶ **Most farms, smallest average size, most women owned/operated farms in Oregon**
- ▶ **Christmas trees, poultry and eggs, hogs and pigs, horses**

Clackamas SWCD: Program Priorities

▶ Five W's

- ▶ **WATER:** Water quality, water quantity
- ▶ **WEEDS:** Invasive species management
- ▶ **WILDLIFE:** Fish and wildlife habitat
- ▶ **WORKING LANDS:** Farms, fields, and forests
- ▶ **WORMS:** Healthy soil

Clackamas SWCD: Programs

- ▶ Riparian restoration and fish passage
- ▶ Invasive species management and control
- ▶ Technical assistance to landowners
- ▶ Financial assistance to landowners
 - ▶ Septic system repair loan program
- ▶ Partner support
 - ▶ Watershed council support grants: \$118,000 to 10 councils
 - ▶ Farmers market support grants: \$32,000 to 8 markets
- ▶ Working lands easements and acquisitions

Clackamas SWCD: Technical Assistance (FY 18-19)

▶ CONSERVATION PROGRAM

- ▶ 1,682 customer contacts
- ▶ 196 site visits
- ▶ 37 conservation practices implemented

▶ INVASIVE SPECIES PROGRAM

- ▶ 1,107 households direct mailed
- ▶ Surveyed 195 properties
- ▶ Treated 390 sites = 68,540 acres
- ▶ Treated 51 sites under NPDES permit = 5,271 stream miles

WATER/WILDLIFE: Milk Creek before & after

Before



After



WATER/WILDLIFE: Clear Creek before & after

Before



After



WATER/WILDLIFE: Clear Creek culvert



WEEDS: Orange Hawkweed



EQUIPMENT RENTAL

- ▶ “Pasture Pleaser”
no-till drill to
protect water and
improve soil
- ▶ Equipment rented
23 times
 - ▶ No-till drill
 - ▶ Manure spreader
 - ▶ Aerator



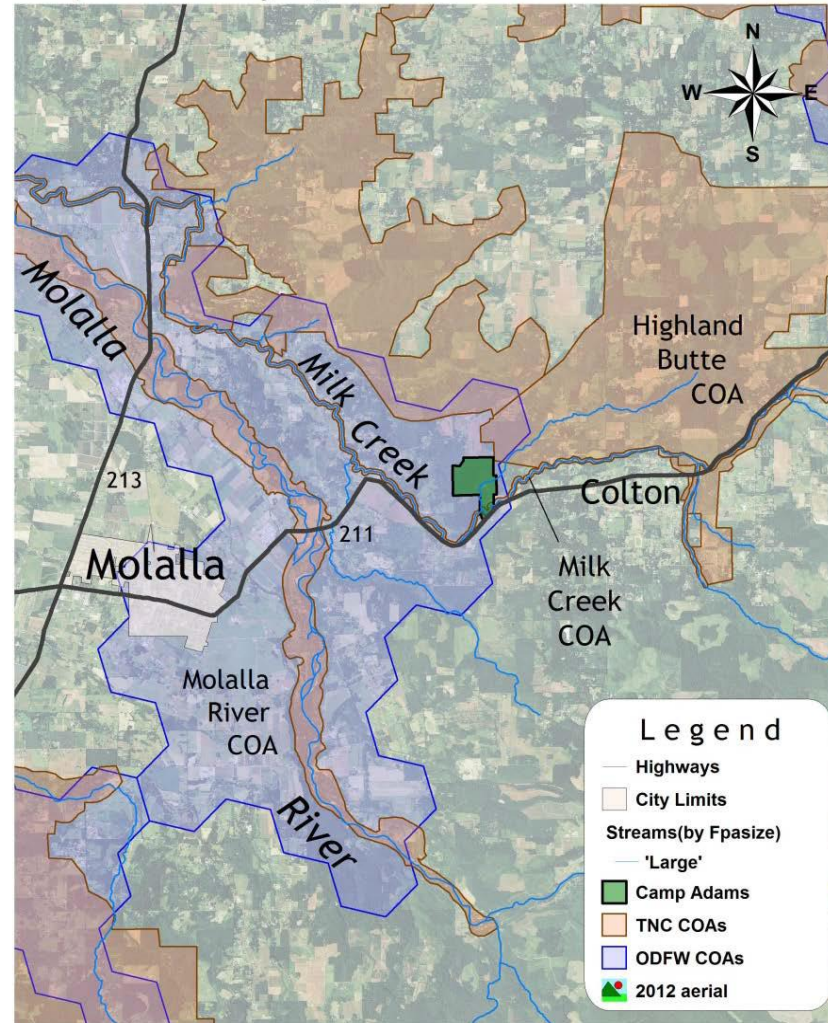
WORKING LANDS = Long-term investments

- ▶ **Sponsor succession planning workshops for landowners**
- ▶ **Hold conservation easement**
- ▶ **Fee-title acquisition of working forest**
- ▶ **Partner with other organizations including land trusts**

Camp Adams easement

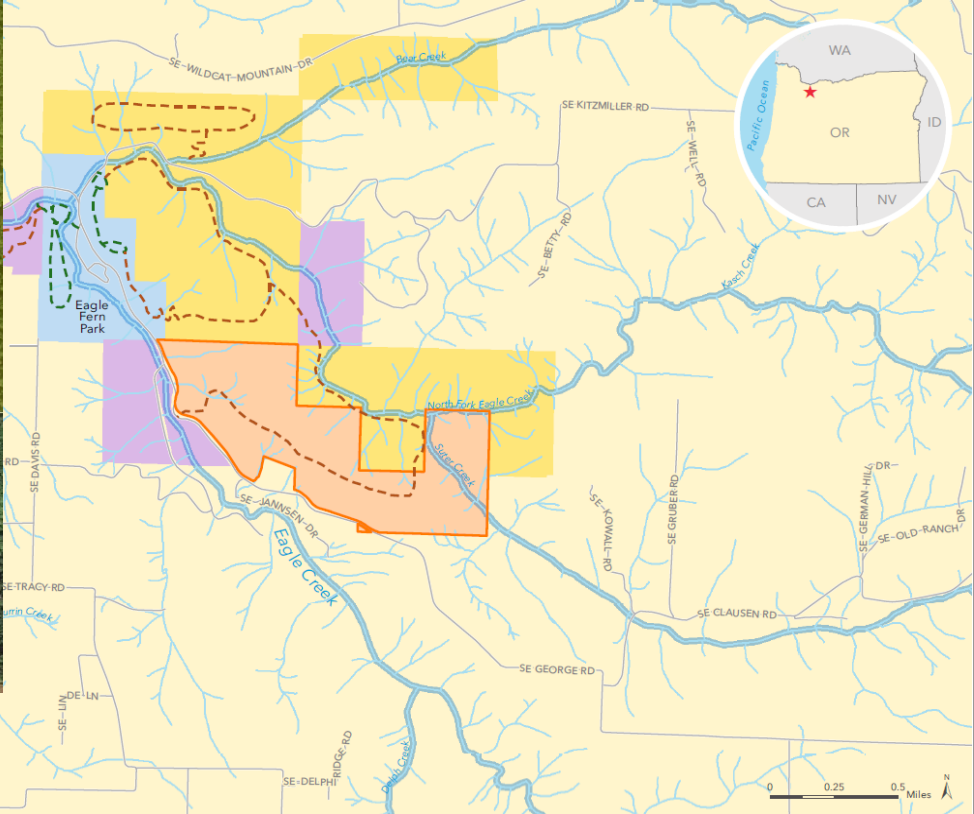
- ▶ Working forest
- ▶ 181 acres protected

Camp Adams vicinity map

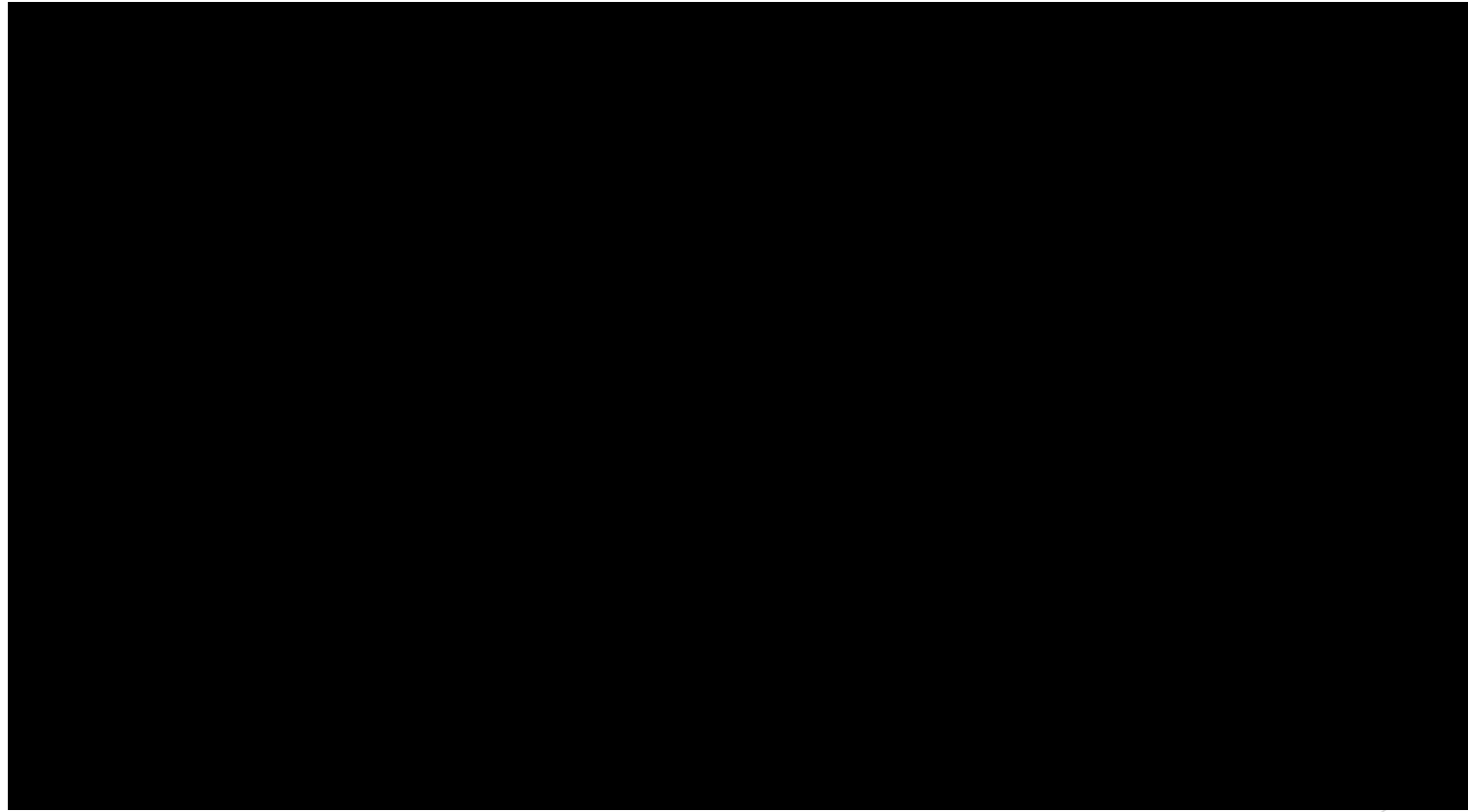


Scale = 1 : 8000.00 (In : US Feet) 8000 0 8000 US Feet 06-09-2018

Eagle Creek Community Forest



Conservation Resource Center





MINUTES
City Council Meeting
Monday, December 2, 2019 City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, John Hamblin, Councilor, Laurie Smallwood, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, and Bethany Shultz, Councilor

COUNCIL ABSENT: Jeremy Pietzold, Council President

STAFF PRESENT: Jordan Wheeler, City Manager, Ernie Roberts, Police Chief, Mike Walker, Public Works Director, and Tyler Deems, Finance Director

MEDIA PRESENT:

1. WORK SESSION - 6:00 PM

- 1.1. Roll Call
- 1.2. Homelessness and Policing

Ernie Roberts, Chief of Police, provided Council with a brief history of homelessness in Clackamas County. In the last two years there has been a 9% increase in homelessness in Clackamas County. In Sandy, there has been 48 homeless individuals recorded. Chief Roberts supplied additional information on homelessness within city limits, as well resources that are available. Council asked questions related to homelessness and what can be done to reduce or eliminate the issue.

- 1.3. Emergency Operations Plan

Staff Report - 0206

Ernie Roberts, Chief of Police, delivered a staff report to Council regarding the City's emergency operations plan. Council asked clarifying questions regarding emergency operations and how specific information is determined. Additionally, questions related to the the emergency operations center were asked and answered.

2. REGULAR MEETING - 7:00 PM

3. Pledge of Allegiance

4. Roll Call

5. Changes to the Agenda

None.

6. Public Comment

None.

7. Consent Agenda

- 7.1. A Resolution Adopting the City of Sandy Representation in the Updates to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan

Staff Report - 0193

- 7.2. City Council - Community Campus Tour - Minutes

- 7.3. City Council Work Session and Regular Meeting - 18 Nov 2019 - Minutes

Moved by John Hamblin, seconded by Jan Lee

Motion to approve the consent agenda.

CARRIED.

8. New Business

- 8.1. Community Development Block Grant Project Priorities 2020-2021

Staff Report - 0205

Mike Walker, Public Works Director, addressed Council regarding a grant program via Clackamas County. The Community Development Block Grant is designed to assist smaller communities and public service agencies in the county via a competitive process. The various projects can be reviewed in the attached staff report. Staff is seeking direction from Council in regards to prioritizing the three possible projects.

Council prioritized the potential projects in the following order:

- ADA upgrades at City Hall
- Sidewalk replacement on Meinig Ave and Barker Ct
- ADA ramp upgrades to 30 ramps around Highway 211

9. Report from the City Manager

Jordan Wheeler, City Manager, provided Council with updates on the community survey, green alternative analysis, upcoming meetings, and the upcoming holiday events including the Christmas Tree Lighting and Breakfast with Santa.

10. Committee /Council Reports

Councilor Exner recapped his recent viewing of Sandy High School's "Wizard of Oz."

Councilor Hamblin reminded all of the upcoming Sandy Light Show, in conjunction with Sandy Helping Hands.

Mayor Pulliam also noted the upcoming holiday events, as well an upcoming meeting at the local VFW. Additionally, a mention of stormwater and taking care of rivers and streams now instead of later. Finally, the importance of winter tourism and how we can promote that moving forward.

11. Staff updates

11.1. [Monthly Reports](#)

12. Adjourn



Mayor, Stan Pulliam



City Recorder, Karey Milne



Staff Report

Meeting Date: December 16, 2019

From Emily Meharg, Associate Planner

SUBJECT:

Background:

The applicant, Steve Kelly, with Clackamas County requests a Type IV Zone Map Amendment of one parcel totaling approximately 0.47 acres. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies the C-1 zone designation as compatible.

Recommendation:

The Planning Commission voted 6-0 to forward a recommendation of approval to City Council for the requested zone change.

Code Analysis:

See attached report

Budgetary Impact:

None

**City Council
STAFF REPORT**

DATE: December 9, 2019

FILE NO.: 19-032 ZC

PROJECT NAME: Sandy Health Clinic Zone Amendment

APPLICANT/REPRESENTATIVE: Steve Kelly, Project Coordinator

PROPERTY OWNER: Clackamas County

LEGAL DESCRIPTION: T2S R4E Section 13 AD, Tax Lot 1001

SITUS ADDRESS: 39831 Highway 26, Sandy, OR 97055

RECOMENDATION: Approve requested zone change.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application Form (No. 1)
- C. Notification Map and Mailing Labels
- D. Submitted Narrative
- E. Map Identifying the property

Agency Comments

- F. Oregon Department of Transportation ODOT (October 11, 2019)

Supplemental Documents Provided by Staff

- G. Comprehensive Plan Map
- H. Final Order 10-025 CUP/VAR

Public Comments

- I. Brenda Mills (October 2, 2019)
- J. Paul S. Hansen (October 3, 2019)

Documents from November 19, 2019 Planning Commission Hearing

- K. November 19, 2019 Planning Commission Staff Report

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials deemed complete on September 18, 2019. These items are identified as Exhibits A-E which include the required applications, a written narrative, mailing labels and a map identifying the subject property.
2. The overall site is approximately 0.47 acres and has an existing building. The last known business license associated with the subject property was obtained in 2014 and staff is unaware of the property being occupied since approximately February of 2015.
3. The parcel has a Comprehensive Plan designation of Retail/Commercial and a Zoning Map designation of C-2, General Commercial.
4. The applicant, Steve Kelly, with Clackamas County requests a Type IV Zone Map Amendment of one parcel totaling approximately 0.47 acres. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies the C-1 zone designation as compatible.
5. Per the submitted narrative (Exhibit D), the applicant's goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promotes the desired development for the subject property.
6. Final Order 10-025 CUP/VAR dated December 20, 2010 indicated the Planning Commission approved a Conditional Use Permit to allow the existing building on the subject property to be used as a storage and distribution facility. In addition, the Commission approved two variances to the minimum parking lot aisle width requirement and a variance to loading area screening requirements.
7. Notification of the proposal were mailed to property owners within 500 feet of the subject property and to affected agencies on September 26, 2019 with a legal notice published in the Sandy Post on Wednesday, October 16, 2019. Notice of this proposed change to the Zoning Map was submitted to the Oregon Department of Land Conservation and Development (DLCD) on September 30, 2019.
8. The Planning Commission held a hearing on November 19, 2019 and voted 6-0 to forward a recommendation of approval to City Council that the proposed Zone Map amendment be approved to change the zoning of the subject property from C-2, General Commercial, to C-1, Central Business District.
9. The following individuals spoke on behalf of the applicant at the November 19, 2019 Planning Commission hearing:
 - Lori Kellow, Ankrom Moisan, 38 NW Davis, Suite 300, Portland, OR 97209
 - Steve Kelly, Clackamas County Health, 2051 Kane Road, Suite 245, Oregon City, OR 97045

10. Fawnda Buck at 39627 Pleasant Street, Sandy, OR 97055 provided public comment at the November 19, 2019 Planning Commission hearing. Fawnda stated the zone change will be an asset to the community.

17.42 – Central Business District (C-1)

11. Per the submitted narrative (Exhibit D), the subject property will be used as a medical clinic, the Sandy Health Clinic.
12. Subsection 17.42.10(B)(2)(g) identifies “medical facility (e.g., clinic, hospital, laboratory)” as a primary use permitted outright – commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities therefore the proposed use will be permitted should the zone change request be approved.
13. The applicant shall obtain the necessary Design Review, and other approval(s) determined to be required by staff prior to the future development of the site.

17.26 – Zone District Amendment

14. Per Subsection 17.26.30 a zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles. The proposed zone amendment is associated with a single lot of record and was initiated by the owner(s) of the subject property therefore this applicant shall be processed as a quasi-judicial amendment per Subsection 17.26.40.
15. Subsection 17.26.40(B) identifies the four review criteria associated with a quasi-judicial zoning district change. The four review criteria are as follow:
 - 1) Determine the effects on City facilities and services;
 - 2) To assure consistency with the purposes of this chapter;
 - 3) To assure consistency with the policies of the Comprehensive Plan;
 - 4) To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
16. *Review Criteria I: Determine the effects on City facilities and services.* Changing the zoning from C-2 to C-1 is unlikely to have any negative effect on city utilities as the uses permitted within the C-1 zone district are more restrictive than that of the C-2 zone district. With limited residential uses allowed and a maximum building square footage for commercial uses it is also unlikely the change in zone designation will have a negative effect on the existing adjacent transportation system. This is supported in that both the existing and proposed zone districts (C-2 & C-1) are identified as Retail/Commercial within the City of Sandy Comprehensive Plan and therefore have been designed to accommodate the use potential of both zone designations. As identified within Exhibit F, the Oregon Department of Transportation (ODOT) commented that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including Proctor Blvd. (US 26).
17. *Review Criteria II: To assure consistency with the purposes of this chapter.* Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to comply with the design review standards in the C-1 zone district, therefore the proposal is generally

consistent with the purposes of this chapter. The applicant has requested review of a Type IV Quasi-Judicial Amendment to the Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject property is currently planned and zoned commercial and is proposed to be rezoned to a similar commercial district with less intensive uses allowed. The property is adjacent to commercial properties and fronts right-of-way on three sides (north, south, west).

18. *Review Criteria III: To assure consistency with the policies of the Comprehensive Plan.* With the required additional analysis and compliance with the Sandy Municipal Code (SMC) at the time of future development, the proposal can meet the intent of the Comprehensive Plan. The subject property contains a Comprehensive Plan designation of Retail/Commercial. This will not change. Staff determined the proposal conforms to the policies of the Comprehensive Plan, specifically the goals and policies identified within Findings 16 - 22 below.
19. Goal 1, Policy 2 – This proposed Comprehensive Plan change includes citizen participation as the approval process includes two public hearings (Planning Commission and City Council) and allows for people to submit written comment.
20. Goal 1, Policy 4 – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
21. Goal 2, Policy 7 – Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to be in compliance with the design review standards in the C-1 zone district, therefore upon design review approval for the future development of the property the site will be consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
22. Goal 9, Policy 2 – The proposed zone change is requested to allow the future development to comply with the design review standards in the C-1 zone district. The existing property and any expected development of the property can be accommodated by existing water, sewer, and street capacity. The proposed use, a medical facility (clinic), is a permitted use in both the C-1 and C-2 zone districts, therefore expected trip generation will not change.
23. Goal 9, Policy 5 – Any future redevelopment of the subject property will be required to obtain design review approval prior to changes on the site to ensure consistency with the development and design standards of the land development code as well as the features identified within Goal 9, Policy 5 of the City of Sandy Comprehensive Plan.
24. Goal 9, Policy 26 – Per the submitted narrative (Exhibit D), the future use of the property, a medical facility (clinic), will share vehicle parking spaces with the adjacent property to the east, the Sandy Police Department. In addition, the applicant has stated that the property will enter into a formal parking agreement with the Immanuel Lutheran Church on Pleasant Street to accommodate all Clackamas County staff and provide overflow visitor parking for the future use of the property.

25. Goal 12, Policy 22 – ODOT was notified of the proposed zone amendment on September 26, 2019. The City received comments on October 11, 2019 (Exhibit F), stating that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including E. Proctor Blvd. (US 26).
26. *Review Criteria IV: To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.* In order to comply with the requirements of this section the proposal must also meet the intent of the applicable Statewide Planning Goals. Staff determined the proposal conforms to the Statewide Planning Goals identified within Findings 24 - 27 below.
27. Goal 1: Citizen Involvement – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
28. Goal 2: Land Use Planning – The City’s Comprehensive Plan guides land use within the City’s Urban Growth Boundary. The City’s Zoning Ordinance ensures consistency with the goals and policies of the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan and Zoning Ordinance.
29. Goal 9: Economic Development – Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities and requires plans to be based on an analysis of the comparative advantages of a planning region. The proposal will reduce the land supply for General Commercial, C-2, by 0.47 acres with a corresponding increase in Central Business District, C-1. The proposed use, a medical facility (clinic), will create additional employment growth in Sandy and provide services to people in the Sandy area.
30. Goal 12: Transportation – The proposed zone amendment would result in more restrictive uses permitted within the C-1 zone district than the existing C-2 zone district. Due to this limited modification to potential uses it has been determined that the proposed use, a medical facility (clinic), will not result in a significant effect with regards to Transportation Planning Rule (TPR) and transportation analysis shall be completed at the time of land use approval for future development of the subject property (Exhibit F).

SUMMARY AND CONCLUSION

The applicant, Steve Kelly, with Clackamas County has requested a Type IV Zone Map Amendment of an approximately 0.47 acre property from General Commercial (C-2) to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies both the C-1 and C-2 as compatible zone designations for the Retail/Commercial land use.

Per the submitted narrative (Exhibit D), the applicant’s goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements,

therefore promoting the desired development on the subject property. Staff and the Planning Commission find the applicant's reasoning to be sound and add that the subject property is adjacent to existing C-1 zoned property to the west. Therefore, developing the subject property per the C-1 zone district standards will be compatible with the existing and permitted development standards of the surrounding properties.

In addition, staff and the Planning Commission find the proposed zone amendment to be consistent with the quasi-judicial review criteria found within Chapter 17.26.40(B) of the land development code. Specifically, staff and the Planning Commission find the proposed zone amendment is unlikely to have a negative effect on City facilities and services as the proposed zone designation is more restrictive when comparing the permitted uses, therefore not adding significant capacity on existing facilities and/or services. Staff has also provided analysis demonstrating compliance with both the policies of the City's Comprehensive Plan and the Oregon Statewide Planning Goals. By completing a Type IV Zone Map Amendment, the applicant has ensured consistency with the purpose and intent of Chapter 17.26 by providing a comprehensive analysis of the proposal in relation to City and State goals/policies.

RECOMMENDATION

The Planning Commission voted 6-0 to forward a recommendation of approval to City Council for the requested zone change.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit A

Name of Project Sandy Health Clinic

Location or Address 39831 Hwy 26, Sandy, OR 97055

Map & Tax Lot Number T 25, R 4E, Section 13; Tax Lot(s) 24E13AD01001

Plan Designation C-2 Zoning Designation Commercial Acres 0.47

Request:

Request to rezone this property from C-2 designation to C-1.

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant Steve Kelly	Owner
Address 2051 Kaen Road	Address
City/State/Zip Oregon City, OR 97045	City/State/Zip
Phone 503-655-8591	Phone
Email stevekel@clackamas.us	Email
Signature 	Signature

If signed by Agent, owner's written authorization must be attached.

File No. <u>19-032 2C</u>	Date <u>8/30/19</u>	Rec. No.	Fee \$ <u>2,413.00</u>
Type of Review (circle one): Type I Type II Type III Type IV			



SUPPLEMENTAL LAND USE APPLICATION FORM (No. 1)

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit B

- ANNEXATION
 ZONE CHANGE
 COMPREHENSIVE PLAN AMENDMENT

Property Identification			
Tax Lot Number	Township	Range	Section
24E13AD01001	2S	4E	13

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed
24E13AD01001	Commercial	Commercial	C-2	C-1

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

Tax Lot Number	Clackamas County Recording Number	Assessed Land Value	Size in Acres or Sq. Ft.
24E13AD01001	2011-007303	\$691,818.00	0.47 Acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description(s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

Former office and distribution center

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property? 1

Number of Total Dwelling Units :

0

DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%	0.35 acres
Approximate acreage with slopes 15% to 24.9%	0.07 acres
Approximately acreage with slope in excess of 25%	0.05 acres
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes No

Name of public right-of-way: U.S. Hwy 26/Mt. Hood Hwy, SE Ten Eyck Rd, Pleasant St

Does the property abut a private road? Yes No

Name of abutting private road(s): none

Describe any unusual difficulties in accessing the property:

None.

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Police department east of property, restaurant south of property, 7-Eleven west of property, future residential north of property. Churches and preschool nearby.

DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS

Include number of lots, densities, etc.

Medical Clinic

Exhibit C



500 ft radius

Easy Peel® Labels
Use Avery® Template 5160®



MILLS BRENDA F
39667 PLEASANT ST
SANDY , OR 97055

ROBLES KYLE C
39821 HOOD ST
SANDY , OR 97055

WESLEY MELISSA J
39550 HOOD ST
SANDY , OR 97055

NAPA ENTERPRISES LLC
PO BOX 447
GRESHAM , OR 97030

SANDY ASSEMBLY OF GOD
PO BOX 45
SANDY , OR 97055

WINSINGER PAUL W & SUSAN L
17665 WOLF DR
SANDY , OR 97055

NEWBERRY JEFF & MELISSA
40110 MEADOW SONG RD
SANDY , OR 97055

SANDY BP HOLDINGS INC
20417 SW INGLIS DR
ALOHA , OR 97007

WOODS NICHOLAS D
39707 PLEASANT ST
SANDY , OR 97055

NOWKA BILLI & SHANE
39560 PLEASANT ST
SANDY , OR 97055

SANDY FUNERAL HOME INC
PO BOX 41
SANDY , OR 97055

ORTH TOM
26951 SE FORRESTER
BORING , OR 97009

SIMONEK LARRY W & PENNY J
PO BOX 867
SANDY , OR 97055

PADEN MATTHEW P
39965 HOOD ST
SANDY , OR 97055

SUPPRESSED NAME
39700 HOOD ST
SANDY , OR 97055

PALUCK PALUCK & GREGUS LLC
PO BOX 117
SANDY , OR 97055

TRIMBLE WILLIAM & CATHY
PO BOX 10
SANDY , OR 97055

PALUCK PALUCK & MEYER LLC
PO BOX 117
SANDY , OR 97055

VALVERDE DANIEL M
39630 PLEASANT ST
SANDY , OR 97055

P & R BLDG LLC
10407 SE EVERGREEN HWY
VANCOUVER , WA 98664

VINCENT MARK F & CANDACE L
39510 HOOD ST
SANDY , OR 97055

PRICE BRANDON
39600 HOOD ST
SANDY , OR 97055

WATSON JASON L & CRYSTAL
39670 MCCORMICK DR
SANDY , OR 97055

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1-800-GO-AVERY

Easy Peel® Labels
Use Avery® Template 5160®



7-ELEVEN INC
PO BOX 711
DALLAS , TX 75221

BUCK FAWNDA L
39627 PLEASANT ST
SANDY , OR 97055

DICKINSON NORMAN G & JUDY L
42100 ELSNER RD
SANDY , OR 97055

ANDREOTTI JOHN S & BERNIE A
PO BOX 1953
SANDY , OR 97055

CAMPBELL DAVID A
39750 MCCORMICK DR
SANDY , OR 97055

DIRKS GREG
39935 HOOD ST
SANDY , OR 97055

ARGUE PATRICK A & ROAMY J
35923 CHINOOK ST
SANDY , OR 97055

CHURCH OF CHRIST SANDY
PO BOX 758
SANDY , OR 97055

DUNCAN JULIA S TRUSTEE
39780 MCCORMICK DR
SANDY , OR 97055

ATKINS ROBERT E JR & TANYA F
39800 MCCORMICK DR
SANDY , OR 97055

CITY OF SANDY
39250 PIONEER BLVD
SANDY , OR 97055

FORD KAREN L
1132 SW WALLULA DR
GRESHAM , OR 97080

AVERETTE M SCOTT & MARY ANNE
39630 HOOD ST
SANDY , OR 97055

COMFORT JUSTIN & MALLORY
39660 HOOD ST
SANDY , OR 97055

HANSEN PAUL S TRUSTEE
PO BOX 343
SANDY , OR 97055

BARNETT JAMES B & KERI L
39730 HOOD ST
SANDY , OR 97055

COOK MCKENZIE
PO BOX 1148
WELCHES , OR 97067

HULT DALE L & EUDENE
39711 SE ALLGEIER RD
SANDY , OR 97055

BIERMANN BRUCE L & VICKI
PO BOX 220
SANDY , OR 97055

COPENHAVER SEAN RAY
39647 PLEASANT ST
SANDY , OR 97055

IMMANUEL EVANG LUTH CH UAC
PO BOX 686
SANDY , OR 97055

BP WEST COAST PRODUCTS LLC
PO BOX 941709
HOUSTON , TX 77094

CVP-SANDY OREGON LLC
3519 NE 15TH AVE STE 251
PORTLAND , OR 97212

KENDALL AASE S TRUSTEE
2056 SW MONTGOMERY DR
PORTLAND , OR 97201

BROWN BENJAMIN Z & AMANDA F
39715 PLEASANT ST
SANDY , OR 97055

DEBATTY HAYLEY & JAMES
39825 MCCORMICK DR
SANDY , OR 97055

LEDOUX ROGER B
39881 HOOD ST
SANDY , OR 97055

BROWN TAMERIA J & ANTHONY A
39700 MCCORMICK DR
SANDY , OR 97055

DETERS ARNOLD STEPHEN III &
SUZANNE M
17232 HOOD CT
SANDY , OR 97055

MARSHALL JESSICA
39960 HOOD ST
SANDY , OR 97055

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Zoning Map Amendment Narrative

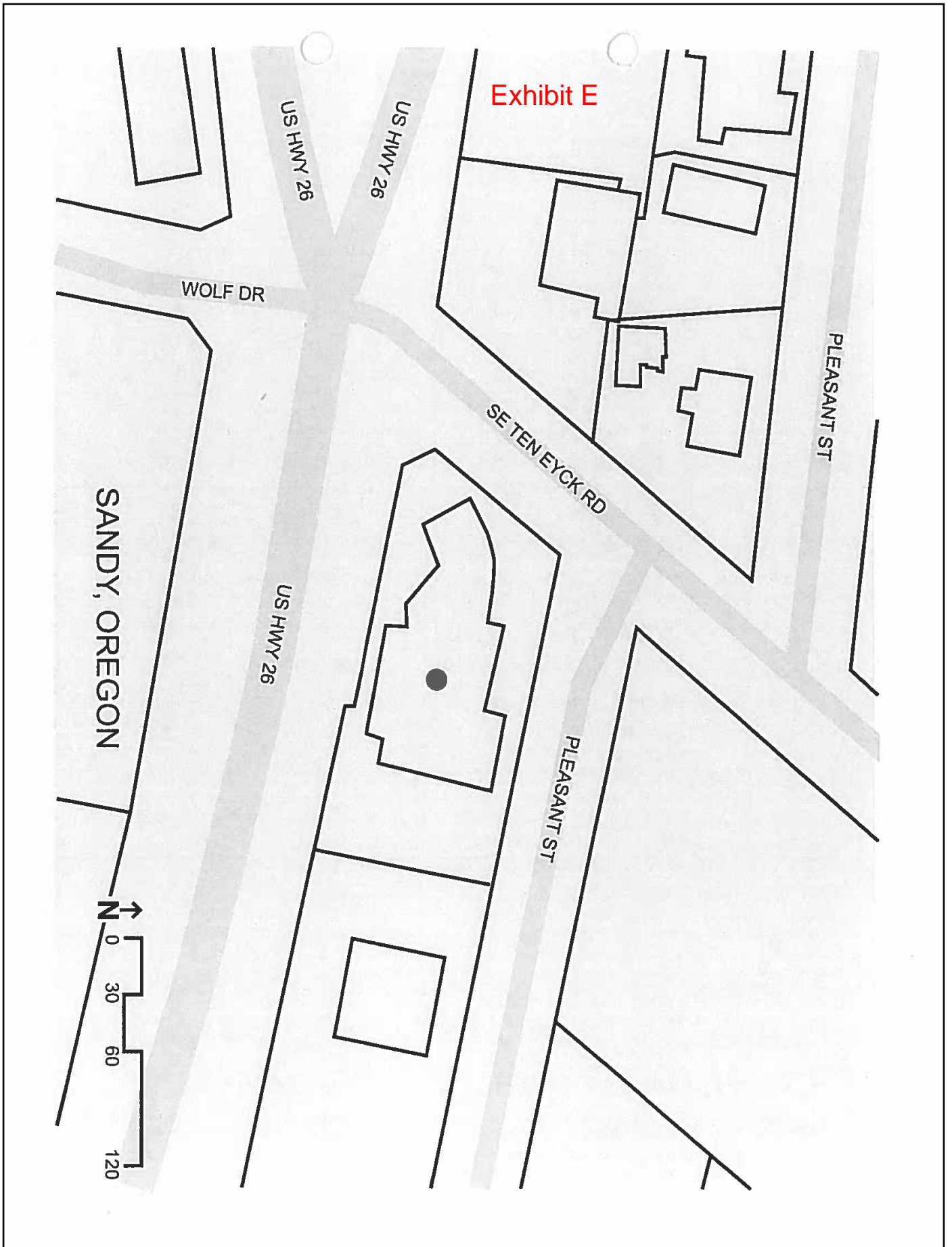
We are pleased to present this application for a change in zoning from General Commercial (C-2) to Central Business District (C-1) on behalf of Clackamas County. This request applies to the property at 39831 Hwy 26, located within the City of Sandy limits. The site is situated adjacent to the Central Business District (C-1), across Ten Eyck Rd, and next door to the Sandy Police Station.

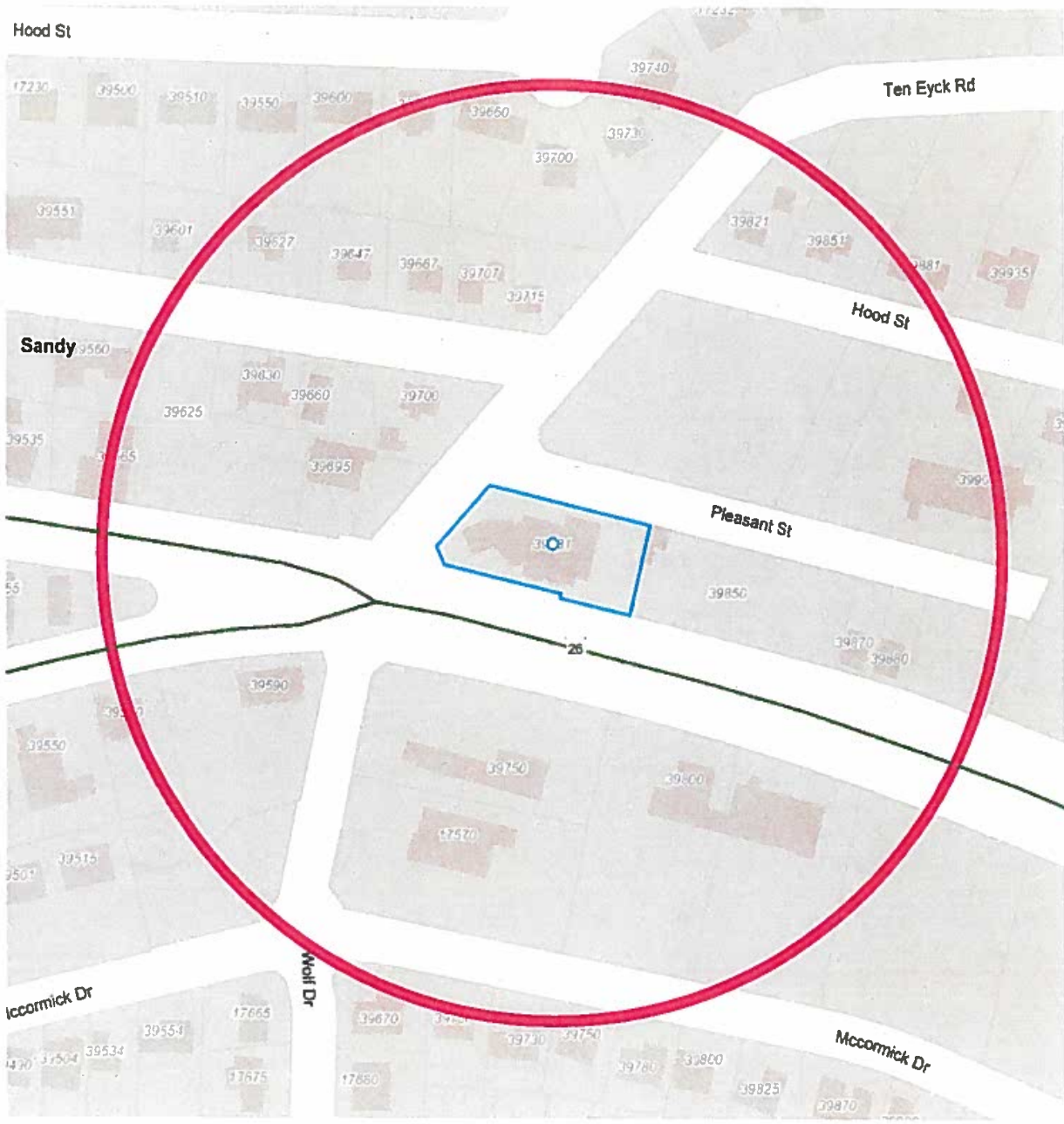
Clackamas County proposes to renovate the existing site and building for use as a medical clinic, providing service to the community and its residents. This use is allowed in both the C-2 and C-1 zones. A goal of this renovation will be to enlarge the building footprint to support the program. An approval of the property zoning change from C-2 to C-1 will extend the Central Business District east along Mt Hood Hwy. This renovation will incorporate the Sandy Design Style along the Mt Hood Hwy frontage more prominently, as well as along Ten Eyck Rd. Amending to a C-1 zone on this site will keep development inside the City Limits and within the Urban Growth Boundary, close to the heart of the city.

Changing the zoning for this property from C-2 to C-1 will remove the 20-foot setback requirements. The current C-2 zoning setback requirements are currently too restrictive to promote the desired development on this specific site. The site is very narrow with 3 street frontages: Mount Hood Hwy, Ten Eyck Rd, and Pleasant St with 20-foot setbacks from the property line for arterial street designations. With the enforced C-2 setbacks, this makes the property difficult to develop, as the buildable area is very small and the existing building already encroaches on this setback along Mt Hood Hwy. With the zoning change, the setback requirement changes to 0 feet, however there will be 5-foot landscape buffers. Reducing the setbacks will allow for an expanded building area and an opportunity to incorporate the Sandy Design Guidelines into the façade.

Amending Zoning from C-2 to C-1 allows more of the site to be developed as building area but allows for a parking reduction. C-1 will allow the required off-street parking to be reduced by 25 percent. Many of the clinic's visitors are anticipated to use Sandy's STAR "Dial-A-Ride" system reducing the demand for off-street parking. The Sandy clinic will operate Monday through Friday with hours of 8am-6pm. For the proposed renovation and development, 6 of the required spaces of the off-street parking will be shared on site with the Sandy Police Station. A parking agreement with Immanuel Lutheran Church, northeast of the property, will accommodate all staff parking and overflow visitor parking.

This zoning amendment will effectively reenergize a currently vacant building into a positive civic and community addition. Sandy's Comprehensive Plan is designed to change and evolve as the needs and goals of the city change, and we feel that this amendment will help the city develop a positive outcome for the community. The zone change will serve to create a gateway building into the heart of the City of Sandy.





500 ft radius



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit F

October 11, 2019

ODOT Case No: 9325

To: James Cramer, City of Sandy Planner
From: Marah Danielson, ODOT Planner
Subject: 19-032 ZC: Sandy Health Clinic Zone Change
SE Ten Eyck Rd and E Proctor Boulevard (US 26)

We have reviewed the applicant's Type IV Zone Map Amendment of one parcel totaling approximately 0.47 ac. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The Comprehensive Plan designation is Retail/Commercial and the proposed zone change map amendment is consistent with this designation.

The site is adjacent to E Proctor Blvd (US 26). ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change is consistent with the identified function, capacity and performance standard of this facility.

For zone changes, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. A local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing comprehensive plan map designation and the zoning is consistent with the acknowledged Transportation System Plan (OAR 660-012-0060 (9)).

ODOT received an email from you on 10/7/19 that documents that the zoning is consistent with the Comprehensive Plan and the Transportation System Plan. Therefore, the city can make findings that there is not a significant affect to transportation facilities including E Proctor Blvd (US 26).

There is an existing wide should on E Proctor Blvd that provides some room for vehicles storage to turn right onto SE Ten Eyck Rd from westbound E Proctor Blvd. This is not a marked right turn lane. At the time of development, ODOT recommends a traffic impact analysis (TIA) to evaluate whether a right turn lane is warranted at this location.

If you have any question regarding these comments, I can be reached at 503-731-8258. Please contact Avi Tayar P.E. at 503-731-8221 for scoping the TIA.

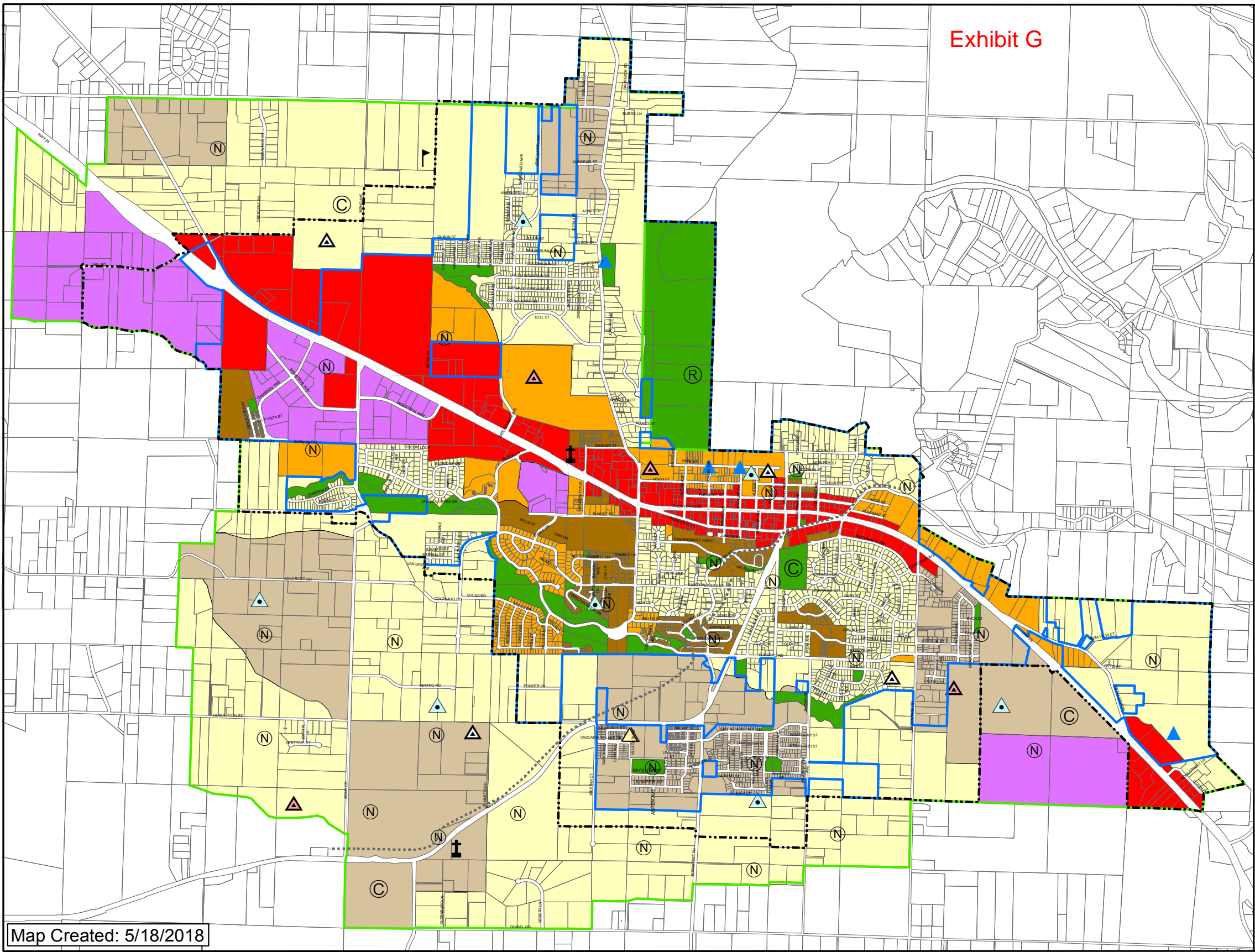
¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

Exhibit G

Comprehensive Plan Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97



- City Limits
- UGB Boundary
- Urban Reserve
- Barlow Road
- Comprehensive Plan Designation**
 - Village
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Retail/ Commercial
 - Light Industrial
 - Parks and Open Space
- Existing & Proposed Sites Locations are Approximate**
 - Elementary School
 - Middle School
 - High School
 - Community College
 - View Point
 - Neighborhood Park
 - Community Park
 - Regional Park
 - Golf Course
 - Cemetery



Map Created: 5/18/2018

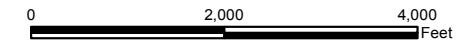


Exhibit H



CITY OF SANDY

39250 Pioneer Boulevard • Sandy, OR 97055

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

FINDINGS OF FACT and FINAL ORDER TYPE III DECISION

DATE: December 20, 2010

FILE NO.: 10-025 CUP/VAR

PROJECT NAME: Oregon's Wild Harvest

APPLICANT: Randal and Pamela Buresh (under purchase contract)

OWNER: Pacific N.W. Federal Credit Union

LEGAL DESCRIPTION: T2S R4E Section 13, Tax Lot 1001

DECISION: The Planning Commission approves a Conditional Use Permit to allow the existing building at 39831 Hwy 26 by Oregon's Wild Harvest as a storage and distribution facility. In addition, the Commission approves two variances to minimum parking lot aisle width requirements and a variance to loading area screening requirements.

EXHIBITS:

Applicant's Submission

- A. Land Use Application and Supplemental Application
- B. Applicant's Narrative (11/11/10)
- C. Plan Set
 - C1 – Preliminary Site Plan
 - A1 – Preliminary Floor Plan

Department Review Comments

- D. Public Works Director (11/29/10)

The above-referenced proposal was reviewed through a Type III Conditional Use Permit review. The following Findings of Fact are adopted supporting approval of the proposal in accordance with Chapter 17 of the Sandy Municipal Code.

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the original staff report dated December 6, 2010 which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The applicant submitted an application on November 5, 2010. After the applicant submitted a revised site plan and narrative, the application was deemed complete on November 12, 2010.
3. The staff report and this final order are based upon the exhibits listed above, as well as the testimony and discussion at Planning Commission hearing held on December 13, 2010.
4. Notification of the proposed application was mailed to property owners within 300 feet of the subject property and affected agencies on November 12, 2010 and a legal notice ran in the Sandy Post newspaper on December 1, 2010.
5. The following individuals spoke at the December 13, 2010 public hearing:
 - Dan Symons (for applicant)
 - Pamela Martin Buresh (applicant)
 - Randal Buresh (for applicant)
 - Hollis MacLean-Wentzel, Sandy Area Chamber of Commerce
 - Connie Knittel, Realtor
6. The subject site has a total gross area of approximately 0.46 acres (20,037 square feet). The site is located at the northeast corner of Hwy 26 and Ten Eyck Road.
7. The parcel has a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of C-2, General Commercial.
8. The applicant proposes parking lot striping, landscaping, and a new loading zone. A new overhead door adjacent to the loading zone is proposed. No other building modifications are proposed.
9. The Planning Commission approved the proposal as addressed in this Final Order with a vote of 7-0 subject to conditions of approval.

17.44 – C-2 General Commercial

10. Section 17.44.20 Conditional Uses lists storage and distribution (M. Wholesaling, storage and distribution, including mini-warehouses) as a conditional use and the Planning Commission has determined a conditional use permit is required as reviewed in Chapter 17.68.
11. 17.44.30 C-2 Development Standards - The site contains an existing building and parking lot.

17.66 – Adjustments and Variances

12. The applicant requested three variances to code standards: 1) Type II variance to section 17.98.60(C)1 to allow a reduction in the required aisle width for 90 degree parking spaces from 25 feet to 13.7 feet, 2) Type II variance to section 17.98.60(C)3 to allow a reduction in the required aisle width for 45 degree parking spaces from 20 feet to 12 feet and, 3) Type II variance to section 17.98.200(C) to allow the loading area without screening from public streets.
13. The applicant requests a variance to section 17.98.60(C)1 requiring aisle widths for 90 degree parking spaces to be 25 feet. The applicant proposes the aisle width to be 13.7 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses

in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

14. The applicant requests a variance to section 17.98.60(C)3 requiring aisle widths for 45 degree parking spaces to be 20 feet. The applicant proposes the aisle width to be 12 feet. The depth of the 45 degree spaces is shown at 16 feet and 18 feet is required. The Commission requires the applicant to revise the length of the spaces to be 18 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.
15. The applicant requests a variance to section 17.98.200(C) requiring loading areas to be screened from public streets. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

Chapter 17.92 – Landscaping and Screening

16. Section 17.92.20 requires sites located in the C-2 zoning district to contain 20% landscaping. The site currently contains about 2% landscaping. The applicant proposes 492 square feet of new landscaping. The Commission requires a larger amount of landscaping to bring the site closer to compliance with current standards. The applicant proposes installing 2,400 square feet of landscaping. The Commission finds that 2,400 square feet of new landscaping meet the intent of the code. **As such, the Commission requires the applicant to submit a revised Landscape Plan specifying the type and quantity of plant materials.**

17. Section 17.92.30 requires trees to be planted along street frontages more than 150 feet long. Hwy 26 frontage improvements were approved through File No. 06-024. The improvements were bonded and the city will install an eight-foot wide sidewalk with tree wells in conjunction with the installation of the frontage improvements on the new police station site to the east. The Pleasant Street frontage is not improved. **The Commission requires the applicant to plant street trees along the Pleasant Street frontage as approved by the in compliance with this section.**
18. **The Commission requires the applicant to provide irrigation to the new landscaped areas.**
19. A landscape plan was not submitted with the application. **The Commission requires the applicant to submit a landscape plan specifying the type and size of plant materials within landscaped areas.**
20. Section 17.92.60 requires revegetation of natural landscaped areas. The Commission finds this section does not apply to this proposal because the site does not contain areas of natural vegetation.
21. Section 17.92.70 requires landscaping in required setback areas. The Commission requires a portion of the 2,400 square feet of new landscaping to be provided in the required setback area along Hwy 26.
22. Section 17.92.80 requires screening of parking and loading areas. As previously discussed, the Commission approved a variance to the loading area screening requirements.
23. Section 17.92.100 requires screening around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials. The trash and recycling area is not shown on the site plan. **The Commission requires the applicant to submit a revised site plan showing the location of the trash and recycling area.**
24. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years.

17.98 – Parking

25. Based on the requirements of section 17.98.20 one parking space is required for every employee on the largest shift. The applicant proposes 12 parking spaces to be located on the site. Thirty-five percent of the parking spaces provided are compact spaces. The Commission finds the proposal satisfies parking requirements.
26. Parking areas abutting a residential zone require special setback per the provisions of section 17.98.50. The Commission finds the site does not abut a residential zone.
27. Section 17.98.60 of the code specifies the dimensions for parking areas. The parking area does not meet certain aisle width dimensions. As discussed above, the applicant applied for two variances to aisle width requirements and the Commission approved both variances.
28. Section 17.98.70 contains requirements for on-site circulation. The public works director's memo stated that vehicle maneuvering areas were shown within the right-of way. This code section requires all vehicle maneuvering to take place on the site. **The Commission requires the applicant to submit a revised site plan showing all vehicle maneuvering on the site.**
29. Section 17.98.80 of the code specifies access requirements. The site was reviewed for compliance with current access standards. The site contains two existing access points; one on Ten Eyck Road and one on Pleasant Street. Neither access point complies with current standards. The access point

on Ten Eyck does not meet current spacing requirements. The public works director recommended that the access be eliminated. At the December 13th public hearing, the applicant noted that closing the Ten Eyck access point would eliminate the parking spaces in the northwest corner of the site. The Commission provided two options for the applicant. 1) Close the Ten Eyck Road access point. Up to three parking spaces shared between the site and the adjacent police station may be counted toward required on-site parking. A modification has been submitted by the City of Sandy to provide shared parking and access between the two sites. The Commission finds this is the preferred option. 2) If the Ten Eyck Road access is retained, it must be configured to be a right out only. Signage must be provided to prohibit cars from turning into the site from Ten Eyck and to prohibit them from turning left out onto Ten Eyck. The access point on Pleasant Street is approximately 120 feet wide. The public works director recommended this access point be reduced to 30 feet in width. **The Commission requires the applicant to work with staff to reduce the width of the access point on Pleasant. The Commission finds the access may be divided into two drives if approved by staff.**

30. Section 17.98.110 requires vision clearance areas to be provided at intersections. There is overgrown landscaping located at the corner of Ten Eyck and Pleasant that interferes with site distance. Additionally, vision clearance areas are not shown on the site plan. The Commission finds that the landscaping at the corner of Ten Eyck and Pleasant should be modified to improve safety and visibility at the intersection. **The Commission requires the applicant to submit a revised site plan showing vision clearance areas at the intersections.**
31. Section 17.98.120 requires landscaping in and around parking areas. The Commission finds that street trees will be provided along Hwy 26 and Pleasant Street. **The Commission requires the applicant to provide a portion of the 2,400 square feet of new landscaping in the parking area.**
32. The public works director's memo stated that most of the stormwater runoff sheet flows onto Pleasant Street. Section 17.98.140 prohibits sheetflow drainage from parking areas across sidewalks and onto the public right-of-way. **The Commission requires the applicant to collect all site runoff and convey it to the existing storm drainage system in compliance with section 17.98.140 of the code.**
33. A photometric analysis and lighting cut sheets were submitted and reviewed as a requirement for the Artic Cat (File No. 06-024). Building mounted lighting is shown adjacent to the west parking area and over the parking area along the north side of the building. According to photometric plan, the site's lighting complies with the Dark Sky Ordinance.
34. An existing two-bike rack is located on the site. The Commission finds the applicant's proposal complies with the standards contained in Section 17.98.160.
35. The applicant proposes one accessible parking space. Building code will require this space to be van accessible. The Commission finds the dimensions of the space meet the dimensional requirements for a van accessible space.

17.68 – Conditional Uses

36. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and

consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

37. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The Planning Commission finds that “storage and distribution” is listed as a conditional use in the C-2 zoning district.
38. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The site is located at the corner of Hwy 26 and Ten Eyck Rd at the east end of the downtown. The Commission finds that the location and topography of the site make it suitable for the use.
39. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Public utilities are available to the site. As previously discussed, frontage improvements will be installed concurrent with the construction of the police station to the east. No off-site improvements are required. With this information, the Commission finds the proposal meets the intent of this section.
40. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. With the conditions detailed in this order, the Commission finds the application can be modified so as not to alter the character of the surrounding area.
41. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. The Planning Commission finds the proposed use should not create or cause any public nuisance as described above.
42. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of the following:
 1. Basic site design (organization of uses on the site)
 2. Visual elements (scale, structural design and form, materials, and so forth)
 3. Noise
 4. Noxious odors
 5. Lighting
 6. Signage
 7. Landscaping for buffering and screening
 8. Traffic
 9. Effects on off-street parking
 10. Effects on air quality and water quality

As previously stated the site contains an existing building. The Commission requires additional landscaping, access modifications, and stormwater upgrades to bring the site closer to compliance with current standards. Additionally, section 17.68.40 grants the Planning Commission the ability to attach reasonable conditions to the approval. Currently, improvements along Pleasant St. are limited. Frontage improvements will be constructed on the adjacent site to the east as part of the police station project. In order to provide a

continual pedestrian way along Pleasant and to provide visual continuity, the Commission requires the applicant to install a five-foot sidewalk and planter strip along the site's Pleasant St frontage. With these modifications, the Commission finds the proposal meets the intent of this criterion.

43. The Comprehensive Plan provides a set of maps, policies, and implementing measures to guide land use in Sandy's Urban Growth Boundary. The proposal is not contrary to the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL

A. Prior to all construction activities or issuance of permits, the applicant shall complete the follow items as identified below:

1. Submit a landscape plan to include the following modifications:
 - Identify 2,400 square feet of landscaping on the site in accordance with the requirements of Section 17.92.50. Landscape materials shall be distributed throughout the site with a portion located within the parking area and between the right-of-way and the building.
 - Provide street trees and ground cover within a planter strip along the Pleasant St frontage. Trees shall be Japanese Snowball (1.5 inch caliper) and planted 30 feet on center.
 - Specify existing overgrown landscaping at the corner of Ten Eyck and Pleasant will be removed.
 - Specify the type and size of all plant materials.
 - Specify a plan to irrigate installed landscaping.

2. Submit a revised site plan to include the following modifications:
 - Provide a five-foot sidewalk separated from the curb by a planter strip along the Pleasant St frontage.
 - Reduce the width of access drive on Pleasant St to satisfy staff recommendations.
 - Modify the length of the 45 degree parking spaces to 18 feet.
 - Identify turning templates for delivery vehicles identifying how vehicle maneuvering will be accommodated on site.
 - Identify vision clearance areas at intersections.
 - Identify location of trash and recycling area.
 - Ten Eyck access options:
 - a. Close Ten Eyck access point. Up to three parking spaces shared with the adjacent police station may be counted toward onsite parking requirements.
 - b. If the Ten Eyck access point is retained, it shall be reconfigured to be a right out only. This options requires submittal of a turning template for vehicle turning right out of the site onto Ten Eyck to ensure these movements do not encroach into the south bound travel lane. In addition, signage shall be specified to face the site specifying "right turn only" and facing Ten Eyck specifying "exit only".

3. Submit details of proposed stormwater facilities for review and approval by the City Engineer. All stormwater facilities shall be constructed in conformance with the requirements of Chapter

13.18, Storm Water Management, and Section 13.20 of the Sandy Municipal Code. (Submit to Public Works).

4. Follow recommendations provided by the Public Works Director as modified by this final order (Exhibit D).

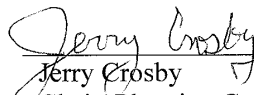
C. Prior to occupancy (temporary or final) of any building on the site the applicant shall complete the following or provide assurance for their completion:

1. Complete the construction of all public improvements and site amenities including the following or provide a financial guarantee as provided in the Sandy Development Code:
 - Complete frontage improvements along Pleasant Street including sidewalk, planter strip, groundcover and street trees.
 - Complete all parking lot paving and striping including identification of one ADA van accessible space with required signage and designation of four spaces along the north side of the building as “Compact parking only” or similar approved language.
 - Complete stormwater improvements as specified on approved plans.
 - Install all site landscaping as specified in the approved plan including landscape buffer along Hwy 26, street trees and ground cover along Pleasant St, and parking lot landscaping.
 - Install a irrigation watering system in compliance with Section 17.92.40.
 - Complete modifications to access points on Ten Eyck and Pleasant St as specified on approved plans.
 - Remove overgrown landscaping at the corner of Ten Eyck and Pleasant St.
2. Comply with all requirements of Fire District No. 72 including the installation of exiting signage and fire sprinkler testing certification.

D. General Conditions

1. Construction of additional structures on the site requires land use approval in compliance with applicable city standards.
2. The developer shall maintain all street trees and all landscaping planted outside the subject site for two years following final occupancy, and shall replace any dead or dying trees and plants during that period.
3. The property owner shall be responsible for on-going maintenance of the site and building in compliance with Section 17.90.240.
4. All site signage will require submittal of a sign permit in compliance with Chapter 15.32 and clear vision area standards of Section 17.74.30.
5. Development of the subject site may require payment of system development charges in accordance with applicable city ordinances.

6. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
7. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
8. Approval of this conditional use may be revoked in accordance with the Sandy Municipal Code if conditions of approval are not met. Conditional Use Permit approval does not grant authority for the unrestricted use of the structure or site. Any use of this site may be prohibited until such time as all required improvements are completed.
9. Approval shall be void after 2 years, unless substantial construction has taken place. The Planning Commission may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit in conformance with Section 17.68.50.
10. Comply with all other conditions or regulations imposed by Clackamas County, Fire District No. 72, 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.

 12/20/2010
Jerry Crosby Date
Chair, Planning Commission

RIGHT OF APPEAL

Persons who testified regarding this application may appeal this decision to the Sandy City Council. An appeal application shall be filed within 10 calendar days of the date this decision is mailed. An appeal application must conform to the requirements of SMC 17.28.20. Any appeal application not so conforming will be rejected.

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 Chapter 17.28.50; and,
5. Payment of required filing fees.

Exhibit I

COMMENT SHEET for File No. 19-032 ZC:

I don't think I have any objections to the clinic as long as the potholes are fixed on Ten Eyck & the traffic signals are working better for the traffic on Ten Eyck & Wolf St.

Trying to cross the Hwy from the P.O. It only allows 3 cars thru if some of them are trying to turn L into town.

Its hard to see the on coming traffic in my car because of the Hwy hump because the hood of my car blocks my view.

I live on Pleasant St and there are times traffic is backed up so bad I can't turn R on Ten Eyck to go to the Hwy.

RECEIVED

OCT 02 2019

CITY OF SANDY

Brenda Mills

Your Name

503-668-6429

Phone Number

39667 Pleasant St

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Exhibit J

COMMENT SHEET for File No. 19-032 ZC:

As Business owner of Mt. Hood Dental Clinic located on the same street as proposed new development, I welcome Sandy Health Clinic to the new location.

My only concern would be available parking for the clinic. The property currently has very limited off street parking for workers and future patients. If parking spills over to Pleasant Street, curb-parking, it could present predictable traffic problems with narrowed street and crowded 2-way driving. Also, turning onto Pleasant St. from Ten Eyck Rd. could be hazardous if curb parking infringes on this intersection. With already approved no-sidewalk on North side of Pleasant Street and more on street parking this could be a recipe for further problems. Again, I welcome the clinic but my concerns are primarily for parking situation. Thanks!

Your Name

Phone Number

Carl S. Hansen, D.M.D. w) 503-668-4099

Address

c) 503-998-8631

39880 E. Pleasant St. Sandy, OR 97055

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Mailing Address:

P.O. Box 458

Sandy, OR 97055

RECEIVED

OCT 03 2019

CITY OF SANDY

**Planning Commission
STAFF REPORT**

DATE: November 19, 2019

FILE NO.: 19-032 ZC

PROJECT NAME: Sandy Health Clinic Zone Amendment

APPLICANT/REPRESENTATIVE: Steve Kelly, Project Coordinator

PROPERTY OWNER: Clackamas County

LEGAL DESCRIPTION: T2S R4E Section 13 AD, Tax Lot 1001

SITUS ADDRESS: 39831 Hwy 26, Sandy, OR 97055

RECOMENDATION: Forward to City Council with a recommendation of approval.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application Form (No. 1)
- C. Notification Map and Mailing Labels
- D. Submitted Narrative
- E. Map Identifying the property

Agency Comments

- F. Oregon Department of Transportation ODOT (October 11, 2019)

Supplemental Documents Provided by Staff

- G. Comprehensive Plan Map
- H. Final Order 10-025 CUP/VAR

Public Comments

- I. Brenda Mills (October 2, 2019)
- J. Paul S. Hansen (October 3, 2019)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials deemed complete on September 18, 2019. These items are identified as Exhibits A-E which include the required applications, a written narrative, mailing labels and a map identifying the subject property.
2. The overall site is approximately 0.47 acres and has an existing building. The last known business license associated with the subject property was obtained in 2014 and staff is unaware of the property being occupied since approximately February of 2015.
3. The parcel has a Comprehensive Plan designation of Retail/Commercial and a Zoning Map designation of C-2, General Commercial.
4. The applicant, Steve Kelly, with Clackamas County requests a Type IV Zone Map Amendment of one parcel totaling approximately 0.47 acres. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies the C-1 zone designation as compatible.
5. Per the submitted narrative (Exhibit D), the applicant's goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promotes the desired development for the subject property.
6. Final Order 10-025 CUP/VAR dated December 20, 2010 indicated the Planning Commission approved a Conditional Use Permit to allow the existing building on the subject property to be used as a storage and distribution facility. In addition, the Commission approved two variances to the minimum parking lot aisle width requirement and a variance to loading area screening requirements.
7. Notification of the proposal were mailed to property owners within 500 feet of the subject property and to affected agencies on September 26, 2019 with a legal notice published in the Sandy Post on Wednesday, October 16, 2019. Notice of this proposed change to the Zoning Map was submitted to the Oregon Department of Land Conservation and Development (DLCD) on September 31, 2019.

17.42 – Central Business District (C-1)

8. Per the submitted narrative (Exhibit D), the subject property will be used as a medical clinic, the Sandy Health Clinic.
9. Subsection 17.42.10(B)(2)(g) identifies "medical facility (e.g., clinic, hospital, laboratory)" as a primary use permitted outright – commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities therefore the proposed use will be permitted should the zone change request be approved.
10. The applicant shall obtain the necessary Design Review, and other approval(s) determined to be required by staff prior to the future development of the site.

17.26 – Zone District Amendment

11. Per Subsection 17.26.30 a zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles. The proposed zone amendment is associated with a single lot of record and was initiated by the owner(s) of the subject property therefore this applicant shall be processed as a quasi-judicial amendment per Subsection 17.26.40.
12. Subsection 17.26.40(B) identifies the four review criteria associated with a quasi-judicial zoning district change. The four review criteria are as follow:
 - 1) Determine the effects on City facilities and services;
 - 2) To assure consistency with the purposes of this chapter;
 - 3) To assure consistency with the policies of the Comprehensive Plan;
 - 4) To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
13. *Review Criteria I: Determine the effects on City facilities and services.* Changing the zoning from C-2 to C-1 is unlikely to have any negative effect on city utilities as the uses permitted within the C-1 zone district are more restrictive than that of the C-2 zone district. With limited residential uses allowed and a maximum building square footage for commercial uses it is also unlikely the change in zone designation will have a negative effect on the existing adjacent transportation system. This is supported in that both the existing and proposed zone districts (C-2 & C-1) are identified as Retail/Commercial within the City of Sandy Comprehensive Plan and therefore have been designed to accommodate the use potential of both zone designations. As identified within Exhibit F, the Oregon Department of Transportation (ODOT) commented that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including Proctor Blvd. (US 26).
14. *Review Criteria II: To assure consistency with the purposes of this chapter.* Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to comply with the design review standards in the C-1 zone district, therefore the proposal is generally consistent with the purposes of this chapter. The applicant has requested review of a Type IV Quasi-Judicial Amendment to the Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject property is currently planned and zoned commercial and is proposed to be rezoned to a similar commercial district with less intensive uses allowed. The property is adjacent to commercial properties and fronts right-of-way on three sides (north, south, west).
15. *Review Criteria III: To assure consistency with the policies of the Comprehensive Plan.* With the required additional analysis and compliance with the Sandy Municipal Code (SMC) at the time of future development, the proposal can meet the intent of the Comprehensive Plan. The subject property contains a Comprehensive Plan designation of Retail/Commercial. This will not change. Staff determined the proposal conforms to the policies of the Comprehensive Plan, specifically the goals and policies identified within Findings 16 - 22 below.
16. Goal 1, Policy 2 – This proposed Comprehensive Plan change includes citizen participation as the approval process includes two public hearings (Planning Commission and City Council) and allows for people to submit written comment.

17. Goal 1, Policy 4 – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
18. Goal 2, Policy 7 – Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to be in compliance with the design review standards in the C-1 zone district, therefore upon design review approval for the future development of the property the site will be consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
19. Goal 9, Policy 2 – The proposed zone change is requested to allow the future development to comply with the design review standards in the C-1 zone district. The existing property and any expected development of the property can be accommodated by existing water, sewer, and street capacity. The proposed use, a medical facility (clinic), is a permitted use in both the C-1 and C-2 zone districts, therefore expected trip generation will not change.
20. Goal 9, Policy 5 – Any future redevelopment of the subject property will be required to obtain design review approval prior to changes on the site to ensure consistency with the development and design standards of the land development code as well as the features identified within Goal 9, Policy 5 of the City of Sandy Comprehensive Plan.
21. Goal 9, Policy 26 – Per the submitted narrative (Exhibit D), the future use of the property, a medical facility (clinic), will share vehicle parking spaces with the adjacent property to the east, the Sandy Police Department. In addition, the applicant has stated that the property will enter into a formal parking agreement with the Immanuel Lutheran Church on Pleasant Street to accommodate all Clackamas County staff and provide overflow visitor parking for the future use of the property.
22. Goal 12, Policy 22 – ODOT was notified of the proposed zone amendment on September 26, 2019. The City received comments on October 11, 2019 (Exhibit F), stating that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including E. Proctor Blvd. (US 26).
23. *Review Criteria IV: To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.* In order to comply with the requirements of this section the proposal must also meet the intent of the applicable Statewide Planning Goals. Staff determined the proposal conforms to the Statewide Planning Goals identified within Findings 24 - 27 below.
24. Goal 1: Citizen Involvement – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.

25. Goal 2: Land Use Planning – The City’s Comprehensive Plan guides land use within the City’s Urban Growth Boundary. The City’s Zoning Ordinance ensures consistency with the goals and policies of the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan and Zoning Ordinance.
26. Goal 9: Economic Development – Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities and requires plans to be based on an analysis of the comparative advantages of a planning region. The proposal will reduce the land supply for General Commercial, C-2, by 0.47 acres with a corresponding increase in Central Business District, C-1. The proposed use, a medical facility (clinic), will create additional employment growth in Sandy and provide services to people in the Sandy area.
27. Goal 12: Transportation – The proposed zone amendment would result in more restrictive uses permitted within the C-1 zone district than the existing C-2 zone district. Due to this limited modification to potential uses it has been determined that the proposed use, a medical facility (clinic), will not result in a significant effect with regards to Transportation Planning Rule (TPR) and transportation analysis shall be completed at the time of land use approval for future development of the subject property (Exhibit F).

SUMMARY AND CONCLUSION

The applicant, Steve Kelly, with Clackamas County has requested a Type IV Zone Map Amendment of an approximately 0.47 acre property from General Commercial (C-2) to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies both the C-1 and C-2 as compatible zone designations for the Retail/Commercial land use.

Per the submitted narrative (Exhibit D), the applicant’s goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promoting the desired development on the subject property. Staff finds the applicant’s reasoning to be sound and adds that the subject property is adjacent to existing C-1 zoned property to the west. Therefore, developing the subject property per the C-1 zone district standards will be compatible with the existing and permitted development standards of the surrounding properties.

In addition, staff finds the proposed zone amendment to be consistent with the quasi-judicial review criteria found within Chapter 17.26.40(B) of the land development code. Specifically, staff finds the proposed zone amendment is unlikely to have a negative effect on City facilities and services as the proposed zone designation is more restrictive when comparing the permitted uses, therefore not adding significant capacity on existing facilities and/or services. Staff has also provided analysis demonstrating compliance with both the policies of the City’s Comprehensive Plan and the Oregon Statewide Planning Goals. By completing a Type IV Zone Map Amendment, the applicant has ensured consistency with the purpose and intent of Chapter 26 by providing a comprehensive analysis of the proposal in relation to City and State goals/policies.

RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing to take testimony on the proposed zone map amendment and forward a recommendation of approval to City Council.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit A

Name of Project Sandy Health Clinic

Location or Address 39831 Hwy 26, Sandy, OR 97055

Map & Tax Lot Number T 25, R 4E, Section 13; Tax Lot(s) 24E13AD01001

Plan Designation C-2 Zoning Designation Commercial Acres 0.47

Request:

Request to rezone this property from C-2 designation to C-1.

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant Steve Kelly	Owner
Address 2051 Kaen Road	Address
City/State/Zip Oregon City, OR 97045	City/State/Zip
Phone 503-655-8591	Phone
Email stevekel@clackamas.us	Email
Signature 	Signature

If signed by Agent, owner's written authorization must be attached.

File No. <u>19-032 2C</u>	Date <u>8/30/19</u>	Rec. No.	Fee \$ <u>2,413.00</u>
Type of Review (circle one): Type I Type II Type III Type IV			



SUPPLEMENTAL LAND USE APPLICATION FORM (No. 1)

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit B

- ANNEXATION
 ZONE CHANGE
 COMPREHENSIVE PLAN AMENDMENT

Property Identification			
Tax Lot Number	Township	Range	Section
24E13AD01001	2S	4E	13

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed
24E13AD01001	Commercial	Commercial	C-2	C-1

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

Tax Lot Number	Clackamas County Recording Number	Assessed Land Value	Size in Acres or Sq. Ft.
24E13AD01001	2011-007303	\$691,818.00	0.47 Acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description(s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

Former office and distribution center

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property? 1

Number of Total Dwelling Units :

0

DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%	0.35 acres
Approximate acreage with slopes 15% to 24.9%	0.07 acres
Approximately acreage with slope in excess of 25%	0.05 acres
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes No

Name of public right-of-way: U.S. Hwy 26/Mt. Hood Hwy, SE Ten Eyck Rd, Pleasant St

Does the property abut a private road? Yes No

Name of abutting private road(s): none

Describe any unusual difficulties in accessing the property:

None.

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Police department east of property, restaurant south of property, 7-Eleven west of property, future residential north of property. Churches and preschool nearby.

DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS

Include number of lots, densities, etc.

Medical Clinic

Exhibit C



500 ft radius

Easy Peel® Labels
Use Avery® Template 5160®



MILLS BRENDA F
39667 PLEASANT ST
SANDY , OR 97055

ROBLES KYLE C
39821 HOOD ST
SANDY , OR 97055

WESLEY MELISSA J
39550 HOOD ST
SANDY , OR 97055

NAPA ENTERPRISES LLC
PO BOX 447
GRESHAM , OR 97030

SANDY ASSEMBLY OF GOD
PO BOX 45
SANDY , OR 97055

WINSINGER PAUL W & SUSAN L
17665 WOLF DR
SANDY , OR 97055

NEWBERRY JEFF & MELISSA
40110 MEADOW SONG RD
SANDY , OR 97055

SANDY BP HOLDINGS INC
20417 SW INGLIS DR
ALOHA , OR 97007

WOODS NICHOLAS D
39707 PLEASANT ST
SANDY , OR 97055

NOWKA BILLI & SHANE
39560 PLEASANT ST
SANDY , OR 97055

SANDY FUNERAL HOME INC
PO BOX 41
SANDY , OR 97055

ORTH TOM
26951 SE FORRESTER
BORING , OR 97009

SIMONEK LARRY W & PENNY J
PO BOX 867
SANDY , OR 97055

PADEN MATTHEW P
39965 HOOD ST
SANDY , OR 97055

SUPPRESSED NAME
39700 HOOD ST
SANDY , OR 97055

PALUCK PALUCK & GREGUS LLC
PO BOX 117
SANDY , OR 97055

TRIMBLE WILLIAM & CATHY
PO BOX 10
SANDY , OR 97055

PALUCK PALUCK & MEYER LLC
PO BOX 117
SANDY , OR 97055

VALVERDE DANIEL M
39630 PLEASANT ST
SANDY , OR 97055

P & R BLDG LLC
10407 SE EVERGREEN HWY
VANCOUVER , WA 98664

VINCENT MARK F & CANDACE L
39510 HOOD ST
SANDY , OR 97055

PRICE BRANDON
39600 HOOD ST
SANDY , OR 97055

WATSON JASON L & CRYSTAL
39670 MCCORMICK DR
SANDY , OR 97055

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DALLAS , TX 75221

BUCK FAWNDA L
39627 PLEASANT ST
SANDY , OR 97055

DICKINSON NORMAN G & JUDY L
42100 ELSNER RD
SANDY , OR 97055

ANDREOTTI JOHN S & BERNIE A
PO BOX 1953
SANDY , OR 97055

CAMPBELL DAVID A
39750 MCCORMICK DR
SANDY , OR 97055

DIRKS GREG
39935 HOOD ST
SANDY , OR 97055

ARGUE PATRICK A & ROAMY J
35923 CHINOOK ST
SANDY , OR 97055

CHURCH OF CHRIST SANDY
PO BOX 758
SANDY , OR 97055

DUNCAN JULIA S TRUSTEE
39780 MCCORMICK DR
SANDY , OR 97055

ATKINS ROBERT E JR & TANYA F
39800 MCCORMICK DR
SANDY , OR 97055

CITY OF SANDY
39250 PIONEER BLVD
SANDY , OR 97055

FORD KAREN L
1132 SW WALLULA DR
GRESHAM , OR 97080

AVERETTE M SCOTT & MARY ANNE
39630 HOOD ST
SANDY , OR 97055

COMFORT JUSTIN & MALLORY
39660 HOOD ST
SANDY , OR 97055

HANSEN PAUL S TRUSTEE
PO BOX 343
SANDY , OR 97055

BARNETT JAMES B & KERI L
39730 HOOD ST
SANDY , OR 97055

COOK MCKENZIE
PO BOX 1148
WELCHES , OR 97067

HULT DALE L & EUDENE
39711 SE ALLGEIER RD
SANDY , OR 97055

BIERMANN BRUCE L & VICKI
PO BOX 220
SANDY , OR 97055

COPENHAVER SEAN RAY
39647 PLEASANT ST
SANDY , OR 97055

IMMANUEL EVANG LUTH CH UAC
PO BOX 686
SANDY , OR 97055

BP WEST COAST PRODUCTS LLC
PO BOX 941709
HOUSTON , TX 77094

CVP-SANDY OREGON LLC
3519 NE 15TH AVE STE 251
PORTLAND , OR 97212

KENDALL AASE S TRUSTEE
2056 SW MONTGOMERY DR
PORTLAND , OR 97201

BROWN BENJAMIN Z & AMANDA F
39715 PLEASANT ST
SANDY , OR 97055

DEBATTY HAYLEY & JAMES
39825 MCCORMICK DR
SANDY , OR 97055

LEDOUX ROGER B
39881 HOOD ST
SANDY , OR 97055

BROWN TAMERIA J & ANTHONY A
39700 MCCORMICK DR
SANDY , OR 97055

DETERS ARNOLD STEPHEN III &
SUZANNE M
17232 HOOD CT
SANDY , OR 97055

MARSHALL JESSICA
39960 HOOD ST
SANDY , OR 97055

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Zoning Map Amendment Narrative

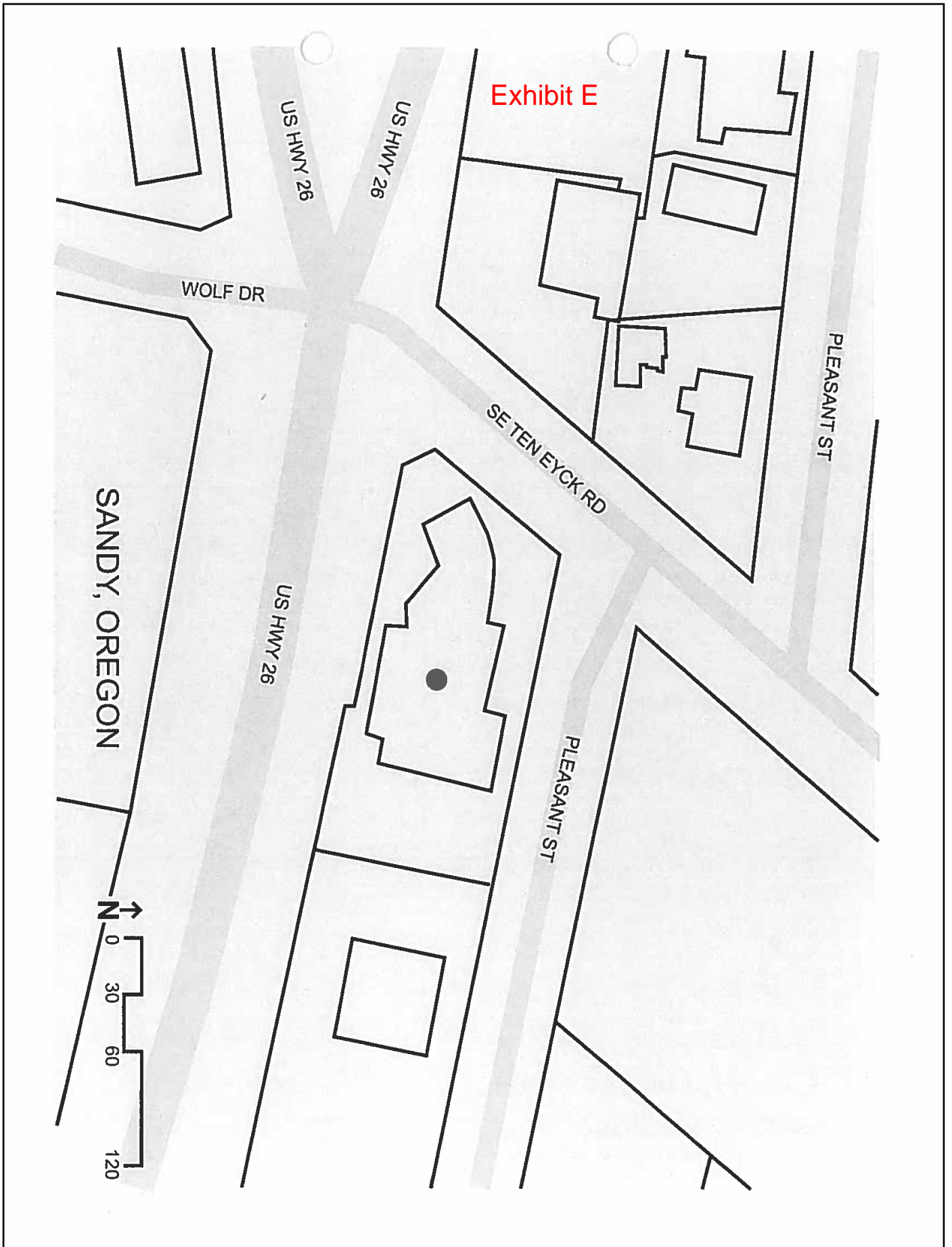
We are pleased to present this application for a change in zoning from General Commercial (C-2) to Central Business District (C-1) on behalf of Clackamas County. This request applies to the property at 39831 Hwy 26, located within the City of Sandy limits. The site is situated adjacent to the Central Business District (C-1), across Ten Eyck Rd, and next door to the Sandy Police Station.

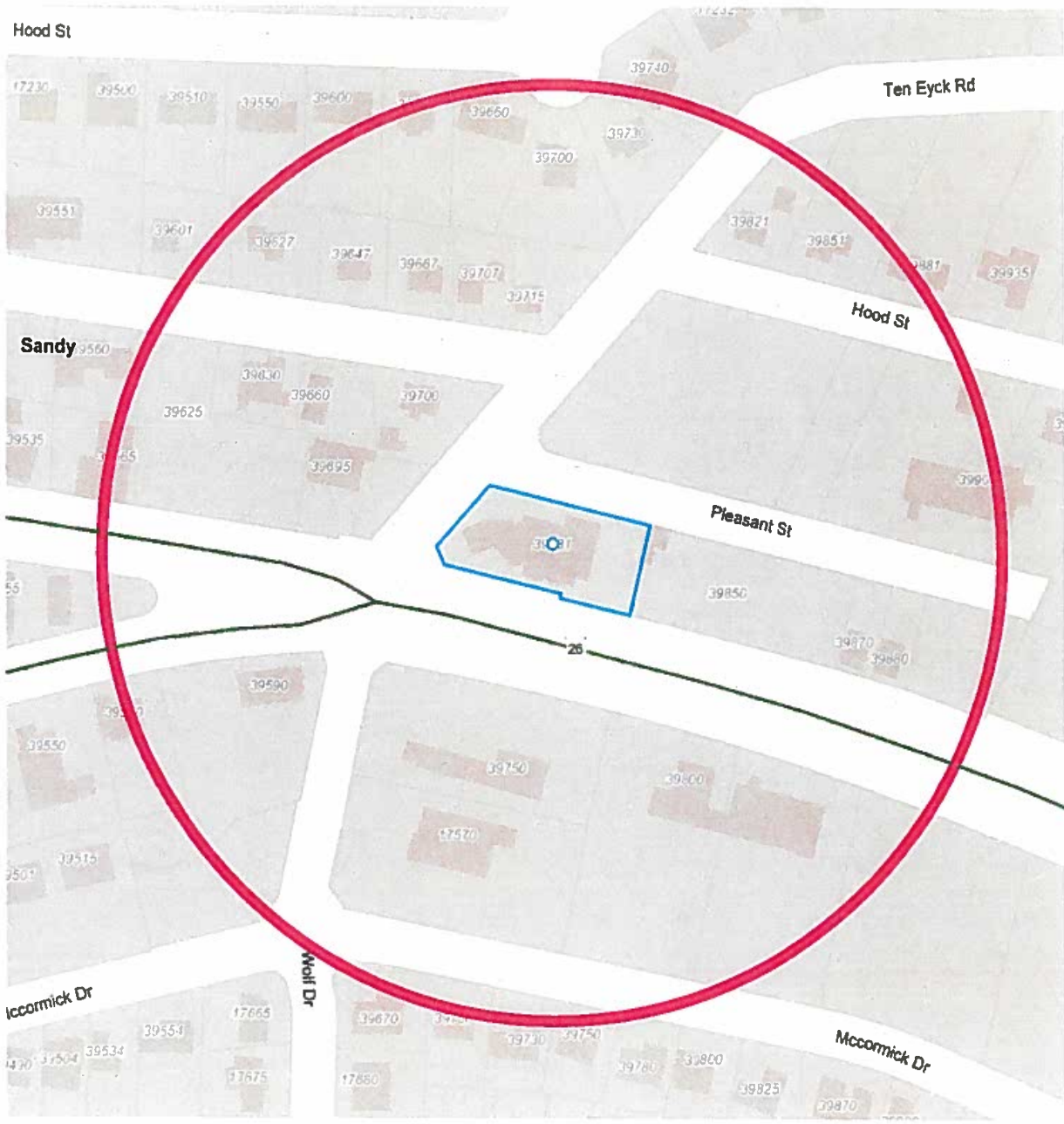
Clackamas County proposes to renovate the existing site and building for use as a medical clinic, providing service to the community and its residents. This use is allowed in both the C-2 and C-1 zones. A goal of this renovation will be to enlarge the building footprint to support the program. An approval of the property zoning change from C-2 to C-1 will extend the Central Business District east along Mt Hood Hwy. This renovation will incorporate the Sandy Design Style along the Mt Hood Hwy frontage more prominently, as well as along Ten Eyck Rd. Amending to a C-1 zone on this site will keep development inside the City Limits and within the Urban Growth Boundary, close to the heart of the city.

Changing the zoning for this property from C-2 to C-1 will remove the 20-foot setback requirements. The current C-2 zoning setback requirements are currently too restrictive to promote the desired development on this specific site. The site is very narrow with 3 street frontages: Mount Hood Hwy, Ten Eyck Rd, and Pleasant St with 20-foot setbacks from the property line for arterial street designations. With the enforced C-2 setbacks, this makes the property difficult to develop, as the buildable area is very small and the existing building already encroaches on this setback along Mt Hood Hwy. With the zoning change, the setback requirement changes to 0 feet, however there will be 5-foot landscape buffers. Reducing the setbacks will allow for an expanded building area and an opportunity to incorporate the Sandy Design Guidelines into the façade.

Amending Zoning from C-2 to C-1 allows more of the site to be developed as building area but allows for a parking reduction. C-1 will allow the required off-street parking to be reduced by 25 percent. Many of the clinic's visitors are anticipated to use Sandy's STAR "Dial-A-Ride" system reducing the demand for off-street parking. The Sandy clinic will operate Monday through Friday with hours of 8am-6pm. For the proposed renovation and development, 6 of the required spaces of the off-street parking will be shared on site with the Sandy Police Station. A parking agreement with Immanuel Lutheran Church, northeast of the property, will accommodate all staff parking and overflow visitor parking.

This zoning amendment will effectively reenergize a currently vacant building into a positive civic and community addition. Sandy's Comprehensive Plan is designed to change and evolve as the needs and goals of the city change, and we feel that this amendment will help the city develop a positive outcome for the community. The zone change will serve to create a gateway building into the heart of the City of Sandy.





500 ft radius



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit F

October 11, 2019

ODOT Case No: 9325

To: James Cramer, City of Sandy Planner
From: Marah Danielson, ODOT Planner
Subject: 19-032 ZC: Sandy Health Clinic Zone Change
SE Ten Eyck Rd and E Proctor Boulevard (US 26)

We have reviewed the applicant's Type IV Zone Map Amendment of one parcel totaling approximately 0.47 ac. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The Comprehensive Plan designation is Retail/Commercial and the proposed zone change map amendment is consistent with this designation.

The site is adjacent to E Proctor Blvd (US 26). ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change is consistent with the identified function, capacity and performance standard of this facility.

For zone changes, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. A local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing comprehensive plan map designation and the zoning is consistent with the acknowledged Transportation System Plan (OAR 660-012-0060 (9)).

ODOT received an email from you on 10/7/19 that documents that the zoning is consistent with the Comprehensive Plan and the Transportation System Plan. Therefore, the city can make findings that there is not a significant affect to transportation facilities including E Proctor Blvd (US 26).

There is an existing wide should on E Proctor Blvd that provides some room for vehicles storage to turn right onto SE Ten Eyck Rd from westbound E Proctor Blvd. This is not a marked right turn lane. At the time of development, ODOT recommends a traffic impact analysis (TIA) to evaluate whether a right turn lane is warranted at this location.

If you have any question regarding these comments, I can be reached at 503-731-8258. Please contact Avi Tayar P.E. at 503-731-8221 for scoping the TIA.

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

Exhibit G

Comprehensive Plan Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97



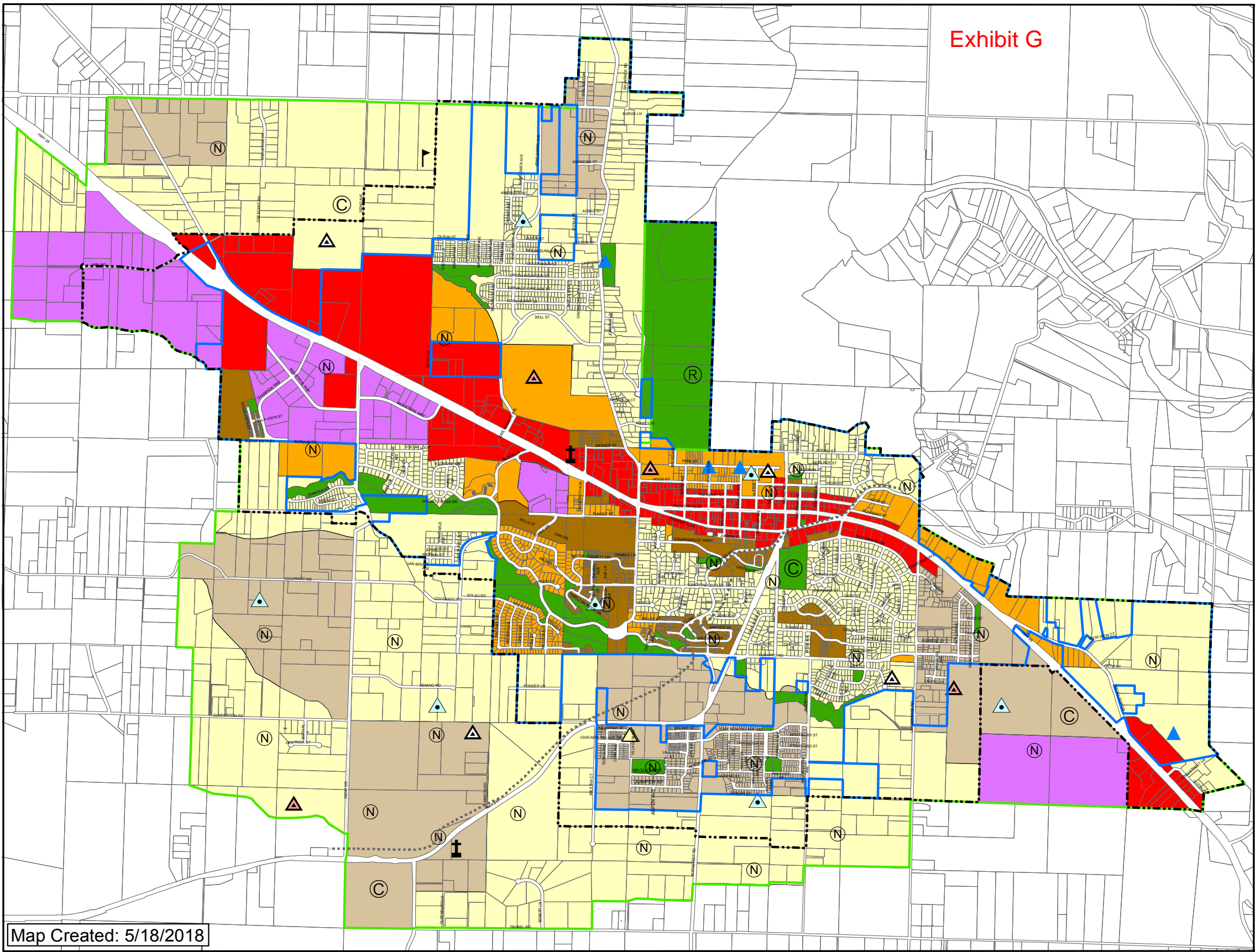
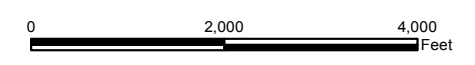
- City Limits
- UGB Boundary
- Urban Reserve
- Barlow Road

Comprehensive Plan Designation

- Village
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Retail/ Commercial
- Light Industrial
- Parks and Open Space

**Existing & Proposed Sites
Locations are Approximate**

- Elementary School
- Middle School
- High School
- Community College
- View Point
- Neighborhood Park
- Community Park
- Regional Park
- Golf Course
- Cemetery



Map Created: 5/18/2018

Exhibit H



CITY OF SANDY

39250 Pioneer Boulevard • Sandy, OR 97055

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

FINDINGS OF FACT and FINAL ORDER TYPE III DECISION

DATE: December 20, 2010

FILE NO.: 10-025 CUP/VAR

PROJECT NAME: Oregon's Wild Harvest

APPLICANT: Randal and Pamela Buresh (under purchase contract)

OWNER: Pacific N.W. Federal Credit Union

LEGAL DESCRIPTION: T2S R4E Section 13, Tax Lot 1001

DECISION: The Planning Commission approves a Conditional Use Permit to allow the existing building at 39831 Hwy 26 by Oregon's Wild Harvest as a storage and distribution facility. In addition, the Commission approves two variances to minimum parking lot aisle width requirements and a variance to loading area screening requirements.

EXHIBITS:

Applicant's Submission

- A. Land Use Application and Supplemental Application
- B. Applicant's Narrative (11/11/10)
- C. Plan Set
 - C1 – Preliminary Site Plan
 - A1 – Preliminary Floor Plan

Department Review Comments

- D. Public Works Director (11/29/10)

The above-referenced proposal was reviewed through a Type III Conditional Use Permit review. The following Findings of Fact are adopted supporting approval of the proposal in accordance with Chapter 17 of the Sandy Municipal Code.

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the original staff report dated December 6, 2010 which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The applicant submitted an application on November 5, 2010. After the applicant submitted a revised site plan and narrative, the application was deemed complete on November 12, 2010.
3. The staff report and this final order are based upon the exhibits listed above, as well as the testimony and discussion at Planning Commission hearing held on December 13, 2010.
4. Notification of the proposed application was mailed to property owners within 300 feet of the subject property and affected agencies on November 12, 2010 and a legal notice ran in the Sandy Post newspaper on December 1, 2010.
5. The following individuals spoke at the December 13, 2010 public hearing:
 - Dan Symons (for applicant)
 - Pamela Martin Buresh (applicant)
 - Randal Buresh (for applicant)
 - Hollis MacLean-Wentzel, Sandy Area Chamber of Commerce
 - Connie Knittel, Realtor
6. The subject site has a total gross area of approximately 0.46 acres (20,037 square feet). The site is located at the northeast corner of Hwy 26 and Ten Eyck Road.
7. The parcel has a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of C-2, General Commercial.
8. The applicant proposes parking lot striping, landscaping, and a new loading zone. A new overhead door adjacent to the loading zone is proposed. No other building modifications are proposed.
9. The Planning Commission approved the proposal as addressed in this Final Order with a vote of 7-0 subject to conditions of approval.

17.44 – C-2 General Commercial

10. Section 17.44.20 Conditional Uses lists storage and distribution (M. Wholesaling, storage and distribution, including mini-warehouses) as a conditional use and the Planning Commission has determined a conditional use permit is required as reviewed in Chapter 17.68.
11. 17.44.30 C-2 Development Standards - The site contains an existing building and parking lot.

17.66 – Adjustments and Variances

12. The applicant requested three variances to code standards: 1) Type II variance to section 17.98.60(C)1 to allow a reduction in the required aisle width for 90 degree parking spaces from 25 feet to 13.7 feet, 2) Type II variance to section 17.98.60(C)3 to allow a reduction in the required aisle width for 45 degree parking spaces from 20 feet to 12 feet and, 3) Type II variance to section 17.98.200(C) to allow the loading area without screening from public streets.
13. The applicant requests a variance to section 17.98.60(C)1 requiring aisle widths for 90 degree parking spaces to be 25 feet. The applicant proposes the aisle width to be 13.7 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses

in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

14. The applicant requests a variance to section 17.98.60(C)3 requiring aisle widths for 45 degree parking spaces to be 20 feet. The applicant proposes the aisle width to be 12 feet. The depth of the 45 degree spaces is shown at 16 feet and 18 feet is required. The Commission requires the applicant to revise the length of the spaces to be 18 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.
15. The applicant requests a variance to section 17.98.200(C) requiring loading areas to be screened from public streets. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

Chapter 17.92 – Landscaping and Screening

16. Section 17.92.20 requires sites located in the C-2 zoning district to contain 20% landscaping. The site currently contains about 2% landscaping. The applicant proposes 492 square feet of new landscaping. The Commission requires a larger amount of landscaping to bring the site closer to compliance with current standards. The applicant proposes installing 2,400 square feet of landscaping. The Commission finds that 2,400 square feet of new landscaping meet the intent of the code. **As such, the Commission requires the applicant to submit a revised Landscape Plan specifying the type and quantity of plant materials.**

17. Section 17.92.30 requires trees to be planted along street frontages more than 150 feet long. Hwy 26 frontage improvements were approved through File No. 06-024. The improvements were bonded and the city will install an eight-foot wide sidewalk with tree wells in conjunction with the installation of the frontage improvements on the new police station site to the east. The Pleasant Street frontage is not improved. **The Commission requires the applicant to plant street trees along the Pleasant Street frontage as approved by the in compliance with this section.**
18. **The Commission requires the applicant to provide irrigation to the new landscaped areas.**
19. A landscape plan was not submitted with the application. **The Commission requires the applicant to submit a landscape plan specifying the type and size of plant materials within landscaped areas.**
20. Section 17.92.60 requires revegetation of natural landscaped areas. The Commission finds this section does not apply to this proposal because the site does not contain areas of natural vegetation.
21. Section 17.92.70 requires landscaping in required setback areas. The Commission requires a portion of the 2,400 square feet of new landscaping to be provided in the required setback area along Hwy 26.
22. Section 17.92.80 requires screening of parking and loading areas. As previously discussed, the Commission approved a variance to the loading area screening requirements.
23. Section 17.92.100 requires screening around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials. The trash and recycling area is not shown on the site plan. **The Commission requires the applicant to submit a revised site plan showing the location of the trash and recycling area.**
24. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years.

17.98 – Parking

25. Based on the requirements of section 17.98.20 one parking space is required for every employee on the largest shift. The applicant proposes 12 parking spaces to be located on the site. Thirty-five percent of the parking spaces provided are compact spaces. The Commission finds the proposal satisfies parking requirements.
26. Parking areas abutting a residential zone require special setback per the provisions of section 17.98.50. The Commission finds the site does not abut a residential zone.
27. Section 17.98.60 of the code specifies the dimensions for parking areas. The parking area does not meet certain aisle width dimensions. As discussed above, the applicant applied for two variances to aisle width requirements and the Commission approved both variances.
28. Section 17.98.70 contains requirements for on-site circulation. The public works director's memo stated that vehicle maneuvering areas were shown within the right-of way. This code section requires all vehicle maneuvering to take place on the site. **The Commission requires the applicant to submit a revised site plan showing all vehicle maneuvering on the site.**
29. Section 17.98.80 of the code specifies access requirements. The site was reviewed for compliance with current access standards. The site contains two existing access points; one on Ten Eyck Road and one on Pleasant Street. Neither access point complies with current standards. The access point

on Ten Eyck does not meet current spacing requirements. The public works director recommended that the access be eliminated. At the December 13th public hearing, the applicant noted that closing the Ten Eyck access point would eliminate the parking spaces in the northwest corner of the site. The Commission provided two options for the applicant. 1) Close the Ten Eyck Road access point. Up to three parking spaces shared between the site and the adjacent police station may be counted toward required on-site parking. A modification has been submitted by the City of Sandy to provide shared parking and access between the two sites. The Commission finds this is the preferred option. 2) If the Ten Eyck Road access is retained, it must be configured to be a right out only. Signage must be provided to prohibit cars from turning into the site from Ten Eyck and to prohibit them from turning left out onto Ten Eyck. The access point on Pleasant Street is approximately 120 feet wide. The public works director recommended this access point be reduced to 30 feet in width. **The Commission requires the applicant to work with staff to reduce the width of the access point on Pleasant. The Commission finds the access may be divided into two drives if approved by staff.**

30. Section 17.98.110 requires vision clearance areas to be provided at intersections. There is overgrown landscaping located at the corner of Ten Eyck and Pleasant that interferes with site distance. Additionally, vision clearance areas are not shown on the site plan. The Commission finds that the landscaping at the corner of Ten Eyck and Pleasant should be modified to improve safety and visibility at the intersection. **The Commission requires the applicant to submit a revised site plan showing vision clearance areas at the intersections.**
31. Section 17.98.120 requires landscaping in and around parking areas. The Commission finds that street trees will be provided along Hwy 26 and Pleasant Street. **The Commission requires the applicant to provide a portion of the 2,400 square feet of new landscaping in the parking area.**
32. The public works director's memo stated that most of the stormwater runoff sheet flows onto Pleasant Street. Section 17.98.140 prohibits sheetflow drainage from parking areas across sidewalks and onto the public right-of-way. **The Commission requires the applicant to collect all site runoff and convey it to the existing storm drainage system in compliance with section 17.98.140 of the code.**
33. A photometric analysis and lighting cut sheets were submitted and reviewed as a requirement for the Artic Cat (File No. 06-024). Building mounted lighting is shown adjacent to the west parking area and over the parking area along the north side of the building. According to photometric plan, the site's lighting complies with the Dark Sky Ordinance.
34. An existing two-bike rack is located on the site. The Commission finds the applicant's proposal complies with the standards contained in Section 17.98.160.
35. The applicant proposes one accessible parking space. Building code will require this space to be van accessible. The Commission finds the dimensions of the space meet the dimensional requirements for a van accessible space.

17.68 – Conditional Uses

36. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and

consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

37. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The Planning Commission finds that “storage and distribution” is listed as a conditional use in the C-2 zoning district.
38. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The site is located at the corner of Hwy 26 and Ten Eyck Rd at the east end of the downtown. The Commission finds that the location and topography of the site make it suitable for the use.
39. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Public utilities are available to the site. As previously discussed, frontage improvements will be installed concurrent with the construction of the police station to the east. No off-site improvements are required. With this information, the Commission finds the proposal meets the intent of this section.
40. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. With the conditions detailed in this order, the Commission finds the application can be modified so as not to alter the character of the surrounding area.
41. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. The Planning Commission finds the proposed use should not create or cause any public nuisance as described above.
42. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of the following:
 1. Basic site design (organization of uses on the site)
 2. Visual elements (scale, structural design and form, materials, and so forth)
 3. Noise
 4. Noxious odors
 5. Lighting
 6. Signage
 7. Landscaping for buffering and screening
 8. Traffic
 9. Effects on off-street parking
 10. Effects on air quality and water quality

As previously stated the site contains an existing building. The Commission requires additional landscaping, access modifications, and stormwater upgrades to bring the site closer to compliance with current standards. Additionally, section 17.68.40 grants the Planning Commission the ability to attach reasonable conditions to the approval. Currently, improvements along Pleasant St. are limited. Frontage improvements will be constructed on the adjacent site to the east as part of the police station project. In order to provide a

continual pedestrian way along Pleasant and to provide visual continuity, the Commission requires the applicant to install a five-foot sidewalk and planter strip along the site's Pleasant St frontage. With these modifications, the Commission finds the proposal meets the intent of this criterion.

43. The Comprehensive Plan provides a set of maps, policies, and implementing measures to guide land use in Sandy's Urban Growth Boundary. The proposal is not contrary to the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL

A. Prior to all construction activities or issuance of permits, the applicant shall complete the follow items as identified below:

1. Submit a landscape plan to include the following modifications:
 - Identify 2,400 square feet of landscaping on the site in accordance with the requirements of Section 17.92.50. Landscape materials shall be distributed throughout the site with a portion located within the parking area and between the right-of-way and the building.
 - Provide street trees and ground cover within a planter strip along the Pleasant St frontage. Trees shall be Japanese Snowball (1.5 inch caliper) and planted 30 feet on center.
 - Specify existing overgrown landscaping at the corner of Ten Eyck and Pleasant will be removed.
 - Specify the type and size of all plant materials.
 - Specify a plan to irrigate installed landscaping.

2. Submit a revised site plan to include the following modifications:
 - Provide a five-foot sidewalk separated from the curb by a planter strip along the Pleasant St frontage.
 - Reduce the width of access drive on Pleasant St to satisfy staff recommendations.
 - Modify the length of the 45 degree parking spaces to 18 feet.
 - Identify turning templates for delivery vehicles identifying how vehicle maneuvering will be accommodated on site.
 - Identify vision clearance areas at intersections.
 - Identify location of trash and recycling area.
 - Ten Eyck access options:
 - a. Close Ten Eyck access point. Up to three parking spaces shared with the adjacent police station may be counted toward onsite parking requirements.
 - b. If the Ten Eyck access point is retained, it shall be reconfigured to be a right out only. This options requires submittal of a turning template for vehicle turning right out of the site onto Ten Eyck to ensure these movements do not encroach into the south bound travel lane. In addition, signage shall be specified to face the site specifying "right turn only" and facing Ten Eyck specifying "exit only".

3. Submit details of proposed stormwater facilities for review and approval by the City Engineer. All stormwater facilities shall be constructed in conformance with the requirements of Chapter

13.18, Storm Water Management, and Section 13.20 of the Sandy Municipal Code. (Submit to Public Works).

4. Follow recommendations provided by the Public Works Director as modified by this final order (Exhibit D).

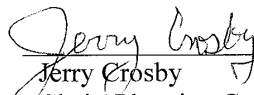
C. Prior to occupancy (temporary or final) of any building on the site the applicant shall complete the following or provide assurance for their completion:

1. Complete the construction of all public improvements and site amenities including the following or provide a financial guarantee as provided in the Sandy Development Code:
 - Complete frontage improvements along Pleasant Street including sidewalk, planter strip, groundcover and street trees.
 - Complete all parking lot paving and striping including identification of one ADA van accessible space with required signage and designation of four spaces along the north side of the building as “Compact parking only” or similar approved language.
 - Complete stormwater improvements as specified on approved plans.
 - Install all site landscaping as specified in the approved plan including landscape buffer along Hwy 26, street trees and ground cover along Pleasant St, and parking lot landscaping.
 - Install a irrigation watering system in compliance with Section 17.92.40.
 - Complete modifications to access points on Ten Eyck and Pleasant St as specified on approved plans.
 - Remove overgrown landscaping at the corner of Ten Eyck and Pleasant St.
2. Comply with all requirements of Fire District No. 72 including the installation of exiting signage and fire sprinkler testing certification.

D. General Conditions

1. Construction of additional structures on the site requires land use approval in compliance with applicable city standards.
2. The developer shall maintain all street trees and all landscaping planted outside the subject site for two years following final occupancy, and shall replace any dead or dying trees and plants during that period.
3. The property owner shall be responsible for on-going maintenance of the site and building in compliance with Section 17.90.240.
4. All site signage will require submittal of a sign permit in compliance with Chapter 15.32 and clear vision area standards of Section 17.74.30.
5. Development of the subject site may require payment of system development charges in accordance with applicable city ordinances.

6. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
7. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
8. Approval of this conditional use may be revoked in accordance with the Sandy Municipal Code if conditions of approval are not met. Conditional Use Permit approval does not grant authority for the unrestricted use of the structure or site. Any use of this site may be prohibited until such time as all required improvements are completed.
9. Approval shall be void after 2 years, unless substantial construction has taken place. The Planning Commission may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit in conformance with Section 17.68.50.
10. Comply with all other conditions or regulations imposed by Clackamas County, Fire District No. 72, 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.

 12/20/2010
Jerry Crosby Date
Chair, Planning Commission

RIGHT OF APPEAL

Persons who testified regarding this application may appeal this decision to the Sandy City Council. An appeal application shall be filed within 10 calendar days of the date this decision is mailed. An appeal application must conform to the requirements of SMC 17.28.20. Any appeal application not so conforming will be rejected.

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 Chapter 17.28.50; and,
5. Payment of required filing fees.

Exhibit I

COMMENT SHEET for File No. 19-032 ZC:

I don't think I have any objections to the clinic as long as the potholes are fixed on Ten Eyck & the traffic signals are working better for the traffic on Ten Eyck & Wolf St.

Trying to cross the Hwy from the P.O. It only allows 3 cars thru if some of them are trying to turn L into town.

Its hard to see the on coming traffic in my car because of the Hwy hump because the hood of my car blocks my view.

I live on Pleasant St and there are times traffic is backed up so bad I can't turn R on Ten Eyck to go to the Hwy.

RECEIVED

OCT 02 2019

CITY OF SANDY

Brenda Mills

Your Name

503-668-6429

Phone Number

39667 Pleasant St

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Exhibit J

COMMENT SHEET for File No. 19-032 ZC:

As Business owner of Mt. Hood Dental Clinic located on the same street as proposed new development, I welcome Sandy Health Clinic to the new location.

My only concern would be available parking for the clinic. The property currently has very limited off street parking for workers and future patients. If parking spills over to Pleasant Street, curb-parking, it could present predictable traffic problems with narrowed street and crowded 2-way driving. Also, turning onto Pleasant St. from Ten Eyck Rd. could be hazardous if curb parking infringes on this intersection. With already approved no-sidewalk on North side of Pleasant Street and more on street parking this could be a recipe for further problems. Again, I welcome the clinic but my concerns are primarily for parking situation. Thanks!

Your Name

Phone Number

Carl S. Hansen, D.M.D. w) 503-668-4099

Address

c) 503-998-8631

39880 E. Pleasant St. Sandy, OR 97055

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Mailing Address:

P.O. Box 458

Sandy, OR 97055

19-032 ZC Sandy Health Clinic Neighborhood Notice

RECEIVED

OCT 03 2019

CITY OF SANDY



NO. 2019-24

AN ORDINANCE AMENDING THE CITY OF SANDY ZONING MAP BY CHANGING THE ZONING MAP DESIGNATION FOR 0.47 ACRES

Whereas, Clackamas County submitted a request to change the Zoning Map designation for a property identified as T2S R4E Section 13AD Tax Lot 1001;

Whereas, the applicant, Clackamas County, desires to change the Zoning Map designation for the identified property from General Commercial (C-2) to Central Business District (C-1);

Whereas, on September 30, 2019, the City provided notice of the proposed map amendment to DLCDC in conformance with ORS 197.610;

Whereas, the Planning Commission held a public hearing to review the map amendment on November 19, 2019 and forwarded a recommendation of approval to the City Council;

Whereas, the City Council then held a public hearing to review the proposal on December 16, 2019.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS,

Section 1: The Council approves the Zoning Map amendment for a property identified as T2S R4E Section 13AD Tax Lot 1001. The Zoning Map designation for the identified property will be changed from General Commercial (C-2) to Central Business District (C-1).

Section 2: The Zoning Map amendment is supported by the Findings contained in the December 9, 2019 staff report attached as Exhibit A and incorporated into this Ordinance. This document contains findings supporting the above change to the Zoning Map.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 16 day of December 2019

Stan Pulliam, Mayor

#2019-24

ATTEST:

Karey Milne, City Recorder

#2019-24



**City Council
STAFF REPORT**

DATE: December 9, 2019

FILE NO.: 19-032 ZC

PROJECT NAME: Sandy Health Clinic Zone Amendment

APPLICANT/REPRESENTATIVE: Steve Kelly, Project Coordinator

PROPERTY OWNER: Clackamas County

LEGAL DESCRIPTION: T2S R4E Section 13 AD, Tax Lot 1001

SITUS ADDRESS: 39831 Highway 26, Sandy, OR 97055

RECOMENDATION: Approve requested zone change.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application Form (No. 1)
- C. Notification Map and Mailing Labels
- D. Submitted Narrative
- E. Map Identifying the property

Agency Comments

- F. Oregon Department of Transportation ODOT (October 11, 2019)

Supplemental Documents Provided by Staff

- G. Comprehensive Plan Map
- H. Final Order 10-025 CUP/VAR

Public Comments

- I. Brenda Mills (October 2, 2019)
- J. Paul S. Hansen (October 3, 2019)

Documents from November 19, 2019 Planning Commission Hearing

- K. November 19, 2019 Planning Commission Staff Report

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials deemed complete on September 18, 2019. These items are identified as Exhibits A-E which include the required applications, a written narrative, mailing labels and a map identifying the subject property.
2. The overall site is approximately 0.47 acres and has an existing building. The last known business license associated with the subject property was obtained in 2014 and staff is unaware of the property being occupied since approximately February of 2015.
3. The parcel has a Comprehensive Plan designation of Retail/Commercial and a Zoning Map designation of C-2, General Commercial.
4. The applicant, Steve Kelly, with Clackamas County requests a Type IV Zone Map Amendment of one parcel totaling approximately 0.47 acres. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies the C-1 zone designation as compatible.
5. Per the submitted narrative (Exhibit D), the applicant's goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promotes the desired development for the subject property.
6. Final Order 10-025 CUP/VAR dated December 20, 2010 indicated the Planning Commission approved a Conditional Use Permit to allow the existing building on the subject property to be used as a storage and distribution facility. In addition, the Commission approved two variances to the minimum parking lot aisle width requirement and a variance to loading area screening requirements.
7. Notification of the proposal were mailed to property owners within 500 feet of the subject property and to affected agencies on September 26, 2019 with a legal notice published in the Sandy Post on Wednesday, October 16, 2019. Notice of this proposed change to the Zoning Map was submitted to the Oregon Department of Land Conservation and Development (DLCD) on September 30, 2019.
8. The Planning Commission held a hearing on November 19, 2019 and voted 6-0 to forward a recommendation of approval to City Council that the proposed Zone Map amendment be approved to change the zoning of the subject property from C-2, General Commercial, to C-1, Central Business District.
9. The following individuals spoke on behalf of the applicant at the November 19, 2019 Planning Commission hearing:
 - Lori Kellow, Ankrom Moisan, 38 NW Davis, Suite 300, Portland, OR 97209
 - Steve Kelly, Clackamas County Health, 2051 Kane Road, Suite 245, Oregon City, OR 97045

10. Fawnda Buck at 39627 Pleasant Street, Sandy, OR 97055 provided public comment at the November 19, 2019 Planning Commission hearing. Fawnda stated the zone change will be an asset to the community.

17.42 – Central Business District (C-1)

11. Per the submitted narrative (Exhibit D), the subject property will be used as a medical clinic, the Sandy Health Clinic.
12. Subsection 17.42.10(B)(2)(g) identifies “medical facility (e.g., clinic, hospital, laboratory)” as a primary use permitted outright – commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities therefore the proposed use will be permitted should the zone change request be approved.
13. The applicant shall obtain the necessary Design Review, and other approval(s) determined to be required by staff prior to the future development of the site.

17.26 – Zone District Amendment

14. Per Subsection 17.26.30 a zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles. The proposed zone amendment is associated with a single lot of record and was initiated by the owner(s) of the subject property therefore this applicant shall be processed as a quasi-judicial amendment per Subsection 17.26.40.
15. Subsection 17.26.40(B) identifies the four review criteria associated with a quasi-judicial zoning district change. The four review criteria are as follow:
 - 1) Determine the effects on City facilities and services;
 - 2) To assure consistency with the purposes of this chapter;
 - 3) To assure consistency with the policies of the Comprehensive Plan;
 - 4) To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
16. *Review Criteria I: Determine the effects on City facilities and services.* Changing the zoning from C-2 to C-1 is unlikely to have any negative effect on city utilities as the uses permitted within the C-1 zone district are more restrictive than that of the C-2 zone district. With limited residential uses allowed and a maximum building square footage for commercial uses it is also unlikely the change in zone designation will have a negative effect on the existing adjacent transportation system. This is supported in that both the existing and proposed zone districts (C-2 & C-1) are identified as Retail/Commercial within the City of Sandy Comprehensive Plan and therefore have been designed to accommodate the use potential of both zone designations. As identified within Exhibit F, the Oregon Department of Transportation (ODOT) commented that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including Proctor Blvd. (US 26).
17. *Review Criteria II: To assure consistency with the purposes of this chapter.* Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to comply with the design review standards in the C-1 zone district, therefore the proposal is generally

consistent with the purposes of this chapter. The applicant has requested review of a Type IV Quasi-Judicial Amendment to the Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject property is currently planned and zoned commercial and is proposed to be rezoned to a similar commercial district with less intensive uses allowed. The property is adjacent to commercial properties and fronts right-of-way on three sides (north, south, west).

18. *Review Criteria III: To assure consistency with the policies of the Comprehensive Plan.* With the required additional analysis and compliance with the Sandy Municipal Code (SMC) at the time of future development, the proposal can meet the intent of the Comprehensive Plan. The subject property contains a Comprehensive Plan designation of Retail/Commercial. This will not change. Staff determined the proposal conforms to the policies of the Comprehensive Plan, specifically the goals and policies identified within Findings 16 - 22 below.
19. Goal 1, Policy 2 – This proposed Comprehensive Plan change includes citizen participation as the approval process includes two public hearings (Planning Commission and City Council) and allows for people to submit written comment.
20. Goal 1, Policy 4 – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
21. Goal 2, Policy 7 – Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to be in compliance with the design review standards in the C-1 zone district, therefore upon design review approval for the future development of the property the site will be consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
22. Goal 9, Policy 2 – The proposed zone change is requested to allow the future development to comply with the design review standards in the C-1 zone district. The existing property and any expected development of the property can be accommodated by existing water, sewer, and street capacity. The proposed use, a medical facility (clinic), is a permitted use in both the C-1 and C-2 zone districts, therefore expected trip generation will not change.
23. Goal 9, Policy 5 – Any future redevelopment of the subject property will be required to obtain design review approval prior to changes on the site to ensure consistency with the development and design standards of the land development code as well as the features identified within Goal 9, Policy 5 of the City of Sandy Comprehensive Plan.
24. Goal 9, Policy 26 – Per the submitted narrative (Exhibit D), the future use of the property, a medical facility (clinic), will share vehicle parking spaces with the adjacent property to the east, the Sandy Police Department. In addition, the applicant has stated that the property will enter into a formal parking agreement with the Immanuel Lutheran Church on Pleasant Street to accommodate all Clackamas County staff and provide overflow visitor parking for the future use of the property.

25. Goal 12, Policy 22 – ODOT was notified of the proposed zone amendment on September 26, 2019. The City received comments on October 11, 2019 (Exhibit F), stating that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including E. Proctor Blvd. (US 26).
26. *Review Criteria IV: To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.* In order to comply with the requirements of this section the proposal must also meet the intent of the applicable Statewide Planning Goals. Staff determined the proposal conforms to the Statewide Planning Goals identified within Findings 24 - 27 below.
27. Goal 1: Citizen Involvement – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
28. Goal 2: Land Use Planning – The City’s Comprehensive Plan guides land use within the City’s Urban Growth Boundary. The City’s Zoning Ordinance ensures consistency with the goals and policies of the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan and Zoning Ordinance.
29. Goal 9: Economic Development – Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities and requires plans to be based on an analysis of the comparative advantages of a planning region. The proposal will reduce the land supply for General Commercial, C-2, by 0.47 acres with a corresponding increase in Central Business District, C-1. The proposed use, a medical facility (clinic), will create additional employment growth in Sandy and provide services to people in the Sandy area.
30. Goal 12: Transportation – The proposed zone amendment would result in more restrictive uses permitted within the C-1 zone district than the existing C-2 zone district. Due to this limited modification to potential uses it has been determined that the proposed use, a medical facility (clinic), will not result in a significant effect with regards to Transportation Planning Rule (TPR) and transportation analysis shall be completed at the time of land use approval for future development of the subject property (Exhibit F).

SUMMARY AND CONCLUSION

The applicant, Steve Kelly, with Clackamas County has requested a Type IV Zone Map Amendment of an approximately 0.47 acre property from General Commercial (C-2) to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies both the C-1 and C-2 as compatible zone designations for the Retail/Commercial land use.

Per the submitted narrative (Exhibit D), the applicant’s goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements,

therefore promoting the desired development on the subject property. Staff and the Planning Commission find the applicant's reasoning to be sound and add that the subject property is adjacent to existing C-1 zoned property to the west. Therefore, developing the subject property per the C-1 zone district standards will be compatible with the existing and permitted development standards of the surrounding properties.

In addition, staff and the Planning Commission find the proposed zone amendment to be consistent with the quasi-judicial review criteria found within Chapter 17.26.40(B) of the land development code. Specifically, staff and the Planning Commission find the proposed zone amendment is unlikely to have a negative effect on City facilities and services as the proposed zone designation is more restrictive when comparing the permitted uses, therefore not adding significant capacity on existing facilities and/or services. Staff has also provided analysis demonstrating compliance with both the policies of the City's Comprehensive Plan and the Oregon Statewide Planning Goals. By completing a Type IV Zone Map Amendment, the applicant has ensured consistency with the purpose and intent of Chapter 17.26 by providing a comprehensive analysis of the proposal in relation to City and State goals/policies.

RECOMMENDATION

The Planning Commission voted 6-0 to forward a recommendation of approval to City Council for the requested zone change.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit A

Name of Project Sandy Health Clinic

Location or Address 39831 Hwy 26, Sandy, OR 97055

Map & Tax Lot Number T 25, R 4E, Section 13; Tax Lot(s) 24E13AD01001

Plan Designation C-2 Zoning Designation Commercial Acres 0.47

Request:

Request to rezone this property from C-2 designation to C-1.

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant Steve Kelly	Owner
Address 2051 Kaen Road	Address
City/State/Zip Oregon City, OR 97045	City/State/Zip
Phone 503-655-8591	Phone
Email stevekel@clackamas.us	Email
Signature 	Signature

If signed by Agent, owner's written authorization must be attached.

File No. <u>19-032 2C</u>	Date <u>8/30/19</u>	Rec. No.	Fee \$ <u>2,413.00</u>
Type of Review (circle one): Type I Type II Type III Type IV			



SUPPLEMENTAL LAND USE APPLICATION FORM (No. 1)

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit B

- ANNEXATION
 ZONE CHANGE
 COMPREHENSIVE PLAN AMENDMENT

Property Identification			
Tax Lot Number	Township	Range	Section
24E13AD01001	2S	4E	13

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed
24E13AD01001	Commercial	Commercial	C-2	C-1

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

Tax Lot Number	Clackamas County Recording Number	Assessed Land Value	Size in Acres or Sq. Ft.
24E13AD01001	2011-007303	\$691,818.00	0.47 Acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description(s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

Former office and distribution center

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property? 1

Number of Total Dwelling Units :

0

DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%	0.35 acres
Approximate acreage with slopes 15% to 24.9%	0.07 acres
Approximately acreage with slope in excess of 25%	0.05 acres
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes No

Name of public right-of-way: U.S. Hwy 26/Mt. Hood Hwy, SE Ten Eyck Rd, Pleasant St

Does the property abut a private road? Yes No

Name of abutting private road(s): none

Describe any unusual difficulties in accessing the property:

None.

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Police department east of property, restaurant south of property, 7-Eleven west of property, future residential north of property. Churches and preschool nearby.

DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS

Include number of lots, densities, etc.

Medical Clinic

Exhibit C



500 ft radius

Easy Peel® Labels
Use Avery® Template 5160®



MILLS BRENDA F
39667 PLEASANT ST
SANDY , OR 97055

ROBLES KYLE C
39821 HOOD ST
SANDY , OR 97055

WESLEY MELISSA J
39550 HOOD ST
SANDY , OR 97055

NAPA ENTERPRISES LLC
PO BOX 447
GRESHAM , OR 97030

SANDY ASSEMBLY OF GOD
PO BOX 45
SANDY , OR 97055

WINSINGER PAUL W & SUSAN L
17665 WOLF DR
SANDY , OR 97055

NEWBERRY JEFF & MELISSA
40110 MEADOW SONG RD
SANDY , OR 97055

SANDY BP HOLDINGS INC
20417 SW INGLIS DR
ALOHA , OR 97007

WOODS NICHOLAS D
39707 PLEASANT ST
SANDY , OR 97055

NOWKA BILLI & SHANE
39560 PLEASANT ST
SANDY , OR 97055

SANDY FUNERAL HOME INC
PO BOX 41
SANDY , OR 97055

ORTH TOM
26951 SE FORRESTER
BORING , OR 97009

SIMONEK LARRY W & PENNY J
PO BOX 867
SANDY , OR 97055

PADEN MATTHEW P
39965 HOOD ST
SANDY , OR 97055

SUPPRESSED NAME
39700 HOOD ST
SANDY , OR 97055

PALUCK PALUCK & GREGUS LLC
PO BOX 117
SANDY , OR 97055

TRIMBLE WILLIAM & CATHY
PO BOX 10
SANDY , OR 97055

PALUCK PALUCK & MEYER LLC
PO BOX 117
SANDY , OR 97055

VALVERDE DANIEL M
39630 PLEASANT ST
SANDY , OR 97055

P & R BLDG LLC
10407 SE EVERGREEN HWY
VANCOUVER , WA 98664

VINCENT MARK F & CANDACE L
39510 HOOD ST
SANDY , OR 97055

PRICE BRANDON
39600 HOOD ST
SANDY , OR 97055

WATSON JASON L & CRYSTAL
39670 MCCORMICK DR
SANDY , OR 97055

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Use Avery® Template 5160®



7-ELEVEN INC
PO BOX 711
DALLAS , TX 75221

BUCK FAWNDA L
39627 PLEASANT ST
SANDY , OR 97055

DICKINSON NORMAN G & JUDY L
42100 ELSNER RD
SANDY , OR 97055

ANDREOTTI JOHN S & BERNIE A
PO BOX 1953
SANDY , OR 97055

CAMPBELL DAVID A
39750 MCCORMICK DR
SANDY , OR 97055

DIRKS GREG
39935 HOOD ST
SANDY , OR 97055

ARGUE PATRICK A & ROAMY J
35923 CHINOOK ST
SANDY , OR 97055

CHURCH OF CHRIST SANDY
PO BOX 758
SANDY , OR 97055

DUNCAN JULIA S TRUSTEE
39780 MCCORMICK DR
SANDY , OR 97055

ATKINS ROBERT E JR & TANYA F
39800 MCCORMICK DR
SANDY , OR 97055

CITY OF SANDY
39250 PIONEER BLVD
SANDY , OR 97055

FORD KAREN L
1132 SW WALLULA DR
GRESHAM , OR 97080

AVERETTE M SCOTT & MARY ANNE
39630 HOOD ST
SANDY , OR 97055

COMFORT JUSTIN & MALLORY
39660 HOOD ST
SANDY , OR 97055

HANSEN PAUL S TRUSTEE
PO BOX 343
SANDY , OR 97055

BARNETT JAMES B & KERI L
39730 HOOD ST
SANDY , OR 97055

COOK MCKENZIE
PO BOX 1148
WELCHES , OR 97067

HULT DALE L & EUDENE
39711 SE ALLGEIER RD
SANDY , OR 97055

BIERMANN BRUCE L & VICKI
PO BOX 220
SANDY , OR 97055

COPENHAVER SEAN RAY
39647 PLEASANT ST
SANDY , OR 97055

IMMANUEL EVANG LUTH CH UAC
PO BOX 686
SANDY , OR 97055

BP WEST COAST PRODUCTS LLC
PO BOX 941709
HOUSTON , TX 77094

CVP-SANDY OREGON LLC
3519 NE 15TH AVE STE 251
PORTLAND , OR 97212

KENDALL AASE S TRUSTEE
2056 SW MONTGOMERY DR
PORTLAND , OR 97201

BROWN BENJAMIN Z & AMANDA F
39715 PLEASANT ST
SANDY , OR 97055

DEBATTY HAYLEY & JAMES
39825 MCCORMICK DR
SANDY , OR 97055

LEDOUX ROGER B
39881 HOOD ST
SANDY , OR 97055

BROWN TAMERIA J & ANTHONY A
39700 MCCORMICK DR
SANDY , OR 97055

DETERS ARNOLD STEPHEN III &
SUZANNE M
17232 HOOD CT
SANDY , OR 97055

MARSHALL JESSICA
39960 HOOD ST
SANDY , OR 97055

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Zoning Map Amendment Narrative

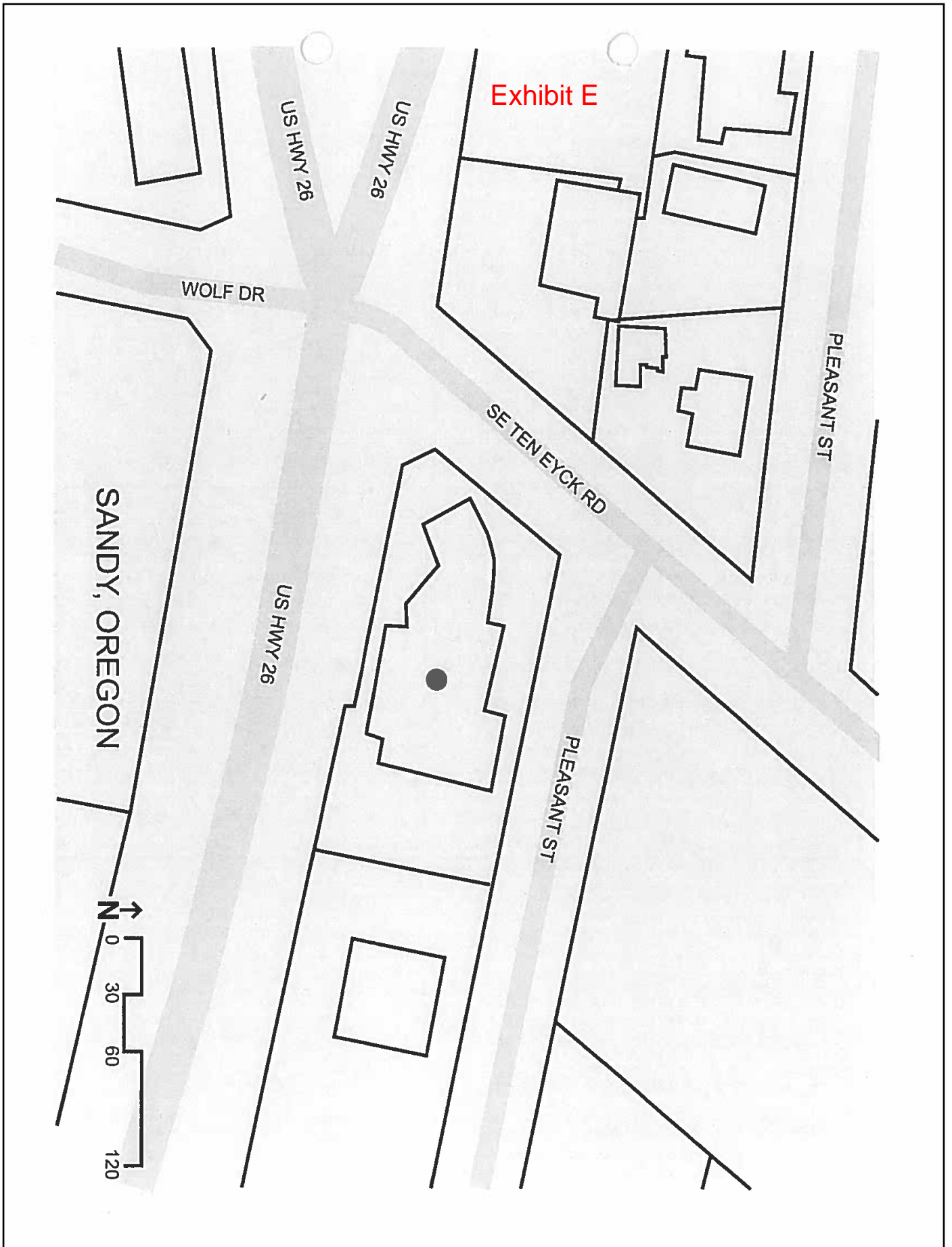
We are pleased to present this application for a change in zoning from General Commercial (C-2) to Central Business District (C-1) on behalf of Clackamas County. This request applies to the property at 39831 Hwy 26, located within the City of Sandy limits. The site is situated adjacent to the Central Business District (C-1), across Ten Eyck Rd, and next door to the Sandy Police Station.

Clackamas County proposes to renovate the existing site and building for use as a medical clinic, providing service to the community and its residents. This use is allowed in both the C-2 and C-1 zones. A goal of this renovation will be to enlarge the building footprint to support the program. An approval of the property zoning change from C-2 to C-1 will extend the Central Business District east along Mt Hood Hwy. This renovation will incorporate the Sandy Design Style along the Mt Hood Hwy frontage more prominently, as well as along Ten Eyck Rd. Amending to a C-1 zone on this site will keep development inside the City Limits and within the Urban Growth Boundary, close to the heart of the city.

Changing the zoning for this property from C-2 to C-1 will remove the 20-foot setback requirements. The current C-2 zoning setback requirements are currently too restrictive to promote the desired development on this specific site. The site is very narrow with 3 street frontages: Mount Hood Hwy, Ten Eyck Rd, and Pleasant St with 20-foot setbacks from the property line for arterial street designations. With the enforced C-2 setbacks, this makes the property difficult to develop, as the buildable area is very small and the existing building already encroaches on this setback along Mt Hood Hwy. With the zoning change, the setback requirement changes to 0 feet, however there will be 5-foot landscape buffers. Reducing the setbacks will allow for an expanded building area and an opportunity to incorporate the Sandy Design Guidelines into the façade.

Amending Zoning from C-2 to C-1 allows more of the site to be developed as building area but allows for a parking reduction. C-1 will allow the required off-street parking to be reduced by 25 percent. Many of the clinic's visitors are anticipated to use Sandy's STAR "Dial-A-Ride" system reducing the demand for off-street parking. The Sandy clinic will operate Monday through Friday with hours of 8am-6pm. For the proposed renovation and development, 6 of the required spaces of the off-street parking will be shared on site with the Sandy Police Station. A parking agreement with Immanuel Lutheran Church, northeast of the property, will accommodate all staff parking and overflow visitor parking.

This zoning amendment will effectively reenergize a currently vacant building into a positive civic and community addition. Sandy's Comprehensive Plan is designed to change and evolve as the needs and goals of the city change, and we feel that this amendment will help the city develop a positive outcome for the community. The zone change will serve to create a gateway building into the heart of the City of Sandy.



Hood St

Ten Eyck Rd

Sandy

Hood St

Pleasant St

Mccormick Dr

Walt Dr

Mccormick Dr

500 ft radius



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit F

October 11, 2019

ODOT Case No: 9325

To: James Cramer, City of Sandy Planner
From: Marah Danielson, ODOT Planner
Subject: 19-032 ZC: Sandy Health Clinic Zone Change
SE Ten Eyck Rd and E Proctor Boulevard (US 26)

We have reviewed the applicant's Type IV Zone Map Amendment of one parcel totaling approximately 0.47 ac. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The Comprehensive Plan designation is Retail/Commercial and the proposed zone change map amendment is consistent with this designation.

The site is adjacent to E Proctor Blvd (US 26). ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change is consistent with the identified function, capacity and performance standard of this facility.

For zone changes, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. A local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing comprehensive plan map designation and the zoning is consistent with the acknowledged Transportation System Plan (OAR 660-012-0060 (9)).

ODOT received an email from you on 10/7/19 that documents that the zoning is consistent with the Comprehensive Plan and the Transportation System Plan. Therefore, the city can make findings that there is not a significant affect to transportation facilities including E Proctor Blvd (US 26).

There is an existing wide should on E Proctor Blvd that provides some room for vehicles storage to turn right onto SE Ten Eyck Rd from westbound E Proctor Blvd. This is not a marked right turn lane. At the time of development, ODOT recommends a traffic impact analysis (TIA) to evaluate whether a right turn lane is warranted at this location.

If you have any question regarding these comments, I can be reached at 503-731-8258. Please contact Avi Tayar P.E. at 503-731-8221 for scoping the TIA.

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

Exhibit G

Comprehensive Plan Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97



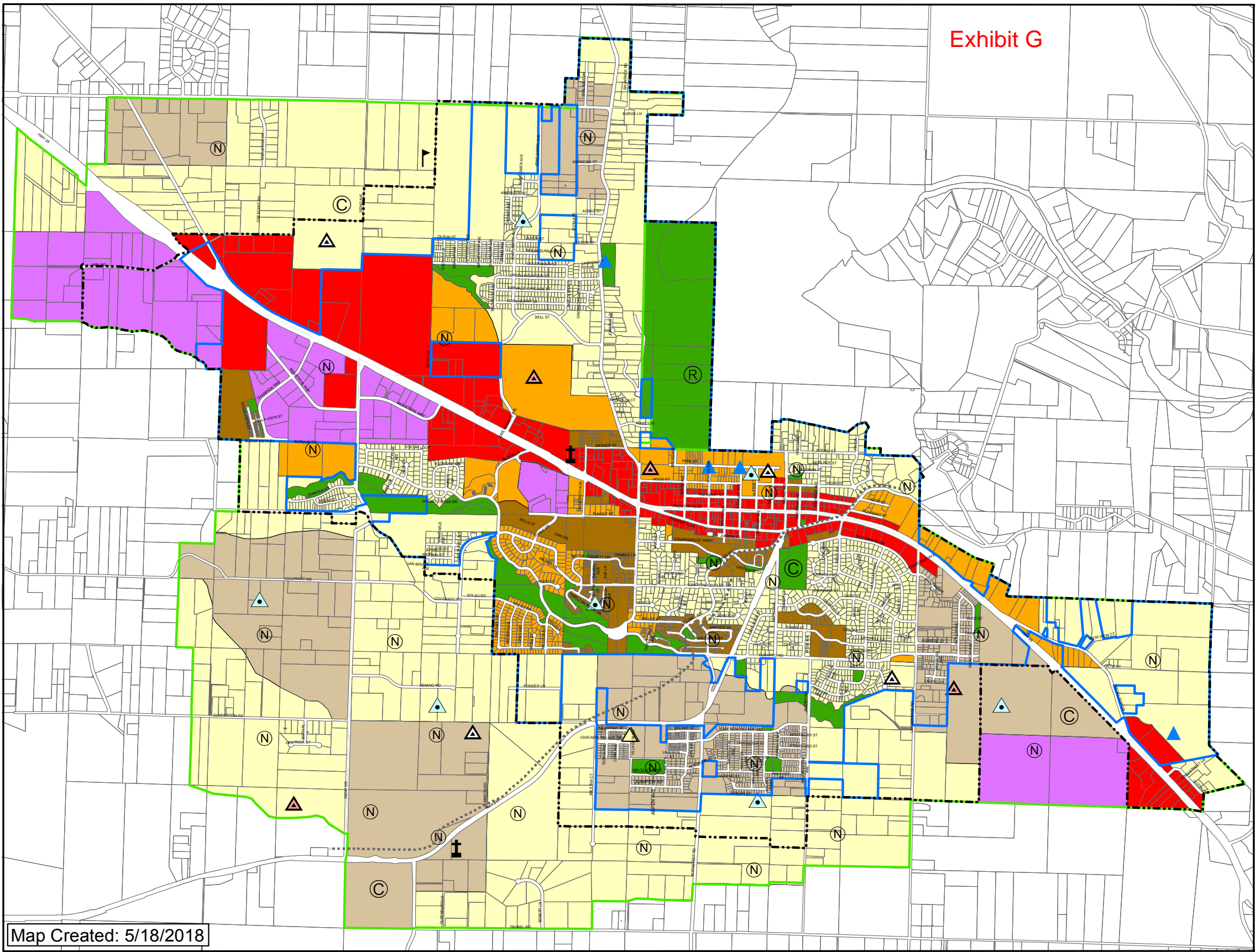
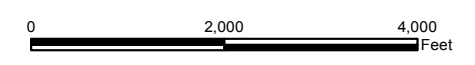
- City Limits
- UGB Boundary
- Urban Reserve
- Barlow Road

Comprehensive Plan Designation

- Village
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Retail/ Commercial
- Light Industrial
- Parks and Open Space

Existing & Proposed Sites
Locations are Approximate

- Elementary School
- Middle School
- High School
- Community College
- View Point
- Neighborhood Park
- Community Park
- Regional Park
- Golf Course
- Cemetery



Map Created: 5/18/2018

Exhibit H



CITY OF SANDY

39250 Pioneer Boulevard • Sandy, OR 97055

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

FINDINGS OF FACT and FINAL ORDER TYPE III DECISION

DATE: December 20, 2010

FILE NO.: 10-025 CUP/VAR

PROJECT NAME: Oregon's Wild Harvest

APPLICANT: Randal and Pamela Buresh (under purchase contract)

OWNER: Pacific N.W. Federal Credit Union

LEGAL DESCRIPTION: T2S R4E Section 13, Tax Lot 1001

DECISION: The Planning Commission approves a Conditional Use Permit to allow the existing building at 39831 Hwy 26 by Oregon's Wild Harvest as a storage and distribution facility. In addition, the Commission approves two variances to minimum parking lot aisle width requirements and a variance to loading area screening requirements.

EXHIBITS:

Applicant's Submission

- A. Land Use Application and Supplemental Application
- B. Applicant's Narrative (11/11/10)
- C. Plan Set
 - C1 – Preliminary Site Plan
 - A1 – Preliminary Floor Plan

Department Review Comments

- D. Public Works Director (11/29/10)

The above-referenced proposal was reviewed through a Type III Conditional Use Permit review. The following Findings of Fact are adopted supporting approval of the proposal in accordance with Chapter 17 of the Sandy Municipal Code.

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the original staff report dated December 6, 2010 which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The applicant submitted an application on November 5, 2010. After the applicant submitted a revised site plan and narrative, the application was deemed complete on November 12, 2010.
3. The staff report and this final order are based upon the exhibits listed above, as well as the testimony and discussion at Planning Commission hearing held on December 13, 2010.
4. Notification of the proposed application was mailed to property owners within 300 feet of the subject property and affected agencies on November 12, 2010 and a legal notice ran in the Sandy Post newspaper on December 1, 2010.
5. The following individuals spoke at the December 13, 2010 public hearing:
 - Dan Symons (for applicant)
 - Pamela Martin Buresh (applicant)
 - Randal Buresh (for applicant)
 - Hollis MacLean-Wentzel, Sandy Area Chamber of Commerce
 - Connie Knittel, Realtor
6. The subject site has a total gross area of approximately 0.46 acres (20,037 square feet). The site is located at the northeast corner of Hwy 26 and Ten Eyck Road.
7. The parcel has a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of C-2, General Commercial.
8. The applicant proposes parking lot striping, landscaping, and a new loading zone. A new overhead door adjacent to the loading zone is proposed. No other building modifications are proposed.
9. The Planning Commission approved the proposal as addressed in this Final Order with a vote of 7-0 subject to conditions of approval.

17.44 – C-2 General Commercial

10. Section 17.44.20 Conditional Uses lists storage and distribution (M. Wholesaling, storage and distribution, including mini-warehouses) as a conditional use and the Planning Commission has determined a conditional use permit is required as reviewed in Chapter 17.68.
11. 17.44.30 C-2 Development Standards - The site contains an existing building and parking lot.

17.66 – Adjustments and Variances

12. The applicant requested three variances to code standards: 1) Type II variance to section 17.98.60(C)1 to allow a reduction in the required aisle width for 90 degree parking spaces from 25 feet to 13.7 feet, 2) Type II variance to section 17.98.60(C)3 to allow a reduction in the required aisle width for 45 degree parking spaces from 20 feet to 12 feet and, 3) Type II variance to section 17.98.200(C) to allow the loading area without screening from public streets.
13. The applicant requests a variance to section 17.98.60(C)1 requiring aisle widths for 90 degree parking spaces to be 25 feet. The applicant proposes the aisle width to be 13.7 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses

in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

14. The applicant requests a variance to section 17.98.60(C)3 requiring aisle widths for 45 degree parking spaces to be 20 feet. The applicant proposes the aisle width to be 12 feet. The depth of the 45 degree spaces is shown at 16 feet and 18 feet is required. The Commission requires the applicant to revise the length of the spaces to be 18 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.
15. The applicant requests a variance to section 17.98.200(C) requiring loading areas to be screened from public streets. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

Chapter 17.92 – Landscaping and Screening

16. Section 17.92.20 requires sites located in the C-2 zoning district to contain 20% landscaping. The site currently contains about 2% landscaping. The applicant proposes 492 square feet of new landscaping. The Commission requires a larger amount of landscaping to bring the site closer to compliance with current standards. The applicant proposes installing 2,400 square feet of landscaping. The Commission finds that 2,400 square feet of new landscaping meet the intent of the code. **As such, the Commission requires the applicant to submit a revised Landscape Plan specifying the type and quantity of plant materials.**

17. Section 17.92.30 requires trees to be planted along street frontages more than 150 feet long. Hwy 26 frontage improvements were approved through File No. 06-024. The improvements were bonded and the city will install an eight-foot wide sidewalk with tree wells in conjunction with the installation of the frontage improvements on the new police station site to the east. The Pleasant Street frontage is not improved. **The Commission requires the applicant to plant street trees along the Pleasant Street frontage as approved by the in compliance with this section.**
18. **The Commission requires the applicant to provide irrigation to the new landscaped areas.**
19. A landscape plan was not submitted with the application. **The Commission requires the applicant to submit a landscape plan specifying the type and size of plant materials within landscaped areas.**
20. Section 17.92.60 requires revegetation of natural landscaped areas. The Commission finds this section does not apply to this proposal because the site does not contain areas of natural vegetation.
21. Section 17.92.70 requires landscaping in required setback areas. The Commission requires a portion of the 2,400 square feet of new landscaping to be provided in the required setback area along Hwy 26.
22. Section 17.92.80 requires screening of parking and loading areas. As previously discussed, the Commission approved a variance to the loading area screening requirements.
23. Section 17.92.100 requires screening around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials. The trash and recycling area is not shown on the site plan. **The Commission requires the applicant to submit a revised site plan showing the location of the trash and recycling area.**
24. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years.

17.98 – Parking

25. Based on the requirements of section 17.98.20 one parking space is required for every employee on the largest shift. The applicant proposes 12 parking spaces to be located on the site. Thirty-five percent of the parking spaces provided are compact spaces. The Commission finds the proposal satisfies parking requirements.
26. Parking areas abutting a residential zone require special setback per the provisions of section 17.98.50. The Commission finds the site does not abut a residential zone.
27. Section 17.98.60 of the code specifies the dimensions for parking areas. The parking area does not meet certain aisle width dimensions. As discussed above, the applicant applied for two variances to aisle width requirements and the Commission approved both variances.
28. Section 17.98.70 contains requirements for on-site circulation. The public works director's memo stated that vehicle maneuvering areas were shown within the right-of way. This code section requires all vehicle maneuvering to take place on the site. **The Commission requires the applicant to submit a revised site plan showing all vehicle maneuvering on the site.**
29. Section 17.98.80 of the code specifies access requirements. The site was reviewed for compliance with current access standards. The site contains two existing access points; one on Ten Eyck Road and one on Pleasant Street. Neither access point complies with current standards. The access point

on Ten Eyck does not meet current spacing requirements. The public works director recommended that the access be eliminated. At the December 13th public hearing, the applicant noted that closing the Ten Eyck access point would eliminate the parking spaces in the northwest corner of the site. The Commission provided two options for the applicant. 1) Close the Ten Eyck Road access point. Up to three parking spaces shared between the site and the adjacent police station may be counted toward required on-site parking. A modification has been submitted by the City of Sandy to provide shared parking and access between the two sites. The Commission finds this is the preferred option. 2) If the Ten Eyck Road access is retained, it must be configured to be a right out only. Signage must be provided to prohibit cars from turning into the site from Ten Eyck and to prohibit them from turning left out onto Ten Eyck. The access point on Pleasant Street is approximately 120 feet wide. The public works director recommended this access point be reduced to 30 feet in width. **The Commission requires the applicant to work with staff to reduce the width of the access point on Pleasant. The Commission finds the access may be divided into two drives if approved by staff.**

30. Section 17.98.110 requires vision clearance areas to be provided at intersections. There is overgrown landscaping located at the corner of Ten Eyck and Pleasant that interferes with site distance. Additionally, vision clearance areas are not shown on the site plan. The Commission finds that the landscaping at the corner of Ten Eyck and Pleasant should be modified to improve safety and visibility at the intersection. **The Commission requires the applicant to submit a revised site plan showing vision clearance areas at the intersections.**
31. Section 17.98.120 requires landscaping in and around parking areas. The Commission finds that street trees will be provided along Hwy 26 and Pleasant Street. **The Commission requires the applicant to provide a portion of the 2,400 square feet of new landscaping in the parking area.**
32. The public works director's memo stated that most of the stormwater runoff sheet flows onto Pleasant Street. Section 17.98.140 prohibits sheetflow drainage from parking areas across sidewalks and onto the public right-of-way. **The Commission requires the applicant to collect all site runoff and convey it to the existing storm drainage system in compliance with section 17.98.140 of the code.**
33. A photometric analysis and lighting cut sheets were submitted and reviewed as a requirement for the Artic Cat (File No. 06-024). Building mounted lighting is shown adjacent to the west parking area and over the parking area along the north side of the building. According to photometric plan, the site's lighting complies with the Dark Sky Ordinance.
34. An existing two-bike rack is located on the site. The Commission finds the applicant's proposal complies with the standards contained in Section 17.98.160.
35. The applicant proposes one accessible parking space. Building code will require this space to be van accessible. The Commission finds the dimensions of the space meet the dimensional requirements for a van accessible space.

17.68 – Conditional Uses

36. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and

consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

37. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The Planning Commission finds that “storage and distribution” is listed as a conditional use in the C-2 zoning district.
38. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The site is located at the corner of Hwy 26 and Ten Eyck Rd at the east end of the downtown. The Commission finds that the location and topography of the site make it suitable for the use.
39. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Public utilities are available to the site. As previously discussed, frontage improvements will be installed concurrent with the construction of the police station to the east. No off-site improvements are required. With this information, the Commission finds the proposal meets the intent of this section.
40. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. With the conditions detailed in this order, the Commission finds the application can be modified so as not to alter the character of the surrounding area.
41. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. The Planning Commission finds the proposed use should not create or cause any public nuisance as described above.
42. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of the following:
 1. Basic site design (organization of uses on the site)
 2. Visual elements (scale, structural design and form, materials, and so forth)
 3. Noise
 4. Noxious odors
 5. Lighting
 6. Signage
 7. Landscaping for buffering and screening
 8. Traffic
 9. Effects on off-street parking
 10. Effects on air quality and water quality

As previously stated the site contains an existing building. The Commission requires additional landscaping, access modifications, and stormwater upgrades to bring the site closer to compliance with current standards. Additionally, section 17.68.40 grants the Planning Commission the ability to attach reasonable conditions to the approval. Currently, improvements along Pleasant St. are limited. Frontage improvements will be constructed on the adjacent site to the east as part of the police station project. In order to provide a

continual pedestrian way along Pleasant and to provide visual continuity, the Commission requires the applicant to install a five-foot sidewalk and planter strip along the site's Pleasant St frontage. With these modifications, the Commission finds the proposal meets the intent of this criterion.

43. The Comprehensive Plan provides a set of maps, policies, and implementing measures to guide land use in Sandy's Urban Growth Boundary. The proposal is not contrary to the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL

A. Prior to all construction activities or issuance of permits, the applicant shall complete the follow items as identified below:

1. Submit a landscape plan to include the following modifications:
 - Identify 2,400 square feet of landscaping on the site in accordance with the requirements of Section 17.92.50. Landscape materials shall be distributed throughout the site with a portion located within the parking area and between the right-of-way and the building.
 - Provide street trees and ground cover within a planter strip along the Pleasant St frontage. Trees shall be Japanese Snowball (1.5 inch caliper) and planted 30 feet on center.
 - Specify existing overgrown landscaping at the corner of Ten Eyck and Pleasant will be removed.
 - Specify the type and size of all plant materials.
 - Specify a plan to irrigate installed landscaping.

2. Submit a revised site plan to include the following modifications:
 - Provide a five-foot sidewalk separated from the curb by a planter strip along the Pleasant St frontage.
 - Reduce the width of access drive on Pleasant St to satisfy staff recommendations.
 - Modify the length of the 45 degree parking spaces to 18 feet.
 - Identify turning templates for delivery vehicles identifying how vehicle maneuvering will be accommodated on site.
 - Identify vision clearance areas at intersections.
 - Identify location of trash and recycling area.
 - Ten Eyck access options:
 - a. Close Ten Eyck access point. Up to three parking spaces shared with the adjacent police station may be counted toward onsite parking requirements.
 - b. If the Ten Eyck access point is retained, it shall be reconfigured to be a right out only. This options requires submittal of a turning template for vehicle turning right out of the site onto Ten Eyck to ensure these movements do not encroach into the south bound travel lane. In addition, signage shall be specified to face the site specifying "right turn only" and facing Ten Eyck specifying "exit only".

3. Submit details of proposed stormwater facilities for review and approval by the City Engineer. All stormwater facilities shall be constructed in conformance with the requirements of Chapter

13.18, Storm Water Management, and Section 13.20 of the Sandy Municipal Code. (Submit to Public Works).

4. Follow recommendations provided by the Public Works Director as modified by this final order (Exhibit D).

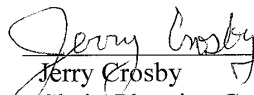
C. Prior to occupancy (temporary or final) of any building on the site the applicant shall complete the following or provide assurance for their completion:

1. Complete the construction of all public improvements and site amenities including the following or provide a financial guarantee as provided in the Sandy Development Code:
 - Complete frontage improvements along Pleasant Street including sidewalk, planter strip, groundcover and street trees.
 - Complete all parking lot paving and striping including identification of one ADA van accessible space with required signage and designation of four spaces along the north side of the building as “Compact parking only” or similar approved language.
 - Complete stormwater improvements as specified on approved plans.
 - Install all site landscaping as specified in the approved plan including landscape buffer along Hwy 26, street trees and ground cover along Pleasant St, and parking lot landscaping.
 - Install a irrigation watering system in compliance with Section 17.92.40.
 - Complete modifications to access points on Ten Eyck and Pleasant St as specified on approved plans.
 - Remove overgrown landscaping at the corner of Ten Eyck and Pleasant St.
2. Comply with all requirements of Fire District No. 72 including the installation of exiting signage and fire sprinkler testing certification.

D. General Conditions

1. Construction of additional structures on the site requires land use approval in compliance with applicable city standards.
2. The developer shall maintain all street trees and all landscaping planted outside the subject site for two years following final occupancy, and shall replace any dead or dying trees and plants during that period.
3. The property owner shall be responsible for on-going maintenance of the site and building in compliance with Section 17.90.240.
4. All site signage will require submittal of a sign permit in compliance with Chapter 15.32 and clear vision area standards of Section 17.74.30.
5. Development of the subject site may require payment of system development charges in accordance with applicable city ordinances.

6. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
7. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
8. Approval of this conditional use may be revoked in accordance with the Sandy Municipal Code if conditions of approval are not met. Conditional Use Permit approval does not grant authority for the unrestricted use of the structure or site. Any use of this site may be prohibited until such time as all required improvements are completed.
9. Approval shall be void after 2 years, unless substantial construction has taken place. The Planning Commission may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit in conformance with Section 17.68.50.
10. Comply with all other conditions or regulations imposed by Clackamas County, Fire District No. 72, 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.

 12/20/2010
Jerry Crosby Date
Chair, Planning Commission

RIGHT OF APPEAL

Persons who testified regarding this application may appeal this decision to the Sandy City Council. An appeal application shall be filed within 10 calendar days of the date this decision is mailed. An appeal application must conform to the requirements of SMC 17.28.20. Any appeal application not so conforming will be rejected.

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 Chapter 17.28.50; and,
5. Payment of required filing fees.

Exhibit I

COMMENT SHEET for File No. 19-032 ZC:

I don't think I have any objections to the clinic as long as the potholes are fixed on Ten Eyck & the traffic signals are working better for the traffic on Ten Eyck & Wolf St.

Trying to cross the Hwy from the P.O. It only allows 3 cars thru if some of them are trying to turn L into town.

Its hard to see the on coming traffic in my car because of the Hwy hump because the hood of my car blocks my view.

I live on Pleasant St and there are times traffic is backed up so bad I can't turn R on Ten Eyck to go to the Hwy.

RECEIVED

OCT 02 2019

CITY OF SANDY

Brenda Mills

Your Name

503-668-6429

Phone Number

39667 Pleasant St

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Exhibit J

COMMENT SHEET for File No. 19-032 ZC:

As Business owner of Mt. Hood Dental Clinic located on the same street as proposed new development, I welcome Sandy Health Clinic to the new location.

My only concern would be available parking for the clinic. The property currently has very limited off street parking for workers and future patients. If parking spills over to Pleasant Street, curb-parking, it could present predictable traffic problems with narrowed street and crowded 2-way driving. Also, turning onto Pleasant St. from Ten Eyck Rd. could be hazardous if curb parking infringes on this intersection. With already approved no-sidewalk on North side of Pleasant Street and more on street parking this could be a recipe for further problems. Again, I welcome the clinic but my concerns are primarily for parking situation. Thanks!

Your Name

Phone Number

Carl S. Hansen, D.M.D. w) 503-668-4099

Address

c) 503-998-8631

39880 E. Pleasant St. Sandy, OR 97055

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Mailing Address:

P.O. Box 458

Sandy, OR 97055

RECEIVED

OCT 03 2019

CITY OF SANDY

**Planning Commission
STAFF REPORT**

DATE: November 19, 2019

FILE NO.: 19-032 ZC

PROJECT NAME: Sandy Health Clinic Zone Amendment

APPLICANT/REPRESENTATIVE: Steve Kelly, Project Coordinator

PROPERTY OWNER: Clackamas County

LEGAL DESCRIPTION: T2S R4E Section 13 AD, Tax Lot 1001

SITUS ADDRESS: 39831 Hwy 26, Sandy, OR 97055

RECOMENDATION: Forward to City Council with a recommendation of approval.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application Form (No. 1)
- C. Notification Map and Mailing Labels
- D. Submitted Narrative
- E. Map Identifying the property

Agency Comments

- F. Oregon Department of Transportation ODOT (October 11, 2019)

Supplemental Documents Provided by Staff

- G. Comprehensive Plan Map
- H. Final Order 10-025 CUP/VAR

Public Comments

- I. Brenda Mills (October 2, 2019)
- J. Paul S. Hansen (October 3, 2019)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal materials deemed complete on September 18, 2019. These items are identified as Exhibits A-E which include the required applications, a written narrative, mailing labels and a map identifying the subject property.
2. The overall site is approximately 0.47 acres and has an existing building. The last known business license associated with the subject property was obtained in 2014 and staff is unaware of the property being occupied since approximately February of 2015.
3. The parcel has a Comprehensive Plan designation of Retail/Commercial and a Zoning Map designation of C-2, General Commercial.
4. The applicant, Steve Kelly, with Clackamas County requests a Type IV Zone Map Amendment of one parcel totaling approximately 0.47 acres. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies the C-1 zone designation as compatible.
5. Per the submitted narrative (Exhibit D), the applicant's goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promotes the desired development for the subject property.
6. Final Order 10-025 CUP/VAR dated December 20, 2010 indicated the Planning Commission approved a Conditional Use Permit to allow the existing building on the subject property to be used as a storage and distribution facility. In addition, the Commission approved two variances to the minimum parking lot aisle width requirement and a variance to loading area screening requirements.
7. Notification of the proposal were mailed to property owners within 500 feet of the subject property and to affected agencies on September 26, 2019 with a legal notice published in the Sandy Post on Wednesday, October 16, 2019. Notice of this proposed change to the Zoning Map was submitted to the Oregon Department of Land Conservation and Development (DLCD) on September 31, 2019.

17.42 – Central Business District (C-1)

8. Per the submitted narrative (Exhibit D), the subject property will be used as a medical clinic, the Sandy Health Clinic.
9. Subsection 17.42.10(B)(2)(g) identifies "medical facility (e.g., clinic, hospital, laboratory)" as a primary use permitted outright – commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities therefore the proposed use will be permitted should the zone change request be approved.
10. The applicant shall obtain the necessary Design Review, and other approval(s) determined to be required by staff prior to the future development of the site.

17.26 – Zone District Amendment

11. Per Subsection 17.26.30 a zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles. The proposed zone amendment is associated with a single lot of record and was initiated by the owner(s) of the subject property therefore this applicant shall be processed as a quasi-judicial amendment per Subsection 17.26.40.
12. Subsection 17.26.40(B) identifies the four review criteria associated with a quasi-judicial zoning district change. The four review criteria are as follow:
 - 1) Determine the effects on City facilities and services;
 - 2) To assure consistency with the purposes of this chapter;
 - 3) To assure consistency with the policies of the Comprehensive Plan;
 - 4) To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
13. *Review Criteria I: Determine the effects on City facilities and services.* Changing the zoning from C-2 to C-1 is unlikely to have any negative effect on city utilities as the uses permitted within the C-1 zone district are more restrictive than that of the C-2 zone district. With limited residential uses allowed and a maximum building square footage for commercial uses it is also unlikely the change in zone designation will have a negative effect on the existing adjacent transportation system. This is supported in that both the existing and proposed zone districts (C-2 & C-1) are identified as Retail/Commercial within the City of Sandy Comprehensive Plan and therefore have been designed to accommodate the use potential of both zone designations. As identified within Exhibit F, the Oregon Department of Transportation (ODOT) commented that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including Proctor Blvd. (US 26).
14. *Review Criteria II: To assure consistency with the purposes of this chapter.* Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to comply with the design review standards in the C-1 zone district, therefore the proposal is generally consistent with the purposes of this chapter. The applicant has requested review of a Type IV Quasi-Judicial Amendment to the Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject property is currently planned and zoned commercial and is proposed to be rezoned to a similar commercial district with less intensive uses allowed. The property is adjacent to commercial properties and fronts right-of-way on three sides (north, south, west).
15. *Review Criteria III: To assure consistency with the policies of the Comprehensive Plan.* With the required additional analysis and compliance with the Sandy Municipal Code (SMC) at the time of future development, the proposal can meet the intent of the Comprehensive Plan. The subject property contains a Comprehensive Plan designation of Retail/Commercial. This will not change. Staff determined the proposal conforms to the policies of the Comprehensive Plan, specifically the goals and policies identified within Findings 16 - 22 below.
16. Goal 1, Policy 2 – This proposed Comprehensive Plan change includes citizen participation as the approval process includes two public hearings (Planning Commission and City Council) and allows for people to submit written comment.

17. Goal 1, Policy 4 – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.
18. Goal 2, Policy 7 – Per the submitted narrative (Exhibit D), the applicant proposes to renovate the existing site and building to be in compliance with the design review standards in the C-1 zone district, therefore upon design review approval for the future development of the property the site will be consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
19. Goal 9, Policy 2 – The proposed zone change is requested to allow the future development to comply with the design review standards in the C-1 zone district. The existing property and any expected development of the property can be accommodated by existing water, sewer, and street capacity. The proposed use, a medical facility (clinic), is a permitted use in both the C-1 and C-2 zone districts, therefore expected trip generation will not change.
20. Goal 9, Policy 5 – Any future redevelopment of the subject property will be required to obtain design review approval prior to changes on the site to ensure consistency with the development and design standards of the land development code as well as the features identified within Goal 9, Policy 5 of the City of Sandy Comprehensive Plan.
21. Goal 9, Policy 26 – Per the submitted narrative (Exhibit D), the future use of the property, a medical facility (clinic), will share vehicle parking spaces with the adjacent property to the east, the Sandy Police Department. In addition, the applicant has stated that the property will enter into a formal parking agreement with the Immanuel Lutheran Church on Pleasant Street to accommodate all Clackamas County staff and provide overflow visitor parking for the future use of the property.
22. Goal 12, Policy 22 – ODOT was notified of the proposed zone amendment on September 26, 2019. The City received comments on October 11, 2019 (Exhibit F), stating that due to the proposed zone designation consistency with the Comprehensive Plan designation, Retail/Commercial, there is not a significant affect to transportation facilities including E. Proctor Blvd. (US 26).
23. *Review Criteria IV: To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.* In order to comply with the requirements of this section the proposal must also meet the intent of the applicable Statewide Planning Goals. Staff determined the proposal conforms to the Statewide Planning Goals identified within Findings 24 - 27 below.
24. Goal 1: Citizen Involvement – Notice of Proposals detailing the proposed zone amendment, both the scheduled Planning Commission and City Council meetings and instructions on participation at those meetings were sent to property owners within 500 feet of the subject property. In addition, a legal notice was published in the Sandy Post and staff reports are made available online one-week prior to each public hearing.

25. Goal 2: Land Use Planning – The City’s Comprehensive Plan guides land use within the City’s Urban Growth Boundary. The City’s Zoning Ordinance ensures consistency with the goals and policies of the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan and Zoning Ordinance.
26. Goal 9: Economic Development – Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities and requires plans to be based on an analysis of the comparative advantages of a planning region. The proposal will reduce the land supply for General Commercial, C-2, by 0.47 acres with a corresponding increase in Central Business District, C-1. The proposed use, a medical facility (clinic), will create additional employment growth in Sandy and provide services to people in the Sandy area.
27. Goal 12: Transportation – The proposed zone amendment would result in more restrictive uses permitted within the C-1 zone district than the existing C-2 zone district. Due to this limited modification to potential uses it has been determined that the proposed use, a medical facility (clinic), will not result in a significant effect with regards to Transportation Planning Rule (TPR) and transportation analysis shall be completed at the time of land use approval for future development of the subject property (Exhibit F).

SUMMARY AND CONCLUSION

The applicant, Steve Kelly, with Clackamas County has requested a Type IV Zone Map Amendment of an approximately 0.47 acre property from General Commercial (C-2) to Central Business District (C-1). The subject property is designated as Retail/Commercial within the Sandy Comprehensive Plan Map (adopted October 20, 1997 via Ord. No. 11-97) which identifies both the C-1 and C-2 as compatible zone designations for the Retail/Commercial land use.

Per the submitted narrative (Exhibit D), the applicant’s goal is to renovate the existing site and building for use as a medical clinic. The submitted narrative reasons that the development standards of the C-1 zone district will be less restrictive, specifically with regards to the setback and parking requirements, therefore promoting the desired development on the subject property. Staff finds the applicant’s reasoning to be sound and adds that the subject property is adjacent to existing C-1 zoned property to the west. Therefore, developing the subject property per the C-1 zone district standards will be compatible with the existing and permitted development standards of the surrounding properties.

In addition, staff finds the proposed zone amendment to be consistent with the quasi-judicial review criteria found within Chapter 17.26.40(B) of the land development code. Specifically, staff finds the proposed zone amendment is unlikely to have a negative effect on City facilities and services as the proposed zone designation is more restrictive when comparing the permitted uses, therefore not adding significant capacity on existing facilities and/or services. Staff has also provided analysis demonstrating compliance with both the policies of the City’s Comprehensive Plan and the Oregon Statewide Planning Goals. By completing a Type IV Zone Map Amendment, the applicant has ensured consistency with the purpose and intent of Chapter 26 by providing a comprehensive analysis of the proposal in relation to City and State goals/policies.

RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing to take testimony on the proposed zone map amendment and forward a recommendation of approval to City Council.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit A

Name of Project Sandy Health Clinic

Location or Address 39831 Hwy 26, Sandy, OR 97055

Map & Tax Lot Number T 25, R 4E, Section 13; Tax Lot(s) 24E13AD01001

Plan Designation C-2 Zoning Designation Commercial Acres 0.47

Request:

Request to rezone this property from C-2 designation to C-1.

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant Steve Kelly	Owner
Address 2051 Kaen Road	Address
City/State/Zip Oregon City, OR 97045	City/State/Zip
Phone 503-655-8591	Phone
Email stevekel@clackamas.us	Email
Signature 	Signature

If signed by Agent, owner's written authorization must be attached.

File No. <u>19-032 2C</u>	Date <u>8/30/19</u>	Rec. No.	Fee \$ <u>2,413.00</u>
Type of Review (circle one): Type I Type II Type III Type IV			



SUPPLEMENTAL LAND USE APPLICATION FORM (No. 1)

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Exhibit B

- ANNEXATION
 ZONE CHANGE
 COMPREHENSIVE PLAN AMENDMENT

Property Identification			
Tax Lot Number	Township	Range	Section
24E13AD01001	2S	4E	13

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed
24E13AD01001	Commercial	Commercial	C-2	C-1

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

Tax Lot Number	Clackamas County Recording Number	Assessed Land Value	Size in Acres or Sq. Ft.
24E13AD01001	2011-007303	\$691,818.00	0.47 Acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description(s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

Former office and distribution center

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property? 1

Number of Total Dwelling Units :

0

DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%	0.35 acres
Approximate acreage with slopes 15% to 24.9%	0.07 acres
Approximately acreage with slope in excess of 25%	0.05 acres
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes No

Name of public right-of-way: U.S. Hwy 26/Mt. Hood Hwy, SE Ten Eyck Rd, Pleasant St

Does the property abut a private road? Yes No

Name of abutting private road(s): none

Describe any unusual difficulties in accessing the property:

None.

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Police department east of property, restaurant south of property, 7-Eleven west of property, future residential north of property. Churches and preschool nearby.

DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS

Include number of lots, densities, etc.

Medical Clinic

Exhibit C



500 ft radius

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MILLS BRENDA F
39667 PLEASANT ST
SANDY , OR 97055

ROBLES KYLE C
39821 HOOD ST
SANDY , OR 97055

WESLEY MELISSA J
39550 HOOD ST
SANDY , OR 97055

NAPA ENTERPRISES LLC
PO BOX 447
GRESHAM , OR 97030

SANDY ASSEMBLY OF GOD
PO BOX 45
SANDY , OR 97055

WINSINGER PAUL W & SUSAN L
17665 WOLF DR
SANDY , OR 97055

NEWBERRY JEFF & MELISSA
40110 MEADOW SONG RD
SANDY , OR 97055

SANDY BP HOLDINGS INC
20417 SW INGLIS DR
ALOHA , OR 97007

WOODS NICHOLAS D
39707 PLEASANT ST
SANDY , OR 97055

NOWKA BILLI & SHANE
39560 PLEASANT ST
SANDY , OR 97055

SANDY FUNERAL HOME INC
PO BOX 41
SANDY , OR 97055

ORTH TOM
26951 SE FORRESTER
BORING , OR 97009

SIMONEK LARRY W & PENNY J
PO BOX 867
SANDY , OR 97055

PADEN MATTHEW P
39965 HOOD ST
SANDY , OR 97055

SUPPRESSED NAME
39700 HOOD ST
SANDY , OR 97055

PALUCK PALUCK & GREGUS LLC
PO BOX 117
SANDY , OR 97055

TRIMBLE WILLIAM & CATHY
PO BOX 10
SANDY , OR 97055

PALUCK PALUCK & MEYER LLC
PO BOX 117
SANDY , OR 97055

VALVERDE DANIEL M
39630 PLEASANT ST
SANDY , OR 97055

P & R BLDG LLC
10407 SE EVERGREEN HWY
VANCOUVER , WA 98664

VINCENT MARK F & CANDACE L
39510 HOOD ST
SANDY , OR 97055

PRICE BRANDON
39600 HOOD ST
SANDY , OR 97055

WATSON JASON L & CRYSTAL
39670 MCCORMICK DR
SANDY , OR 97055

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BUCK FAWNDA L
39627 PLEASANT ST
SANDY , OR 97055

DICKINSON NORMAN G & JUDY L
42100 ELSNER RD
SANDY , OR 97055

ANDREOTTI JOHN S & BERNIE A
PO BOX 1953
SANDY , OR 97055

CAMPBELL DAVID A
39750 MCCORMICK DR
SANDY , OR 97055

DIRKS GREG
39935 HOOD ST
SANDY , OR 97055

ARGUE PATRICK A & ROAMY J
35923 CHINOOK ST
SANDY , OR 97055

CHURCH OF CHRIST SANDY
PO BOX 758
SANDY , OR 97055

DUNCAN JULIA S TRUSTEE
39780 MCCORMICK DR
SANDY , OR 97055

ATKINS ROBERT E JR & TANYA F
39800 MCCORMICK DR
SANDY , OR 97055

CITY OF SANDY
39250 PIONEER BLVD
SANDY , OR 97055

FORD KAREN L
1132 SW WALLULA DR
GRESHAM , OR 97080

AVERETTE M SCOTT & MARY ANNE
39630 HOOD ST
SANDY , OR 97055

COMFORT JUSTIN & MALLORY
39660 HOOD ST
SANDY , OR 97055

HANSEN PAUL S TRUSTEE
PO BOX 343
SANDY , OR 97055

BARNETT JAMES B & KERI L
39730 HOOD ST
SANDY , OR 97055

COOK MCKENZIE
PO BOX 1148
WELCHES , OR 97067

HULT DALE L & EUDENE
39711 SE ALLGEIER RD
SANDY , OR 97055

BIERMANN BRUCE L & VICKI
PO BOX 220
SANDY , OR 97055

COPENHAVER SEAN RAY
39647 PLEASANT ST
SANDY , OR 97055

IMMANUEL EVANG LUTH CH UAC
PO BOX 686
SANDY , OR 97055

BP WEST COAST PRODUCTS LLC
PO BOX 941709
HOUSTON , TX 77094

CVP-SANDY OREGON LLC
3519 NE 15TH AVE STE 251
PORTLAND , OR 97212

KENDALL AASE S TRUSTEE
2056 SW MONTGOMERY DR
PORTLAND , OR 97201

BROWN BENJAMIN Z & AMANDA F
39715 PLEASANT ST
SANDY , OR 97055

DEBATTY HAYLEY & JAMES
39825 MCCORMICK DR
SANDY , OR 97055

LEDOUX ROGER B
39881 HOOD ST
SANDY , OR 97055

BROWN TAMERIA J & ANTHONY A
39700 MCCORMICK DR
SANDY , OR 97055

DETERS ARNOLD STEPHEN III &
SUZANNE M
17232 HOOD CT
SANDY , OR 97055

MARSHALL JESSICA
39960 HOOD ST
SANDY , OR 97055

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Zoning Map Amendment Narrative

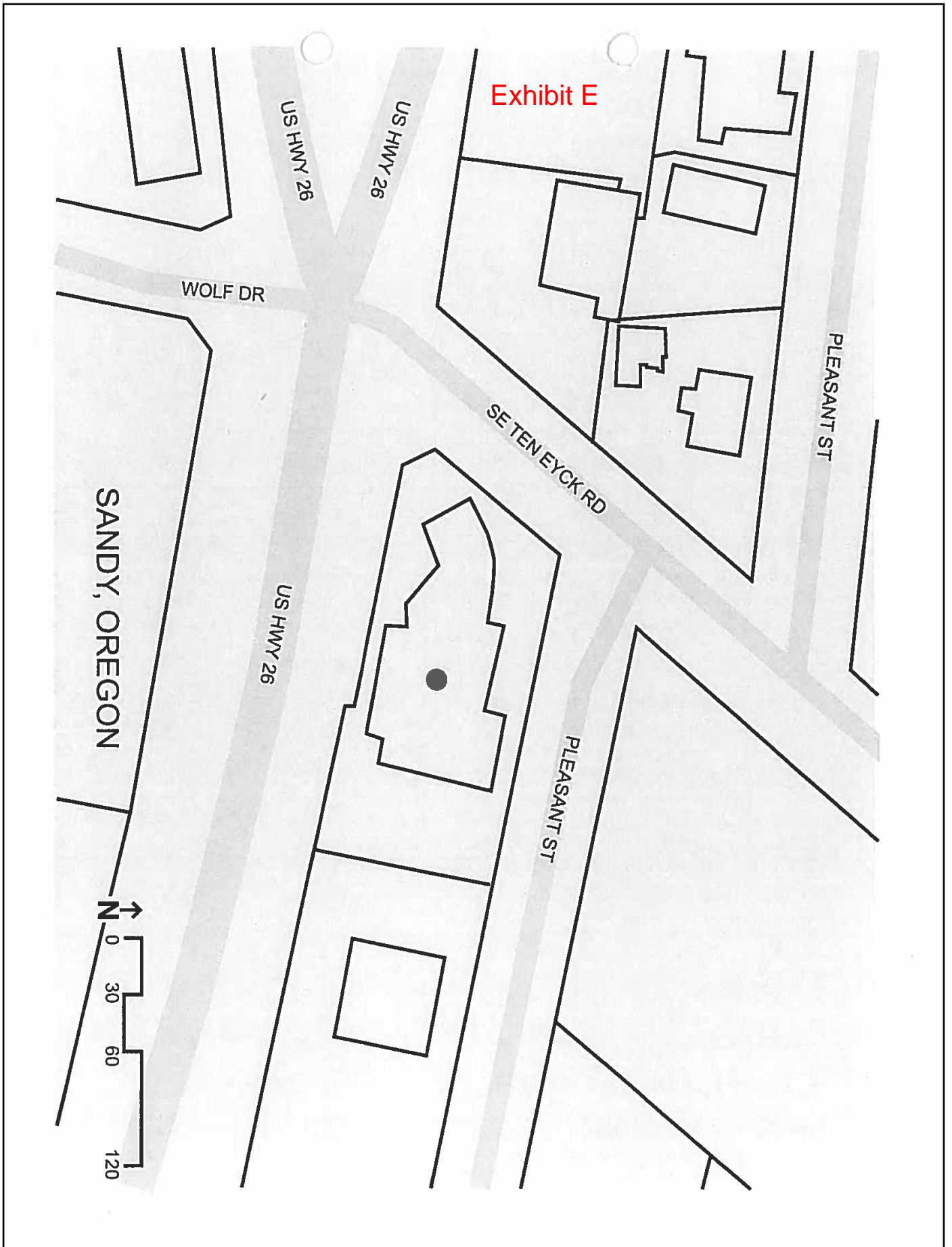
We are pleased to present this application for a change in zoning from General Commercial (C-2) to Central Business District (C-1) on behalf of Clackamas County. This request applies to the property at 39831 Hwy 26, located within the City of Sandy limits. The site is situated adjacent to the Central Business District (C-1), across Ten Eyck Rd, and next door to the Sandy Police Station.

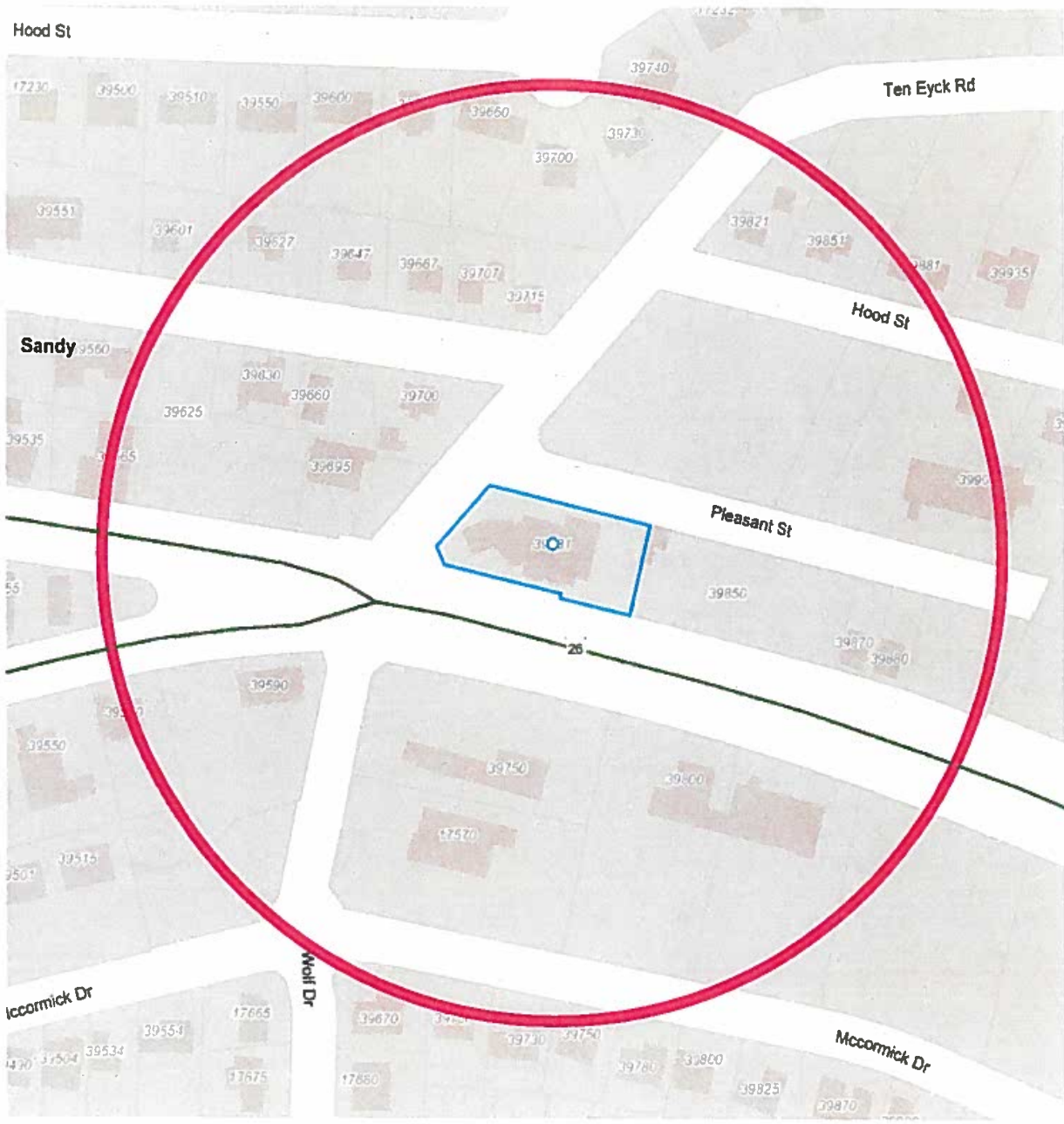
Clackamas County proposes to renovate the existing site and building for use as a medical clinic, providing service to the community and its residents. This use is allowed in both the C-2 and C-1 zones. A goal of this renovation will be to enlarge the building footprint to support the program. An approval of the property zoning change from C-2 to C-1 will extend the Central Business District east along Mt Hood Hwy. This renovation will incorporate the Sandy Design Style along the Mt Hood Hwy frontage more prominently, as well as along Ten Eyck Rd. Amending to a C-1 zone on this site will keep development inside the City Limits and within the Urban Growth Boundary, close to the heart of the city.

Changing the zoning for this property from C-2 to C-1 will remove the 20-foot setback requirements. The current C-2 zoning setback requirements are currently too restrictive to promote the desired development on this specific site. The site is very narrow with 3 street frontages: Mount Hood Hwy, Ten Eyck Rd, and Pleasant St with 20-foot setbacks from the property line for arterial street designations. With the enforced C-2 setbacks, this makes the property difficult to develop, as the buildable area is very small and the existing building already encroaches on this setback along Mt Hood Hwy. With the zoning change, the setback requirement changes to 0 feet, however there will be 5-foot landscape buffers. Reducing the setbacks will allow for an expanded building area and an opportunity to incorporate the Sandy Design Guidelines into the façade.

Amending Zoning from C-2 to C-1 allows more of the site to be developed as building area but allows for a parking reduction. C-1 will allow the required off-street parking to be reduced by 25 percent. Many of the clinic's visitors are anticipated to use Sandy's STAR "Dial-A-Ride" system reducing the demand for off-street parking. The Sandy clinic will operate Monday through Friday with hours of 8am-6pm. For the proposed renovation and development, 6 of the required spaces of the off-street parking will be shared on site with the Sandy Police Station. A parking agreement with Immanuel Lutheran Church, northeast of the property, will accommodate all staff parking and overflow visitor parking.

This zoning amendment will effectively reenergize a currently vacant building into a positive civic and community addition. Sandy's Comprehensive Plan is designed to change and evolve as the needs and goals of the city change, and we feel that this amendment will help the city develop a positive outcome for the community. The zone change will serve to create a gateway building into the heart of the City of Sandy.





500 ft radius



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit F

October 11, 2019

ODOT Case No: 9325

To: James Cramer, City of Sandy Planner
From: Marah Danielson, ODOT Planner
Subject: 19-032 ZC: Sandy Health Clinic Zone Change
SE Ten Eyck Rd and E Proctor Boulevard (US 26)

We have reviewed the applicant's Type IV Zone Map Amendment of one parcel totaling approximately 0.47 ac. The current zone classification of the subject property is General Commercial (C-2) and is proposed to be amended to Central Business District (C-1). The Comprehensive Plan designation is Retail/Commercial and the proposed zone change map amendment is consistent with this designation.

The site is adjacent to E Proctor Blvd (US 26). ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change is consistent with the identified function, capacity and performance standard of this facility.

For zone changes, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. A local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing comprehensive plan map designation and the zoning is consistent with the acknowledged Transportation System Plan (OAR 660-012-0060 (9)).

ODOT received an email from you on 10/7/19 that documents that the zoning is consistent with the Comprehensive Plan and the Transportation System Plan. Therefore, the city can make findings that there is not a significant affect to transportation facilities including E Proctor Blvd (US 26).

There is an existing wide should on E Proctor Blvd that provides some room for vehicles storage to turn right onto SE Ten Eyck Rd from westbound E Proctor Blvd. This is not a marked right turn lane. At the time of development, ODOT recommends a traffic impact analysis (TIA) to evaluate whether a right turn lane is warranted at this location.

If you have any question regarding these comments, I can be reached at 503-731-8258. Please contact Avi Tayar P.E. at 503-731-8221 for scoping the TIA.

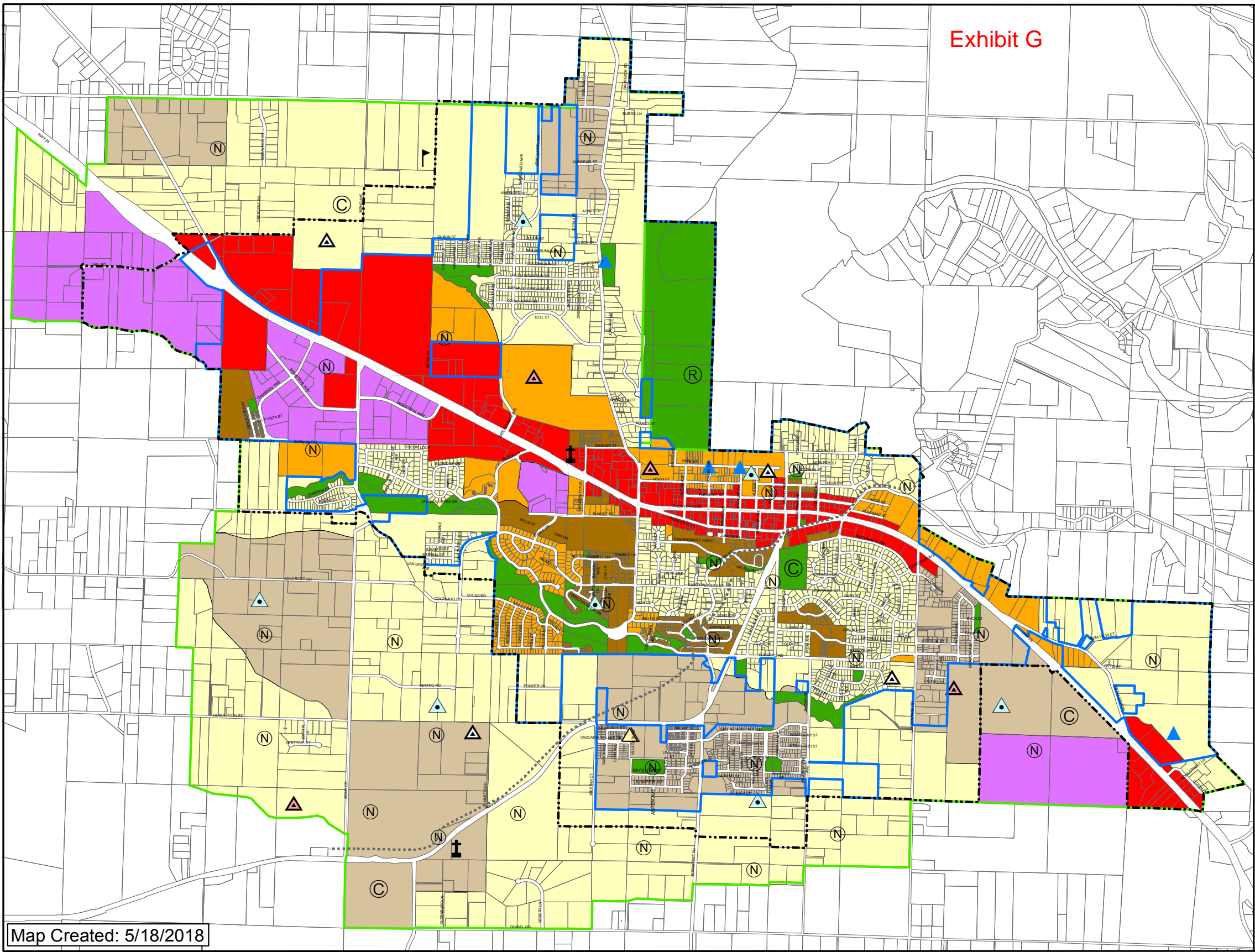
¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

Exhibit G

Comprehensive Plan Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97



- City Limits
 - UGB Boundary
 - Urban Reserve
 - Barlow Road
- Comprehensive Plan Designation**
- Village
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Retail/ Commercial
 - Light Industrial
 - Parks and Open Space
- Existing & Proposed Sites
Locations are Approximate**
- Elementary School
 - Middle School
 - High School
 - Community College
 - View Point
 - Neighborhood Park
 - Community Park
 - Regional Park
 - Golf Course
 - Cemetery



Map Created: 5/18/2018

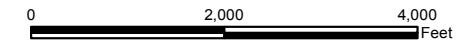


Exhibit H



CITY OF SANDY

39250 Pioneer Boulevard • Sandy, OR 97055

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Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

FINDINGS OF FACT and FINAL ORDER TYPE III DECISION

DATE: December 20, 2010

FILE NO.: 10-025 CUP/VAR

PROJECT NAME: Oregon's Wild Harvest

APPLICANT: Randal and Pamela Buresh (under purchase contract)

OWNER: Pacific N.W. Federal Credit Union

LEGAL DESCRIPTION: T2S R4E Section 13, Tax Lot 1001

DECISION: The Planning Commission approves a Conditional Use Permit to allow the existing building at 39831 Hwy 26 by Oregon's Wild Harvest as a storage and distribution facility. In addition, the Commission approves two variances to minimum parking lot aisle width requirements and a variance to loading area screening requirements.

EXHIBITS:

Applicant's Submission

- A. Land Use Application and Supplemental Application
- B. Applicant's Narrative (11/11/10)
- C. Plan Set
 - C1 – Preliminary Site Plan
 - A1 – Preliminary Floor Plan

Department Review Comments

- D. Public Works Director (11/29/10)

The above-referenced proposal was reviewed through a Type III Conditional Use Permit review. The following Findings of Fact are adopted supporting approval of the proposal in accordance with Chapter 17 of the Sandy Municipal Code.

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the original staff report dated December 6, 2010 which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The applicant submitted an application on November 5, 2010. After the applicant submitted a revised site plan and narrative, the application was deemed complete on November 12, 2010.
3. The staff report and this final order are based upon the exhibits listed above, as well as the testimony and discussion at Planning Commission hearing held on December 13, 2010.
4. Notification of the proposed application was mailed to property owners within 300 feet of the subject property and affected agencies on November 12, 2010 and a legal notice ran in the Sandy Post newspaper on December 1, 2010.
5. The following individuals spoke at the December 13, 2010 public hearing:
 - Dan Symons (for applicant)
 - Pamela Martin Buresh (applicant)
 - Randal Buresh (for applicant)
 - Hollis MacLean-Wentzel, Sandy Area Chamber of Commerce
 - Connie Knittel, Realtor
6. The subject site has a total gross area of approximately 0.46 acres (20,037 square feet). The site is located at the northeast corner of Hwy 26 and Ten Eyck Road.
7. The parcel has a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of C-2, General Commercial.
8. The applicant proposes parking lot striping, landscaping, and a new loading zone. A new overhead door adjacent to the loading zone is proposed. No other building modifications are proposed.
9. The Planning Commission approved the proposal as addressed in this Final Order with a vote of 7-0 subject to conditions of approval.

17.44 – C-2 General Commercial

10. Section 17.44.20 Conditional Uses lists storage and distribution (M. Wholesaling, storage and distribution, including mini-warehouses) as a conditional use and the Planning Commission has determined a conditional use permit is required as reviewed in Chapter 17.68.
11. 17.44.30 C-2 Development Standards - The site contains an existing building and parking lot.

17.66 – Adjustments and Variances

12. The applicant requested three variances to code standards: 1) Type II variance to section 17.98.60(C)1 to allow a reduction in the required aisle width for 90 degree parking spaces from 25 feet to 13.7 feet, 2) Type II variance to section 17.98.60(C)3 to allow a reduction in the required aisle width for 45 degree parking spaces from 20 feet to 12 feet and, 3) Type II variance to section 17.98.200(C) to allow the loading area without screening from public streets.
13. The applicant requests a variance to section 17.98.60(C)1 requiring aisle widths for 90 degree parking spaces to be 25 feet. The applicant proposes the aisle width to be 13.7 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses

in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

14. The applicant requests a variance to section 17.98.60(C)3 requiring aisle widths for 45 degree parking spaces to be 20 feet. The applicant proposes the aisle width to be 12 feet. The depth of the 45 degree spaces is shown at 16 feet and 18 feet is required. The Commission requires the applicant to revise the length of the spaces to be 18 feet. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.
15. The applicant requests a variance to section 17.98.200(C) requiring loading areas to be screened from public streets. The Planning Commission finds the proposal complies with the criteria contained in Section 17.66.70. The Commission determines the circumstances necessitating the variance are not of the applicant's making because the site contains unique features. The Commission finds the proposed variance does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located. The Commission determines the variance will not adversely affect implementation of the Comprehensive Plan. The Commission finds the variance will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity because the proposed police station will promote public safety. The Commission also finds that unique characteristics apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

Chapter 17.92 – Landscaping and Screening

16. Section 17.92.20 requires sites located in the C-2 zoning district to contain 20% landscaping. The site currently contains about 2% landscaping. The applicant proposes 492 square feet of new landscaping. The Commission requires a larger amount of landscaping to bring the site closer to compliance with current standards. The applicant proposes installing 2,400 square feet of landscaping. The Commission finds that 2,400 square feet of new landscaping meet the intent of the code. **As such, the Commission requires the applicant to submit a revised Landscape Plan specifying the type and quantity of plant materials.**

17. Section 17.92.30 requires trees to be planted along street frontages more than 150 feet long. Hwy 26 frontage improvements were approved through File No. 06-024. The improvements were bonded and the city will install an eight-foot wide sidewalk with tree wells in conjunction with the installation of the frontage improvements on the new police station site to the east. The Pleasant Street frontage is not improved. **The Commission requires the applicant to plant street trees along the Pleasant Street frontage as approved by the in compliance with this section.**
18. **The Commission requires the applicant to provide irrigation to the new landscaped areas.**
19. A landscape plan was not submitted with the application. **The Commission requires the applicant to submit a landscape plan specifying the type and size of plant materials within landscaped areas.**
20. Section 17.92.60 requires revegetation of natural landscaped areas. The Commission finds this section does not apply to this proposal because the site does not contain areas of natural vegetation.
21. Section 17.92.70 requires landscaping in required setback areas. The Commission requires a portion of the 2,400 square feet of new landscaping to be provided in the required setback area along Hwy 26.
22. Section 17.92.80 requires screening of parking and loading areas. As previously discussed, the Commission approved a variance to the loading area screening requirements.
23. Section 17.92.100 requires screening around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials. The trash and recycling area is not shown on the site plan. **The Commission requires the applicant to submit a revised site plan showing the location of the trash and recycling area.**
24. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years.

17.98 – Parking

25. Based on the requirements of section 17.98.20 one parking space is required for every employee on the largest shift. The applicant proposes 12 parking spaces to be located on the site. Thirty-five percent of the parking spaces provided are compact spaces. The Commission finds the proposal satisfies parking requirements.
26. Parking areas abutting a residential zone require special setback per the provisions of section 17.98.50. The Commission finds the site does not abut a residential zone.
27. Section 17.98.60 of the code specifies the dimensions for parking areas. The parking area does not meet certain aisle width dimensions. As discussed above, the applicant applied for two variances to aisle width requirements and the Commission approved both variances.
28. Section 17.98.70 contains requirements for on-site circulation. The public works director's memo stated that vehicle maneuvering areas were shown within the right-of way. This code section requires all vehicle maneuvering to take place on the site. **The Commission requires the applicant to submit a revised site plan showing all vehicle maneuvering on the site.**
29. Section 17.98.80 of the code specifies access requirements. The site was reviewed for compliance with current access standards. The site contains two existing access points; one on Ten Eyck Road and one on Pleasant Street. Neither access point complies with current standards. The access point

on Ten Eyck does not meet current spacing requirements. The public works director recommended that the access be eliminated. At the December 13th public hearing, the applicant noted that closing the Ten Eyck access point would eliminate the parking spaces in the northwest corner of the site. The Commission provided two options for the applicant. 1) Close the Ten Eyck Road access point. Up to three parking spaces shared between the site and the adjacent police station may be counted toward required on-site parking. A modification has been submitted by the City of Sandy to provide shared parking and access between the two sites. The Commission finds this is the preferred option. 2) If the Ten Eyck Road access is retained, it must be configured to be a right out only. Signage must be provided to prohibit cars from turning into the site from Ten Eyck and to prohibit them from turning left out onto Ten Eyck. The access point on Pleasant Street is approximately 120 feet wide. The public works director recommended this access point be reduced to 30 feet in width. **The Commission requires the applicant to work with staff to reduce the width of the access point on Pleasant. The Commission finds the access may be divided into two drives if approved by staff.**

30. Section 17.98.110 requires vision clearance areas to be provided at intersections. There is overgrown landscaping located at the corner of Ten Eyck and Pleasant that interferes with site distance. Additionally, vision clearance areas are not shown on the site plan. The Commission finds that the landscaping at the corner of Ten Eyck and Pleasant should be modified to improve safety and visibility at the intersection. **The Commission requires the applicant to submit a revised site plan showing vision clearance areas at the intersections.**
31. Section 17.98.120 requires landscaping in and around parking areas. The Commission finds that street trees will be provided along Hwy 26 and Pleasant Street. **The Commission requires the applicant to provide a portion of the 2,400 square feet of new landscaping in the parking area.**
32. The public works director's memo stated that most of the stormwater runoff sheet flows onto Pleasant Street. Section 17.98.140 prohibits sheetflow drainage from parking areas across sidewalks and onto the public right-of-way. **The Commission requires the applicant to collect all site runoff and convey it to the existing storm drainage system in compliance with section 17.98.140 of the code.**
33. A photometric analysis and lighting cut sheets were submitted and reviewed as a requirement for the Artic Cat (File No. 06-024). Building mounted lighting is shown adjacent to the west parking area and over the parking area along the north side of the building. According to photometric plan, the site's lighting complies with the Dark Sky Ordinance.
34. An existing two-bike rack is located on the site. The Commission finds the applicant's proposal complies with the standards contained in Section 17.98.160.
35. The applicant proposes one accessible parking space. Building code will require this space to be van accessible. The Commission finds the dimensions of the space meet the dimensional requirements for a van accessible space.

17.68 – Conditional Uses

36. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and

consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

37. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The Planning Commission finds that “storage and distribution” is listed as a conditional use in the C-2 zoning district.
38. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The site is located at the corner of Hwy 26 and Ten Eyck Rd at the east end of the downtown. The Commission finds that the location and topography of the site make it suitable for the use.
39. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Public utilities are available to the site. As previously discussed, frontage improvements will be installed concurrent with the construction of the police station to the east. No off-site improvements are required. With this information, the Commission finds the proposal meets the intent of this section.
40. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. With the conditions detailed in this order, the Commission finds the application can be modified so as not to alter the character of the surrounding area.
41. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. The Planning Commission finds the proposed use should not create or cause any public nuisance as described above.
42. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of the following:
 1. Basic site design (organization of uses on the site)
 2. Visual elements (scale, structural design and form, materials, and so forth)
 3. Noise
 4. Noxious odors
 5. Lighting
 6. Signage
 7. Landscaping for buffering and screening
 8. Traffic
 9. Effects on off-street parking
 10. Effects on air quality and water quality

As previously stated the site contains an existing building. The Commission requires additional landscaping, access modifications, and stormwater upgrades to bring the site closer to compliance with current standards. Additionally, section 17.68.40 grants the Planning Commission the ability to attach reasonable conditions to the approval. Currently, improvements along Pleasant St. are limited. Frontage improvements will be constructed on the adjacent site to the east as part of the police station project. In order to provide a

continual pedestrian way along Pleasant and to provide visual continuity, the Commission requires the applicant to install a five-foot sidewalk and planter strip along the site's Pleasant St frontage. With these modifications, the Commission finds the proposal meets the intent of this criterion.

43. The Comprehensive Plan provides a set of maps, policies, and implementing measures to guide land use in Sandy's Urban Growth Boundary. The proposal is not contrary to the goals of the Comprehensive Plan.

CONDITIONS OF APPROVAL

A. Prior to all construction activities or issuance of permits, the applicant shall complete the follow items as identified below:

1. Submit a landscape plan to include the following modifications:
 - Identify 2,400 square feet of landscaping on the site in accordance with the requirements of Section 17.92.50. Landscape materials shall be distributed throughout the site with a portion located within the parking area and between the right-of-way and the building.
 - Provide street trees and ground cover within a planter strip along the Pleasant St frontage. Trees shall be Japanese Snowball (1.5 inch caliper) and planted 30 feet on center.
 - Specify existing overgrown landscaping at the corner of Ten Eyck and Pleasant will be removed.
 - Specify the type and size of all plant materials.
 - Specify a plan to irrigate installed landscaping.

2. Submit a revised site plan to include the following modifications:
 - Provide a five-foot sidewalk separated from the curb by a planter strip along the Pleasant St frontage.
 - Reduce the width of access drive on Pleasant St to satisfy staff recommendations.
 - Modify the length of the 45 degree parking spaces to 18 feet.
 - Identify turning templates for delivery vehicles identifying how vehicle maneuvering will be accommodated on site.
 - Identify vision clearance areas at intersections.
 - Identify location of trash and recycling area.
 - Ten Eyck access options:
 - a. Close Ten Eyck access point. Up to three parking spaces shared with the adjacent police station may be counted toward onsite parking requirements.
 - b. If the Ten Eyck access point is retained, it shall be reconfigured to be a right out only. This options requires submittal of a turning template for vehicle turning right out of the site onto Ten Eyck to ensure these movements do not encroach into the south bound travel lane. In addition, signage shall be specified to face the site specifying "right turn only" and facing Ten Eyck specifying "exit only".

3. Submit details of proposed stormwater facilities for review and approval by the City Engineer. All stormwater facilities shall be constructed in conformance with the requirements of Chapter

13.18, Storm Water Management, and Section 13.20 of the Sandy Municipal Code. (Submit to Public Works).

4. Follow recommendations provided by the Public Works Director as modified by this final order (Exhibit D).

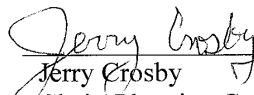
C. Prior to occupancy (temporary or final) of any building on the site the applicant shall complete the following or provide assurance for their completion:

1. Complete the construction of all public improvements and site amenities including the following or provide a financial guarantee as provided in the Sandy Development Code:
 - Complete frontage improvements along Pleasant Street including sidewalk, planter strip, groundcover and street trees.
 - Complete all parking lot paving and striping including identification of one ADA van accessible space with required signage and designation of four spaces along the north side of the building as “Compact parking only” or similar approved language.
 - Complete stormwater improvements as specified on approved plans.
 - Install all site landscaping as specified in the approved plan including landscape buffer along Hwy 26, street trees and ground cover along Pleasant St, and parking lot landscaping.
 - Install a irrigation watering system in compliance with Section 17.92.40.
 - Complete modifications to access points on Ten Eyck and Pleasant St as specified on approved plans.
 - Remove overgrown landscaping at the corner of Ten Eyck and Pleasant St.
2. Comply with all requirements of Fire District No. 72 including the installation of exiting signage and fire sprinkler testing certification.

D. General Conditions

1. Construction of additional structures on the site requires land use approval in compliance with applicable city standards.
2. The developer shall maintain all street trees and all landscaping planted outside the subject site for two years following final occupancy, and shall replace any dead or dying trees and plants during that period.
3. The property owner shall be responsible for on-going maintenance of the site and building in compliance with Section 17.90.240.
4. All site signage will require submittal of a sign permit in compliance with Chapter 15.32 and clear vision area standards of Section 17.74.30.
5. Development of the subject site may require payment of system development charges in accordance with applicable city ordinances.

6. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
7. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase.
8. Approval of this conditional use may be revoked in accordance with the Sandy Municipal Code if conditions of approval are not met. Conditional Use Permit approval does not grant authority for the unrestricted use of the structure or site. Any use of this site may be prohibited until such time as all required improvements are completed.
9. Approval shall be void after 2 years, unless substantial construction has taken place. The Planning Commission may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit in conformance with Section 17.68.50.
10. Comply with all other conditions or regulations imposed by Clackamas County, Fire District No. 72, 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.

 12/20/2010
Jerry Crosby Date
Chair, Planning Commission

RIGHT OF APPEAL

Persons who testified regarding this application may appeal this decision to the Sandy City Council. An appeal application shall be filed within 10 calendar days of the date this decision is mailed. An appeal application must conform to the requirements of SMC 17.28.20. Any appeal application not so conforming will be rejected.

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 Chapter 17.28.50; and,
5. Payment of required filing fees.

Exhibit I

COMMENT SHEET for File No. 19-032 ZC:

I don't think I have any objections to the clinic as long as the potholes are fixed on Ten Eyck & the traffic signals are working better for the traffic on Ten Eyck & Wolf St.

Trying to cross the Hwy from the P.O. It only allows 3 cars thru if some of them are trying to turn L into town.

Its hard to see the on coming traffic in my car because of the Hwy hump because the hood of my car blocks my view.

I live on Pleasant St and there are times traffic is backed up so bad I can't turn R on Ten Eyck to go to the Hwy.

RECEIVED

OCT 02 2019

CITY OF SANDY

Brenda Mills

Your Name

503-668-6429

Phone Number

39667 Pleasant St

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Exhibit J

COMMENT SHEET for File No. 19-032 ZC:

As Business owner of Mt. Hood Dental Clinic located on the same street as proposed new development, I welcome Sandy Health Clinic to the new location.

My only concern would be available parking for the clinic. The property currently has very limited off street parking for workers and future patients. If parking spills over to Pleasant Street, curb-parking, it could present predictable traffic problems with narrowed street and crowded 2-way driving. Also, turning onto Pleasant St. from Ten Eyck Rd. could be hazardous if curb parking infringes on this intersection. With already approved no-sidewalk on North side of Pleasant Street and more on street parking this could be a recipe for further problems. Again, I welcome the clinic but my concerns are primarily for parking situation. Thanks!

Your Name

Phone Number

Carl S. Hansen, D.M.D. w) 503-668-4099

Address

c) 503-998-8631

39880 E. Pleasant St. Sandy, OR 97055

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.28 Appeals; 17.42 Central Business District (C-1) and 17.44 General Commercial (C-2).

Mailing Address:

P.O. Box 458

Sandy, OR 97055

RECEIVED

OCT 03 2019

CITY OF SANDY



Staff Report

Meeting Date: December 16, 2019
From Andi Howell, Transit Director
SUBJECT: Sandy Operations Phase II Bus Barn Project

Background:

The Sandy Operations Center at 16610 Champion Way was planned in several phases. Phase I was complete in 2009 and consisted of the administration building, one transit bus barn, one wash bay and 2 public works bays. Phase II of the Transit Operations Center includes the addition of two additional bus barns. One barn is designed for medium size buses, known as cut-a-ways. The third bus barn is designed for smaller cut-a-ways and vans. Both barns were envisioned as basic shelter for vehicles and were planned as three-sided steel buildings with open frontage.

In 2013, the Transit Department submitted an application for Sandy Transit Operations Center Phase II Bus Barns to the 2015 - 2018 Statewide Transportation Improvement Program (STIP) and was awarded funding. This was the same grant cycle in which the Vista Loop sidewalk project was awarded funding. Similar to the sidewalk project, construction costs have risen since the grant application.

The grant application identified the total project costs for both bus barns at \$570,000 with a total match of \$60,000. In anticipation of the increased cost, Sandy Transit budgeted \$810,000 although the grant reimbursement remains \$510,000. In 2017, the project funds were released and Sandy Transit began working with the Federal Highway Administration, the Federal Transit Administration (FTA) and Oregon Department of Transportation (ODOT) to begin the project.

The groundwork of environmental assessments and approval from the FTA is complete. The architectural and engineering design was approved by the City in October of this year. The bus barns will be constructed to meet Sandy Style requirements. An Invitation To Bid was released November 8, 2019 in the Daily Journal of Construction. Eight bids were accepted and read aloud December 4, 2019. The lowest bidder, Columbia- Cascade Construction Inc. has been issued an Intent to Award letter contingent on City Council approval and contract negotiations.

Recommendation:

Motion: Approve the City Manager to negotiate and sign a contract with Columbia-Cascade Construction Inc., for the construction of 2 new bus barns at the Sandy Operations Center.

Budgetary Impact:

The low bid for the cost for the 2 new bus barns is \$827,900. The City will work with the construction company to explore reducing the project cost to be closer in line with the budget, which was set at \$810,000. If necessary, the Transit Department can down-size or defer another capital project that is not contingent on grant cycles and can be moved to the next biennial budget to cover the additional construction costs and remain under budget.

Sandy Transit - Bus Barns

BID TABULATION

Date: December 4, 2019

Time: Due 2:00pm PST, opening 2:05pm PST

CONTRACTOR	Columbia-Cascade Construction Inc.	RA Gray Construction LLC	Ross Builders Inc.	PHI Construction Inc.	PHK Construction LLC	2KG Contractors, Inc.	Par-TechConstruction, Inc.	Essex General Construction, Inc.	Alternate Accepted	Remarks
Mandatory Pre-Bid Attendance Confirmed:	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Time Bid Proposal Received:										
Base Bid Total:	827,900.00	874,238.00	930,000.00	950,247.00	974,234.00	979,500.00	1,036,200.00	1,050,139.00		
MS Alt. #1 - Add (6) rollup doors w/electric motor, operation:	41,700.00	44,552.00	33,928.00	38,929.00	45,100.00	40,000.00	38,500.00	40,040.00	Y N	
MS Alt. #2 - Add one (1) electric heater, controls and wiring:	44,600.00	14,520.00	8,625.00	13,844.00	11,225.00	20,000.00	14,000.00	2,200.00	Y N	
									Y N	
District Accepted Alternates Subtotal:	914,200.00	933,310.00	972,553.00	1,003,020.00	1,030,559.00	1,039,500.00	1,088,700.00	1,092,379.00		
Total Bid Amount w/ Accepted Alternates:										
Bid Bond Submitted:	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		
Performance Bond Submitted: Cost included in Bid Amount	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input checked="" type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		
Signatures Included:	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		
Resident Bidder Verified:	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		
Addendum Acknowledgment										
Addendum #1	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		
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Verify Signature:	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input checked="" type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N		

INVITATION TO BID

The City of Sandy will receive sealed bids for the construction of new Bus Barn facilities in Sandy, Oregon. Sealed bids will be received by Andi Howell, Transit Director, at the **City of Sandy Operations Center, 16610 Champion Way, Sandy, Oregon 97055**, until 3:00 pm local time, Wednesday, December 4, 2019 for the construction of the new Bus Barn facilities. The bids will then be publicly opened and read aloud. Bids received after the time fixed for receiving bids will be returned, unopened. General contractors will be required to submit a First-Tier Subcontractor Disclosure Form by 5:00 pm local time on December 4, 2019.

Bidding Documents

Contract Documents for the work have been prepared by Soderstrom Architects, 1200 NW Naito Parkway, Suite 410, Portland, OR 97209. Bidders may examine and obtain Contract Documents at the following locations:

1. Willamette Print and Blueprint; 3461 NW Yeon Ave., Portland, OR 97210

Bidding Documents will also be available for examination during the bidding period at the City Administration Office.

A pre-bid conference is not being held and bidders are not required to attend a pre-bid meeting to bid on this project.

No proposal will be considered unless accompanied by bid security in the form of a certified check, bank cashier's check or surety bond executed by a State licensed surety company, payable to the School District in an amount equal to ten percent (10%) of the Base Bid. No interest will be paid on bid security. Return or retention of bid security shall be subject to the provisions of ORS 279.031.

Questions regarding the type of work required may be addressed to Dan Van Calcar, Soderstrom Architects at danv@sdra.com.





CONCEPTUAL RENDERING

Sandy Bus Barns

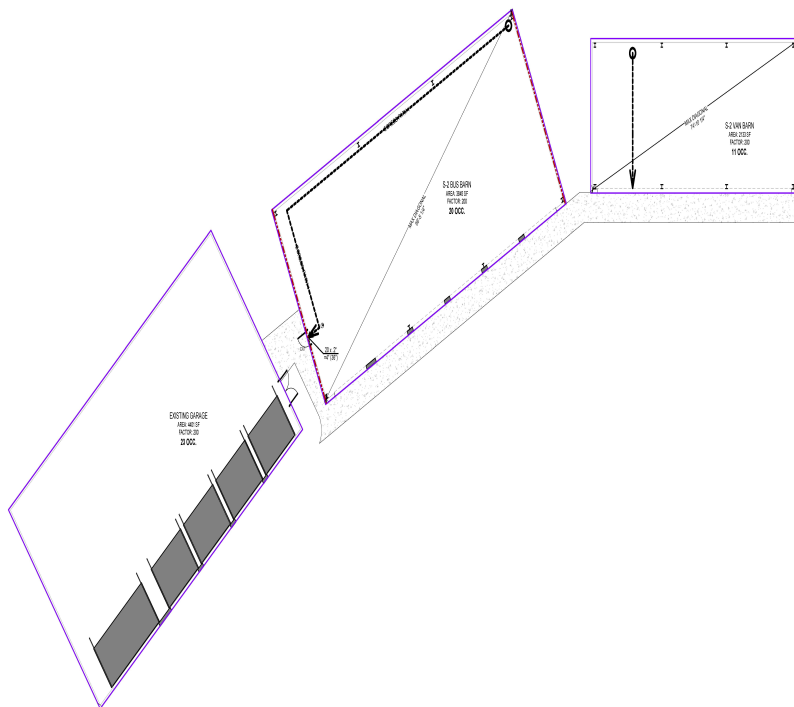
City of Sandy Public Works and Transit Operations Facility

City of Sandy Public Works and Transit Operations Facility
16610 Champion Way,
Sandy, Oregon 97055

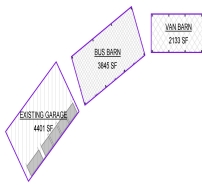
DESIGN REVIEW SET
08/20/2019

Soderstrom
Architects

PLANS: 16610 CHAMPION WAY - SANDY BUS BARN - 08/20/2019
FILE PATH: M:\PROJECTS - SANDY - SANDY BUS BARN (2019)\DWG\16610 CHAMPION WAY - SANDY BUS BARN.rvt
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EXITING AND OCCUPANCY PLAN
7-102



GROSS AREA CALCULATION PLAN

FLS OVERALL BUILDING SF

LEVEL	TOTAL AREA	TOTAL EXISTING AREA
LEVEL 1	2100	4491
LEVEL 2	2100	3843
LEVEL 3	2100	2133
TOTAL	6300	10467

FLS OCCUPANCY SCHEDULE

LEVEL	AREA	FLS CODE	NO. OF PERSONS	NO. OF EXITS
LEVEL 1	2100	B	11	1
LEVEL 2	2100	B	11	1
LEVEL 3	2100	B	11	1
TOTAL	6300	B	33	3

FLS EGRESS PATHS

LEVEL	AREA	NO. OF EGRESS PATHS
LEVEL 1	2100	1
LEVEL 2	2100	1
LEVEL 3	2100	1
TOTAL	6300	3

SHEET NOTES

1. CORNER WALL LOCATIONS AND REQUIREMENTS OF FASTENED FIRE AND STEEL WELD JOINTS SHALL BE SHOWN BY THE ARCHITECT.
2. REFERENCE TO OTHER SHEETS SHALL BE FOR FURTHER INFORMATION.
3. ROOMS THAT ARE CONSIDERED "NOT NORMALLY OCCUPIED" SPACES SEE FLOOR PLAN FOR FULL AREA AND OCCUPANCY INFORMATION.
4. VERIFY ALL FIRE EXTINGUISHER LOCATIONS WITH FIRE CODE OFFICIAL PRIOR TO START.
5. REFERENCE ELECTRICAL PLAN FOR DETECTOR LOCATIONS.

LEGEND

- OCCUPANT LOAD LIMIT (OCC. NOT PER OCCUPANT)
- EQUAL PROTECTED EXIT WITHIN FIRE CODE CALC. EXIT WITHIN
- FIRE EXTINGUISHER (FIRE) - CONTRACTOR TO VERIFY ALL LOCATIONS WITH FIRE CODE OFFICIAL AND TESTING
- HAZARDOUS MATERIAL STORAGE
- 2 HOUR RATED FIRE BARRIER
- EGRESS PATHWAY LIGHTING PER CODE 103.2
- ROOM OR AREA LOCATIONS PER DIRECTOR OF FIRE MARSHAL
- EXIT SIGN

Soderstrom Architects

13201 NE 14th Parkway, Suite 410
Portland, OR 97230
T 503.228.8017
F 503.227.9584
www.soderstrom.com

City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
City of Sandy Public Works and Transit Operations Facility
1000 S. Community Center Way,
Sandy, Oregon 97055



Consultant

Revision

No.	Description	Date

Stamp



Issued

DESIGN REVIEW SET

Date
08/20/2019

Page Number

19073

Issued To

FIRE LIFE SAFETY PLANS

Scale

G3.02

DATE: 08/20/2019 10:56 AM
PROJECT: 19073 - CITY OF SANDY BUS BARN
DRAWN BY: JMG
CHECKED BY: JMG
APPROVED BY: JMG
SCALE: AS SHOWN



ADDITIONAL PLANT SPECIMENS TO BE
 ACQUIRED BY THE CITY OF SANDY FOR NEW
 CAPACITY EXPANSION REQUIREMENT.
 PLANTINGS MUST BE THE FOLLOWING:
 SERVICEBERRY CHINESE KILISA
 DOGWOOD, RED FLOWERING CURRANT
 SCARLET BLUE BLOSSOM
 RHODODENDRON PACIFIC WAX MYRTLE.
 (OR OTHER ACCEPTABLE SPECIES
 AS DETERMINED BY THE CITY OF SANDY)

SITE LANDSCAPE ANALYSIS

- OVERALL SITE AREA: 248,895 SF
- IMPROVED LANDSCAPED AREAS: 51,207 SF
- NATURAL LANDSCAPING AREAS: 51,909 SF
- BIOSWALES: 8020 SF
- TOTAL LANDSCAPED AREAS: 103,116
- TOTAL LANDSCAPED AREAS: 41%
- OVERALL BUILDING AREA: 26,415 SF
- PRIVATE WALKS & PEDESTRIAN WAYS: 9,588 SF
- NEW PAVING: 7,297 SF
- EXISTING PAVING: 75,392 SF
- TOTAL PAVING: 82,689 SF

1 LANDSCAPING AREA ANALYSIS
 1-01

Soderstrom Architects
 1201101 Naba Parkway, Suite 410
 Portland, OR 97208
 T 503.228.9117
 F 503.227.9564
 sda.com

City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
 City of Sandy Public Works and Transit Operations Facility
 6000 Champion Way, Sandy, Oregon 97055



Consultant: _____

Revision	No.	Description	Date

Scale: _____

Issue: **DESIGN REVIEW SET**

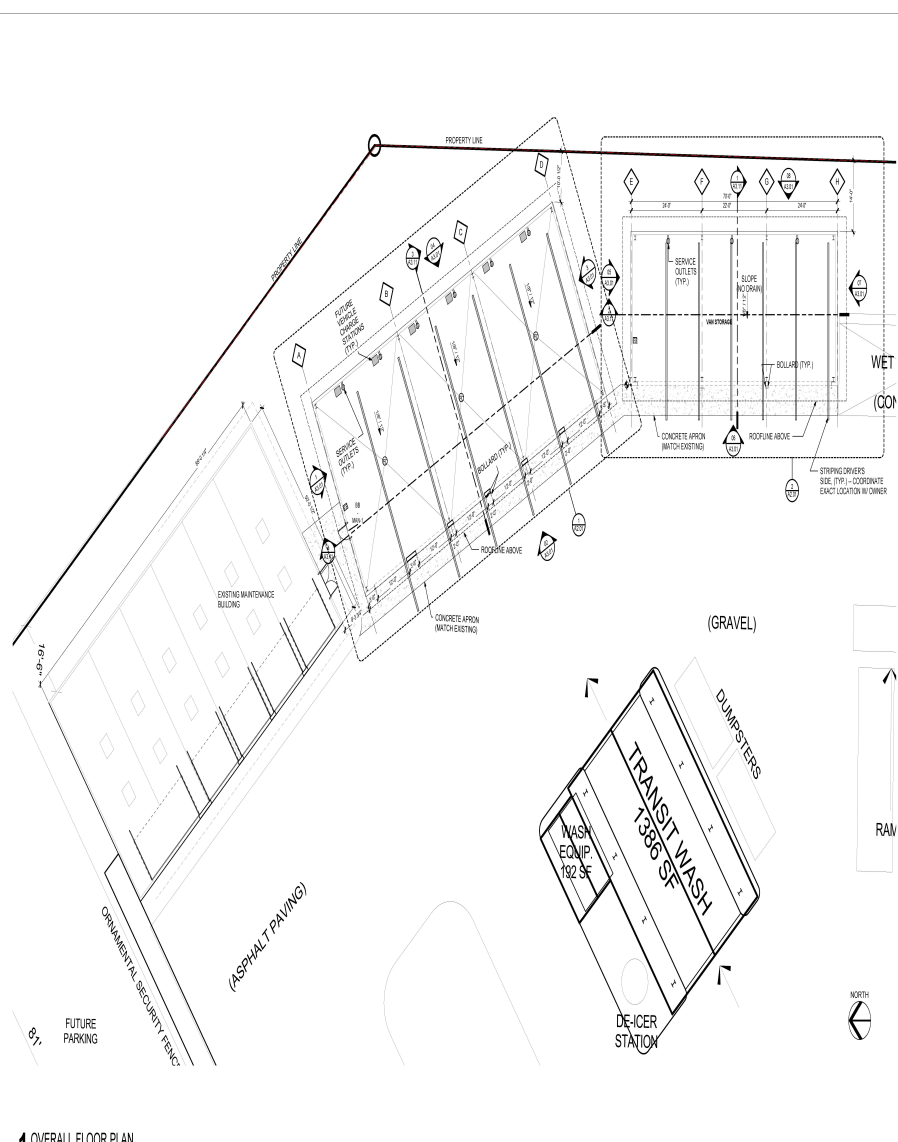
Date: **08/20/2019**

Project Number: **19073**

Drawing Title: **SITE PLAN**

Sheet: **A1.01**

DATE: 08/20/2019 10:54 AM
 PROJECT: 19073 - SANDY BUS BARN
 DRAWING: A1.01 - SITE PLAN
 DESIGNER: J. BARNETT
 CHECKER: J. BARNETT
 APPROVER: J. BARNETT



1 OVERALL FLOOR PLAN
T-102

SHEET NOTES

1. GRADE SHALL BE FINISHED TO 1% SLOPE TO THE CURB OR TO THE SURFACE OF THE DRIVEWAY.

LEGEND

- ENLARGED VIEW MARK - SECTION OR FIG. SHEET NO.
- FIRE STOP/DOOR
- FLOOR DRAIN - SEE ALLIANCE DRAWINGS

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Architects

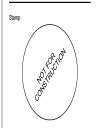
13201 NE 10th Parkway, Suite 410
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City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
City of Sandy Public Works and Transit Operations Facility
16400 Commercial Way,
Sandy, Oregon 97055



Consultant

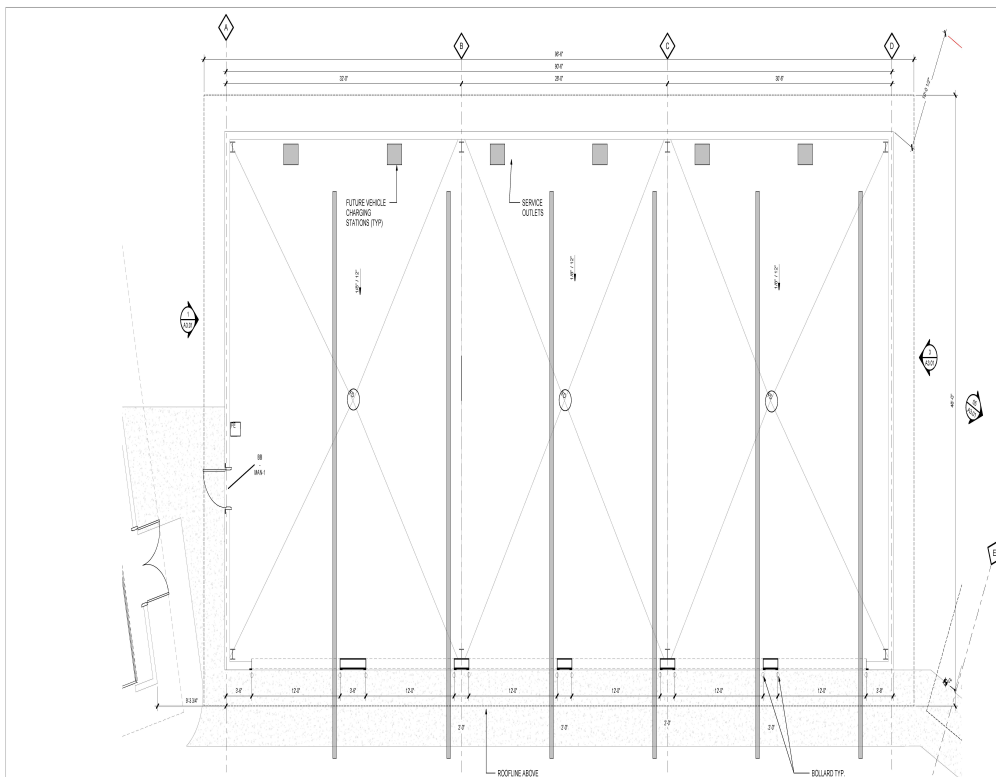
Revisions	No.	Description	Date



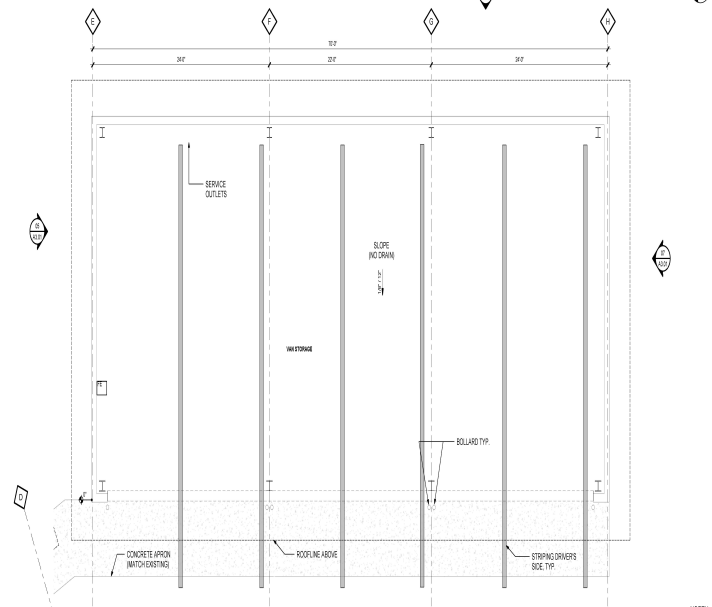
Issue: **DESIGN REVIEW SET**
Date: **08/20/2019**
Page Number: **19073**
Drawing Title: **PARTIAL SITE PLAN**

Sheet: **A1.02**

DRAWN BY: [Name] / CHECKED BY: [Name] / DATE: [Date] / PROJECT: [Project Name]



1 OVERALL FLOOR PLAN - 1/4" - BUS BARN
1/8" = 1'-0"



2 OVERALL FLOOR PLAN - 1/4" - VAN BARN
1/8" = 1'-0"

PROJECT: SANDY BUS BARN AND VAN BARN
 FILE: 2019-08-20-19073-01 - SANDY BUS BARN AND VAN BARN (REVISED) - SANDY BUS BARN.rvt
 DATE: 08/20/2019 10:58:00 AM
 USER: JACOB

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City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
 City of Sandy Public Works and Transit Operations Facility
 15000 Commercial Center, Sandy, Oregon 97055



Project:

Consult:

Revised:

No.	Description	Date

Scale:



Issue:

DESIGN REVIEW SET

Date:

08/20/2019

Project Number:

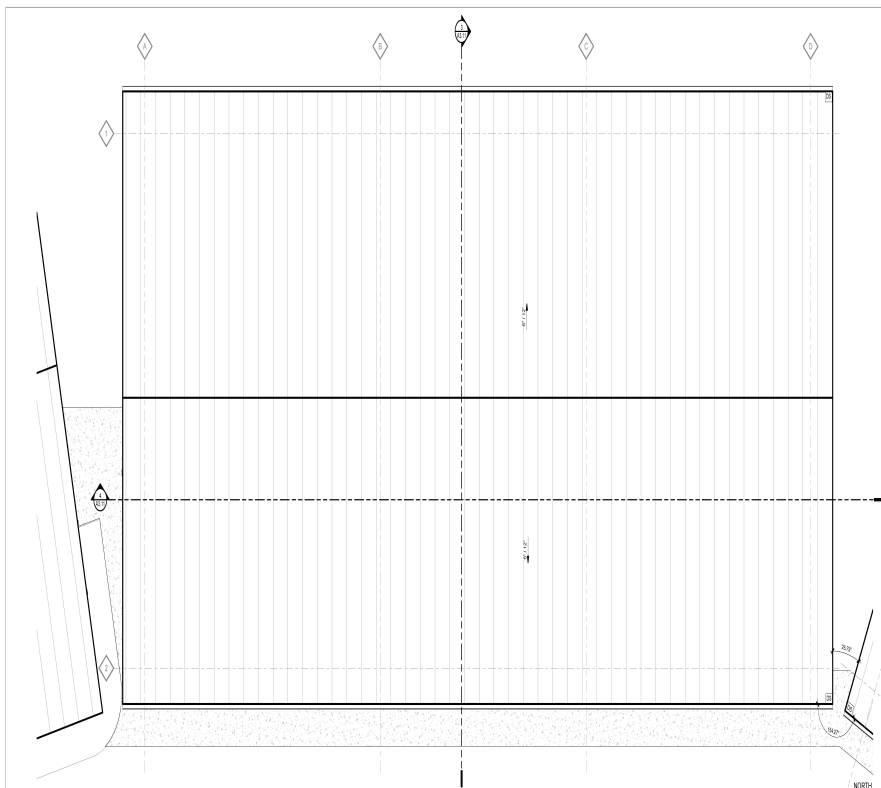
19073

Drawing Title:

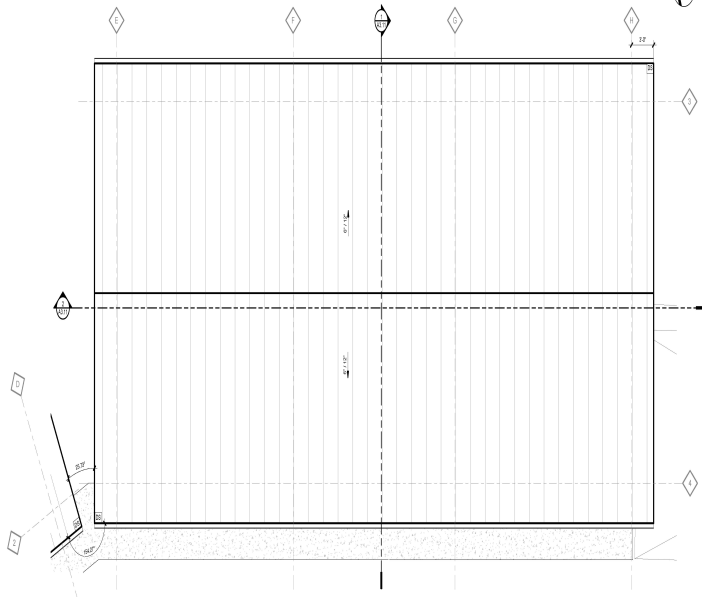
FLOOR PLANS

Sheet:

A2.01



1 OVERALL ROOF PLAN - BUS BARN
1/8" = 1'-0"



2 OVERALL ROOF PLAN - VAN BARN
1/8" = 1'-0"

SHEET NOTES

1. ALL ROOF TOP EQUIPMENT WILL BE COLLECTIVE REPRESENTATION FOR CONCRETE AND STEEL DECK. ALL THE INFORMATION IS SUBJECT TO THE ARCHITECT'S REVIEW AND ELECTRICAL DRAWINGS AND THE PROJECT CONTRACTOR'S RESPONSIBILITY TO VERIFY THE INFORMATION IS ACCURATE.
2. ALL ROOF TOPS ARE TO BE FINISHED WITH 1/2" THICK CONCRETE ON 4" REINFORCED CONCRETE SLAB ON GRADE.
3. ROOF EQUIPMENT SHALL BE TO THE TOP OF THE ROOF SYSTEM TO A MINIMUM OF 12" ABOVE THE ROOF FINISH. ALL ROOF EQUIPMENT SHALL BE TO BE FIELD MOUNTED.
4. REFER TO THE ROOF DETAILS FOR FURTHER INFORMATION.
5. ALL DIMENSIONS ARE AS SHOWN UNLESS NOTED OTHERWISE.

LEGEND

SYMBOL	DESCRIPTION
→	DIRECTION OF ROOF SLOPE
○ ○	ROOF DRAIN AND OVERFLOW
⊠	DOWNSPOUT - SEE DIALING FOR DOWNSPOUT CONNECTION
⊞	OVERFLOW DISCHARGE FROM ROOF DRAIN CENTER (FIELD SIDE)
⊞	DOWNSPOUT WITH OVERFLOW DISCHARGE - SEE DIALING FOR DOWNSPOUT CONNECTION
⊞	ROOF DRAIN AND EQUIPMENT - SEE ALSO DRAIN
⊞	ROOF TOP MECHANICAL UNIT - SEE MECHANICAL
⊞	ROOF HATCH

SYMBOL	DESCRIPTION
○ ○	ROOF DRAIN AND OVERFLOW

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City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
City of Sandy Public Works and Transit Operations Facility
10000 Commercial Way,
Sandy, Oregon 97055



Consultant

No.	Description	Date



Issued for
DESIGN REVIEW SET

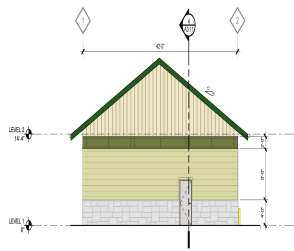
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08/20/2019

Project Number
19073

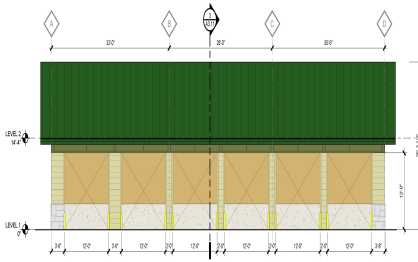
Issued for
ROOF PLANS

Sheet
A2.02

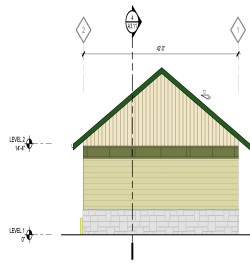
PROJECT: 10000 COMMERCIAL WAY - SANDY BUS BARN
 FILE: 10000 COMMERCIAL WAY - SANDY BUS BARN - ROOF PLANS - OVERALL ROOF PLAN - BUS BARN.rvt
 DATE: 08/20/2019 10:00 AM
 USER: SODERSTROM



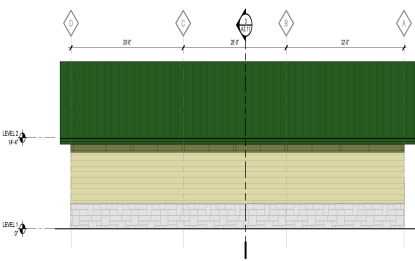
01 BUS BARN - NORTH ELEVATION
1/4" = 1'-0"



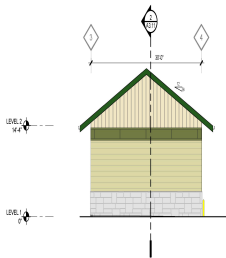
02 BUS BARN - WEST ELEVATION
1/4" = 1'-0"



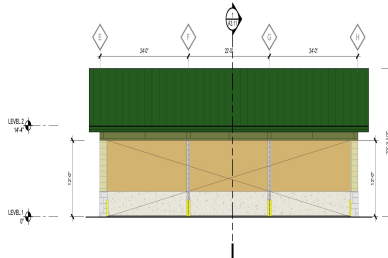
03 BUS BARN - SOUTH ELEVATION
1/4" = 1'-0"



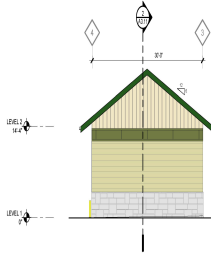
04 BUS BARN - EAST ELEVATION
1/4" = 1'-0"



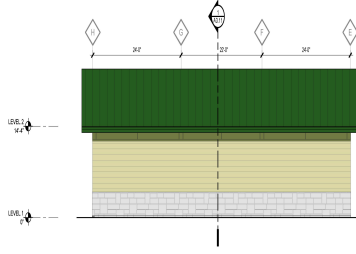
05 VAN BARN - NORTH ELEVATION
1/4" = 1'-0"



06 VAN BARN - WEST ELEVATION
1/4" = 1'-0"



07 VAN BARN - SOUTH ELEVATION
1/4" = 1'-0"



08 VAN BARN - EAST ELEVATION
1/4" = 1'-0"

SHEET NOTES

- REFER TO EXTERIOR OF HEADLIGHTS FROM DRAWING
- REFER TO EXTERIOR OF FRAME FROM DRAWING

LEGEND - KEYNOTES

MARK	DESCRIPTION

Soderstrom
Architects

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Portland, OR 97208

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999.000

City of Sandy Public Works and Transit Operations Facility
Sandy Bus Barns
City of Sandy Public Works and Transit Operations Facility
Sandy Community Center
Sandy, Oregon 97055



Consultant

Revisions

No.	Description	Date

Scale



Issued

DESIGN REVIEW SET

Date

08/20/2019

Page Number

19073

Issued For

EXTERIOR ELEVATIONS

Scale

A3.01

PROJECT: 19073-01 - SODERSTROM ARCHITECTS
 FILE: 19073-01-01 - SANDY BUS BARN (08/20/2019) (11/13/2019) - SANDY BUS BARN.rvt
 11/13/2019 10:45 AM



Staff Report

Meeting Date: December 16, 2019
From Kelly O'Neill, Development Services Director
SUBJECT: 19-001 Picking Sign Variance

Background:

The City of Sandy had a sign variance committee for a short period of time, but the committee has been defunct since at least March 2017. As we all know staffing an ad hoc committee is especially challenging when the committee only meet about twice a year. Instead of holding a meeting before the non-functioning sign variance committee, staff prefers to bring this sign variance request before City Council.

Previous Requests:

In December of 2011 Todd Sparks (Sparky's Pizza) requested a new backlit sign in the Central Business District (C-1) which are not permitted in the C-1 zoning district per Section 15.32.020 of the sign code. The request included red lettering with white shadowing and a black background. The C-1 zoning district allows existing backlit signs to be replaced as long as the new panel provides light lettering or graphics on a dark background. The variance committee approved Mr. Sparks request, allowing a new backlit sign with a dark background.

On April 3, 2017 Kristen Turner with Lil' Cubs Academy at 39570 Pioneer Blvd. requested the use of a backlight sign with a white background. The sign had not been used for a number of years while the building was being remodeled. Ms. Turner bought and installed the new white sign panel prior to understanding the regulations of backlit signage in the C-1 zoning district. Had Ms. Turner bought and installed sign panels with a dark background the variance request would not have been necessary. City Council allowed the white sign panel so as long as it was not backlit. Ms. Turner has since installed a dark background panel and the sign is now backlit.

Request:

Mr. Picking, owner of 17430 Meinig Avenue (building containing Mt. Moka) is requesting a sign variance to Section 15.32.020 (A) sign lighting, specially that backlit (i.e. internally illuminated) signs are prohibited in the C-1 zoning district. Mr. Picking's letter dated October 21, 2019, states that on February 5, 2019 an unattended run-away semi-truck destroyed the existing free-standing sign on Proctor Blvd. Mr. Picking states that the C-1 zoning district has over 100 illuminated signs. Mr. Picking's proposed sign would have the required 36-inch stone base, have dark backlit panels, and appears aesthetically pleasing. *Mr. Picking's letter and rendering of his proposed free-standing sign are both attached.*

Mr. Picking also requests that City Council modify the sign code to remove the current prohibition on new backlit signs in the C-1 zoning district.

Section 15.32.020 Signs permitted only in commercial & industrial zones

Permits are required for these signs.

A. **Sign Lighting.** Backlit (i.e., internally illuminated) signs are prohibited in the C-1 zone. Panels for existing backlit signs in the C-1 zone may be replaced as long as the new panel provides light lettering and/or graphics on a dark background (see sample photo, below).

15.32.150 Variances to standards

There may be rare instances where a combination of strict application of the standards in this chapter and/or public safety concerns may preclude use of signs as a communication medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to utilize signs in a manner similar to others in a district.

A. To request a variance, an applicant shall submit a completed sign variance application and appropriate review fee.

B. The Sign Review Committee shall hold a public meeting on the application.

C. To approve a sign variance request, the Sign Review Committee must find that the requested variance is consistent with the intent of the signage regulations for the zoning district is requested for, and the sign is of a reasonable size. The Committee shall balance business needs with the community aesthetics.

D. The Sign Review Committee may impose such conditions on the approval as necessary to achieve the purposes of these regulations.

E. Unless appealed, the Sign Review Committee's decision shall be the final decision of the city.

F. Appeals to the Sign Review Committee's decisions shall be decided by the City Council, and the City Council's decision shall be the final decision of the city.

G. Where a sign approved through these variance procedures is not installed within twelve months, the variance approval shall expire and all work must fully comply with these regulations as amended to that date.

Recommendation:

Staff recommends the City Council weigh the merits of the sign variance request and decide if the variance shall be approved or denied. Staff would also appreciate direction on the prohibition of new backlit signs in the C-1 zoning district.

Brad Picking
P O Box 632
22499 SE Bornstedt Road
Sandy, OR. 97055

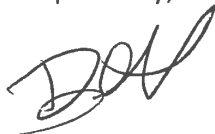
October 21, 2019

Honorable Mayor and City Councilors,

We're requesting a variance to Section 15.32.020(A). Our sign at 17430 Meinig Avenue was destroyed February 5th of this year by an unattended run away semi-truck and trailer. When we went to apply for a sign permit we were informed that we couldn't have an illuminated sign in the C-1 Zone. There are currently over 100 illuminated signs in the C-1 Zone. When asked why this ordinance was adopted, Staff did research and said the ordinance was adopted in 2008, but were unable to determine why it was adopted.

So while we're asking for a variance we'd also request that the ordinance be rescinded.

Respectfully,

A handwritten signature in black ink, appearing to read 'BP', written in a cursive style.

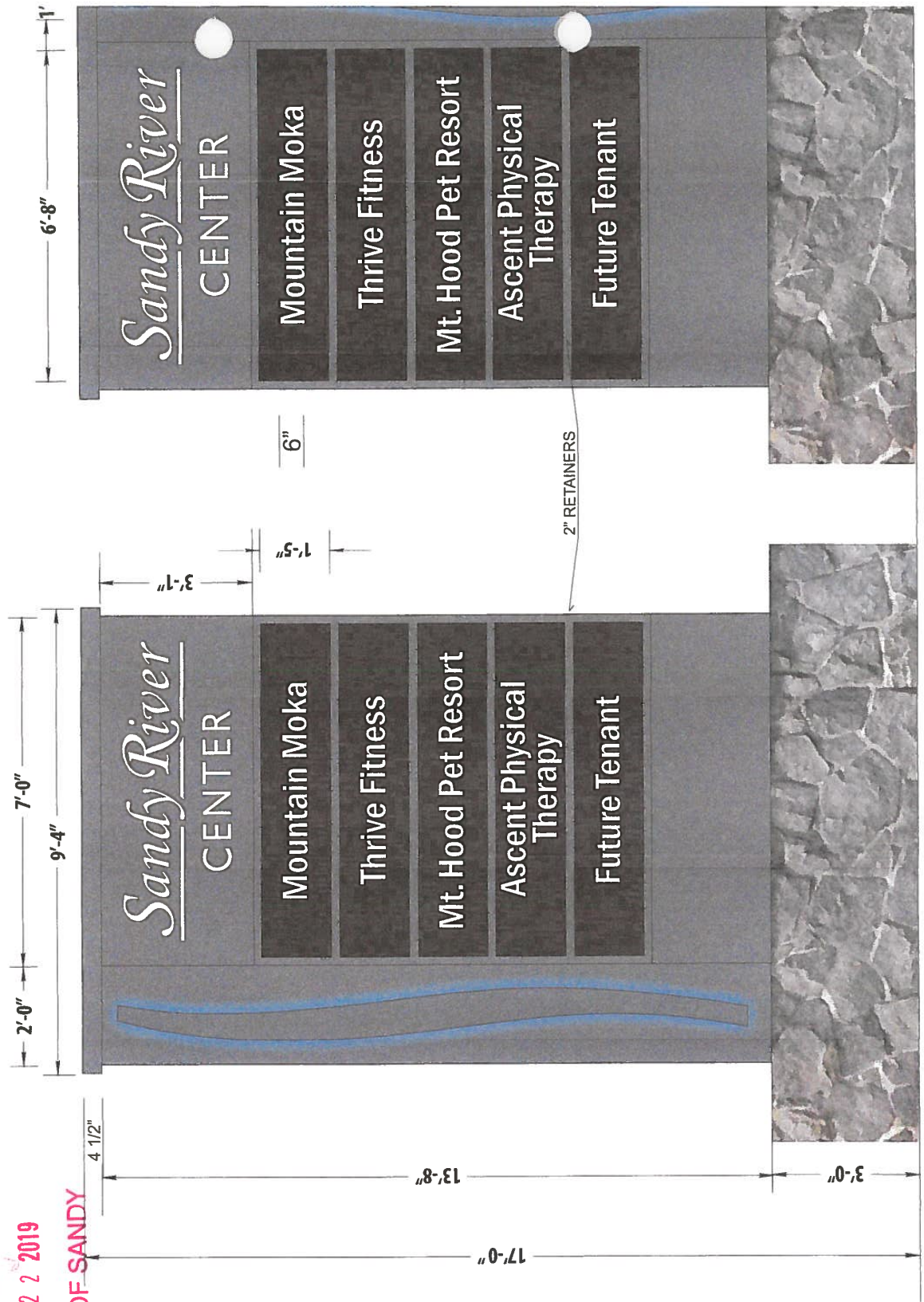
Brad Picking

**Manufacture & Install New: Double Faced Cabinet w/ Illuminated Pu:
Vinyl Tenant Panels & Halo Lit Element on a Stone Base Monument Si**

RECEIVED

OCT 22 2019

CITY OF SANDY





Staff Report

Meeting Date: December 16, 2019

From Kelly O'Neill, Development Services Director

SUBJECT: 19-048 AP Pleasant Street Duplex Appeal

Background:

See attached Staff Report for background information on this appeal.

Recommendation:

Uphold the Planning Commission decision that a duplex is not a 'other use similar in nature' to multi-family and deny the request by Cashatt Construction Inc.

Budgetary Impact:

None

**CITY COUNCIL
STAFF REPORT
TYPE IV LAND USE DECISION**

DATE: December 10, 2019

FILE NO.: 19-048 AP

PROJECT NAME: Pleasant Street Duplex Conditional Use Permit Appeal

APPLICANT/OWNER: Cashatt Construction, Inc.

REPRESENTATIVE: Tracy Brown Planning Consultants, LLC

LEGAL DESCRIPTION: T2S R4E Section 13 BC, Tax Lot 5500

SITUS ADDRESS: *not yet assigned (vacant lot)*

PROPERTY LOCATION: Located on the north side of Pleasant Street in between 38535 & 38565 Pleasant Street.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Property List and Mailing Labels
- C. Project Narrative
- D. Plan Set
 - 0.SP: Site and Landscaping Plan
 - Sheet 1: Elevations and Roof Plan
 - Sheet 2: First Floor Plan
 - Sheet 3: Second Floor Plan
 - Sheet 4: Foundation Plan
 - Sheet 5: Framing Plan
 - Sheet 6: Sections and Details

Agency Comments

- E. City Engineer (October 1, 2019)
- F. Public Works Director (October 24, 2019)

Supplemental Documents Provided by Staff

- G. Transportation System Plan Figure 5
- H. Final Order 04-037 DR
- I. Final Order 04-049 VAR

- J. Final Order 17-017 CUP/DR
- K. Sale Disclosure from Estate

Public Comments

- L. Russell Collier (October 4, 2019)

Applicant's Submittal Items at Planning Commission Hearing

- M. Copy of pre-app notes

Document from Planning Commission Hearing

- N. Staff Report from November 19, 2019

Documents since the Planning Commission Hearing

- O. Final Order from November 22, 2019
- P. Minutes from November 19, 2019

Applicant's Submittal Items for Appeal

- Q. Notice of Intent to Appeal
- R. Appeal Narrative

FINDINGS OF FACT

1. Kevin Cashatt, with Cashatt Construction Inc., submitted an application seeking approval for a conditional use permit (CUP) to construct "other uses similar in nature" on the subject property located at 24E13BC05500 (vacant lot between 38535 & 38565 Pleasant Street). Specifically, the proposal includes the construction of a duplex (a dwelling containing two independent dwelling units) on site therefore the application also includes a Type III Design Review to evaluate compliance with applicable development standards of the C-1 zone district and other chapters of the Municipal Code.
2. On November 19, 2019 the Planning Commission held a public hearing to hear file number 19-028 DR/CUP. At the Planning Commission public hearing on November 19, 2019 the applicant, Kevin Cashatt, and the applicant's representative, Tracy Brown from Tracy Brown Planning Consultants, testified in support of the proposal.
3. Staff recommended the Planning Commission deny the requested Conditional Use to consider a duplex a "use similar in nature" to those permitted within the C-1 zone district. Staff found the proposed use does not meet the intent of the C-1 zone district in that the district does not permit new low-density building types. Approval of the request would contradict the intentions of the C-1 zone district and compromise Pleasant Street redevelopment by allowing a use incompatible with the planned commercial neighborhood on Pleasant Street.
4. The Planning Commission determined that a duplex is not an 'other use similar in nature' to multi-family and voted unanimously 6-0 to deny the conditional use permit.
5. On December 2, 2019 the applicant Kevin Cashatt, with Cashatt Construction Inc., submitted an appeal of the Planning Commission decision in Land Use File No. 19-028 DR/CUP. A legal

notice for the December 16, 2019 appeal hearing was published in the Sandy Post on December 11, 2019.

6. The applicant's appeal focuses on three primary reasons that City Council should consider overturning the Planning Commission's decision. The reasons are as follows:
 - a) Reason #1: The first reason is that the Planning Director [sic] provided the applicant with four options on how to move forward with a land use application, one of which being to apply for a conditional use permit declaring a duplex as an 'other use similar in nature' to multi-family. The Development Services Director did provide that as a potential option to the applicant. As previously explained to the applicant and reiterated during the Planning Commission hearing, when staff provides options it does not necessarily mean that staff or Planning Commission will ultimately support that option. When Planning Division staff provides options at pre-application meetings and during other meetings these options are to provide an applicant with alternatives to just telling them 'no'. Staff has been asked to provide options to applicants and that is what was done with Mr. Cashatt. Just because staff presented the 'other use similar in nature' to multifamily as an option does not mean the decision was made at the pre-application meeting to approve the conditional use permit using that option. The applicant goes on to state that because City staff provided this as an option in the pre-application notes it has cost the applicant both time and money. The applicant nor the applicant's land use consultant ever asked staff about the viability of the option. The applicant's presumption that an option identified in a pre-application meeting by staff would be a guaranteed approval by Planning Commission is not reason to overturn the decision made by Planning Commission. The pre-application notes included this caveat: "*Caveat: This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.*" Because staff is sympathetic to Mr. Cashatt staff has agreed to reduce future fees if Mr. Cashatt so chooses to reapply for another use at the subject site.
 - b) Reason #2: The second reason is that staff and Planning Commission erred in finding that a duplex is not an 'other use similar in nature' to a multi-family use. Staff and legal counsel evaluated the proposal as it related to multi-family and found that the two uses are not similar in use nor does the C-1 zoning district allow new duplexes. The intended primary use of the subject property is a duplex. Subsection 17.10.30 defines a duplex as "a dwelling containing two independent dwelling units." Subsection 17.42.10(A)(2) permits "duplexes existing prior to adoption of this Code" but does not permit a new duplex as a primary use permitted outright; therefore, the proposed duplex is not permitted outright. A duplex is also not listed as either a minor conditional use or a conditional use in the C-1 zone. Subsection 17.42.20(B)(E) identifies "multi-family dwellings not contained within a commercial building" as an allowed Conditional Use. Subsection 17.42.20(B)(G) identifies "other uses similar in nature" as an allowed Conditional Use. The applicant argued that a duplex is a use similar in nature to a multi-family dwelling not contained within a commercial building.

Subsection 17.10.30 – Meaning of Specific Words and Terms defines Multi-Family Dwelling as, "at least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site." Based on the definitions of "duplex" and "multi-family

dwelling” in the development code, a duplex is not a type of multi-family dwelling, as a multi-family dwelling must have “at least 3 dwelling units.” Therefore, a duplex (2 dwelling units) does not fit within this Conditional Use category.

Subsection 17.42.20(B)(G) identifies “other uses similar in nature” as an allowed Conditional Use. As stated within Subsection 17.42.00, the C-1 zone district 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. In addition, this subsection states “while the district (C-1) does not permit new low-density building types, it is not intended to preclude dwelling units in buildings containing commercial activities.” In line with the intent of the C-1 district, the uses permitted outright are primarily commercial uses, with limited allowances for specific types of residential uses: residential uses that existed prior to adoption of the Code, residential care facilities, and residential dwellings attached to a commercial business. The code identifies two additional residential uses as conditional uses: congregate housing is a minor conditional use, and multi-family dwellings not contained within a commercial building are a conditional use.

The proposed duplex does not fit into any of the allowed residential uses, whether conditional or not. As a type of low density housing often found in single family residential zones, staff nor Planning Commission considers a duplex to be similar in nature to a multi-family development in form, function, or intent, nor does staff find that a low-density duplex meets the intent of the C-1 district, which expressly “does not permit new low-density housing types.” Subsection 17.42.00 states that “all development and uses shall be consistent with the intent of the district.”

It is also important to recognize that the code effectively makes duplexes non-conforming uses in the C-1 zone. As noted above, Subsection 17.42.10(A)(2) only permits duplexes “existing prior to the adoption of this Code.” When it adopted Chapter 17.42, the City Council clearly sought to limit a wide range of low-density residential uses, including duplexes, in the C-1 zone by permitting only those that existed at that time. The fact that: (1) existing duplexes in the C-1 are non-conforming; (2) Subsection 17.42.00 expressly states that the C-1 “does not permit new low density building types;” and (3) “all development and uses shall be consistent with” 17.42.00, which prohibits new low density building types, led staff and the Planning Commission to conclude that a duplex is not permitted as a conditional use that is “similar in nature” to a multi-family dwelling type.

- c) Reason #3: The third reason is that the site has constraints due to the limited size of the lot and the narrow street frontage. The overall site is small at approximately 5,250 square feet (0.12 acres) and only 50 feet in width. The size of the site should not be a determining factor in approving a use that the code essentially considers a non-conforming use in the C-1 zone. Size constraints of a property do not relate to whether a proposed use of property is similar in nature to other uses. Development standards are intended to account for the smaller, more constrained lots that are common to downtown areas. These development standards include setbacks and lot coverage requirements, which are less restrictive in the C-1 than in other zones. The applicant also states that he does not believe a commercial building at this location would be economically

successful. The appeal application did not include any market analysis to back this assumption. Another consideration is that if the parking regulations in the C-1 zone are reduced or eliminated as staff is proposing the site will easily accommodate a commercial building without the need for off-street parking.

7. The final order and findings of fact from November 22, 2019 (Exhibit O) includes additional information on notices, and the Planning Commission decision. The Planning Commission minutes (Exhibit P) also contain additional information in regard to the Planning Commission discussion.
8. The staff report from November 19, 2019 (Exhibit N) includes additional analysis of the relevant criteria that would have applied if the Commission would have determined that a new duplex in the C-1 zone is similar in nature to multi-family dwellings. The staff report analysis from Chapters 17.42 Central Business District, 17.68 Conditional Use, 17.84 Improvements Required with Development, 17.90 Design Standards, 17.92 Landscaping and Screening, 17.98 Parking, Loading and Access, 17.102 Urban Forestry, 15.30 Dark Sky Ordinance, and 15.44 Erosion Control Regulations are contained in this staff report by reference to the exhibit.

RECOMMENDATION

Uphold the Planning Commission decision that a duplex is not a ‘other use similar in nature’ to multi-family and deny the request by Cashatt Construction Inc.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
 39250 Pioneer Blvd.
 Sandy OR 97055
 503-668-4886

EXHIBIT A

Name of Project Cashatt Pleasant Street Duplex

Location or Address No site address. Located between 38535 and 38565 Pleasant Street.

Map & Tax Lot Number T 2S, R 4E, Section 13B6; Tax Lot(s) 5500

Plan Designation C-1 Zoning Designation Commercial Acres 0.12

Request:

Conditional Use Permit and design review to construct a duplex in a C-1 zoning district.

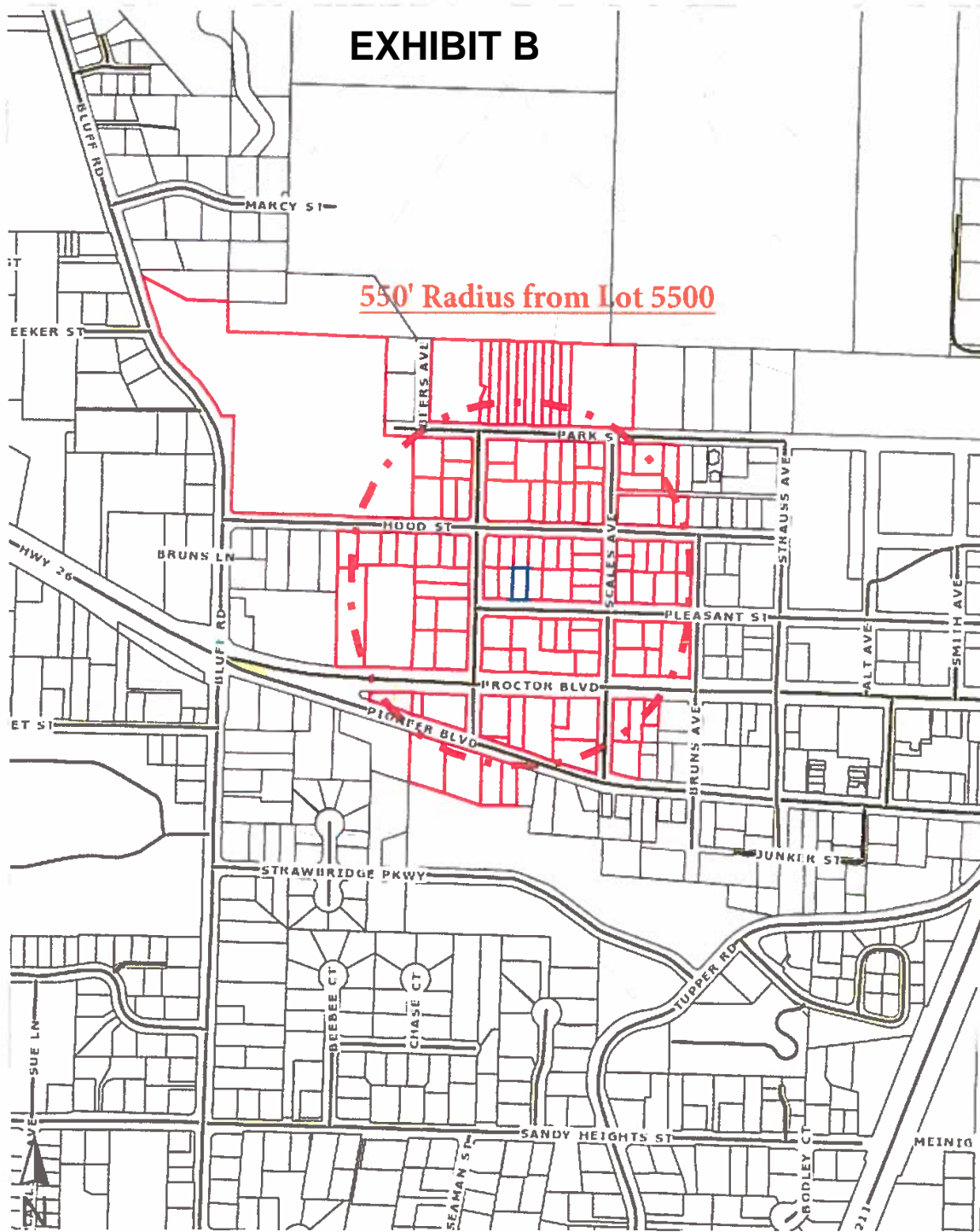
I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant <u>Cashatt Construction, Inc.</u>	Owner <u>same as applicant</u>
Address <u>41055 SE Kitzmiller Road</u>	Address
City/State/Zip <u>Eaglecreek, OR 97022</u>	City/State/Zip
Phone <u>971-563-0134</u>	Phone
Email <u>kevincashatt@gmail.com</u>	Email <u>tbrownplan@gmail.com</u>
Signature <u><i>Keri Cashatt</i></u>	Signature

If signed by Agent, owner's written authorization must be attached.

File No. <u>19-0284up/102</u>	Date <u>08/08/19</u>	Rec. No.	Fee \$ <u>5,597.00</u>
Type of Review (circle one): Type I Type II <u>Type III</u> Type IV			

EXHIBIT B



550' Radius from Lot 5500



This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
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NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

NW Development LLC
20225 Tumalo Rd
Bend OR 97701

Grafted Gains LLC
29711 Gimpl Hill Rd
Eugene OR 97402

Sean Reynolds
17120 Beers Ave
Sandy OR 97055

Anna Knight
PO Box 146
Sandy OR 97055

Dyana Selby
2512 NW 143rd
Vancouver WA 98685

Kevin Cashatt
41055 SE Kitzmiller Rd
Eagle Creek OR 97022

Robert Montgomery
PO Box 714
Troutdale OR 97060

William & Lois Wardy
38497 Hood St
Sandy OR 97055

Christopher Davis Sr & Cindy Kim
38477 Hood St
Sandy OR 97055

Darryl & Tracy Ming
38457 Hood St
Sandy OR 97055

Jaxon Carson LLC
9075 SE Kingswood Way
Damascus OR 97089

Arthur Wassenmiller
PO Box 101
Tygh Valley OR 97063

Oregon Trail Sch Dist #46
PO Box 547
Sandy OR 97055

Christy & Jason Kinsey
415 NE 4th St
Gresham OR 97030

Richard Minor
12255 SE Wiese Rd
Damascus OR 97089

Aranca Ferarita
38376 Hood St
Sandy OR 97055

Sarah Rullamas
1073 Hermitage Way Apt 39
Salem OR 97302

Meier Gale H Co-Trustee
17501 SE Fosberg Rd
Boring OR 97009

Robert & Florence Adee
38604 Park St
Sandy OR 97055

Summer Dodge
38622 Park St
Sandy OR 97055

Carol McGrew
38646 Park St
Sandy OR 97055

Jeffrey Barrett Jr & A Kimbrough
17185 Scales Ave
Sandy OR 97055

Morin Joan Trustee
38661 Hood St
Sandy OR 97055

Jennifer Wood
38356 Hood St
Sandy OR 97055

Quentin Karstetter
PO Box 994
Sandy OR 97055

Oregoneer LLC
16510 SE Bluff Rd
Sandy OR 97055

Ruth Clark
38472 Hood St
Sandy OR 97055

Oscar Williams
PO Box 66831
Portland OR 97290

Donna Ryan
38526 Hood St
Sandy OR 97055

Jon & Erin Woodard
38540 Hood St
Sandy OR 97055

Johnson Doris A Trustee
33991 SE Lusted Rd
Gresham OR 97080

Lowell & April Weare
38630 Hood St
Sandy OR 97055

Bruce Keep
38656 Hood St
Sandy OR 97055

Leslie Chamberlain
17221 Scales Ave
Sandy OR 97055

Carlson Chevrolet Co
PO Box 636
Sandy OR 97055

Red One Holdings LLC
18605 SW Pacific Dr
Tualatin OR 97062

~~Red One Holdings LLC
18605 SW Pacific Dr
Tualatin OR 97062~~

~~Red One Holdings LLC
18605 SW Pacific Dr
Tualatin OR 97062~~

Granstrom William L Estate Of
2617 Jolie Pointe Rd
West Linn OR 97068

Red One Holdings LLC
18605 SW Pacific Dr
Tualatin OR 97062

Alan & Therese Fleischman
38720 Proctor Blvd Ste 101
Sandy OR 97055

David Richard
17241 Scales Ave
Sandy OR 97055

Connie Langella
1107 NW 15th St #C121
Gresham OR 97080

Daniel & Carla Chalmers
38954 Proctor Blvd Pmb 152
Sandy OR 97055

Us Bank Properties
2800 East Lake St
Minneapolis MN 55406

Baker William F Trustee
7122 SE Short Rd
Gresham OR 97080

Usmw #3 LLC
36370 Industrial Way
Sandy OR 97055

Perdew Plus LLC
205 NE 14th Ave
Camas WA 98607

Brian Joseph
17150 Scales Ave
Sandy OR 97055

Robert Dowling
38740 Park St
Sandy OR 97055

Andre But
38750 Park St
Sandy OR 97055

28

~~Anthony & Myrna Gonzales~~
PO Box 21
Sandy OR 97055

Michell Kash
2407 Hill St
Santa Monica CA 90405

~~Anthony & Myrna Gonzales~~
PO Box 21
Sandy OR 97055

Margie Workinger & A Urieta
38525 Pleasant St
Sandy OR 97055

Anna Zell
28490 SE Currin Rd
Estacada OR 97023

Greg & Linda Osburn
15633 SE 329th Ave
Boring OR 97009

Andrew & Debra Lada
PO Box 703
Sandy OR 97055

Penny Heckel
19464 362nd Dr
Sandy OR 97055

~~Angelo Turra~~
43000 SE Trubel Rd
Sandy OR 97055

Roxie Burns
PO Box 237
Sandy OR 97055

~~Roxie Burns~~
PO Box 237
Sandy OR 97055

~~Leroy Burns~~
PO Box 237
Sandy OR 97055

Dawn Sayles
26785 SE Currin Rd
Estacada OR 97023

Rick & Leslie Hargitt
38725 Proctor Blvd
Sandy OR 97055

~~Dawn Sayles~~
26785 SE Currin Rd
Estacada OR 97023

~~Angelo & Vicki Turra~~
43000 SE Trubel Rd
Sandy OR 97055

Angelo & Victoria Turra
43000 SE Trubel Rd
Sandy OR 97055

Andreanne Rode
38765 Hood St
Sandy OR 97055

Karl & Elaine Russell
17180 Scales Ave
Sandy OR 97055

Teresa Ekstrom
37529 Woods Ln
Richland OR 97870

Stephanie Smith
17242 Scales Ave
Sandy OR 97055

Kathryn Leathers
255 Depot St
Fairview OR 97024

Sandy Post #4273 Vfw
PO Box 404
Sandy OR 97055

Elaine Kitchen Family LLC
37071 SE Kelso Rd
Boring OR 97009

Andys Ice Cream LLC
26814 SE Stark St
Troutdale OR 97060

~~Andys Ice Cream LLC~~
26814 SE Stark St
Troutdale OR 97060

~~Andys Ice Cream LLC~~
26814 SE Stark St
Troutdale OR 97060

~~Lila Leathers~~
255 Depot St
Fairview OR 97024

Yong & Young Lim
740 SE 25th St
Gresham OR 97080

~~Lila Leathers~~
255 Depot St
Fairview OR 97024

Lila Leathers
255 Depot St
Fairview OR 97024

Charles & Rebecca Speitz
38732 Hood St
Sandy OR 97055

Kathleen Wall
19901 Jacoby Rd
Sandy OR 97055

Nancy Reeves
PO Box 515
Brightwood OR 97011

William & Catherine Trimble
PO Box 10
Sandy OR 97055

Michael & Ava Platz
11257 SE 362nd Ave
Boring OR 97009

Alan & Therese Fleischman
38720 Proctor Blvd #205
Sandy OR 97055

Alan & Therese Fleischman
38720 Proctor Blvd #205
Sandy OR 97055

Eugene Halverson & Betty Jo
46692 SE Coalman Rd
Sandy OR 97055

Grant Fretz
38556 Hood St
Sandy OR 97055

Brian & Teresa Seiler
38700 Park St
Sandy OR 97055

McKay Denise Yvonne Trustee
17125 Scales Ave PO Box 544
Sandy OR 97055

Linda Mosbrucker
15633 SE 329th Ave
Boring OR 97009

Tolle Susan W Trustee
1551 SW Maplecrest Dr
Portland OR 97219

Tolle Susan W Trustee
1551 SW Maplecrest Dr
Portland OR 97219

United Pentecostal Ch Sandy
PO Box 1270
Sandy OR 97055

Adventure Holdings LLC
426 SE Grand Ave
Portland OR 97214

John Gough
38535 Pleasant St
Sandy OR 97055

Dyana Selby
2512 NW 143rd
Vancouver WA 98685

Francis Gaudette
PO Box 1540
Sandy OR 97055

Jane McCarrel
2727 Beacon Hill Dr
West Linn OR 97068

EXHIBIT C

Project Narrative
for

Pleasant Street Duplex

Cashatt Construction, Inc.
24E13BC tax 5500
(No site address)



Prepared by
Tracy Brown Planning Consultants, LLC
Sandy, OR. 97055
tbrownplan@gmail.com

August 2019

I. General Project Description

The project site is Lot 11 of Block 12 of the Sandy Land Company's First Addition to Sandy (Township 2 south, Range 4 east, Section 13BC, tax lot 5500). An address has not been assigned for the lot but it is located between 38535 Pleasant Street and 38565 Pleasant Street Sandy, OR. The lot is rectangular in shape measuring 50 feet wide by 105 feet deep and contains 5,250 square feet (approximately 0.12 acres). The topography of the site is generally flat with about four feet of elevation difference between the Southeast and the Northwest corners of the lot. The property is vacant and the majority of the lot is planted in grass with a few shrubs. The only tree on the property is a 13-inch Western white pine located in the front of the lot.

The site is zoned C-1, Central Business District as are properties adjacent to the subject property to the East and west and across Pleasant Street to the South. Properties abutting the northern boundary of the property are zoned R-3, High Density Residential. Land uses abutting the subject property are single family residential. Across Pleasant Street to the South is a multi-family dwelling and a multi-tenant commercial building is located on the corner of Pleasant Street and Beers Avenue to the southwest of the property.

The applicant proposes constructing a duplex on the subject property. As shown on submitted plans, each unit will contain two stories and include three bedrooms, two and one-half bathrooms, an attached single car garage and a private back patio and yard. Parking for the duplex will be provided by a single driveway from Pleasant Street and each unit includes two off-street parking spaces, one in front of the garage and one in the garage. Development of the project requires completion of frontage improvements along Pleasant Street. The enclosed plan set includes a site and landscaping plan, civil plans, and architectural drawings illustrating the details of the proposed project.

The applicant attended a pre-application conference with the City to review the project on June 5, 2019. These notes were referenced in the preparing the plan set and this narrative.

II. Application Approval Requests

The following approvals are requested with this application:

- Type II design review per the requirements of Section 17.90.160.
- Type III conditional use permit.

III. Items Submitted With This Application

- Land Use Application
- Property List and Mailing Labels
- Project Narrative
- Plan Set
 - Building Rendering
 - Site Plan and Landscaping Plan

- Building Elevations and Roof Plan
- First Floor Plan
- Second Floor Plan
- Foundation Plan
- Framing Plan
- Sections and Details
- Shear Wall Plans
- General Notes and Details

IV. Review of Applicable Approval Criteria

Development applications are required to comply with the development standards set forth in the Sandy Development Code, codified as Title 17 of the Municipal Code. The following section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response identifying how the proposal complies with the standard in *italics*.

17.30.00 ZONING DISTRICT DESIGNATIONS

Response: The subject property is zoned C-1, Central Business District, as identified on the City of Sandy Zoning Map.

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Response: Because the proposal is for a residential use in the C-1 zone not in conjunction with commercial development, compliance with density standards in the Chapter 17.40, High Density Residential Zoning District (R-3) is required. The R-3 zone requires a density range of a minimum of 10 units per net acre and allows a maximum of 20 units per net acre. The subject property contains 0.12 net acres requiring a minimum of one unit ($0.12 \times 10 = 1.2$ rounded down to 1 unit) and allowing a maximum of two units ($0.12 \times 20 = 2.4$, rounded down to 2 units). The proposal is for two units in conformance with this density range.

17.42.00 CENTRAL BUSINESS DISTRICT (C-1)

17.42.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

Section 17.42.20 (B)(5) lists “multi-family dwellings not contained within a commercial building” as a Conditional Use in the C-1 zone.

Response: Section 17.42.20 (B)(5) lists “multi-family dwellings not contained within a commercial building” as a Conditional Use in the C-1 zone. Multi-family dwellings are defined in Chapter 17.10, Definitions, as those containing “at least three dwelling units on a single lot or development site”. This chapter also defines duplexes as a “dwelling containing two independent dwelling units” and as illustrated in the picture associated with this definition, both dwelling units of a duplex are required to be located on the same lot. Comparing the definition for multi-family dwellings with that for duplexes in

Chapter 17.10, the only real difference between these two dwelling types is the number of units in each type (two units in a duplex and three or more units in a multi-family dwelling). For this reason duplexes can be interpreted to be similar to multi-family dwellings in that with both housing types all units are located on the same lot. For this reason the applicant believes it is reasonable to interpret Conditional Uses, Section 17.42.20(B)(6) "Other uses similar in nature" to include duplexes. In consideration of this interpretation, the applicant also believes it is reasonable to require duplexes proposed in this zone to be designed to comply with the multi-family design standards in Section 17.90.160. These design standards and Conditional Use Permit criteria in Chapter 17.68 are reviewed below.

17.42.30 DEVELOPMENT STANDARDS

A. Residential - Not Above Commercial Building

Response: As noted above, multi-family dwellings not associated with a commercial building requires compliance with the R-3 development standards.

R-3 Development Standards

Setbacks	Standard	Proposed
Front yard	10 ft. Minimum	18 ft. - complies
Rear yard	15 ft. Minimum	43 ft. - complies
Side yard (interior)	5 ft. Minimum	5 ft. both sides - complies
Corner lot	10 ft. Minimum on side abutting the street	N/A
Garage	20 ft. Minimum for front vehicle access	20 ft. - complies
Other Standards	Standard	Proposed
Minimum Average Lot Width - other permitted uses	No minimum	complies
Minimum Lot Frontage	20 ft. Except as allowed by Section 17.100.160	50 ft. - complies
Minimum Average Lot Depth	No minimum	complies
Projections into required setbacks	See Chapter 17.74	No projections into required setbacks are proposed.
Multi-family Landscaping	20% (Section 17.42.30(A)) 25% minimum (Section 17.40.30)	34% proposed (1,800 sq. ft.) - complies
Structure Height	35 ft. maximum (Section 17.40.30) 45 ft. (Section 17.42.30(A))	21 2 3/4 ft. proposed - complies
Building Site Coverage	No maximum	complies
Off-street Parking	See Chapter 17.98	See Chapter 17.98 below

Response: As noted above, residential projects not in conjunction with a commercial building require compliance with density/lot dimension and setback requirements of the R-3 zoning district. As detailed in the table above, the proposal complies with all of these standards. The front yard setback for residential development not above a commercial building as specified in Section 17.40.30 shall be a minimum of 10 feet. The structure is proposed to be setback approximately 12 feet from the front property line in compliance with this section.

B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.

Response: The subject property is abutting on both sides (east and west) by property also zoned C-1, Central Business District and does not require any special setbacks on these sides. The property is bordered on its northern boundary (rear yard) by property zoned R-3. The proposed structure will be located 43 feet from this property line and no additional setbacks are required in this area.

CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.20 TIMING OF IMPROVEMENTS

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

Response: All improvements will be completed prior to occupancy.

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 5 ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.

Response: Pleasant Street is identified in the City's Transportation System Plan as a local street. Sidewalk and frontage improvements will be constructed in compliance with city standards. The applicant intends to submit the details of these improvements with submittal of the building permit.

4. The timing of the installation of sidewalks shall be as follows:

Response: The applicant intends to complete sidewalk improvements prior to occupancy of the proposed structure.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

Response: No transit amenities have been identified or are required with this development.

17.84.50 STREET REQUIREMENTS

A. Traffic evaluations may be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the

scope of the traffic evaluation has been approved, the applicant shall present the results with and an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.

2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

Response: The City indicated at the pre-application conference that if the proposal included construction of a triplex (three units) submittal of a traffic letter would be required. The applicant proposes constructing only two units and a traffic letter is not warranted or required.

17.84.60 PUBLIC FACILITY EXTENSIONS

A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

Response: Sanitary sewer and water service is available in Pleasant Street to serve the proposed development. The majority of stormwater runoff will be managed on-site and then discharged to the existing storm pipe in Beers Ave. west of the subject property as necessary. The applicant will install broadband fiber in each unit as required with this development.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as "franchise utilities").

Response: All franchise utilities will be installed as required.

E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:

1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.

Response: An existing street light is located on a power pole across Pleasant Street from the subject site. No additional street lighting for this project has been identified.

17.84.90 LAND FOR PUBLIC PURPOSES

A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:

Response: No new easements have been identified with this development.

17.84.100 MAIL DELIVERY FACILITIES

Response: Mail delivery facilities will be coordinated with the Sandy Post Office and installed prior to occupancy. A proposed mailbox location is shown on the submitted site plan.

17.86 PARKLAND AND OPEN SPACE

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre: Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0043 (per person park land dedication factor)

Response: The proposed duplex requires the following calculation: 2 units x 2 persons/unit x 0.0043 (per person parkland dedication factor) = 0.017 rounded to the nearest 1/100 = 0.02 acres. Based on the current parkland fee in lieu amount in the City's fee resolution of \$241,000/acre, a payment of \$4,820 (0.02 x \$241,000 = \$4,820) is required to be paid prior to issuance of a building permit.

17.90 DESIGN STANDARDS

17.90.160 ADDITIONAL REQUIREMENTS - MULTI-FAMILY DEVELOPMENTS

Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

Response: As noted above, the applicant requests the proposed duplex be interpreted to be "similar in nature" to a multi-family development. As such, the applicant has designed the project in compliance with the standards of this section.

A. Roofs. Roofs shall meet the following additional requirement:

1. Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed.

Response: The proposed structure features a 5:12 pitch hipped roof exceeding the minimum roof pitch standard. The applicant assume the standard in this section is intended to read "3:12" rather than "3:1" as written. This section also requires a minimum 30-inch overhang but allows approval of alternatives to this

standard where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed. The applicant requests an alternative to the 30-inch overhang standard to construct the structure with 16-inch overhangs. The two abutting structures to the subject lot include a two story structure built in 2005 to the West and a single-story bungalow built in 1952 to the East. These structures contain overhangs similar to what is proposed that area less than 30-inches. A review of other structures on the same block as the proposed development reveals that all of these structures contain roof overhangs similar to or less than what is proposed. Across Pleasant St. from west to east is an existing multi-tenant commercial structure, a parking lot and drive-through access for U.S. Bank, two multi-family dwellings, and a duplex at the corner of Pleasant Street and Scales Avenue. These structures also contain roof overhangs equal to or less than what is proposed. Given these findings, the roof overhang on the proposed structure is similar to or greater than the roof pitch and overhang of abutting structures and structures within 300 feet of the proposal and approval of an alternative to this standard is warranted. The proposal complies with this standard.

2. Offsets or breaks in roof elevation shall be at least 3 or more feet in height.
Response: The second story of the proposed structure features a dormer and two-foot projection of the master bedroom wall. This second story extension is 15 feet wide, measured eave to eave and extends three feet into the roof structure. The design complies with this section.

B. Entries.

1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
4. Secondary entries may face parking lots or loading areas.

Response: The proposal features a front porch at each entry door covered by an architecturally detailed pitched roof. These structures include decorative posts with a cultured stone base and the porch faces Pleasant Street as required. With these elements the proposal complies with this section.

C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.

Response: The front building facade is articulated by a large covered front porch, a variety of windows, changes in materials and colors, and a projecting dormer on the South wall of the westerly unit's master bedroom. The proposal complies with this standard.

D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.
2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet, with maximum length of an overhang not to exceed 25 feet.
3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 feet deep and at least 125 sq. ft. in area.

Response: The front elevation of the structure features a primary wall plane encompassing most of the first floor and garage entry and portions of the second story. The wall plane at each unit entry projects two feet beyond the primary wall plane and each entry features a covered porch. The second story of the primary wall plane is articulated by a two foot projection of the westerly master bedroom's south wall. In addition, this elevation features a 2-foot pitched overhang over the easterly garage. The front porch at each entry door extends six feet beyond that wall plane for a total extension of eight feet beyond the primary wall plane as required. The roof of these features are approximately 10 foot, four-inch wide (measured eave to eave) and about 21-feet, 10-inches apart. The proposal contains a variety of elements to address this section and the applicant believes the proposal complies with the intent of this section.

E. Private Outdoor Areas.

1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.

Response: Each unit features a 35 square foot (3.5 feet x 10 feet) private back patio and a large (approximately 40 feet by 50 feet) backyard. With these elements the proposal complies with this section.

F. Parking Lots. Parking lots in multi-family developments shall not occupy more than 50% of the frontage of any public street abutting the lot or building.

Response: Each unit includes a single car garage and one vehicle parking space in front of the garage. The 20 foot wide parking area occupies 40% (20/50 = 40) of the lot's street frontage. The proposal complies with this section.

G. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

Size of Dwelling	Minimum Square Feet	Minimum Height
Studio	24	6
1 Bedroom	24	6
2 Bedroom	36	6
3+ Bedroom	48	6

Response: Both units are proposed to contain three bedrooms requiring a minimum of 48 square feet of individual storage area. Each unit includes storage within the garage

to accommodate garbage containers and other items. In addition, each unit is provided with a 35 square foot private back deck to accommodate patio furniture and bbq's. These areas meet the minimum height required and exceed the minimum area requirements of this section.

H. Carports and Garages. If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

Response: Each unit includes a garage integrated into the structure proposed to be constructed using the same materials and painted the same colors as the dwelling unit.

I. Shared Outdoor Recreation Areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least 50% of the recreation area must be located outside the boundaries of such areas and slopes may not exceed 15% in the 50% usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

1. Provides approximately the same accessibility to the maximum number of dwelling units possible.
2. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included).
3. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide;
4. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
5. Provides a usable surface material such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

Response: This section is not applicable because the proposal is to construct two units. Regardless, each unit will benefit from the improvement of a large backyard.

J. Safety and Security.

1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
2. Establish a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

Response: The porch of each unit will include a light although the details of this fixture has not been determined at this time. In addition, each unit will be marked with address numbers to clearly identify the unit for visitors and emergency service providers. The applicant intends to provide lighting details with building plans.

K. Service, Delivery and Screening.

1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.
3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
 - a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.
 - b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

Response: The location and type of postal delivery facility will be coordinated with the U.S. Postal Service. A proposed mailbox location is shown on the submitted Site Plan. Garbage and recycling will be individually provided for each unit. The proposed garages contain sufficient room to store these containers out of sight.

L. Electrical and Mechanical Equipment. On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

Response: All electrical and mechanical equipment will be screened as required using landscape materials.

CHAPTER 17.92 LANDSCAPING AND SCREENING GENERAL STANDARDS - ALL ZONES

Response: The C-1 zoning district requires residential development not above commercial development to contain 20 percent landscaping and the R-3 requires 25 percent landscaping. The subject contains an existing 13-inch Western white pine tree that is proposed to be retained. The submitted Site and Landscaping Plan indicates that 34 percent of the lot is proposed to be landscaped in compliance with this standard. The requirements of Chapter 17.92 are addressed below.

17.92.10 GENERAL PROVISIONS

D. Planter and boundary areas used for required plantings shall have a minimum diameter of 5- ft. (2-1/2 ft. 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 7-1/2 ft.

Response: All planter areas have a minimum depth of five feet. There are no areas required to have wheel stops installed to protect landscaping from vehicles.

E. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

Response: Care will be taken when selecting landscape materials at the project driveway to ensure the vision clearance area is kept clear.

K. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

Response: All areas of the site will either be occupied by structures, pavement, or landscaping.

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

Response: The applicant intends to establish a program to regularly maintain installed landscape materials.

17.92.30 REQUIRED TREE PLANTINGS

Planting of trees is required for all parking lots with 4 or more parking spaces, public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

The City maintains a list of appropriate trees for street tree and parking lot planting situations. Selection of species should be made from the city-approved list. Alternate selections may be approved by the Director following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Response: The Site and Landscaping Plan provided with this submittal indicates that the existing tree in front of the eastern unit will be retained and a new tree will be installed in front of the western unit. In addition to these trees on the private property, street trees will be required along Pleasant Street selected from the City's approved street tree list. In addition the applicant intends planting two trees will in the backyard behind each unit.

17.92.40 IRRIGATION

Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

Response: All landscape areas will be irrigated with either a manual or automatic system. The details of this system will be submitted with building plans.

17.92.50 TYPES AND SIZES OF PLANT MATERIALS

A. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover except as otherwise authorized by Chapter 17.92.10 F.

D. Deciduous trees shall be balled and burlapped, be a minimum of 7 feet in overall height or 1 1/2 inches in caliper measured 6 inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

F. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after 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 2 years after planting.

H. Vines for screening purposes shall be a minimum of 1 gallon in size or 30 inches in height immediate after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

I. Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.

J. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry.

K. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscape area.

Response: The submitted Site and Landscape Plan has been designed to include a variety of trees, shrubs, and turf in accordance with the standards of this section. The existing Western white pine tree located in the front yard will be retained and a new tree is proposed to be plant in the front yard and two trees planted in the rear yard. The front yard also includes shrubs and turf is proposed. The details of these plantings will be submitted with building permits.

17.92.70 LANDSCAPING BETWEEN PUBLIC RIGHT-OF-WAY AND PROPERTY LINES

Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

Response: The front yard of the site will be landscaped as required.

CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.20 OFF-STREET PARKING REQUIREMENTS

Duplexes require two vehicle parking spaces per unit.

Response: Each unit features a single-car garage and a space in front of the garage for a total of two vehicle parking spaces per unit in compliance with this section.

17.98.50 SETBACKS

A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and two-family dwellings, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

Response: Properties abutting the proposed off-street parking area are also zoned C-1. Each unit features one parking space in the driveway in front of the garage as allowed by subsection B above. All parking is located 15 feet from the side property lines exceeding the five foot minimum required.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.

Response: All parking and maneuvering areas will be constructed with concrete as required.

B. Size of Space.

- 1. A standard parking space shall be 9 feet by 18 feet.
- 2. A compact parking space shall be 8 feet by 16 feet.
- 3. Handicapped parking spaces shall be 13 feet by 18 feet. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
- 4. Parallel parking spaces shall be a length of 22 feet.
- 5. No more than 35 percent of the parking stalls shall be compact spaces.

Response: All proposed parking complies with this standard. Because the proposal is for a duplex, no ADA parking is required.

17.98.100 DRIVEWAYS

A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

Response: A 20-foot wide concrete driveway approach located in the center of the property is proposed to provide access to both units in compliance with this section.

17.98.130 PAVING

A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to city standards for off-street vehicle areas.

B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

Response: As shown on the Site and Landscaping Plan the driveway will be paved using concrete as required.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

Response: The majority of stormwater will be handled onsite with any overflow directed to available stormwater facilities as required. The applicant requests approval to defer submittal of a stormwater management design to the building permit.

17.98.150 LIGHTING

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

Response: The applicant has not determined the details of proposed lighting at this time. Lighting will include a fixture installed under the covered entry porch to light the front door and parking area. The applicant requests approval to defer submit of lighting details until the building permit.

CHAPTER 17.68 CONDITIONAL USES

Certain uses listed in each zoning district require special review to determine what their effects may be to the surrounding properties, neighborhood, and community as a whole. The Minor Conditional Use Permit (Type II) and Conditional Use Permit (Type III) processes provide an opportunity to allow a use when potential adverse effects can be mitigated or deny a use if concerns cannot be resolved.

Response: A multi-family development not in conjunction with commercial development is listed as a conditional use in Chapter 17.42, C-1, Central Business District. As discussed above, the applicant requests the Planning Commission consider this use "similar in nature" to a multi-family development requiring conditional use permit approval.

17.68.20 REVIEW CRITERIA

The Planning Director (Minor Conditional Use Permit) through a Type II process or the Planning Commission (Conditional Use Permit) through a Type III process may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

Response: As noted above, the applicant has requested the Planning Commission determine the proposed duplex to be similar to a multi-family project requiring Conditional Use Permit approval.

The following criteria and compatibility factors shall be considered:

- A. The use is listed as either a minor conditional use or conditional use in the underlying zoning district or has been interpreted to be similar in use to other listed conditional uses.

Response: As discussed above, the applicant requests the Planning Commission consider the proposed duplex to be “similar in nature” to a multi-family dwelling in that both structures contain more than one dwelling unit on a single lot. With approval of this determination a multi-family project not in conjunction with a commercial building in the C-1 zoning district (Section 17.42.20(B)) requires Conditional Use Permit approval.

- B. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, and natural features.

Response: The site is well suited to accommodate the proposed structure and use. The subject property abuts single-family residences on its northern, eastern, and western property lines. The block across the street from the subject property contains a variety of structures including commercial businesses, a private parking lot and drive-through banking, multi-family structures, and a single-family residence. The maximum density allowed by the R-3 density range is two units and this is the number proposed. The subject property is a typical rectangular in-fill lot without any natural features except a single tree. Alternatively, construction of the subject property with a permitted commercial use would be significantly more disruptive to abutting structures and the character of the neighborhood than the proposed use. The characteristics of the subject property is a suitable location for the proposed small scale residential infill project.

- C. The proposed use is timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use.

Response: The subject property is the only vacant lot on this block of Pleasant Street. All utilities are readily available to serve the property. With development of the property the unimproved frontage on this section of Pleasant Street will be improved. The proposed use is timely given the adequacy of transportation, public facilities, and services for the area affected by the use.

- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district.

Response: The block of Pleasant Street the subject property is on currently contains a mix of single family, small scale multi-family, and a multi-tenant commercial development. An existing duplex is located about 170 feet east of the subject property at the corner of Pleasant Street and Scales Avenue. The single-family dwelling directly west of the subject property built in 2005 contains two stories and is a similar architectural style as is proposed. The subject property is currently

vacant and the applicant is not aware if the property has ever been developed. The subject property is a prime candidate for infill development and the proposal will provide additional needed housing in close proximity to the downtown core. Although conversion of the current vacant property to two units will change the character of this individual property, the development will have minimal impact on the character of the surrounding area. The area in proximity to the subject property contains a mix of primarily residential uses and the proposed use will not alter the character of the surrounding area in a manner which will substantially limit, preclude, or impair the use of these properties for the primary uses listed in the underlying zoning district.

- E. The proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare.

Response: The proposed project has been carefully designed so as to minimize any disturbance or impacts to adjacent properties and development of the project will not result in the use of land for any purpose which may create or cause to be created any public nuisance. As noted above, the design of the proposed structure closely matches the architectural character of the existing residential structure to the west of the property.

- F. The proposed use will be reasonably compatible with existing or planned neighboring uses based on review of the following:

1. Basic site design (organization of uses on the site)

Response: As noted above, the density range for the subject property requires a minimum of one and a maximum of two units. As reviewed in Section 17.90.160 above, the proposed two-unit duplex complies with the design standards for multi-family structures in addition to setbacks and parking requirements. The applicant has taken great care to design the project to be compatible with uses within the surrounding neighborhood.

2. Visual elements (scale, structural design and form, materials, and so forth)

Response: The proposed two story building will be constructed at a scale and design similar to other structures in the vicinity of the project. Materials used on the project including horizontal lap siding, stone, and vertical siding on the dormer that will complement materials used on structures in the vicinity.

3. Noise

4. Noxious odors

5. Lighting

6. Signage

Response: The proposed structure will be used for residential purposes and will be reasonably compatible with the existing neighborhood relative to these items. No excessive noise, odors, or lighting is proposed and there will be no signage installed. The details of proposed lighting will be submitted with building plans.

7. Landscaping for buffering and screening

Response: As shown on the submitted Site and Landscaping Plan, about 1,800 square feet (34 percent) of the site will be landscaped exceeding the minimum 25 percent required by Chapter 17.40, High Density Residential. The area in front of the units will be landscaped with a tree added in front of the western unit and a combination of shrubs and turf will be installed. With these improvements the proposal will have attractive street appeal.

8. Traffic

9. Effects on off-street parking

Response: The project will include two dwelling units, the maximum allowed on this lot. The site plan is designed to provide two off-street parking spaces per unit as required. On-street parking will also be available with the completion of frontage improvements as part of the development. As proposed, the project will be reasonably compatible with the surrounding neighborhood and will not negatively affect traffic or parking.

10. Effects on air quality and water quality

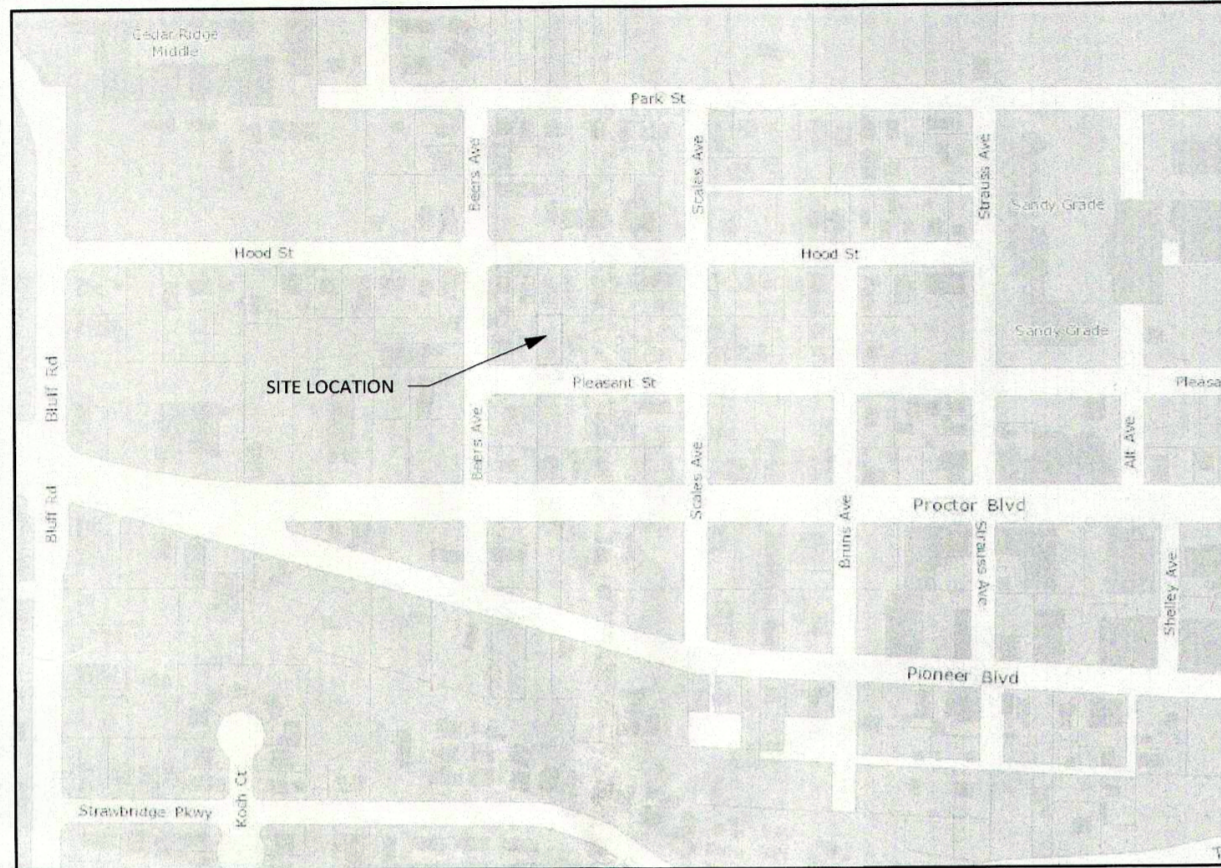
Response: The proposal will have negligible effects on air and water quality. All stormwater runoff will be treated and detained in compliance with applicable regulations.

V. Conclusion

The applicant, Cashatt Construction, Inc., requests Conditional Use Permit and design review approval to construct a duplex on property he owns zoned C-1, Central Business District on Pleasant Street. As demonstrated with this submittal the proposal complies with or exceeds all relevant code standards and the applicant respectfully requests this application be approved.

EXHIBIT D

VICINITY MAP
1/2" = 1'-0"



LANDSCAPING REQUIREMENTS

A. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover except as otherwise authorized by Chapter 17.92.10 F.

D. Deciduous trees shall be balled and burlapped, be a minimum of 7 feet in overall height or 1 1/2 inches in caliper measured 6 inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

F. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after 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 2 years after planting.

H. Vines for screening purposes shall be a minimum of 1 gallon in size or 30 inches in height immediate after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

I. Groundcovers shall be fully rooted and shall be well branched w/ leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.

J. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry.

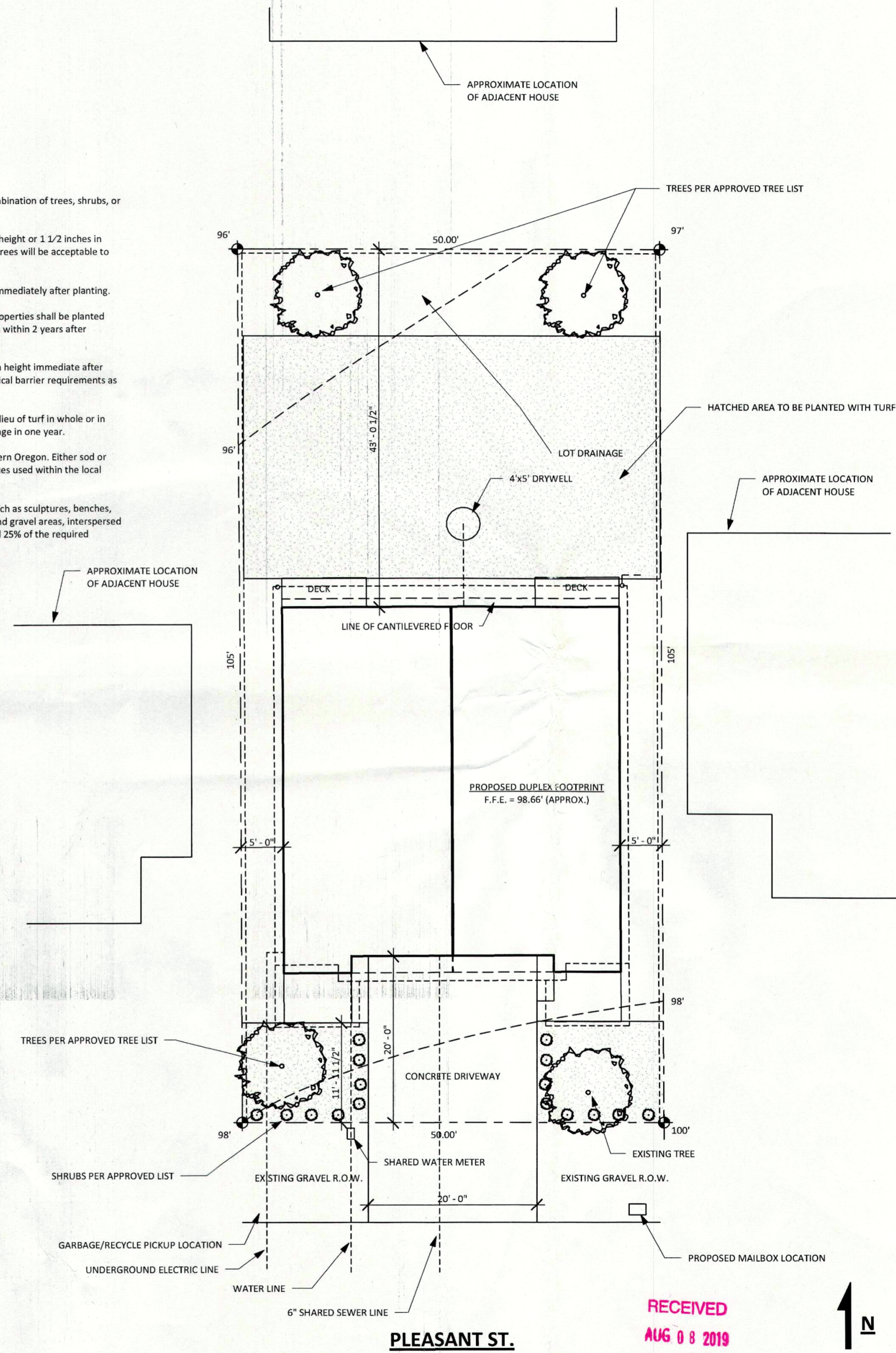
K. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscape area.

SITE PLAN 1" = 10'-0"

DESIGNER: BUILDER'S DESIGN, INC.
BRANDON YODER - (503) 252-3453
BUILDERSDESIGN@GMAIL.COM

SITE INFORMATION
Map Number: 24E138C
Taxlot Number: 24E138C05500
Parcel Number: 00657809
Document Number: 2019-017747
Census Tract: 023404
LOT AREA = 5,250 S.F.
ZONING - C1 (CENTRAL BUSINESS DISTRICT)

LANDSCAPING AREA: 5,250 x 25% = 1312 S.F. MINIMUM LANDSCAPED AREA
- 1,800 S.F. LANDSCAPED AREA IS PROVIDED



RECEIVED
AUG 08 2019
CITY OF SANDY



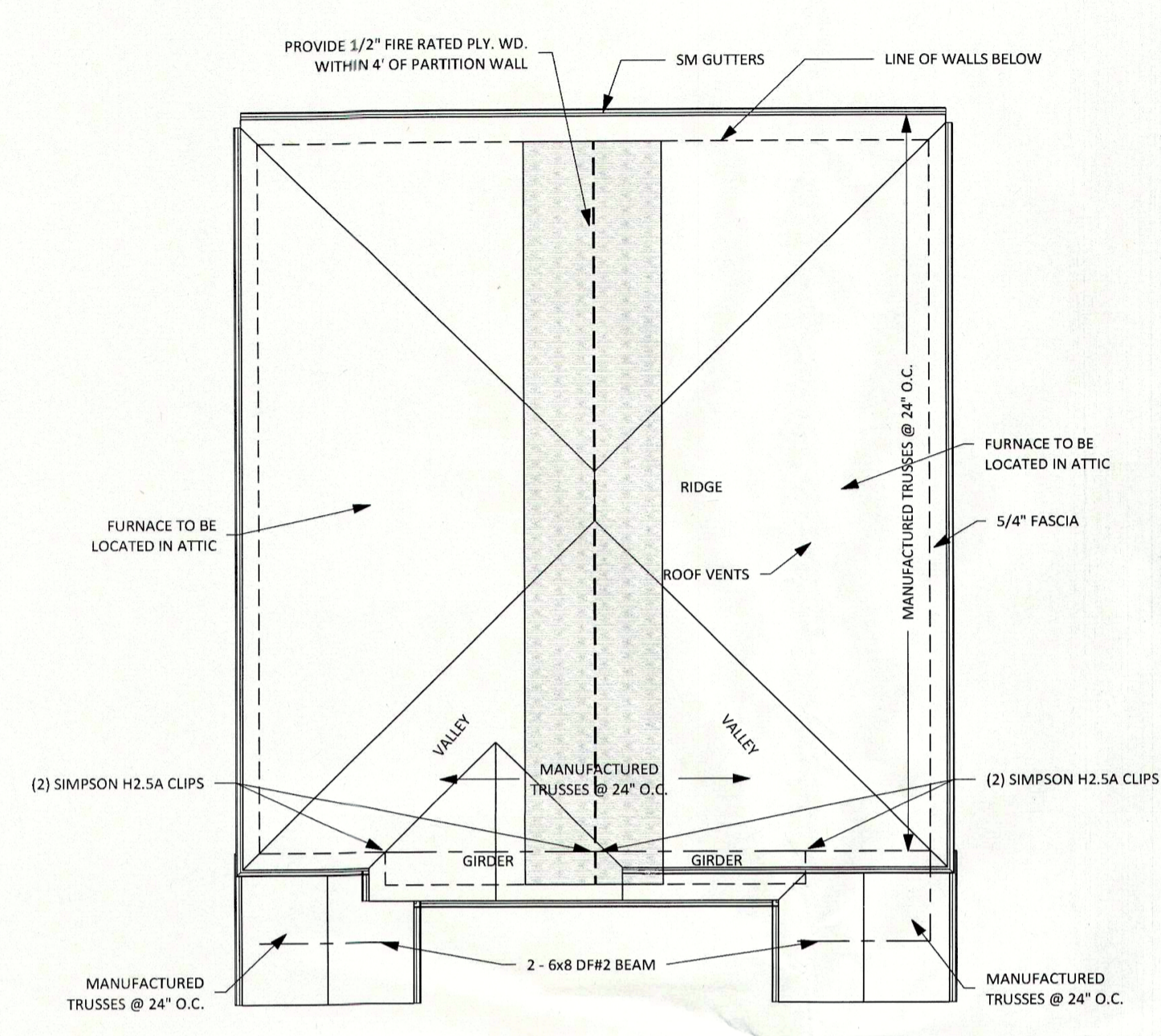
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KEVIN CASHATT - PLEASANT DUPLEX SITE AND LANDSCAPING PLAN

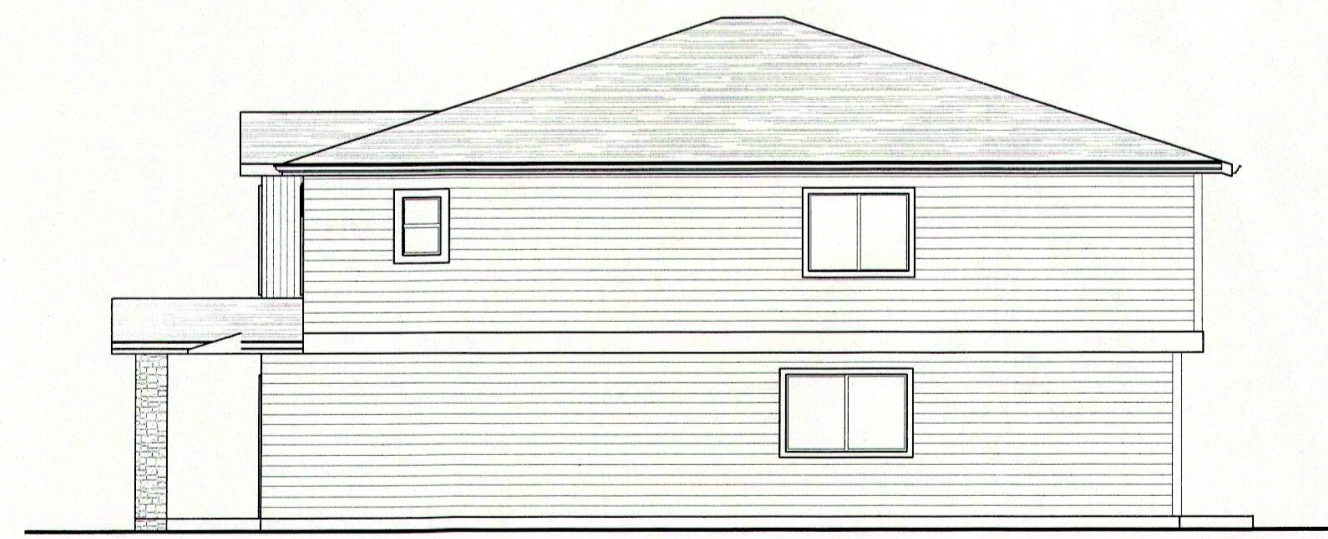
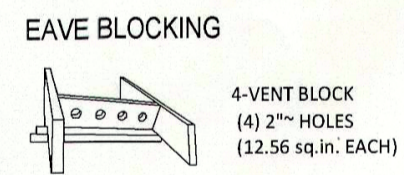
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Date: 8/7/2019 11:52:39 AM
Drawn by: BSJ
Area:
Scale: As indicated

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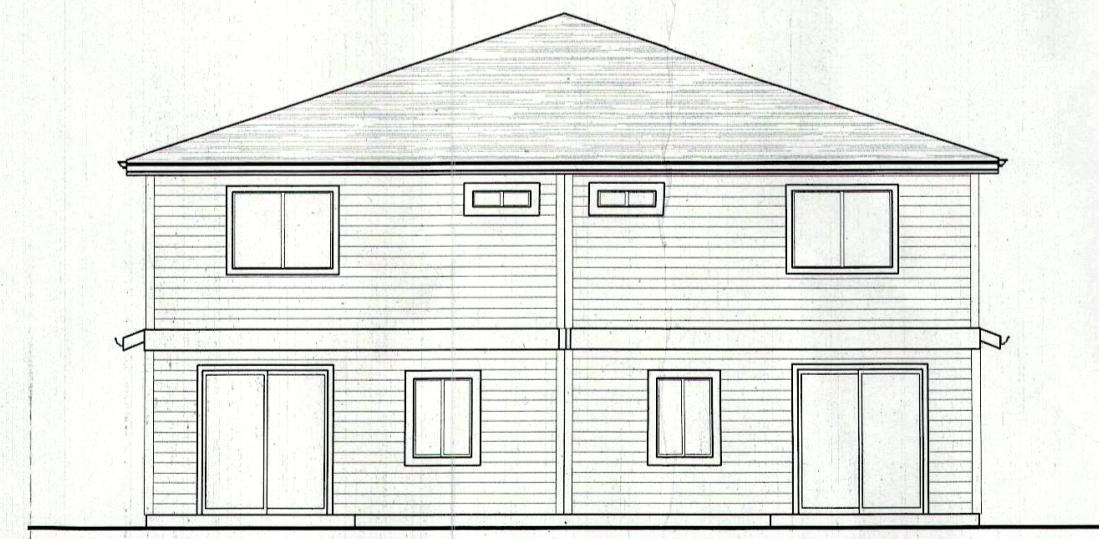


COMP. ROOFING ON 15# FELT ON 1/2" CDX PLY. WD. ON MANU. ROOF TRUSSES @ 24" O.C.
ROOF VENTS
S.M. GUTTERS
LINE OF WALLS BELOW

ATTIC VENTILATION REQUIRED: THE ATTIC AREA MUST BE 1/150 OF THE AREA OF THE SPACE VENTILATED
 - ATTIC SPACE IS 1,721 S.F. ATTIC AREA
 - ATTIC VENTS MUST PROVIDE MIN. 60 SQ. IN. (0.416 S.F.)
 - 1,721 / 150 = 11.80 / 2 = 5.90 - 5.90 / .416 = 15 ATTIC VENTS REQUIRED
 - .348 S.F. PER EAVE BLOCK PROVIDED - 5.90 / .348 = 17 EAVE BLOCKS REQUIRED



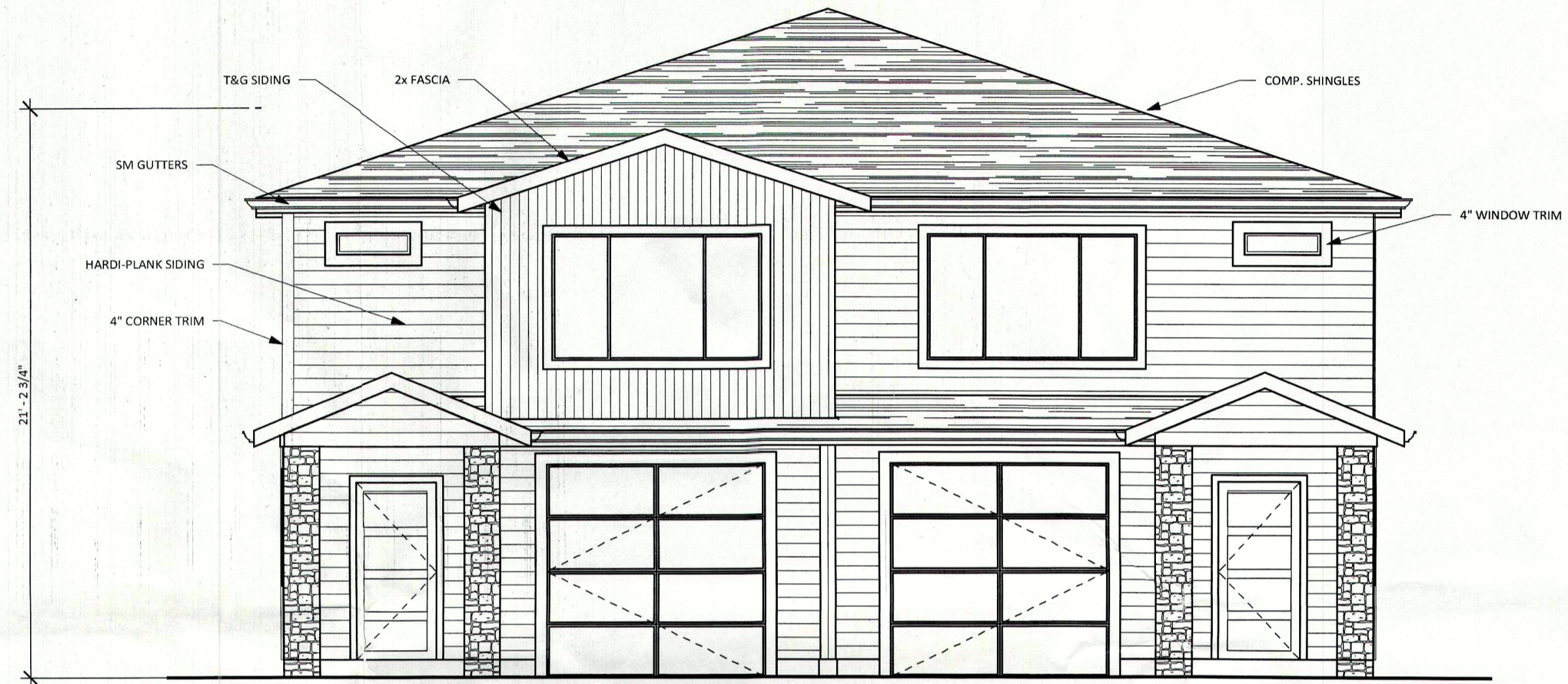
EAST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"



767 S.F. FRONT WALL AREA
 OPENINGS:
 WINDOWS -
 (4) 4'x5' = 80 S.F.
 (2) 4'x1' = 8 S.F.
 DOORS -
 (2) 3'x7' = 42 S.F.
 (2) 8'x8' = 128 S.F.

BUILDING COLORS ARE TO BE DETERMINED

SOUTH ELEVATION
1/4" = 1'-0"

BUILDERS DESIGN INC.
 COMMERCIAL - RESIDENTIAL - REMODELING
 11125 NE WEIDLER ST. - PORTLAND, OR 97220
 PHONE: (503) 252-3453 - FAX: (503) 252-3454
 EMAIL: BUILDERDESIGN@GMAIL.COM

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KEVIN CASHATT - PLEASANT DUPLEX ELEVATIONS AND ROOF PLAN

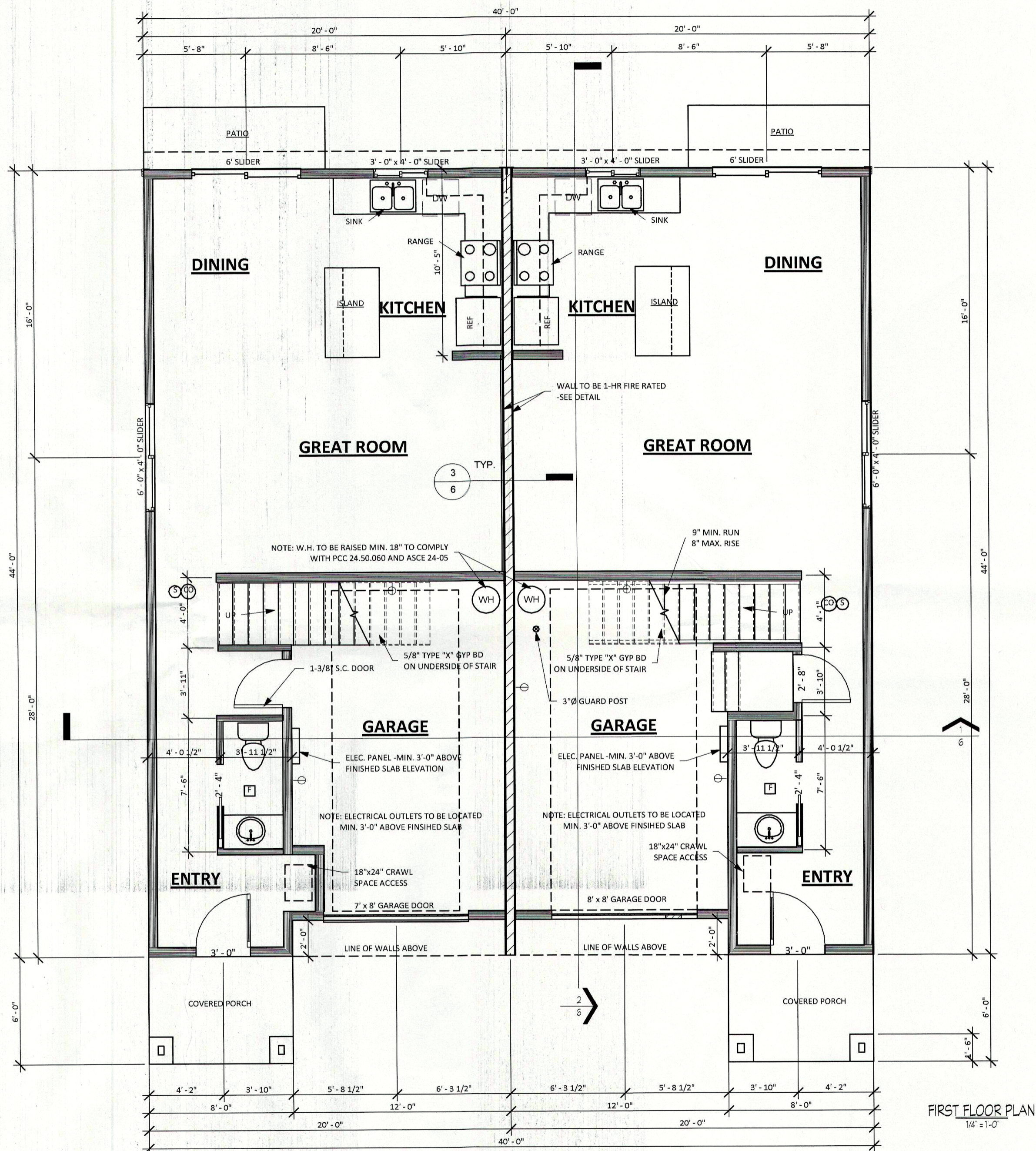
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Date:	8/7/2019 11:52:40 AM
Drawn by:	BSY
Area:	
Scale:	As indicated

1

NEW HOUSE INSULATION REQUIREMENTS
1/4" = 1'-0"

ENVELOPE ENHANCEMENT MEASURE	TABLE N1101.1(2) ADDITIONAL MEASURES	AND
	(5) AIR SEALING HOME AND DUCTS MANDATORY AIR SEALING OF ALL WALL COVERINGS AT TOP PLATE AIR SEALING CHECKLIST (F), AND MECHANICAL WHOLE-BUILDING VENTILATION SYSTEM WITH RATES MEETING M1503 OR ASHRAE 62.2, AND ALL DUCTS AND AIR HANDLERS CONTAINED WITHIN BUILDING ENVELOPE (H) OR ALL DUCTS SEALED WITH MASTIC (B)	
CONSERVATION MEASURE	(A) HIGH EFFICIENCY HVAC SYSTEM (a): GAS-FIRED FURNACE OR BOILER AFUE 94%, OR AIR-SOURCE HEAT PUMP HSPF 9.5/15.0 SHEER COOLING, OR GROUND SOURCE HEAT PUMP COP 3.5 OR ENERGY STAR RATED	
<p>FOR SI: 1 SQUARE FOOT = 0.093m²; 1 WATT PER SQUARE FOOT = 10.8 W/m²</p> <p>(a) APPLIANCES LOCATED WITHIN THE BUILDING THERMAL ENVELOPE SHALL HAVE SEALED COMBUSTION AIR INSTALLED. COMBUSTION AIR SHALL BE DUCTED DIRECTLY FROM THE OUTDOORS. (b) ALL DUCT JOINTS AND SEAMS SEALED WITH LISTED MASTIC TAPE. TAPE IS ONLY ALLOWED AT APPLIANCE OR EQUIPMENT CONNECTIONS (FOR SERVICE AND REPLACEMENT). MEET SEALING CRITERIA OF PERFORMANCE TESTED COMFORT SYSTEMS PROGRAM ADMINISTERED BY THE BONNEVILLE POWER ADMINISTRATION (BPA). (c) RESIDENTIAL WATER HEATERS LESS THAN 55 GALLON STORAGE VOLUME (d) A TOTAL OF 5% OF AN HVAC SYSTEM'S DUCTWORK SHALL BE PERMITTED TO BE LOCATED OUTSIDE OF THE CONDITIONED SPACE. DUCTS LOCATED OUTSIDE OF THE CONDITIONED SPACE SHALL HAVE INSULATION INSTALLED AS REQUIRED IN THIS CODE (e) THE MAXIMUM VAULTED CEILING SURFACE AREA SHALL NOT BE GREATER THAN 50% OF THE TOTAL HEATED SPACE FLOOR AREA UNLESS VAULTED AREA HAS A U-FACTOR NO GREATER THAN U-0.026 (f) CONTINUOUS AIR BARRIER, ADDITIONAL REQUIREMENT FOR SEALING OF ALL INTERIOR VERTICAL WALL COVERING TO TOP PLATE FRAMING, SEALING WITH FOAM GASKET, CAULK OR OTHER APPROVED SEALANT LISTED FOR SEALING WALL COVERING MATERIAL TO STRUCTURAL MATERIAL (EXAMPLE: GYPSUM BOARD TO WOOD STUD FRAMING). (g) TABLE N1104.1 (1) STANDARD BASE CASE DESIGN, CODE U/A SHALL BE AT LEAST 8% LESS THAN THE PROPOSED U/A. BUILDINGS WITH FENESTRATION LESS THAN 15% OF THE TOTAL VERTICAL WALL AREA MAY ADJUST THE CODE U/A TO HAVE 15% OF WALL AREA AS FENESTRATION.</p>		

TABLE N1101.1(1) PRESCRIPTIVE ENVELOPE REQUIREMENTS	
ABOVE GRADE WALL	R-21
BELOW GRADE WALL	R-15
FLAT CEILINGS	R-49
VAULTED CEILINGS	R-30 RAFTER R-30A SCISSOR
UNDERFLOORS	R-30
SLAB-EDGE PERIMETER	R-15
HEATED SLAB INTERIOR	R-10
WINDOWS	U-0.30
SKYLIGHTS	U-0.50
EXTERIOR DOORS	U-0.20
EXTERIOR DOORS W/ 2.5 FT GLAZING	U-0.40
FORCED AIR DUCT INSULATION	R-8



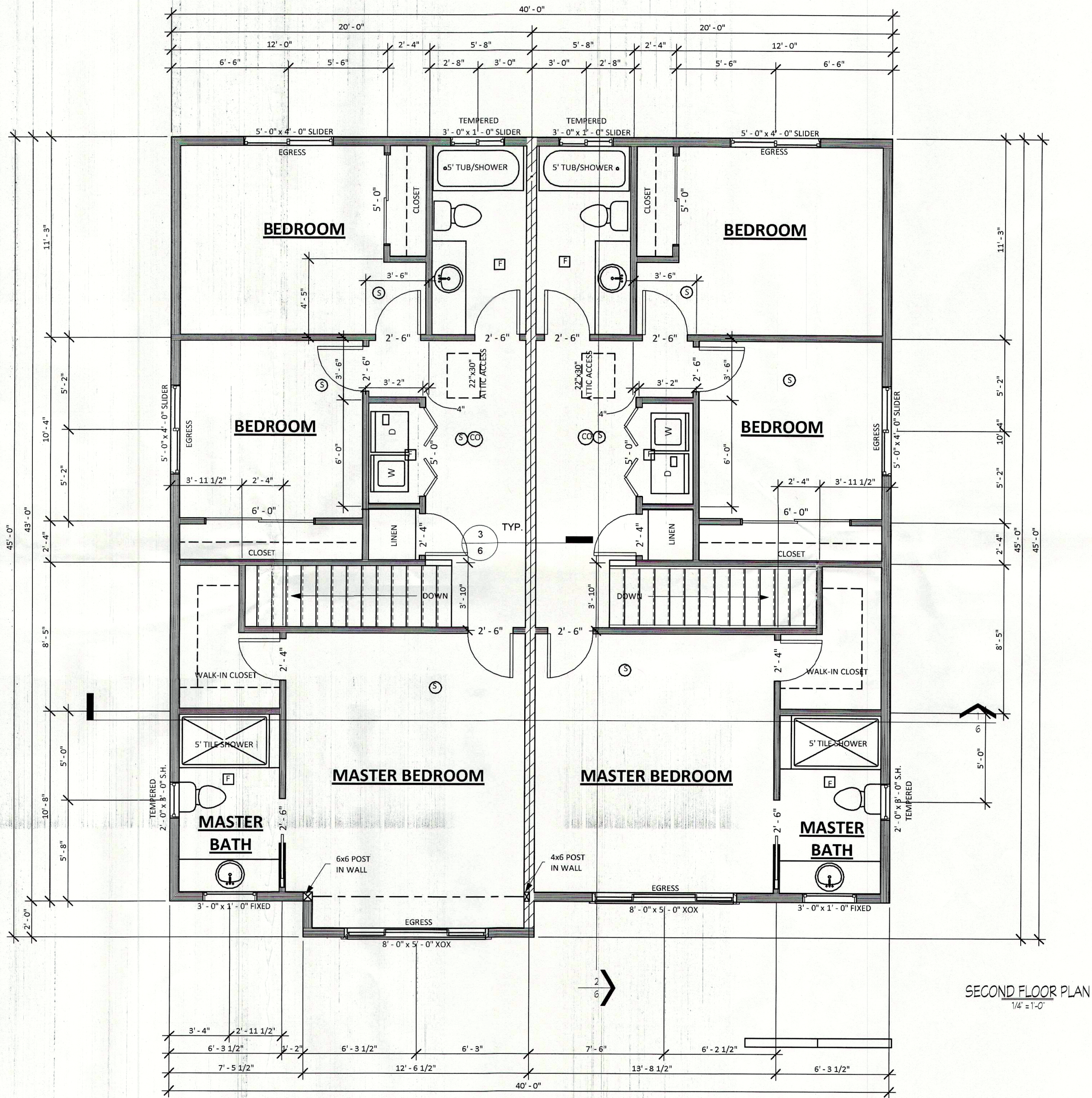
FIRST FLOOR PLAN
1/4" = 1'-0"

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KEVIN CASHATT -
PLEASANT DUPLEX
FIRST FLOOR PLAN

Project number: 11652
Date: 8/7/2019 11:52:40 AM
Drawn by:
Area:
Scale: 1/4" = 1'-0"



SECOND FLOOR PLAN
1/4" = 1'-0"

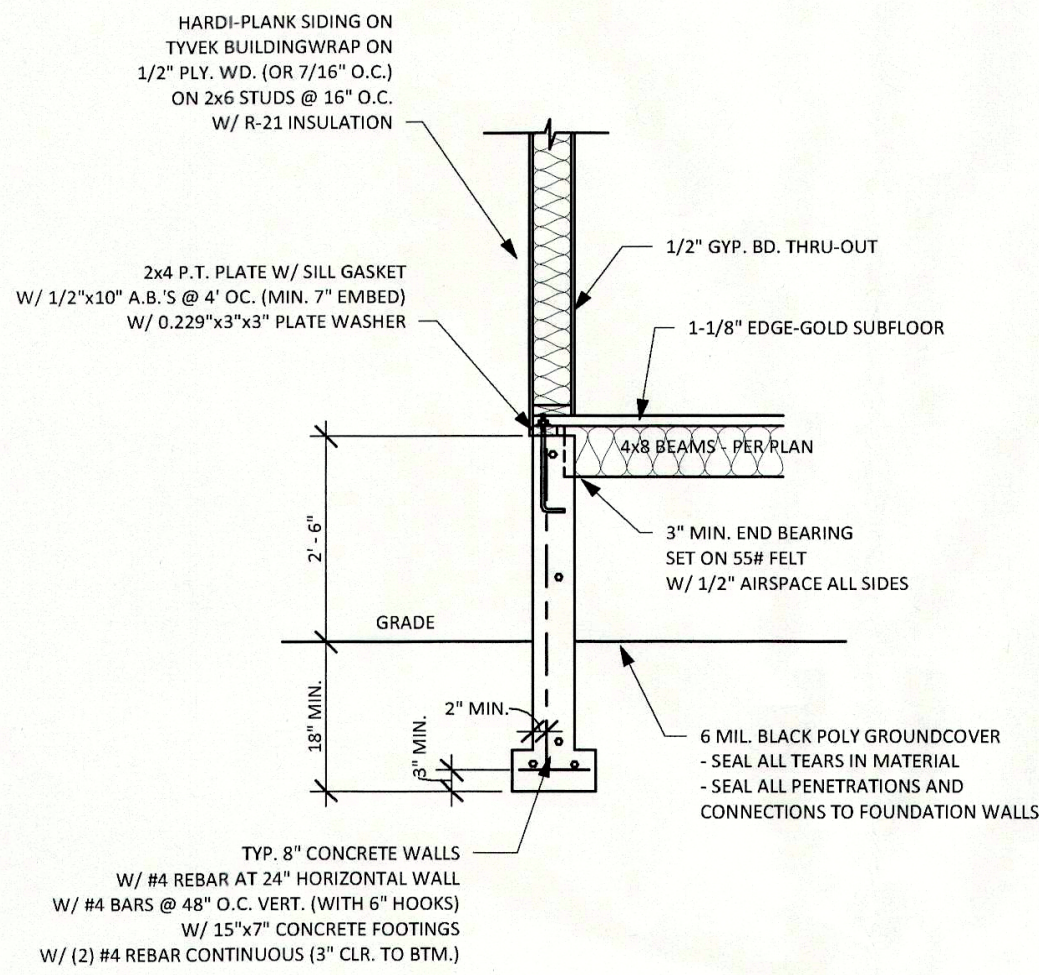
**KEVIN CASHATT -
PLEASANT DUPLEX
SECOND FLOOR PLAN**

Project number:	11652
Date:	8/7/2019 11:52:41 AM
Drawn by:	KG
Area:	1,473 sq. FT. PER UNIT
Scale:	1/4" = 1'-0"

3

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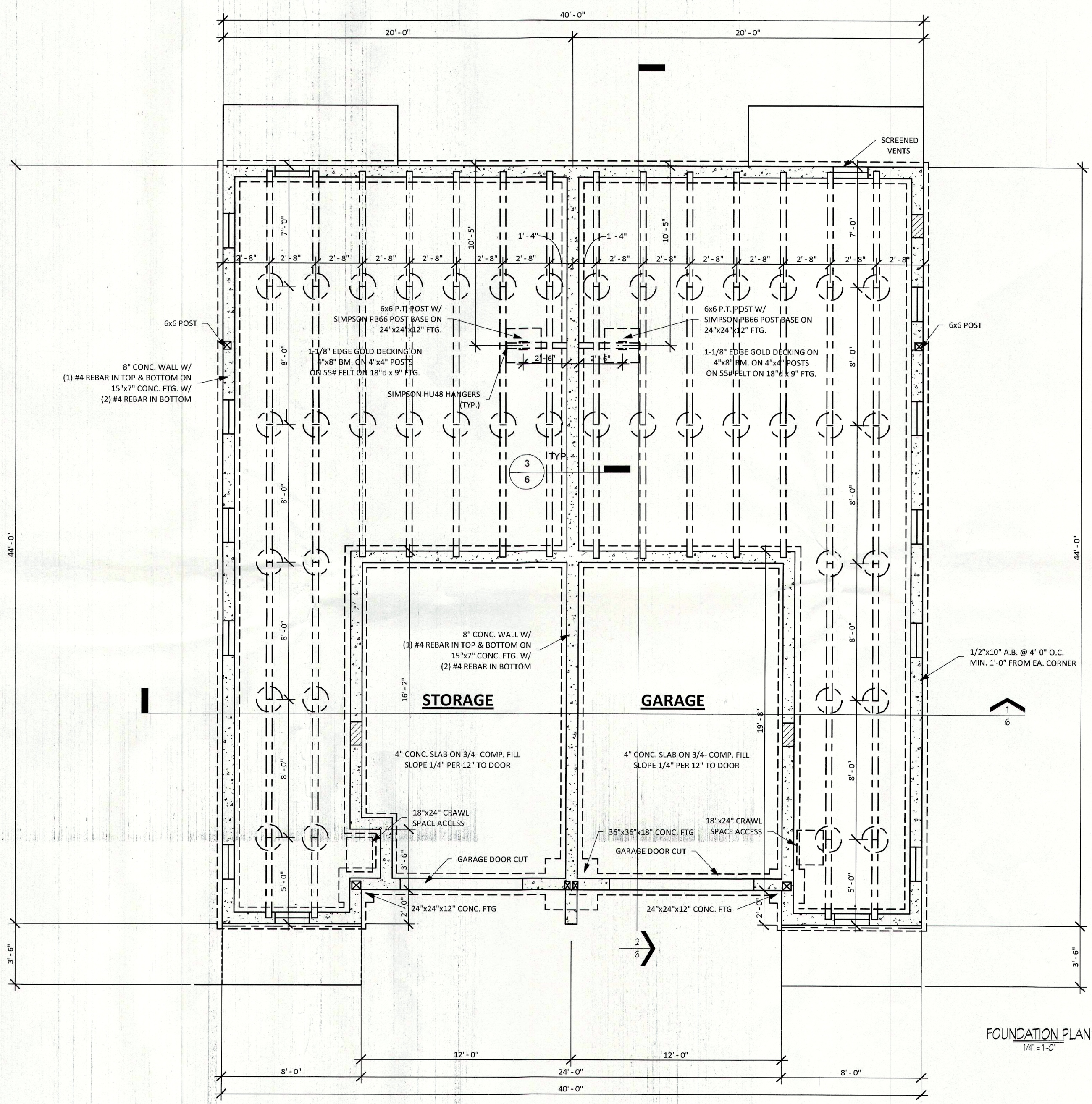
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DECKING TO BE 1-1/8" EDGE-GOLD SUBFLOOR	
6 MIL. BLACK POLY GROUNDCOVER - SEAL ALL TEARS IN MATERIAL - SEAL ALL PENETRATIONS AND CONNECTIONS TO FOUNDATION WALLS - JOINTS LAPPED 12 AT SEAMS AND EXTENDED UP FOUNDATION WALLS 12" MIN.	
4x8 BEAMS	
4x4 POSTS (4x6 AT JOINTS) ON 55# FELT ON 18" Ø x 9" CONC. FTG.'S	
FOUNDATION VENTS	
CONCRETE FOUNDATION WALL - SEE DETAILS	
CONCRETE PAD FOOTING - SIZE & REBAR PER PLAN - MIN. 18" FROST DEPTH	

FOUNDATION VENTILATION REQUIRED PER UNIT: THE FOUNDATION AREA MUST BE 1/150 OF THE AREA OF THE SPACE VENTILATED
 - CRAWL SPACE IS 551 S.F. PER UNIT
 - CRAWL SPACE VENTS MUST PROVIDE MIN. 65 SQ. IN. (0.451 S.F.)
 - 551 / 150 = 3.67 - 3.67 / 451 = 8 VENTS REQUIRED PER UNIT

FOUNDATION LEGEND
1/4" = 1'-0"



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KEVIN CASHATT - PLEASANT DUPLEX FOUNDATION PLAN

Project number: 11652
 Date: 8/7/2019 11:52:42 AM
 Drawn by: KG
 Area: 1,473 sq-ft PER UNIT
 Scale: As indicated

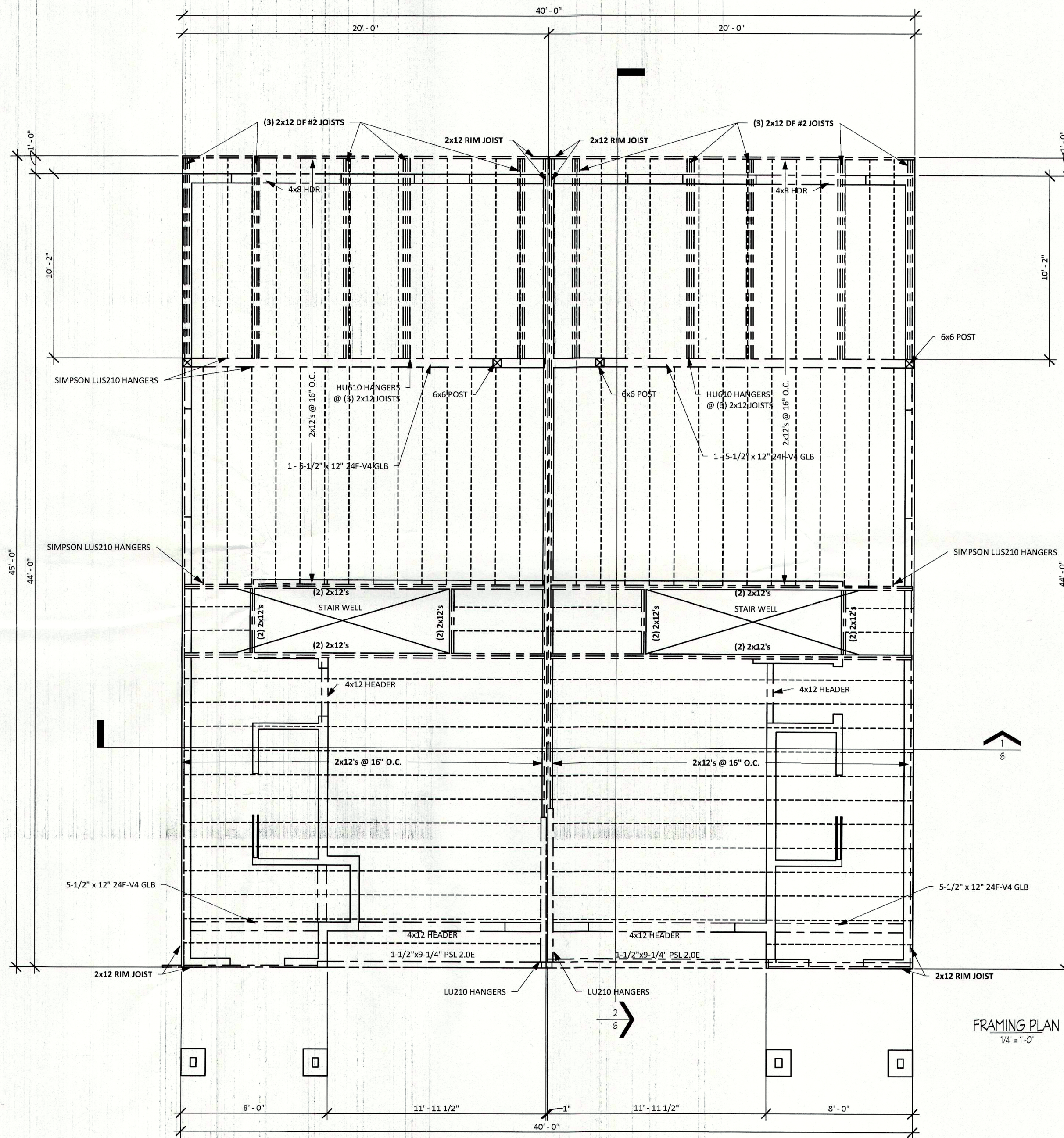
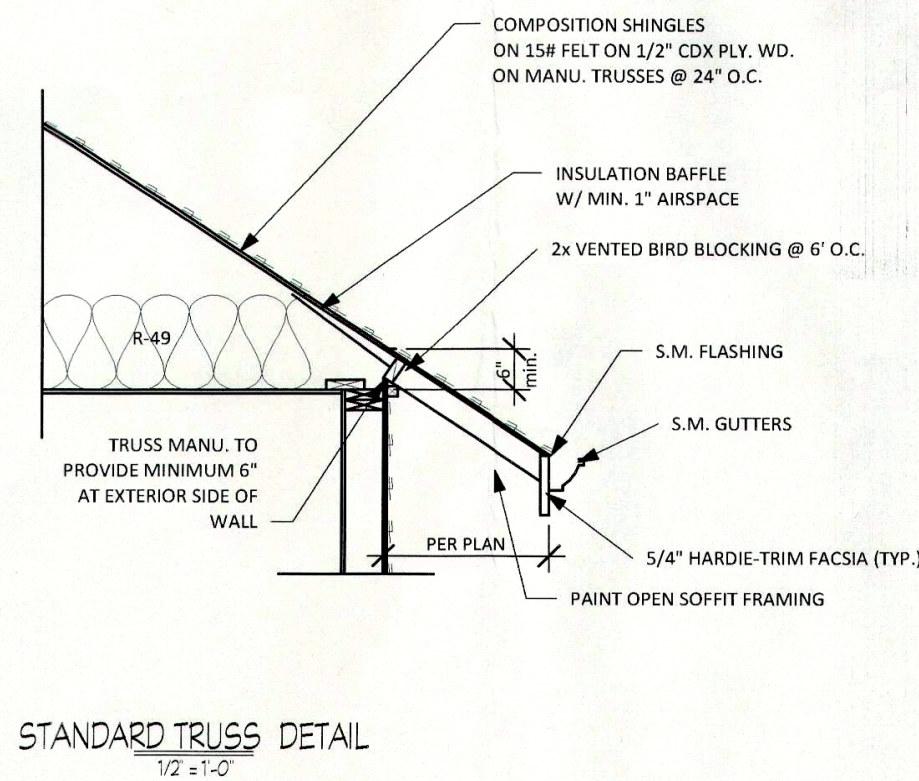
4

- SUPPORT 6X BEAMS AND 5 1/2" GLB'S WITH 4X6 POST, MINIMUM.
- SUPPORT 4X BEAMS AND 3 1/8" GLB'S WITH 4X4 POST, MINIMUM.
- ALL 2X AND 4X FRAMING SHALL BE DF-L NO. 2 MINIMUM.
- ALL 6X FRAMING SHALL BE DF-L NO. 1 MINIMUM.
- EXTERIOR DOORS AND WINDOWS ARE TO BE PROVIDED WITH 4x12 HEADERS, U.N.O.
- ALL EXTERIOR HEADERS SHALL BE SUPPORTED WITH 2X6 STUD AND KING STUDS AS LISTED IN TABLE 602.7.5, TYPICAL.
- INTERIOR NON-LOAD-BEARING HEADERS SHALL BE (2)2X6 U.N.O. SUPPORT WITH (2)2X4 STUDS, MAX SPAN=3'-0".
- EVERY ROOF TRUSS SHALL BE CONNECTED TO WALL TOP PLATES WITH SIMPSON H3 UPLIFT CLIP.
- SIMPSON TOP FLANGE HANGERS SHALL BE TYPE LB, BA(MIN), OR HU.
- ALL METAL HARDWARE IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE HOT-DIPPED-GALVANIZED OR ZINC-COATED.
- 6X BEAM TO 6X6 POST CONNECTOR SHALL BE SIMPSON ACE6(MIN).
- 4X BEAM TO 4X POST CONNECTOR SHALL BE SIMPSON LCE4.

R602.7.5 SUPPORTS FOR HEADERS
 - HEADERS SHALL BE SUPPORTED ON EACH END WITH ONE OR MORE JACK STUDS OR WITH APPROVED FRAMING ANCHORS. THE FULL-HEIGHT STUD ADJACENT TO EACH END OF THE HEADER SHALL BE END NAILED TO EACH END OF THE HEADER WITH (4) 16d NAILS. THE MINIMUM NUMBER OF FULL HEIGHT STUDS AT EACH END OF HEADER SHALL BE IN ACCORDANCE WITH TABLE R602.7.5

TABLE R602.7.5 MINIMUM NUMBER OF FULL HEIGHT STUDS AT EACH END OF HEADERS IN EXTERIOR WALLS	
HEADER SPAN (FEET)	
< 3'	1
4'	2
8'	3
12'	5
16'	6

FRAMING LEGEND
 1/4" = 1'-0"



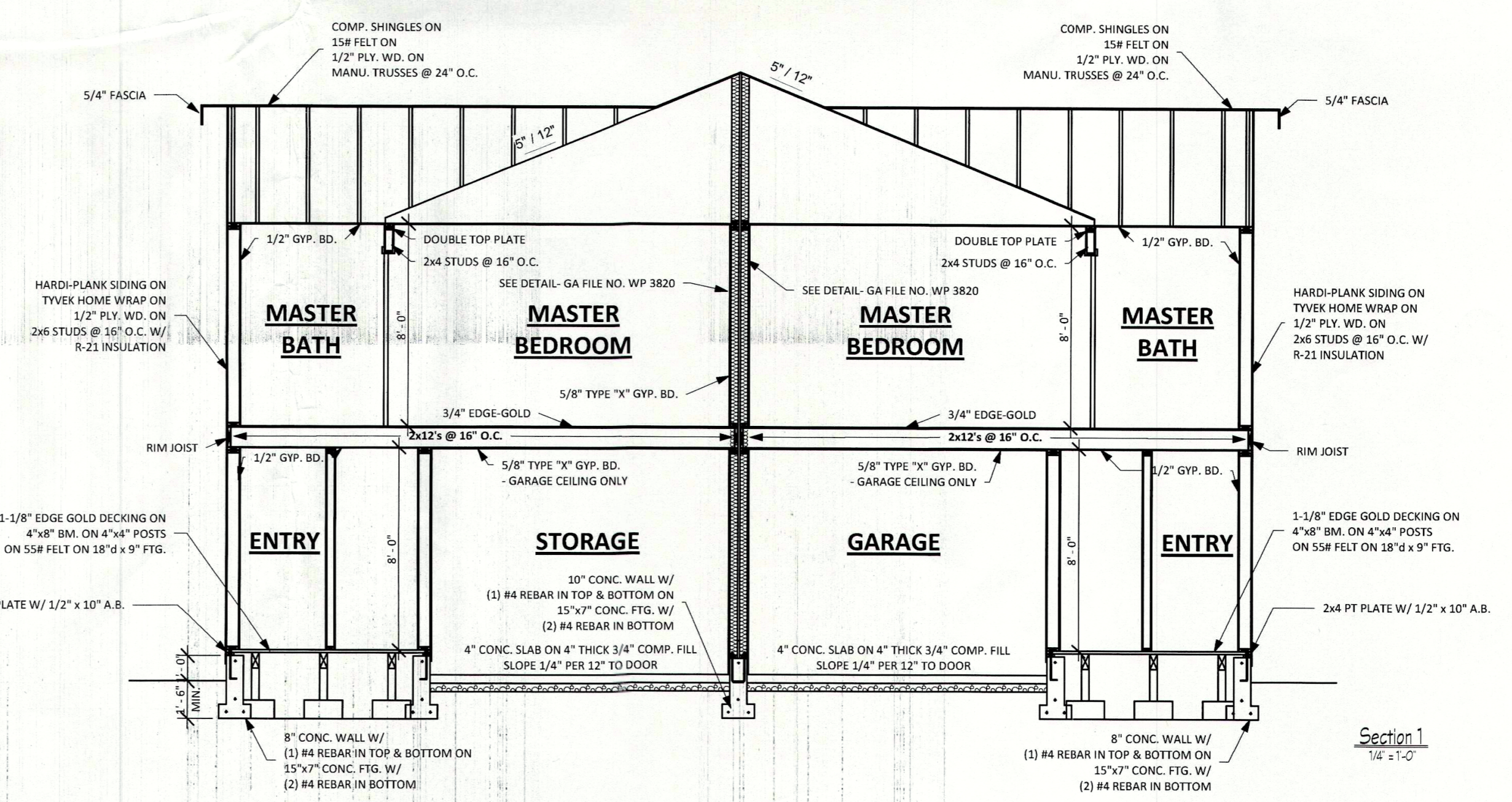
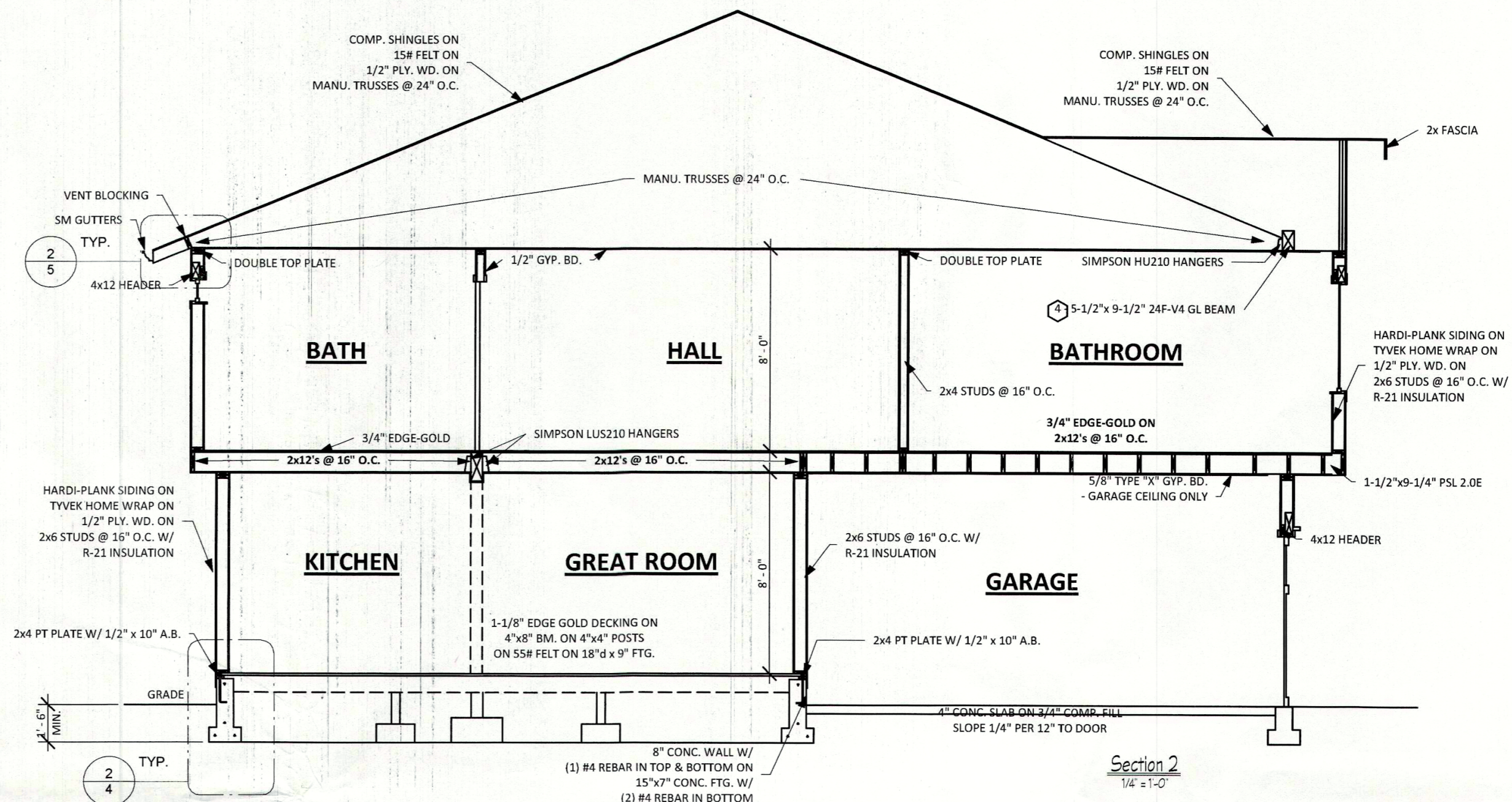
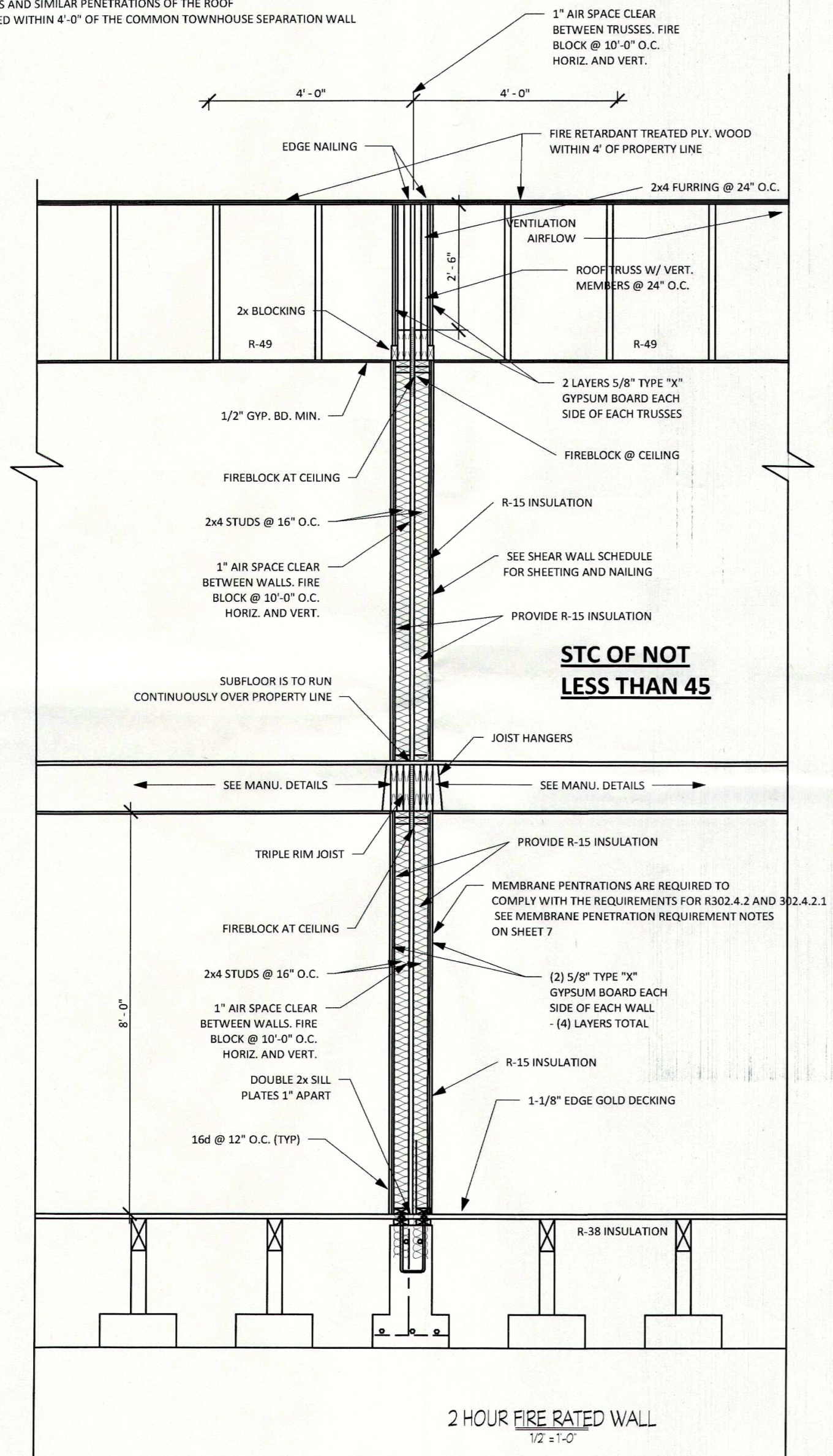
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KEVIN CASHATT - PLEASANT DUPLEX
FRAMING PLAN

Project number: 11652
 Date: 8/7/2019 11:52:42 AM
 Drawn by: KG
 Area: 1,473 sq-FEET PER UNIT
 Scale: As Indicated

NOTE:
SKYLIGHTS, MECHANICAL AND PLUMBING VENTS, ATTIC VENTS
SOLAR COLLECTORS AND SIMILAR PENETRATIONS OF THE ROOF
ARE NOT PERMITTED WITHIN 4'-0" OF THE COMMON TOWNHOUSE SEPARATION WALL



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KEVIN CASHATT - PLEASANT DUPLEX SECTIONS AND DETAILS

Project number:	11652
Date:	8/7/2019 11:52:43 AM
Drawn by:	KG
Area:	1,473 #2-PER UNIT
Scale:	As indicated

6



James Cramer <jcramer@ci.sandy.or.us>

Cashatt Construction Duplex on Pleasant Street

EXHIBIT E

2 messages

Hassan Ibrahim <hai@curran-mcleod.com>
To: James Cramer <jcramer@ci.sandy.or.us>
Cc: MW <mwalker@ci.sandy.or.us>

Tue, Oct 1, 2019 at 7:21 AM

Hi James,

We have the following comments:

1. Half street improvements to include curbs, planter strip, sidewalks and paving shall be constructed along the entire site frontage to match the existing on the west side of this development.
2. Sidewalks and driveways shall be constructed to meet the most current ADA guidelines.
3. Sanitary sewer and water connections can be made to Pleasant Street.
4. Due to the terrain of the site (sloping downward to the north from Pleasant Street), a plan for the disposal of the roof drainage shall be submitted to the building department for review and approval.

Regards,

Hassan Ibrahim, P.E.
CURRAN-McLEOD, INC.
6655 SW Hampton St, Ste. 210
Portland, OR 97223
Tel: 503-684-3478
Fax: 503-624-8247
Cell: 503-807-2737
email: hai@curran-mcleod.com

James Cramer <jcramer@ci.sandy.or.us>
To: Hassan Ibrahim <hai@curran-mcleod.com>
Cc: MW <mwalker@ci.sandy.or.us>

Tue, Oct 1, 2019 at 9:27 AM

Thank you Hassan. Your comments shall be added into the record and documented accordingly. I hope all is well.

[Quoted text hidden]

--
James A. Cramer
Associate Planner
City of Sandy
39250 Pioneer Blvd
Sandy, OR 97055
phone (503) 783-2587
jcramer@ci.sandy.or.us
Office Hours 8am - 4pm

EXHIBIT F

MEMORANDUM

TO: JAMES CRAMER, ASSOCIATE PLANNER
FROM: MIKE WALKER, PUBLIC WORKS DIRECTOR
RE: FILE 2019-028 DR/CUP CASHATT DUPLEX
DATE: OCTOBER 24, 2019

The following are Public Works Comments on the above-referenced application:

1. Construct half-street improvements and place power, phone and CATV services underground per Section 15.20 Sandy Municipal Code (SMC). Submit half-street improvement plans prepared by an Oregon-registered PE with building permit application.
2. All stormwater shall be collected, treated, conveyed and discharged per Section 13.18 SMC and City of Portland Stormwater Management Manual.

EXHIBIT G

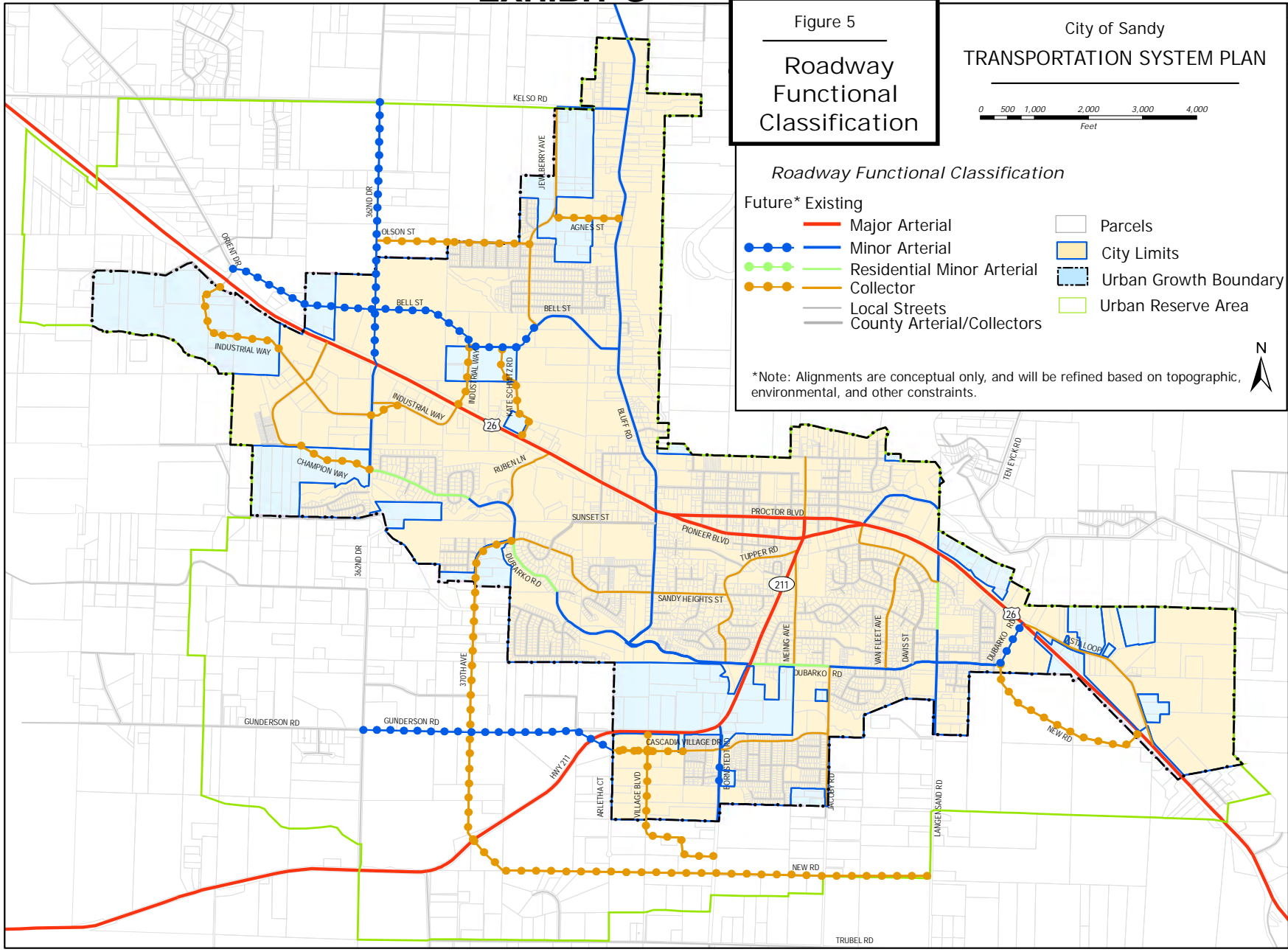
Figure 5
Roadway Functional Classification

City of Sandy
TRANSPORTATION SYSTEM PLAN

Roadway Functional Classification

Future*	Existing	
		Parcels
		City Limits
		Urban Growth Boundary
		Urban Reserve Area

*Note: Alignments are conceptual only, and will be refined based on topographic, environmental, and other constraints.





**CITY OF
SANDY**

39250 Pioneer Boulevard • Sandy, OR 97055

EXHIBIT H

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

TYPE II DECISION

FINDINGS OF FACT & FINAL ORDER

Date: October 21, 2004

FILE NO.: 04-037 DR

PROJECT NAME: Dindia Commercial and Dwelling Design Review

STAFF: Kevin Liburdy

DECISION: Approve construction of a 400-square-foot commercial space for use by permitted uses in the C-1 zone, as well as a 1349-square-foot residence above and behind the commercial storefront, subject to site improvements as detailed in the Conditions of Approval.

I. APPLICABLE CRITERIA & REVIEW STANDARDS

Sandy Development Code: Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.42 C-1 Zoning District; 17.84 Improvements Required with Development; 17.90 Landscaping and Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements. Sandy Municipal Code: Chapters 15.30 Dark Sky Ordinance; 15.32 Signs.

II. PROCEDURAL CONSIDERATIONS

The application was processed as a Type II Design Review. Notices were sent to property owners within 200 feet of the site. No comments were submitted in response to the notice.

III. FACTUAL INFORMATION

1. PROPOSAL: The applicant proposes a 400-square foot commercial space for use by permitted uses in the C-1 zone such as an office or small daycare. In addition, the applicant proposes a 1349-square-foot residence above and behind the commercial storefront.
2. APPLICANT: Mark Dindia
3. OWNER: Mark Dindia

4. SITE ADDRESS: No address assigned at this time
5. SITE LOCATION: Immediately east of 38525 Pleasant Street
6. LEGAL DESCRIPTION: T2S R4E Section 13 BC Tax Lot 5601
7. ZONING DESIGNATION: C-1, Central Business District
8. SITE SIZE: 5,250 square feet

IV. FINDINGS OF FACT AND CONCLUSION OF LAW

GENERAL

1. These findings supplement and are in addition to the staff report, dated October 21, 2004, and incorporated herein by reference. In the event that there is a conflict between these findings and the staff report, these findings shall control.
2. The goals and policies of the Sandy Comprehensive Plan are not directly applicable to this application because applicable code sections do not cite specific policies as criteria for evaluating the proposal.
3. No comments were submitted in regard to the proposal from neighboring property owners, agencies or associations.
4. The site has a Comprehensive Plan Map designation of Commercial, and a Zoning Map designation of C-1 (Central Business District).
5. The site is vacant. Site topography is relatively flat. Vegetation includes mature lilac trees near the northern property line and southeast corner of the site.
6. No sign details were submitted. The applicant shall obtain a separate sign permit(s), meeting the standards of Section 15.32, prior to installation of any sign(s).
7. No exterior lighting details were submitted. All exterior lighting shall be shielded, focused at the ground, and in compliance with Section 15.30, the Dark Sky Ordinance.
8. The applicant did not submit a Grading or Erosion Control Plan. Prior to excavation the applicant shall apply for and obtain a Grading and Erosion Control permit, in compliance with Section 15.44. The plan(s) shall depict proposed grades and erosion control devices.

17.42 - C-1 ZONING DISTRICT

9. The applicant proposes to construct what is essentially a single-family home modified to feature a commercial tenant space rather than a garage. The proposal complies with the intent of the

zoning district by keeping the residential portion of the development above and behind the entrance to the commercial space.

10. The applicant proposes a 400-square foot commercial space for use by permitted uses such as an office or small daycare. In addition, the applicant proposes a 1349-square-foot residence above and behind the commercial storefront.
11. The applicant shall be required to go through a separate conditional use review process for any use(s) listed as conditional uses in Section 17.42.20.
12. A commercial building has a maximum front-yard setback of 20 feet. Further, a residential building is required to comply with the setback standards of the R-3 zone which also features a maximum front-yard setback of 20 feet. The proposed building features a setback of 30 feet from the front property line, exceeding the maximum setback by 10 feet. Therefore the applicant must: A)move the building so that it is located within 20 feet of the front (southern) property line; or B)obtain a variance to the maximum front yard setback standard.
13. The rear of the site abuts property zoned R-2. The R-2 zoning district requires a minimum rear-yard setback of 15 feet. The proposed structure, which is less than 35-feet tall, maintains a rear-yard setback greater than 40 feet.
14. The proposed off-street parking area is located in the front yard. Except where allowed by Section 17.98, off street parking must be provided to the rear or side of the proposed building. The applicant must: A)move the off-street parking area so that it is located in a side or rear yard; or B)obtain a variance to Section 17.42.30 (B), Off-Street Parking.

17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

15. The project is proposed in a single phase. All improvements will be installed or bonded prior to occupancy.
16. The site's frontage on Pleasant Street is currently unimproved. The application does not include any information about street improvements. In order to comply with Section 17.84.30, the applicant shall install improvements to Pleasant Street including pavement, gutter, curb and sidewalk constructed to City standards.
17. The total amount of impervious surfaces on the site following construction of the structure and parking area will be less than 5,000-square feet. According to Section 13.18, stormwater detention and treatment facilities are not required due to the limited scale of development.
18. Prior to commencement of installation of public water, sanitary sewer, storm drainage, street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public

improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

19. Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.
20. There is a lockable group mailbox located in front of the site on Pleasant Street. The applicant shall coordinate with the US Postal Service to establish mail service.

17.90 - LANDSCAPING AND DESIGN STANDARDS

21. The applicant proposes to construct a building that is somewhat compatible with the residential character of existing homes in the area. By altering the design slightly, staff believes the building can be more consistent with the character of neighboring homes (Exhibit C).
22. In association with construction of the commercial space/dwelling, the applicant proposes to provide parking facilities and landscaping.
23. The building's commercial entrance will feature an awning, and the residential entrance will feature a covered porch.
24. The applicant does not propose a masonry finish, therefore no decorative patterns are required. However, staff recommends use of a brick or similar stone on the front of the building as depicted in staff's sketch of the front facade (Exhibit C).
25. No information was provided in regard to paint colors. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.
26. The commercial portion of the structure is designed to house retail, service or office businesses, therefore traditional storefront elements are required. The building features a clearly delineated upper and lower façade. The upper floor features smaller windows with shutters. Decorative trim is provided over the upper floor windows. However, staff recommends changing the lower façade to feature large windows with sills to improve the character of the building and better compliment neighboring residences (Exhibit C).
27. A minimum 5:12 pitch is required in the C-1 zoning district. The applicant proposes an 8:12 pitch and does not propose roof-mounted equipment.
28. The proposed structure features windows for both the commercial and residential uses that will allow views into interior activity areas. The applicant does not propose to use window sills. Rather, glass curtain windows are proposed for the commercial space. Window sills are required, and glass curtain windows are not permitted. Staff recommends installation of sills on

both sides of the door to the commercial space. Further, staff recommends use of windows with grids to match the character of the upper-floor windows (Exhibit C). Windows for the commercial space shall remain larger than windows used in the upper floor.

29. No information was provided in regard to lighting at building entrances/exits. Building entrance must be well lighted for safety and must be of a pedestrian scale (minimum 3-feet tall, maximum 12-feet tall). All lighting shall be shielded to avoid glare on adjacent properties, and shall comply with Chapter 15.30, Dark Sky Ordinance.
30. The proposed windows will allow tenants to watch over pedestrian and parking areas. The applicant shall install address numbers on the building, visible from Pleasant Street, in order to help emergency service providers clearly locate the building.
31. Section 17.90.170 prohibits the exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use. No outside storage will occur in association with the meat cutting business.
32. No information was provided in regard to trash/recycling facilities. Staff recommends that all trash collection areas are located behind the building (north side). However, if the applicant prefers to provide trash/recycling facilities elsewhere on the site, trash and recycling facilities must comply with City of Sandy design standards and the requirements of Waste Management.
33. All approved on-site improvements shall be the on-going responsibility of the property owner, including maintenance of landscaping.

17.92 - LANDSCAPING AND SCREENING

34. Section 17.92.20 details the minimum amount of landscaping (i.e. measured as a percentage of the site) required on development sites with specified zoning districts. Commercial development in the C-1 zoning district shall provide a minimum of 10% of the site in landscaping. The applicant proposes to retain approximately 3367 square feet (64.1%) of the site in improved landscaping. The applicant's Site Plan depicts proposed trees and shrubs.
35. Staff recommends preservation of the mature lilac trees on the site, where possible.
36. The Site Plan depicts a Big Leaf Maple along the street frontage and two Big Leaf Maples in the rear yard. There are mature lilac trees in both the front and rear yard that should be preserved if possible. Big Leaf Maple is not an appropriate street tree. Staff recommends installation of at least one street tree along the site's frontage on Pleasant Street, selected from the city's list of approved street trees.
37. No information was provided in regard to irrigation. At a minimum, hose bibs shall be provided for manual watering.
38. All plants must comply with Section 17.92.50 including size standards.

39. Any areas disturbed during construction must be re-vegetated. The applicant shall be responsible for landscaping between the site and the adjacent public street.
40. No details were submitted regarding screening of service facilities. Service facilities, including trash/recycling, must be screened from public view.
41. Unless plants are installed prior to occupancy, the applicant will be required to submit a performance bond equal to 120 percent of the value of the landscaping improvements in order to ensure that the landscaping materials will be planted. All landscape materials must be guaranteed for a period of two years to be replaced if dead or dying.
42. According to Section 17.92.140, all landscape materials and workmanship shall be guaranteed by the installer and/or developer for two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.

17.98 - PARKING, LOADING AND ACCESS REQUIREMENTS

43. Less than 5 parking spaces are required, therefore only one bicycle parking space must be provided. No information is provided in regard to bicycle parking spaces. A minimum of 1 bicycle parking space shall be provided near the entrance to the commercial space. The applicant shall locate and design bicycle parking in compliance with Section 17.98.160.
44. None of the proposed parking abuts a residential zone. However, as discussed in Section 17.42.30 (B) above, parking is not allowed in the front yard. The applicant may make provisions for parking in the rear yard. The rear yard abuts the R-2 zoning district, which requires a 15-foot rear-yard setback. If parking is placed in the rear-yard it shall maintain a minimum of a 15-foot setback from the rear (north) property line.
45. If the applicant places the parking in the rear yard (outside of the rear-yard setback), the parking spaces and aisle(s) shall comply with the design standards of Section 17.98.60.
46. If the applicant places the parking in the rear yard (outside of the rear-yard setback), on-site circulation shall comply with the standards of Section 17.98.70.
47. If the applicant places the parking in the rear yard (outside of the rear-yard setback), the driveway shall comply with the standards of Section 17.98.100.
48. Vision clearance areas shall be provided at the intersections of the driveway to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74.
49. Because parking bays are not proposed, it is not reasonable to require installation of curb-separated landscaping planters. However, the parking area shall maintain a minimum of a 5-foot setback from the side property lines. In addition, the Site Plan shall be amended to feature screening vegetation between the parking area and side-yard property lines.

50. All parking areas, driveways and aisles shall be paved with asphalt and/or concrete. In order to reduce stormwater impacts, staff encourages the use of permeable asphalt where possible.
51. No information was submitted in regard to stormwater. Because the site features less than 5,000-square feet of impervious surfaces, detention and treatment facilities are not required. However, the applicant shall make provisions for the on-site collection of drainage waters to eliminate sheet flow onto sidewalks, streets and abutting parcels.
52. Lighting must be provided in off-street parking areas, directed onto the site and shall not produce glare on adjacent properties in conformance with Chapter 15.30, the Dark Skies Ordinance.
53. Disabled person accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive. The width of the parking area shall be increased to accommodate a 6-foot-wide aisle adjacent to an ADA accessible parking space.

V. DECISION

Based upon the findings described above the commercial space, dwelling and site improvements are approved subject to the following conditions of approval:

VI. CONDITIONS OF APPROVAL

A. Prior to issuance of a building permit and construction, the applicant shall complete the following and receive necessary approvals as described below.

1. A) Submit a revised Site Plan with a relocated building that it is located within 20 feet of the front (southern) property line; or B) obtain a variance to the maximum front yard setback standard of Section 17.42.30.
2. A) Submit a revised Site Plan with the off-street parking area located entirely within in a side or rear yard (no portion of the parking area in the front yard or in setback areas); or B) obtain a variance to Section 17.42.30 (B), Off-Street Parking, to allow parking between the building and Pleasant Street.
3. Submit a revised site plan depicting the parking area located a minimum of 5-feet from the side property lines. The width of the parking area shall also be increased to accommodate a 6-foot-wide aisle adjacent to an ADA accessible parking space. In addition, the revised Site Plan shall feature screening vegetation between the parking area and side-yard property lines.
4. Submit a revised building elevation for the front façade of the structure. Window sills, no taller than 4-feet above grade, shall be provided on both sides of the door to the commercial space. Grids shall be installed in the lower-story windows to match the character of the

upper-floor windows. Windows for the commercial space shall remain larger than windows used in the upper floor. Staff *recommends* use of a brick or similar stone on the front of the building (window sills) as depicted in staff's sketch of the front facade (See Exhibit C for *recommended* design).

5. Submit plans for construction of public street improvements along the site's frontage on Pleasant Street.
6. Obtain a grading and erosion control permit, complying with the standards of Chapter 15.44, prior to excavation of the parking area. (*Obtain from Building Department*)

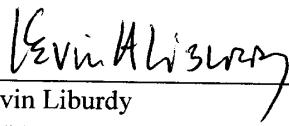
B. Prior to issuance of a temporary and/or full occupancy permit, the applicant shall submit and/or complete the following:

1. Install improvements to the site's frontage on Pleasant Street including pavement, gutter, curb and sidewalk constructed to City standards.
2. Install all landscaping or submit a performance bond equaling 120 percent of the value of the landscaping improvements.
3. Make provisions for the on-site collection of drainage waters to eliminate sheet flow onto sidewalks, streets and abutting parcels.
4. Address numbers shall be installed on the south side of the building, facing Pleasant Street, that are at least 4-inches-tall and of a color that contrasts with building color in order to increase visibility.
5. Trash collection areas shall be located behind the building (north side) or, if the applicant prefers to provide trash/recycling facilities elsewhere on the site, trash and recycling facilities shall comply with City of Sandy design standards and the requirements of Waste Management (submit details of a trash/recycling enclosure for staff review and approval).
6. Hose bibs shall be provided for manual watering of plants or an automatic watering system shall be installed.
7. Mail facilities, if needed by the tenant, shall be installed in conformance with the standards of the City and the US Postal Service.
8. A minimum of 1 bicycle parking space shall be provided near the entrance to the commercial space. The applicant shall locate and design bicycle parking in compliance with Section 17.98.160.

C. General Conditions of Approval

1. All building entrances must comply with the accessibility requirements of the Oregon State Structural Specialty Code.

2. All utilities shall be installed underground.
3. Complete landscaping improvements between the site and the adjacent public street. Install at least one street tree along the site's frontage on Pleasant Street, selected from the city's list of approved street trees (not Big Leaf Maple).
4. Any areas disturbed during construction shall be re-vegetated.
5. All landscape materials and workmanship shall be guaranteed by the installer and/or developer for two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.
6. Outside storage shall not occur.
7. Commercial uses on the site are limited to the outright permitted uses detailed in Section 17.42.10. Any conditional use, listed in Section 17.42.20, shall obtain a Conditional Use Permit prior to occupancy.
8. Obtain a sign permit in conformance with Section 15.32 of the Sandy Municipal Code if any signs are proposed.
9. All approved on-site improvements shall be the on-going responsibility of the property owner, including maintenance of landscaping.
10. The applicant shall coordinate with the City Engineer to receive adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of necessary easements, dedications, and as-built drawings for installation of public improvements.
11. Approval of this use may be revoked if conditions of approval are not met. Design review approval does not grant authority for the unrestricted use of the structure or site.
12. Any other conditions or regulations required by Clackamas County, Fire District No. 72, or state or federal agencies are hereby made a part of this permit and any violation of these conditions and/or regulations or conditions of this approval will result in the review of this permit and/or revocation.



Kevin Liburdy
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 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:

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 Chapter 17.28.50; and Payment of required filing fees.



**CITY OF
SANDY**

39250 Pioneer Boulevard • Sandy, OR 97055

EXHIBIT I

Phone 503-668-5533
Fax 503-668-8714
www.cityofsandy.com

Gateway to Mt. Hood

TYPE II DECISION

FINDINGS OF FACT & FINAL ORDER

Date: December 9, 2004

FILE NO.: 04-049 VAR

PROJECT NAME: Dindia Commercial and Dwelling Variances

STAFF: Kevin Liburdy

DECISION: Approve two variances: 1)Type II variance to increase the maximum front-yard setback from 20 feet to 30 feet; 2)Type II variance to allow off-street parking between a commercial building and the street in the C-1 zone., subject to Conditions of Approval.

I. APPLICABLE CRITERIA & REVIEW STANDARDS

Sandy Development Code: Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.66 Adjustments and Variances.

II. PROCEDURAL CONSIDERATIONS

The application was processed as a Type II Design Review. Notices were sent to property owners within 200 feet of the site. No comments were submitted by neighboring property owners in response to the notice.

III. FACTUAL INFORMATION

1. PROPOSAL: The applicant requests two variances: 1)Type II variance to increase the maximum front-yard setback from 20 feet to 30 feet; 2)Type II variance to allow off-street parking between a commercial building and the street in the C-1 zone. The applicant received approval (File No. 04-037 DR) for a 400-square foot commercial space for use by permitted uses in the C-1 zone and a 1349-square-foot residence above and behind the commercial storefront, subject to redesigning the project to comply with all standards or obtain variances.

2. APPLICANT: Mark Dindia

3. OWNER: Mark Dindia
4. SITE ADDRESS: No address assigned at this time
5. SITE LOCATION: Immediately east of 38525 Pleasant Street
6. LEGAL DESCRIPTION: T2S R4E Section 13 BC Tax Lot 5601
7. ZONING DESIGNATION: C-1, Central Business District
8. SITE SIZE: 5,250 square feet

IV. FINDINGS OF FACT AND CONCLUSION OF LAW

GENERAL

1. These findings supplement and are in addition to the staff report, dated December 9, 2004, and incorporated herein by reference. In the event that there is a conflict between these findings and the staff report, these findings shall control.
2. The goals and policies of the Sandy Comprehensive Plan are not directly applicable to this application because applicable code sections do not cite specific policies as criteria for evaluating the proposal.
3. No comments were submitted in regard to the proposal from neighboring property owners, agencies or associations.
4. The site has a Comprehensive Plan Map designation of Commercial, and a Zoning Map designation of C-1 (Central Business District).
5. The site is vacant. Site topography is relatively flat. Vegetation includes mature lilac trees near the northern property line and southeast corner of the site.
6. The applicant received approval (File No. 04-037 DR) for a 400-square foot commercial space for use by permitted uses in the C-1 zone and a 1349-square-foot residence above and behind the commercial storefront, subject to redesigning the project to comply with all standards or obtain variances. File No. 04-037 DR addresses all design and development standards for the subject property. The following findings and conditions are related only to the two requested variances.

17.66 – ADJUSTMENTS AND VARIANCES

7. According to Section 17.40.30, a commercial building has a maximum front-yard setback of 20 feet. Further, a residential building is required to comply with the setback standards of the R-3 zone which also features a maximum front-yard setback of 20 feet. The applicant requests a

Type II variance to Section 17.42.30 in order to increase the maximum front-yard setback from 20 feet to 30 feet (Variance #1).

8. According to Section 17.42.30 (B), except where allowed by Section 17.98, off street parking must be provided to the rear or side of the proposed building. The applicant requests a variance to Section 17.42.30 (B), Off-Street Parking, to allow off-street parking in the front yard (Variance #2).
9. Variance #1: The site is 5,250-square feet in area. Due to the site's zoning designation, C-1, the applicant is obligated to construct a commercial storefront in association with any residential development. A minimum of three parking spaces must be provided. The site is too narrow to accommodate a 20-foot-wide driveway to access a parking area in the rear of the lot. Therefore the applicant proposes to place parking in front of the building (see Variance #2 below). In order to accommodate parking in front of the building for both the residence and commercial business, while meeting the city's standard for maximum driveway width, the applicant must make the driveway deeper to accommodate vehicle maneuvering. Therefore the circumstances necessitating the variance, including site size, zoning and parking requirements, are not of the applicant's making.
10. Variance #2: As discussed above, a minimum of three parking spaces must be provided but the site is too narrow to accommodate a 20-foot-wide driveway to access a parking area in the rear of the lot. Therefore the applicant proposes to place parking in front of the building. The circumstances necessitating the variance, including site size, zoning and parking requirements, are not of the applicant's making.
11. Variance #1: The hardship does not arise from a violation of the code. Approval of the increased front-yard setback will not allow an otherwise prohibited use in the C-1 zone.
12. The hardship does not arise from a violation of the code. Allowing parking in the front-yard will not allow an otherwise prohibited use in the C-1 zone.
13. Variance #1: Staff does not believe that the front-yard setback variance will adversely affect implementation of the comprehensive plan. In fact, granting the variance will allow a mix of commercial and residential uses on the site which is encouraged by the comprehensive plan in the downtown area.
14. Variance #2: Staff does not believe allowing parking in the front yard will adversely affect implementation of the comprehensive plan. In fact, granting the variance will allow a mix of commercial and residential uses on the site which is encouraged by the comprehensive plan in the downtown area.
15. Variance #1: The majority of structures in the area were constructed prior to adoption of a maximum front-yard setback standard. A thirty-foot front yard setback will be comparable to the distance between streets and other structures in the vicinity. Staff does not believe that the front-yard setback variance will be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

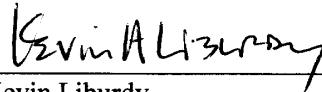
16. Variance #2: The majority of structures in the area have parking in the front yard, between a primary structure and a street. Therefore staff does not believe allowing parking in the front yard will be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
17. Variance #1: The current zoning designation does not allow residential dwellings to be constructed without commercial components. It is unlikely the property will be developed solely as a commercial development due to the small size of the parcel. Therefore development on this site will be the same as development permitted under existing code standards (i.e. with parking in the front, requiring a greater front-yard setback), while permitting some economic use of the land.
18. The current zoning designation does not allow parking to be located between a building and public right-of-way. It is not possible to place parking in a side or rear yard while meeting minimum parking standards for even a minimal commercial and residential use (as proposed) on this site. Therefore development on this site will be the same as development permitted under existing code standards (i.e. with parking in the front yard), while permitting some economic use of the land.
19. Variance #1: The site is 5,250-square feet in area. Due to the site's zoning designation, C-1, the applicant is obligated to construct a commercial storefront in association with any residential development. A minimum of three parking spaces must be provided. The site is too narrow to accommodate a 20-foot-wide driveway to access a parking area in the rear of the lot. Therefore special circumstances apply which do not apply generally to other properties in the same zone or vicinity due to lot size, circumstances over which the applicant has no control.
20. Variance #2: The site is 5,250-square feet in area. Due to the site's zoning designation, C-1, the applicant is obligated to construct a commercial storefront in association with any residential development. A minimum of three parking spaces must be provided. The site is too narrow to accommodate a 20-foot-wide driveway to access a parking area in the rear of the lot. Therefore special circumstances apply which do not apply generally to other properties in the same zone or vicinity due to lot size, circumstances over which the applicant has no control.
21. The applicant requests a Type II variance to Section 17.42.30 in order to increase the maximum front-yard setback from 20 feet to 30 feet (Variance #1), and the applicant's variance proposal generally complies with the criteria of Section 17.66.40.
22. The applicant requests a variance to Section 17.42.30 (B), Off-Street Parking, to allow off-street parking in the front yard (Variance #2), and the applicant's variance proposal generally complies with the criteria of Section 17.66.40.
23. Approval of these variances shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Director (Type II) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.

V. DECISION

Based upon the findings described above the two variances are approved subject to the following conditions of approval:

VI. CONDITIONS OF APPROVAL

1. Approval of these variances shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Planning Director may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.
2. The applicant shall comply with all other conditions of approval in File No. 04-037 DR.
3. Approval of this use may be revoked if conditions of approval are not met. Design review approval does not grant authority for the unrestricted use of the structure or site.
4. Any other conditions or regulations required by Clackamas County, Fire District No. 72, or state or federal agencies are hereby made a part of this permit and any violation of these conditions and/or regulations or conditions of this approval will result in the review of this permit and/or revocation.



Kevin Liburdy
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 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.

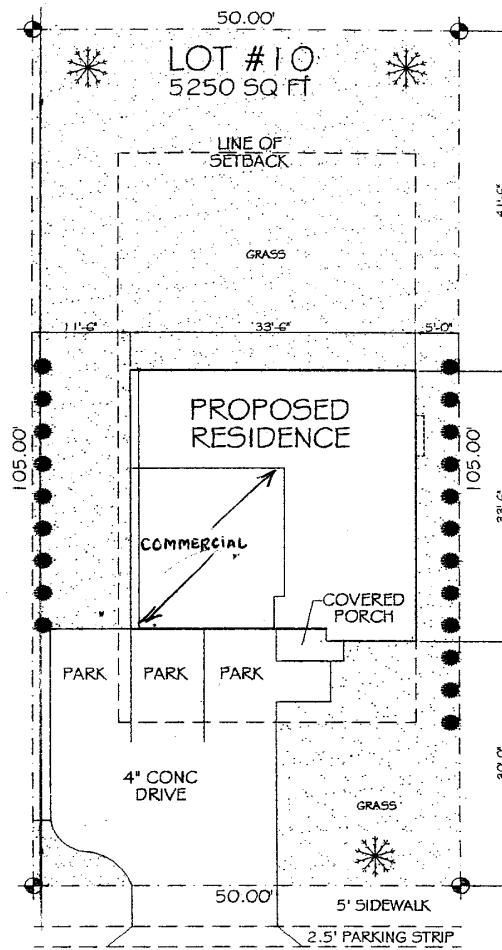
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2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and Payment of required filing fees.

TROXOL'S HOME DESIGN

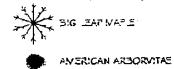
1217 N.E. BURNSIDE STE. 303

GRESHAM, OR. 97030



PLEASANT ST.

SITE PLAN



NAME: _____

DATE: **8-26-04**

SCALE: **1" = 20.00'**

PLAN: _____

DRAWN BY: **NICK POVEY**

ADDRESS: **LOT 10 PLEASANT ST, CITY OF SANDY**



EXHIBIT J

CITY OF **SANDY**

39250 PIONEER BOULEVARD ♦ SANDY, OR 97055
www.ci.sandy.or.us

PHONE (503) 668-5533

FAX (503) 668-8714

Gateway to Mt. Hood

FINDINGS OF FACT and FINAL ORDER TYPE III LAND USE DECISION

DATE: July 11, 2017

FILE NO.: 17-017 CUP/DR

PROJECT NAME: Cashatt 5 Plex

APPLICANT/OWNER: Cashatt Construction

LEGAL DESCRIPTION: T2S R4E Section 13BC Tax Lot 2900

DECISION: Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type III conditional use permit and design review and Type II adjustment and the following Findings of Fact are adopted supporting approval of the tentative plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Supplemental Application
- C. Project Narrative
- D. Traffic Letter
- E. Preliminary Storm Drainage Analysis
- F. Plan Set
 - Sheet A1.0 – Cover Sheet, Key Plan, and Vicinity Map
 - Sheet A2.1 – Exterior Elevations – Front and Left
 - Sheet A2.2 – Exterior Elevations – Rear and Right
 - Sheet A3.1 – Main Floor Plans
 - Sheet A3.2 – Upper Floor Plans
 - Sheet S – Site Plan
 - Sheet C1.0 – Cover Sheet and Topographic Survey
 - Sheet C2.0 – Preliminary Utility Plan, Grading, and Erosions Control Plan
 - Sheet C3.0 – Utility Plan
 - Landscape Plan

- Plant List
- Lighting Plan
- Lighting Spec Sheets

Agency Comments:

- G. City Engineer (May 30, 2017)
- H. Public Works Director (June 6, 2017)

Submitted by the City of Sandy:

- I. Clackamas County Tax Map 24E13BC

Written Public Comments:

None

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on April 20, 2017. The application was deemed complete on May 11, 2017 and the 120-day deadline is September 8, 2017.
2. The subject site is 0.35 acres. The site is located south of Hood Street, north of Highway 26, east of Bluff Road, and west of Beers Avenue.
3. The parcel has a Plan Map designation of Commercial and a Zoning Map designation of C-1, Central Business District.
4. Cashatt Construction Inc. submitted an application to construct five (5) apartment units on the undeveloped 0.35 acre property located at 38262 Hood Street. The project will include two buildings, one with three attached units and a second with two attached units. Each unit will be two stories and include three bedrooms, an attached garage, and a private backyard. In addition, the site will have seven surface parking spaces, including one ADA parking space, and a private driveway on the west side of the property. Frontage improvements along Hood Street will be completed as part of the project. The proposal includes an application for a conditional use permit to allow multi-family housing in the Central Business District (C-1) zone. The conditional use permit is reviewed as a Type III application and requires Planning Commission review. The applicant is also applying for a Type II adjustment to Section 17.90.160 (D) to reduce the recess/extension requirement from a depth of eight feet to a depth of six feet six inches.
5. The site is currently vacant and has never to the best of staff's knowledge contained a house or other structures.
6. Notification of the proposal was mailed to property owners within 300 feet of the subject property and to affected agencies on May 24, 2017. A legal notice was published in the Sandy Post on June 14, 2017.

7. Agency review comments were received from the City Engineer (Exhibit G) and Public Works Director (Exhibit H).
8. No written public comments were received, but two members of the public testified in opposition to the application at the June 27, 2017 public hearing.
9. At the June 27, 2017 public hearing, Juli Smith testified in opposition to the proposal. She has concerns regarding the proposed density and parking issues on Hood Street.
10. At the June 27, 2017 public hearing, Shawn Burns testified in opposition to the proposal. He expressed concerns about the proposal negatively impacting livability on Hood Street.
11. The submitted Plan Set includes sheets that are not scalable. The dimensions included are adequate for staff to make determinations; however, **the applicant shall modify all plan sheets to display proper scaling on future submissions for this land use application.**

17.30 – Zoning Districts

12. The total gross acreage and net acreage for the lot is 0.35 acres. There is no restricted development area or right-of-way dedication.
13. The minimum density for the site is (0.35 x 10) 3 dwelling units and the maximum density is (0.35 x 20) 7 dwelling units. The applicant proposes 5 dwelling units, which is within the required density range.

17.42 – Central Business District (C-1)

14. The site is zoned as Central Business District (C-1). The proposed development is two multi-family residential units. A multi-family dwelling not contained within a commercial building is a conditional use per Section 17.42.20.
15. Per Section 17.42.30, density, lot dimension, and setback requirements for a residential use not associated with a commercial building must be in conformance with Chapter 17.40 (R-3).

17.40 – High Density Residential Zoning District (R-3)

16. The R-3 zoning district does not contain a minimum average lot size width for lots with multifamily dwellings.
17. The R-3 zoning district requires a density no less than 10 or more than 20 units per net acre. The subject property is 0.35 acres so the minimum density is 3 units and the maximum density is 7 units. The proposal is for 5 units so the density standard is met.
18. The R-3 zoning district requires minimum rear yard setbacks at 15 feet, front yard setbacks at 10 feet, side yard setbacks at 5 feet, corner yard setbacks at 10 feet, and garage setbacks at 20 feet. The submitted Site Plan (Exhibit F, Sheet S) shows the southern apartment building 15 feet from the rear lot line, the northern apartment building 50 feet from the front property line, the garages on the northern building 50 feet from the front property line, and both buildings five or more feet from the side property lines. The submitted Main Floor Plans (Exhibit F, Sheet A3.1) show a 5

foot by 20 foot patio along the south side of each apartment unit; this would result in a 10 foot rear setback, which would not meet the minimum setback requirement. **The applicant shall modify all plan sheets to be consistent as well as consistent with the narrative.** Provided the proposal is for the fenced yard as detailed on the Site Plan, and not the enclosed patio, as detailed on the Main Floor Plan, the proposal complies with the setback requirements of Section 17.40.30.

17.66 – Adjustments and Variances

19. The applicant is applying for a Type II adjustment to Section 17.90.160 (D) to reduce the recess/extension requirement from a depth of eight feet to a depth of six feet six inches. This request meets the intent of an adjustment under Section 17.66.10 (B) and the adjustment criteria under Section 17.66.40. However, the Plan Set shows a six foot recess. A reduction of the recess/extension requirement from eight feet to six feet six inches constitutes a 19 percent reduction, which is reviewed as a Type II adjustment; a reduction from eight feet to six feet would exceed the 20 percent maximum. **The applicant shall update the plans to show a depth of six feet six inches to be consistent with the narrative and in compliance with a Type II adjustment.**

17.84 – Improvements Required with Development

20. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to final occupancy of the proposed apartment buildings.**
21. Section 17.84.30 requires sidewalks and planting areas along all public streets. The Hood Street frontage requires half-street improvements including a 5 foot wide sidewalk separated from the street by a five-foot wide planter strip along the entirety of the subject site. The existing street and right-of-way width will not accommodate a setback sidewalk and planter, and dedicating an additional five feet of right-of-way would impact the building and parking front yard setback. In lieu of right-of-way dedication, the Public Works Director (Exhibit H) states that **the applicant shall install a curb tight sidewalk to be consistent with the remainder of Hood Street and grant a five-foot wide pedestrian easement to the City along the entire Hood Street frontage of the site to accommodate the required street section and sidewalk. The applicant shall submit an updated Plan Set to include the location of the proposed sidewalk, five-foot wide pedestrian easement, street lighting, and landscaping as detailed in the sections below.**
22. Section 17.84.30(B) requires pedestrian and bicyclist facilities that strive to minimize travel distance between residential areas, planned developments and parks. Hood Street is classified as a local street and does not require a bicycle lane.
23. Section 17.84.40 contains standards for public transit and school bus transit. Per a conversation with the Transit Manager, Hood Street is not a planned transit street and does not require transit amenities.
24. Section 17.84.50 contains standards for street improvements and traffic evaluations. The applicant submitted a Traffic Impact Analysis (TIA) from Firwood Design Group LLC, dated April 17, 2017 (Exhibit D). The analysis predicts 1.5 weekday AM peak hour trips and 2 weekday PM peak hour trips. The Traffic Letter was reviewed by the City's Engineer (Exhibit G)

and Public Works Director (Exhibit H) who both agree that the proposed 20 foot private driveway meets the code requirements, the 280 lineal foot sight distance is met, and the local roads and immediately surrounding intersections are all operating at an acceptable level and that the trips generated from the proposed development would not significantly impact the existing traffic conditions. As recommended by the Public Works Director and City Engineer, **the applicant shall be responsible for all street frontage improvements, including, but not limited to, sidewalks, street trees, and street lighting on the south side of Hood Street along the property. The applicant shall remove the existing driveway approach and install a standard Type C curb in its place. The applicant shall grant a five-foot wide pedestrian easement to the City along the entire Hood Street frontage of the site to accommodate the required street section and sidewalk. The applicant shall furnish a sketch and legal description of the easement area and submit it to the City for review prior to granting the easement.**

25. Section 17.84.60 contains standards for public facility extensions. There is an existing 8-inch cast iron water pipe located in Hood Street adjacent to the site. The City Engineer (Exhibit G) and Public Works Director (Exhibit H) state that the existing water line is adequate for domestic and fire flow demands. An on-site turn around may be required to allow for fire truck maneuvering. Additionally, a fire flow test may also be required to demonstrate that fire flow protection is adequate and meeting Sandy Fire District requirements. **The applicant shall install a fire suppression system in Building A.** The nearest fire hydrant is more than 400 feet east of the NE corner of the site. Sandy Fire District will determine if a fire hydrant is required closer to or on the site. **The applicant shall confer with the Sandy Fire District to determine if an on-site turnaround and/or fire hydrant are required.**
26. An 8-inch public sanitary sewer line currently runs along the south end of the subject site and is located in an existing 10 foot wide easement adjacent to the north property line of the property south of the subject site. Per the Public Works Director (Exhibit H), Section 17.84.90(A)2 of the Sandy Municipal Code requires a minimum 15 foot wide easement for a single utility. In order to comply with this section of the Code, **the applicant shall grant a five-foot wide sanitary sewer easement along the southern property line of the site. The applicant shall furnish a sketch and legal description of the easement area and submit it to the City for review prior to recording the easement. The connection to sanitary sewer shall be made at the existing manhole.**
27. The Public Works Director (Exhibit H) states there is no storm sewer line on Hood Street adjacent to the site. The nearest public storm drain line is at the intersection of Hood and Bluff. The applicant is proposing use of pervious pavement and a below-ground storage reservoir for stormwater runoff. **The pervious pavement and storage reservoir shall be designed in accordance with Sections 1.3 and 2.3 of the City of Portland 2016 Stormwater Management Manual.**
28. Section 17.84.70 requires installation of public improvements in conjunction with new development. The Public Works Director (Exhibit H) states **the applicant shall grant an eight-foot wide public utility easement for dry utilities adjacent to the north property line of the**

site per Section 17.100.130. The applicant shall furnish a sketch and legal description of the easement areas and submit it to the City for review prior to granting the easement.

29. Section 17.84.80 contains specifications for franchise utility installations. Private utility services will be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines will be extended to the perimeter of the site. **The applicant shall install all telecommunication, CATV and electric power services (including street crossings) serving the development underground per Chapter 15.20.**
30. The City Engineer (Exhibit G) recommends streetlight fixtures be installed as part of the development. The Public Works Director (Exhibit H) states that the applicant shall be responsible for all street frontage improvements, including but not limited to, sidewalks, street trees, and street lighting. **The applicant shall submit detailed street light information for City review prior to submission of construction drawings.**
31. Section 17.84.90 contains requirements regarding land for public purposes. No land is proposed to be dedicated to the public.
32. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) to locate mail facilities and these will be approved by the City and USPS. **The applicant shall provide mail delivery facilities in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a mail delivery plan featuring grouped lockable mail facilities to the City and USPS for review and approval.**
33. **Development of this apartment expansion requires payment of system development charges in accordance with applicable City ordinances.**

17.86 – Parkland and Open Space

34. The applicant proposes a 5 unit apartment complex. As required by Chapter 17.86, parkland dedication is required during design review for multi-family development.
35. Based upon the calculations specified in Section 17.86.10, the required dedication area is 0.04 acres of public parkland (5 proposed units x 2 persons per unit x .0043, rounded to the nearest 1/100 of an acre = 0.04 acres to be dedicated).
36. Section 17.86.40 contains factors for the City to evaluate whether to require parkland dedication based on this formula or collect a fee in lieu of dedication. This section specifies that it is entirely at the City's discretion to accept payment of a fee in lieu of the land dedication or require the dedication. Based on the calculations specified in Section 17.86.10, the applicant is responsible for dedicating 0.04 acres of public parkland. Since this is less than three acres and no parkland is identified on the subject property in the Parks Master Plan, **the applicant shall pay a fee in lieu of the required parkland dedication. Per Resolution 2013-14, the required fee in lieu amount is \$241,000 per acre if the entire amount is paid prior to final plat approval. Therefore, based on the current Fee Resolution, the applicant shall pay a fee in lieu of dedication in the amount of \$9,640 (0.04 acres of land to be dedicated x \$241,000) prior to issuance of a building permit.**

Ordinance 2013-03 allows the applicant to pay a minimum of 50 percent of the fee to receive final plat approval with the remaining balance to be paid as a proportionate amount with each building permit; however, this request is not a subdivision so the alternative fee payment is not an option.

17.90 – Design Standards

37. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
38. 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.**
39. Section 17.90.160 (A) contains standards for roofs. Roofs shall have a minimum pitch of 6:12 with at least a 30 inch overhang, unless the developer can demonstrate that the majority of structures within 300 feet have roofs similar to what is proposed. The applicant proposes a gabled roof with a 6:12 roof pitch 16 inch overhangs. Proposed roof offsets are approximately 42 inches, which exceeds the 3 foot minimum. Per the applicant's narrative, the residential structures in the vicinity of the proposed apartment feature a variety of roof overhangs, many of which are much less than 30 inches. This was confirmed during a staff site visit. Thus, a 16 inch overhang is consistent with the surrounding structures and, therefore, acceptable.
40. Section 17.90.160(B) contains standards for designing entries. Each apartment has a recessed and covered porch entry that faces Hood Street in compliance with this standard.
41. Section 17.90.160(C) contains provisions for building facades. Both proposed building facades demonstrate architectural articulation including windows, different gable roof sizes, and different siding types and colors. Within the C-1 zone, **exterior building materials must be consistent with the Sandy Style and City of Sandy approved colors from the Miller Paint Company's Historic Colour Collection Palette.** Proposed paint colors are required to match colors on the approved palette but do not need to be Miller brand. **The applicant shall submit proposed paint colors to the Director for review and approval to ensure compliance with the approved palette.**
42. Section 17.90.160(D) contains standards related to building recesses, extensions and partially enclosed covered porches. This section requires the vertical face of a structure when facing a public street, pedestrian way, or an abutting residential use to contain building offsets at a minimum depth of eight-feet (recesses and extensions) every 20 feet. The applicant has applied for a Type II adjustment to reduce the minimum depth of the recesses from 8 feet to 6 feet 6 inches. This reduction will not significantly detract from the intention of the offsets. However, as detailed in this Order under Chapter 17.66, Adjustments and Variances, **the applicant shall update the Plan Set to show a depth of six feet six inches to be consistent with the narrative and in compliance with a Type II adjustment.**
43. Section 17.90.160(E) contains standards for private outdoor areas. This section requires all dwelling units to provide a minimum of 48 square feet of private outdoor area (balcony, porch, etc.). Per the applicant's narrative, each dwelling unit features a 100 square foot outdoor patio

area on the ground floor and a 100 square foot private yard. This meets the minimum 48 square feet of private outdoor area; however, the submitted Plan Set is inconsistent. For example, Sheet A3.1 only shows a five foot by twenty foot patio attached to each unit, but Sheet S shows a ten foot by twenty foot fenced yard. The addition of a five foot by twenty foot enclosed patio to the rear of the house would not meet the 15 foot rear setback required under Section 17.40.30. **The applicant shall revise the Plan Set so all sheets are consistent with each other and in conformance with the setback requirements of Section 17.40.30.**

44. Section 17.90.160(F) contains standards for parking lots in multi-family developments. This section specifies that parking lots in multi-family developments shall not occupy more than 50 percent of the public street frontage. The frontage of the parking spaces is 30 feet, which is 40 percent of the 75 foot lot frontage. However, staff interprets the code to mean the entirety of the parking area should be included in the calculation (including parking spaces, turn-around area, and driveway). This interpretation totals 65 feet of paved area, which is 87 percent of the 75 foot lot frontage. Approval of a parking lot that occupies 87 percent of the frontage would require that the applicant submit a variance or code interpretation for Planning Commission to determine whether the proposal meets the intent of the code. Rather than needing to make a code interpretation or reviewing a variance, **the applicant shall revise the site layout to place the northern (two-unit building) building closer to the street frontage with the parking located between the two buildings.** Not only would this help increase eyes on the street and be more contextually compatible with the 10 foot maximum setback for commercial development of neighboring properties in the C-1 zoning district, but it would also reduce the cost of paving as a shared parking aisle would only need to be 25 feet wide, whereas the two separate parking aisles as proposed would each need to be 22 feet wide for a total of 44 feet of parking aisles. This would reduce the paving surface by up to 19 feet in width and reduce the required curb for the parking lot.
45. Section 17.90.160(G) contains standards for individual storage areas. Each three bedroom dwelling unit is required to provide a minimum storage area of 48 square feet. Based on the building floor plans all units are proposed to contain 41 square feet of enclosed storage area within the garage. This does not meet the 48 square foot minimum. **The applicant shall submit revised plans detailing the location of 48 square feet of storage area per dwelling unit.**
46. Section 17.90.160(H) states that carports and garages shall be compatible with the complex they serve. The garages are on the ground floor of the apartment buildings and are compatible with the buildings' form, materials, and color. The garages are detailed as 11 feet by 19 feet 6 inches in total. The vehicle parking space is not dimensioned separately but appears to be 8 feet by 17 feet. **The vehicle areas of the garages shall be at least 18 feet in depth. The applicant shall submit a revised plan set that dimensions out the garages in greater detail.**
47. Section 17.90.160(I) contains standards for shared outdoor recreation areas. This section requires developments containing more than 5 dwelling units to provide a minimum of 200 square feet of outdoor recreation area per dwelling unit. The proposed project is for 5 dwelling units. Thus, the requirements of 17.90.160 (I) do not apply.

48. Section 17.90.160(J) contains standards to promote safety and security. According to the applicant's narrative, each unit will be marked with an address or apartment number. The lighting plan includes wall-mounted lighting sufficient to light the porch and parking areas as well as an additional wall mounted light along the west side of the northern building to light the side driveway. Staff provides additional review of the lighting plan in Chapter 15.30.
49. Section 17.90.160(K) contains standards related to service, delivery and screening. According to the applicant's narrative, the location and type of the postal delivery facility will be coordinated with the US Postal Service. **Postal delivery areas shall meet the requirements of 17.84.100.** The proposal does not include a communal trash/recycling area; garbage and recycling will be provided to the units individually and stored in the garages. **With the already limited storage space in the individual garages, staff recommends a shared garbage collection area. If the applicant chooses to provide individual garbage and recycling for each unit, there shall be sufficient storage space for the garbage and recycling receptacles; the storage space shall be in addition to the 48 square foot minimum enclosed storage area required for each unit. The applicant shall submit a revised Plan Set that details the proposed garbage and recycling receptacle storage area as either a separate shared garbage/recycle collection area or dedicated storage space in the individual units.**
50. Section 17.90.160(L) contains standards for screening electrical and mechanical equipment. This section requires all on and above ground electrical and mechanical equipment to be screened with sight obscuring fences, walls, or landscaping. As stated in the narrative, the applicant proposes screening electrical and mechanical equipment with landscaping. However, the applicant did not provide details showing the location and design of the equipment. Because staff is not able to analyze conformance with Section 17.90.160 (L), **the applicant shall submit additional details addressing the location and screening of the proposed electrical and mechanical equipment.**

17.92 – Landscaping and Screening

51. Section 17.92.10 includes general landscaping provisions. Per Section 17.92.10 (C.), trees over 25-inches circumference measured at a height of 4-½ feet above grade are considered significant and should be preserved to the greatest extent practicable and integrated into the design of a development. A 25-inch circumference tree measured at 4-½ feet above grade has roughly an eight-inch diameter at breast height (DBH). Per this definition, the subject property has fifteen significant trees, fourteen of which are proposed to be removed, including one 48-inch DBH coniferous tree on the eastern edge of the property. **The applicant shall plant three native evergreen trees in addition to the proposed five deciduous trees to help offset the loss of significant trees on the site. The applicant shall revise the site plan in an attempt to preserve the 48-inch DBH coniferous tree, provided the tree is in good condition. If the 48-inch coniferous tree is preserved, the required additional native evergreens shall be reduced from three to one.**
52. Section 17.92.20 requires the C-1 zoning district to contain a minimum of 10 percent landscaping. However, per Section 17.42.30, a residential use in the C-1 zoning district that is not above a commercial building requires a minimum landscaping area of 20 percent. The proposal indicates that the landscaping area is greater than 20 percent but the site plan is not consistent. The description at the top of the site plan indicates that the landscaping area is 26.6 percent;

however, the label on the plan indicates the total landscape area is 29 percent. The narrative indicates the landscaping area is 25.5 percent. **The applicant shall calculate the correct percent of landscaping and revise the site plan accordingly.**

53. Section 17.92.30 specifies required tree plantings. Trees are required to be planted along public street frontages, in parking lots with more than four spaces, and along private drives more than 150 feet long. The Landscape Plan (Exhibit F) includes three (3) Chanticleer pear trees along the south side of the Hood Street right-of-way. The Site Plan does not detail the location of the proposed sidewalk on the south side of Hood Street. As mentioned in the review of Chapter 17.84 above, **the applicant shall modify the Plan Set to include the proposed frontage improvements on Hood Street including the location of the sidewalk, pedestrian easement, and planter strip with new street trees 30 feet on center and ground cover within the planter strip.**
54. Section 17.92.40 requires that all landscaping be irrigated, either with a manual or automatic system. **The applicant shall submit an irrigation plan for the entire site in all areas identified with landscaping. As required by Section 17.92.140, the developer shall be required to maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.**
55. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. The Landscape Plan (Exhibit F) identifies five deciduous trees at 1.5 inch caliper and all shrubs at least one gallon in size. Based on the submitted Landscape Plan this requirement is met. However, because the applicant is proposing to remove multiple significant, mature trees along the southern portion of the site, **an additional three native evergreen trees shall be planted on the site and shown on the Landscape Plan, as discussed under the review of Section 17.92.10, above.**

17.98 – Parking, Loading and Access Requirements

56. Section 17.98.20 contains off-street parking requirements. The proposed development includes five (5) 3-bedroom units, which requires 11 off-street parking spaces and 5 bicycle parking spaces. The site plan includes 5 bicycle parking spaces, 5 interior garage parking spaces, and 7 off-street parking spaces, for a total of 12 off-street parking spaces; thus, the requirements of Section 17.98.20 are met. At the public hearing, there was testimony regarding concern about garages not being used for parking resulting in increased parking issues on Hood Street. To maintain adequate parking **the applicant should insist in the rental agreement with tenants that garage parking is for vehicles.**
57. Section 17.98.50 contains setback requirements. The subject property does not directly abut a residential zoning district. The required front setback for a residential use not above a commercial building in the C-1 zoning district must be in conformance with the R-3 zoning district standards. The minimum front yard setback in the High Density Residential (R-3) zoning district is 10 feet. The proposed parking spaces are set back 32 feet from the lot line along Hood Street while the proposed parking turn-around area is set back 10 feet; thus, this section is met. However, as outlined in the discussion of Section 17.90.160 (F), **the applicant shall revise the**

site layout to place the northern building closer to the street frontage with the parking between the two buildings.

58. Section 17.98.60(A) contains specifications for parking lot design. All areas required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt. The proposal indicates that all parking spaces will be impervious pavement or concrete and that the driveway and maneuvering areas will be constructed with pervious paving. The Public Works Director (Exhibit H) states that **the pervious pavement and storage reservoir shall be designed in accordance with Sections 1.3 and 2.3 of the City of Portland 2016 Stormwater Management Manual (SWMM). Per the City Engineer (Exhibit G), a final detailed stormwater analysis shall be submitted with the final design for review and approval by the City in conformance with Sandy Development Code Standards Chapter 13.18 and the City of Portland SWMM.**
59. Section 17.98.60(B) contains specifications for size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. Per ORS 447.233, lots with 1 to 25 spaces must have a minimum of one accessible space; the accessible space must be van accessible. The plan set identifies six surface parking spaces at 10 feet by 18 feet, and one accessible parking space with a passenger side loading area at 18 feet by 20 feet total. Per ORS 447.233, van accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide; the access aisle shall be located on the passenger side of the parking space. The ADA parking requirement is satisfied on the proposed site plan. The plan also identifies five garage parking spaces, but the parking area is not dimensioned separately from the garage area. **The applicant shall submit a detailed plan of the garage with the parking area dimensioned separately.**
60. Section 17.98.60(C) contains specifications for aisle width. Both proposed parking aisles include 90 degree spaces and are single sided two-way. The proposed aisle width for both parking aisles is 22 feet, thus, this requirement is met. However, **the applicant shall revise the site layout to place the northern building closer to the street frontage with the parking between the two buildings. This configuration will be double sided two-way 90 degree parking and require a 25 foot wide maneuvering aisle.** This configuration should result in reduced paving costs as the total parking aisle width will decrease from 44 total feet to 25 total feet. The extra width should be used to provide more landscaping and outdoor area or to increase the size of the units.
61. Section 17.98.100 has specifications for driveways. The submitted Plan Set details one 20-foot wide driveway along the west side of the site that connects to Hood Street. **The new driveway approach and sidewalk shall conform to the US Access Board PROWAAAC requirements for cross slope and running grade and the current ADA Guidelines. Per the City Engineer (Exhibit G) and Public Works Director (Exhibit H), the existing driveway approach shall be removed and a standard Type C curb installed in its place.**
62. Section 17.98.120 contains requirements for landscaping and screening in parking areas. Since the proposal is for more than four parking spaces, compliance with the standards of Section 17.98.120 is required. Per Section 17.98.120(D), there shall be planters at the end of each parking bay containing one major structural tree and ground cover. The Site Plan details planters at each

end of the two parking bays that meet the 5 foot by 17 foot minimum for a single depth bay; however, the Landscape Plan only includes a structural tree in the two planters located on the east side of the two parking bays. **The applicant shall revise the Landscape Plan to include one major structural tree and ground cover in each planter at both ends of each parking bay.** Per Section 17.98.120(F), landscaped areas must be protected from vehicles through the use of wheel stops or a similar method. The proposed landscaped areas with curb are along the sides of the parking spaces so wheel stops are not necessary to protect landscaped areas. Per the applicant's narrative, wheel stops will be provided for the two parking spaces that are not located in front of garages to prevent vehicles from encroaching on the front porch. **Wheel stops shall be placed an adequate distance from the porches to prevent vehicular damage to the structures. The applicant shall revise the Plan Set to reflect installation of a curb between the parking spaces and the landscaped planter bays adjacent to the parking spaces.**

63. Section 17.98.130 requires that all parking and vehicular maneuvering areas to be paved with asphalt or concrete. The applicant is required to adhere to the paving requirements of Section 17.98.130.
64. Section 17.98.140 contains requirements for drainage. Chapter 17.84 of this order details the stormwater requirements.
65. Section 17.98.150 contains lighting requirements. The applicant submitted a lighting cut-sheet for new site lighting, and a photometric plan. These submittals are discussed in Chapter 15.30 below.
66. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is one bicycle parking spaces per multifamily dwelling unit. The 5 apartment units require a minimum of 5 bicycle parking spaces. The Site Plan (Exhibit F, Sheet S) details five bicycle parking spaces. All of the bicycle spaces meet the requirement of being 2.5 feet x 6 feet.

15.30 – Dark Sky

67. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. The applicant will need to install street lights along the Hood Street frontage. The applicant did not specify street light locations on the submitted Plan Set. As detailed in Chapter 17.84 of this order, **the applicant shall modify the Plan Set (Exhibit F) to detail the location of street lights in accordance with the Public Works Director's approval.**
68. Proposed lighting on the apartment building and on the site shall also meet the Dark Sky Ordinance regulations. The applicant submitted a Photometric Plan (Exhibit F) detailing the location of proposed lighting and projected foot candles. Section 15.30.60(D) requires all lighting systems to be designed so that the area 10 feet beyond the property line receives no more than 0.25 (one quarter) of a foot-candle of light. However, staff cannot read the foot candle numbers on the submitted Photometric Plan and the plan does not include foot candle numbers outside of the property boundary. Thus, staff cannot make a determination if the proposed lighting is compliant with the Dark Sky Ordinance. **The applicant shall submit a revised Photometric Plan that includes legible foot candle numbers both on the subject property and 10 feet**

beyond the subject property lines. Fixtures shall be full cutoff or oriented and shielded so that the lens of the light does not impact neighboring properties.

69. The Dark Sky Ordinance requires that all new lighting be full-cutoff and downward facing. The submitted Photometric Analysis details LED lighting with full-cutoff. The proposed LED lighting is between 4000 and 5000 Kelvins. Five light fixtures are proposed, two on the front of each building and a fifth along the west side of the northern building, which will light the private driveway. Based on recommendations from Audubon Society of Portland and the International Dark-Sky Association, **the applicant shall choose LED bulbs that are less than 3,000 Kelvins. The applicant shall submit additional lighting fixture cut-sheet information to detail the lighting fixtures in greater detail and not exceeding 3,000 Kelvins.**

15.44 – Erosion Control

70. Per the City Engineer (Exhibit G), **all on-site grading shall be performed in accordance with the most current Oregon Structural Specialty Code and shall be observed and documented under the supervision of a geotechnical Engineer or his/her representative. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.**
71. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. **The applicant shall submit a grading and erosion control permit, and request an inspection of installed devices prior to any additional grading onsite. Prior to issuance of a grading plan the applicant shall submit proof of receipt of a DEQ 1200-C Permit. All on-site earthwork activities should follow the requirements of the current edition of the Oregon Structural Specialty Code. 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.** The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the site.
72. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. **The applicant's Erosion Control Plan shall be designed in accordance with these standards. The applicant shall complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.**

17.68 – Conditional Uses

73. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.
74. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The subject property is zoned Central Business District (C-1). Per Chapter 17.42 of the City of Sandy Development

Code, a multi-family dwelling not contained within a commercial building is a conditional use. The Commission finds the proposal complies with this criterion.

75. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The proposed site is suitable regarding the size, shape, location, topography, and natural features of the site. The site is relatively flat with no wetlands or areas within the FSH overlay. As detailed in this order under Chapter 15.44, **all on-site grading shall be performed in accordance with the most current Oregon Structural Specialty Code and shall be observed and documented under the supervision of a geotechnical Engineer or his/her representative.** With the conditions recommended in this order, the site can accommodate parking requirements, landscaping requirements, stormwater detention, and other site demands typical of a multi-family residential development. The Commission finds the proposal complies with this criterion.
76. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Water and sanitary sewer are available to serve the site. The applicant is proposing use of pervious pavement and a below-ground storage reservoir for stormwater runoff. The Public Works Director (Exhibit H) states that the **pervious pavement and storage reservoir shall be designed in accordance with Sections 1.3 and 2.3 of the City of Portland 2016 Stormwater Management Manual (SWMM).** The use of pervious paving will help manage stormwater on site and decrease the burden on the stormwater system. The Public Works Director (Exhibit H) also states that **the applicant shall grant a five-foot wide pedestrian easement to the City along the entire Hood Street frontage of the site to accommodate the required street section and sidewalk, a five-foot wide sanitary sewer easement along the southern property line of the site, and an eight-foot wide public utility easement for dry utilities adjacent to the north property line of the site per Section 17.100.130 of the SMC. The applicant shall furnish a sketch and legal description of the easement areas and submit it to the City for review prior to granting the easement.** The Commission finds the proposal can be adequately conditioned to comply with this criterion.
77. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. All abutting parcels to the subject site are zoned commercial. The surrounding neighborhood is currently developed with single family homes to the east and west of the subject site, commercial properties to the southwest and south, and a school across the street to the north. Properties to the east, west, and south can be developed with commercial uses as the properties are currently zoned Central Business District (C-1). The property to the north, across Hood Street, is zoned Medium Density Residential (R-2) and is being improved for the relocation of Cedar Ridge Middle School. The proposed use of the subject site as a multi-family residential development would not substantially limit, preclude, or impair the use of surrounding properties. With the improvements proposed by the applicant and conditions recommended in this Order, impacts caused by the proposal will be mitigated. However, to be more contextually compatible with the 10 foot maximum setback for commercial development of neighboring properties in the C-1 zoning district **the applicant shall revise the site layout to place the northern building closer to the street frontage with the**

parking between the two buildings. This layout would also help increase eyes on the street as well as reduce the cost of paving. The extra area generated from reduced paving could be used to increase the landscaping area to provide sufficient room for locating three native evergreen trees. The additional area could also be used to increase the length of the buildings to help accommodate the need for increased storage space. With the improvements proposed by the applicant and conditions recommended in this Order, the Commission finds the proposal complies with this criterion.

78. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. Once construction is complete, the proposed multi-family development should not produce noise that is noticeable to neighboring properties. New lighting on the subject site will be required to comply with the City's Dark Sky Ordinance to prevent offsite glare by including shielding to direct light beams downwards. As detailed in this Order under Chapter 15.30, **the applicant shall choose LED bulbs that are less than 3,000 Kelvins to minimize negative impact on wildlife and human health.** There will be no activities, operations, or processes occurring at the site that will produce odors. Litter, if present, would be collected and transported for offsite disposal as part of weekly service trips. As detailed in Section 17.90.160(K) of this Order, **staff recommends the site plan be revised to include a shared garbage collection area. If the applicant chooses to provide individual garbage and recycling for each dwelling unit as currently proposed, there shall be sufficient enclosed storage space for the garbage and recycling receptacles; the storage space shall be in addition to the 48 square foot minimum enclosed storage area required for each unit.** Landscaping will be maintained or otherwise enforced by Code Enforcement. Recent development at both Zion Meadows subdivision and the remodel of the Pioneer Building (former Sandy High School) have sparked unintended rodent issues in the surrounding neighborhoods. Prior to development of the site, **the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication is needed.** With the improvements proposed by the applicant and conditions recommended in this Order, the Commission finds the proposal complies with this criterion.
79. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of 10 factors as listed below. With the improvements proposed by the applicant and the conditions recommended in this Order, the Commission finds the proposed use is reasonably compatible with the existing neighborhood as explained in the ten findings below.
80. Section 17.68.20(F)1. Basic site design (organization of uses on the site) – The proposal is for two separate two-story multi-unit buildings. Site improvements, such as new landscaping and frontage improvements will beautify the site and harmoniously blend the subject site with the surrounding neighborhood. The current proposal places parking spaces in front of the building closest to the street. As detailed in Section 17.90.160(F) of this Order, **the applicant shall revise the site design so that the northern building is closer to the street, with parking for both buildings between the two buildings and less visible from the street.**

81. Section 17.68.20(F)2. Visual elements (scale, structural design and form, materials, etc.) – The exterior facades of the buildings include gabled ends, decorative window treatments, and architectural articulation. Each apartment has a recessed and covered entry as well as roof offsets, which contribute visual interest to the design. As detailed in this Order under Section 17.90.160(C), **exterior building materials must be consistent with the Sandy Style and City of Sandy approved colors from the Miller Paint Company’s Historic Colour Collection Palette.**
82. Section 17.68.20(F)3. Noise – Once construction is complete, the site will produce minimal noise. The use should be reasonably compatible with the existing uses in regards to noise.
83. Section 17.68.20(F)4. Noxious odors – The site will be compatible with existing and planned uses regarding noxious odors. There are no activities at the site that should produce noxious odors.
84. Section 17.68.20(F)5. Lighting – The proposal includes two lights along the front of each of the two buildings and a fifth light along the private driveway on the west side of the site. The proposed lighting will provide additional safety and security for the site. In addition, as detailed in Chapter 17.84 of this Order, **the applicant shall modify the Plan Set (Exhibit F) to detail the location of street lights in accordance with the Public Works Director’s approval.** All new lighting shall follow Chapter 15.30, Dark Sky Ordinance which will minimize light trespass on neighboring properties. As detailed in Chapter 15.30 of this Order, **the applicant shall choose LED bulbs that are less than 3,000 Kelvins to minimize negative impact on wildlife and human health.**
85. Section 17.68.20(F)6. Signage – There are no proposed signs associated with this proposal. The applicant will be required to obtain a permit for any proposed signage.
86. Section 17.68.20(F)7. Landscaping for buffering and screening – The applicant submitted landscape plans that detail plantings on the subject site. Planning staff has evaluated the landscape plans and made modifications as detailed in Chapters 17.92 and 17.98 of this Order. The proposed landscaping modifications to the site will be an improvement over the existing site landscaping. As detailed in Chapter 17.92 of this Order, **the applicant shall plant three native evergreen trees in the landscape plan (in addition to the five deciduous trees proposed); this will help offset the removal of the multiple significant, mature trees from the southern portion of the site. The applicant shall revise the site plan in an attempt to preserve the 48-inch DBH coniferous tree, provided the tree is in good condition. If the 48-inch coniferous tree is preserved, the required additional native evergreens shall be reduced from three to one. If the 48-inch coniferous tree is preserved, the applicant shall install a tree protection area per Section 17.102.50(B) to protect the 48-inch coniferous tree during construction and shall have City staff approve the tree protection area prior to construction.** As detailed in 17.92.20 of this Order, **the applicant shall calculate the correct percent of landscaping and revise the Plan Set accordingly.**

87. Section 17.68.20(F)8. Traffic – The applicant submitted a Traffic Letter that was evaluated by the City of Sandy Engineer (Exhibit G) and the Public Works Director (Exhibit H). As detailed in the traffic engineer letter, the proposal will have a limited impact on existing traffic.

88. Section 17.68.20(F)9. Effects on off-street parking – Provided that the garage parking spaces are used for vehicle parking, the proposal should not adversely affect off-street parking as the applicant is proposing 12 parking spaces on the subject property. To maintain adequate parking **the applicant shall insist in the rental agreement with tenants that garage parking is for vehicles.**

89. Section 17.68.20(F)10. Effects on air quality and water quality – The proposed improvements will not adversely affect air and water quality. The project will comply with all applicable state and federal environmental standards. As detailed in Chapter 17.92 of this Order, **the applicant shall plant three native evergreen trees, or retain the existing 48-inch coniferous tree and plant one native evergreen tree, to help offset the loss of multiple mature trees on the southern portion of the site. This will help improve both air and water quality.**

DECISION

The Cashatt 5 Plex Conditional Use Permit, Design Review, and Adjustment requests are hereby **approved** as modified by the conditions of approval listed below. These conditions are based on the plans dated August 14, 2015 and revisions dated October 28, 2015.

CONDITIONS OF APPROVAL

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

1. Apply for and receive approval for a City of Sandy grading and erosion control permit in conformance with City standards detailed in Section 15.44 of the Municipal Code.
2. Submit proof of receipt of a DEQ 1200-C Permit. (*Submit to Planning Department and Public Works Department for approval*)
3. Request an inspection of installed erosion control measures per approved plan. (Request to Public Works Department)
4. Have a licensed pest control agent evaluate the site to determine if pest eradication is needed. Submit the evaluation to the City of Sandy for review and approval.
5. Install a tree protection area per Section 17.102.50(B) to protect the 48-inch coniferous tree during construction and have City staff approve the tree protection area prior to construction.

B. Prior to construction or issuance of a building permit, the applicant shall:

1. Modify the Plan Set so that all sheets are consistent and display proper scaling.

2. Submit a revised Site Plan to include the following:
 - A recess depth of six feet six inches to be consistent with the narrative and in compliance with a Type II adjustment. Include this revision on the Floor Plan.
 - Placement of the northern (two-unit) building closer to the street frontage with the parking located between the two buildings. Include this revision on the Landscape Plan, Utility Plan, Grading and Erosion Control Plan, Lighting Plan, Main Floor Plans, and Elevations.
 - A shared garbage/recycling collection area (or dedicated storage space in the individual units in addition to the 48 square foot minimum enclosed storage area required for each unit).
 - The location of the sidewalk and planter strip.
 - A curb between the parking spaces and the landscaped planter bays adjacent to the parking spaces.
 - Wheel stops placed at an adequate distance from the porches to prevent vehicular damage to the structures.
3. Submit a revised Landscape Plan to include the following:
 - Detail the location and screening of any proposed electrical and mechanical equipment.
 - Detail the preservation of the 48-inch coniferous tree on the eastern edge of the property, if it is in good health, and the location of one additional native evergreen tree. If the 48-inch coniferous tree cannot be preserved, detail the location of three additional native evergreen trees.
 - Detail the correct percent of landscaping on the site.
 - Detail the location of the sidewalk and planter strip with street trees and ground cover.
 - Detail the location of one major structural tree and ground cover in each planter at both ends of each parking bay.
4. Submit revised Floor Plans for the apartment buildings to include the following:
 - Detail at least 48 square feet of enclosed storage area for each unit.
 - Revise the recess depth to six feet six inches to be consistent with the narrative and in compliance with a Type II adjustment.
 - Remove the enclosed patio from the rear of the southern building to be consistent with the 15 foot minimum required setback under Section 17.40.30.
 - Detail the garages to show the vehicle area, private storage areas, and garbage/recycling storage areas (if individual garbage/recycling is selected).
 - Detail the vehicle area of the garages to be at least 18 feet in depth.
5. Submit a revised Utility Plan to include the following:
 - Detail the location of street lights in accordance with the Public Works Director's approval.
 - Detail the location of proposed electrical and mechanical equipment.
 - Detail connection to sanitary sewer at the existing manhole.
6. Submit detailed street light information for City review.
7. Submit updated lighting fixture cut-sheets that detail lighting fixtures in greater detail and not exceeding 3,000 Kelvins.

8. Submit additional building elevation details. Building exteriors must be consistent with the Sandy Style and City of Sandy approved colors from the Miller Paint Company's Historic Colour Collection Palette.
9. Submit proposed paint colors to the Director for review and approval to ensure compliance with the approved palette.
10. Submit an irrigation plan in all areas identified with landscaping.
11. Submit a final detailed stormwater analysis. The design of the pervious pavement and storage reservoir and stormwater analysis calculations shall meet the water quality/quantity criteria as stated in the City of Sandy Development Code (SDC) 13.18 Standards and the City of Portland Stormwater Management Manual (SWMM) Standards that were adopted by reference into the Sandy Development Code.
12. Submit proof of the following recorded easements to the City. The applicant shall furnish a sketch and legal description of the easement area and submit it to the City for review prior to granting the easement.
 - A five-foot wide pedestrian easement along the entire Hood Street frontage of the site to accommodate the required street section and sidewalk.
 - A five-foot wide sanitary sewer easement along the southern property line of the site in order to comply with Section 17.84.90(A)(2).
 - An eight-foot wide public utility easement for dry utilities adjacent to the north property line of the site per Section 17.100.130.
13. Submit a revised Photometric Plan verifying the area 10-feet beyond the subject property lines does not receive more than 0.25 of a foot-candle of light.
14. Submit a Right-of-Way Permit for quarter-street improvements on Hood Street.
15. Submit payment of system development charges in accordance with applicable City ordinances.
16. Pay plan review, inspection and permit fees as determined by the Public Works Director.
17. Pay the fee in lieu of park dedication in the amount of \$9,640 (0.04 x \$241,000).
18. Confer with the Sandy Fire District to determine if an on-site turnaround and/or fire hydrant are required.

C. Prior to occupancy (temporary or final) the applicant shall complete the following or provide assurance for their completion:

1. Complete all site improvements including landscaping, building improvements, stormwater facilities, parking, and bicycle parking facilities.

2. Complete quarter-street improvements on Hood Street including, but not limited to: a curb tight sidewalk, street lighting, and landscaping.
3. Remove the existing driveway approach and install a standard Type C curb.
4. Complete re-vegetation of disturbed areas as specified on the City approved erosion control plan.
5. Install a fire suppression system in Building A (the three unit building).
6. Require that the rental agreement states that the designated garage parking area is for vehicles.
7. Plant and stake street trees and grade and backfill the planter strip as necessary.

D. General Conditions

1. 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.
2. Onsite walkways shall be constructed in accordance with the sidewalk standards adopted by the City.
3. The new driveway approach and sidewalk shall conform to the US Access Board PROWAAAC requirements for cross slope and running grade and the current ADA Guidelines.
4. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies. LED bulbs shall be less than 3,000 Kelvins.
5. All electrical and mechanical equipment shall be screened with sight obscuring fences, walls or landscaping.
6. All work within the public right-of-way and within the paved area shall comply with the American Public Works Association (APWA) and City requirements.
7. All franchise utilities shall be installed underground and in conformance with City standards.
8. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.
9. All on-site grading shall be performed in accordance with the most current Oregon Structural Specialty Code and shall be observed and documented under the supervision of a geotechnical Engineer or his/her representative.
10. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two years from the date of completion, and shall replace any dead or dying plants during that period.

11. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
12. All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground communication lines including telephone and cable, underground power lines, water lines and fire hydrants.
13. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the City Engineer and Public Works Director.
14. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with Chapter 17 of the Sandy Municipal Code prior to temporary or final occupancy of structures. Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards. Postal delivery areas shall meet the requirements of 17.84.100.
15. 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.


Jerry Crosby
Planning Commission Chair

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 ten (10) 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 Chapter 17.28.50; and,
5. Payment of required filing fees.

EXHIBIT K

Estately Search neighborhood, city, school... My Estately

See all homes in [Sandy, OR](#)

This property **sold** for \$92,500 about 1 month ago.



Homes > Oregon > Sandy

0 Pleasant ST

Sandy, OR 97055 — Clackamas County



— beds — baths — sqft 5,227 sqft lot 328 days on site

[Save](#) [Trash](#) [Share](#)

Vacant Lot with C1 zoning. Lot is 50x105. Per City of Sandy approved to build a live/work unit. Perfect for accountant, insurance broker, or someone looking to have a home office attached to their living unit. Accessory uses permitted outright: home business, family day care etc. City water, City Sewer, and power avail. Buyer to do their own due diligence. Seller is licensed RE Broker.

Listing courtesy of RMLS / Oregon First
MLS# 18257093 — [Report a problem](#)

More properties for sale



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Windows taskbar: Type here to search, 5:38 PM 5/15/2019



James Cramer <jcramer@ci.sandy.or.us>

Re: File No: 19-028 DR/CUP Cashatt Duplex

EXHIBIT L

1 message

Russell Collier <russellcollierpublishing@gmail.com>
To: planning@ci.sandy.or.us

Fri, Oct 4, 2019 at 11:29 AM

10.4.19

I received the request for comments
Re: File No: 19-028 DR/CUP Cashatt Duplex

I think this proposed new development should be approved.
It is a residential structure proposed to be built in a residential area.

Russell Collier - Pastor
Rivers of Living Water
United Pentecostal Church of Sandy
38530 Pioneer Blvd, Sandy, OR 97055
PO Box 1270 - Sandy, OR 97055
503.826.9693 - Office
971-313-3341 - Cell
russellcollierpublishing@gmail.com

RECEIVED
OCT 04 2019
CITY OF SANDY

EXHIBIT M

PRE-APPLICATION CONFERENCE NOTES

Project Name: Cashatt Duplex
Legal Address: Tax Map 24E13BC, Tax Lot 5500
Situs Address: No situs
Description: Duplex
Pre-Application Conference Date: June 5, 2019
Applicant/Owner: Kevin Cashatt

PLANNING DEPARTMENT REVIEW

Sandy Development Code: Sandy Development Code Sections 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.30 Zoning Districts; 17.40 High Density Residential (R-3); 17.42 Central Business District (C-1); 17.68 Conditional Uses; 17.84 Improvements Required with Development; 17.90 Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; and Chapter 15.30 Dark Sky.

Caveat: This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.

CHAPTER 17.30 – ZONING DISTRICTS

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater than four dwelling units, a partial figure of one-half or greater is rounded up to the next whole number.

**** No areas are required to be dedicated. The minimum density is 1 unit (10 units/acre x .12 acres = 1.2, rounded down to 1) and the maximum is 2 units (20 units/acre x .12 acres = 2.4, rounded down to 2). However, we would most likely not allow only 1 unit because it is not another use similar in nature to multi-family.**

CHAPTER 17.42 – CENTRAL BUSINESS DISTRICT (C-1)

**** The site is zoned as Central Business District (C-1). The proposed development is a duplex, which is not a primary use permitted outright in the C-1 zone (unless it existed prior to adoption of the Code).**

17.42.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

**** Multi-family dwellings not contained within a commercial building are listed as a conditional use (Planning Commission review) in the Central Business District (C-1) zoning district. Because multi-family dwellings are defined as three or more units, a 2-unit duplex wouldn't qualify as a conditional use under Section 17.42.20(B)(5).**

One option would be to propose a duplex, which could be processed as an "other use similar in nature" under Section 17.42.20(B)(7). You will want to explain your justification for your request for a duplex in the C-1 zone in detail and staff will evaluate the request. The proposal would need to follow the R-3 regulations in 17.40 and the multi-family design standards in 17.90.160.

A second option would be to request a variance to the maximum density to allow 3 units and to request a conditional use for a multi-family dwelling not contained within a commercial building. An adjustment

can be used to change a quantifiable provision of the code (in this case, density) by up to 20 percent; a variance would be required for anything over 20 percent.

A third option would be to propose residential dwellings attached to a commercial business, which is a primary use permitted outright.

A fourth option would be to request a re-zone from C-1 to R-3, which would require a Comprehensive Plan map amendment and a Zoning map amendment.

17.42.30 DEVELOPMENT STANDARDS

Residential – Not Above Commercial Building	
Type	Standard
Density/Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98

CHAPTER 17.40 – HIGH DENSITY RESIDENTIAL (R-3)

**** Per Chapter 17.42.30 (A), density, lot dimension, and setback requirements for a residential use not associated with a commercial building must be in conformance with Chapter 17.40 High Density Residential (R-3). Density shall not be less than 10 or more than 20 units per net acre.**

17.40.30 DEVELOPMENT STANDARDS

Type	Standard
Minimum Average Lot Width - Single detached dwelling - Single detached zero lot line dwelling - Single attached zero lot line dwelling - Other permitted uses	40 ft. 30 ft. 20 ft. No minimum
Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160
Minimum Average Lot Depth	No minimum
Setbacks - Front yard - Rear yard - Side yard (interior) - Corner Lot - Garage	10 ft. minimum 15 ft. minimum 5 ft. minimum 10 ft. minimum on side abutting the street 20 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 1.79.220) 5 ft. minimum for alley or rear access
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Multi-family – Landscaping Setbacks	25% minimum See Section 17.90.230

Structure Height	35 ft. maximum
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98

**** The front setback is somewhere between 14 feet-5 ½” and 20 feet. C-1 requires a 10 foot maximum front setback; however, R-3 requires a 10 foot minimum front setback. To be compatible with neighboring properties zoned C-1, the front setback should be a maximum of 10 feet for the front porch area of the units. The garage shall be setback 20 feet.**

The site plan shows the rear (north) setback at 43’- ½”. The rear setback requirement for R-3 is 15 feet minimum.

The site plan shows the east side setback at 5’-1/2”, which meets the R-3 side setback requirement.

The site plan shows the west side setback at 4’-11 ¾”, which does not meet the R-3 side setback requirement and would require a Type I adjustment. It would be preferable to adjust the side setbacks so both the east and west are a minimum of 5 feet.

25 percent of the site will be required to be landscaped.

The elevations detail the height at 21’-2 ¾”, which is in compliance with the maximum height of 35 feet.

CHAPTER 17.84 – IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

**** The Pleasant Street frontage requires half-street improvements including a sidewalk, planter strip (tree wells), and street lighting specified by the Public Works Director. Pleasant Street is classified as a local street; therefore, a bike lane is not required. Improvements to the Pleasant Street ROW will need to be consistent with the design we are creating in the Pleasant Street Master Plan.**

**** All new and existing utility services will need to be underground.**

17.84.50 STREET REQUIREMENTS

A. Traffic evaluations may be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with and an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.

2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

**** The proposal is for a duplex, with potential for a 3-plex if a variance is approved. Therefore, this proposal will not require a traffic evaluation. A traffic letter would be required.**

17.84.60 PUBLIC FACILITY EXTENSIONS

A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

**** There's an existing 6-inch water pipe and an 8-inch sewer line located in Pleasant Street adjacent to the site. The closest stormwater line is located in Beers Avenue. The installation of fiber shall be coordinated with the SandyNet Department of the City.**

17.84.90 LAND FOR PUBLIC PURPOSES

A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:

- 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
- 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

**** All easements will need to be properly identified on the site plan.**

17.84.100 MAIL DELIVERY FACILITIES

**** The location of mail facilities shall be coordinated with the Post Office and reviewed by the City.**

**CHAPTER 17.86 – PARKLAND and OPEN SPACE AND RECREATION LAND
APPLICABLE SECTIONS ONLY**

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments.

2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre:

Required parkland dedication (acres) = (proposed units) x (persons/unit) x 0.0043 (per person park land dedication factor)

a. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family residential	3.0
Standard multi-family unit	2.0

**** Based on the allowed unit count (2 units), the area of parkland dedication is 0.02 acres (2 x 2 x .0043 = .02). If the applicant were to be granted a variance for 3 units, the area of parkland dedication would be 0.03 acres (3 x 2 x .0043 = .03).**

17.86.40 CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication.

- 1. A. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
 - a. 50 percent of the payment shall be paid prior to final plat approval, and
 - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge, shall be paid as specified by City Council resolution.

**** The decision to collect a fee in lieu or require park dedication is determined by staff. Due to the small size of the subject property we would want a fee in lieu. The fee in lieu is based on the current adopted per acre fee in lieu amount (\$241,000/acre). The parks fee in lieu for a duplex is \$4,820 (.02 acres x \$241,000) to be paid prior to issuance of a building permit. (If a tri-plex is proposed, the parks fee in lieu would be \$7,230 (.03 acres x \$241,000 = \$7,230).)**

17.90.160 ADDITIONAL REQUIREMENTS - MULTI-FAMILY DEVELOPMENTS

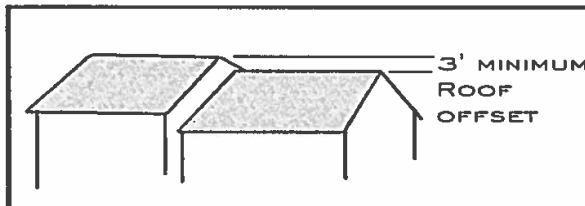
Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

A. Roofs. Roofs shall meet the following additional requirements:

1. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with at least a 30-inch overhang and using shingles or similar roofing materials.

**** The proposed roof pitch is 3 ½:12. Proposed overhang is less than 30 inches so you would need to demonstrate that abutting structures or the majority of structures within 300 feet have roofs with less than 30-inch overhangs.**

2. Offsets or breaks in roof elevation shall be at least 3 or more feet in height.



**** There are no proposed breaks in roof elevation. Staff may recommend an offset on the building or some dormers as part of the development approval.**

B. Entries.

1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
4. Secondary entries may face parking lots or loading areas.

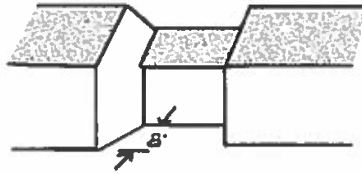
**** Five foot covered entryways shall be required. Please include entry specifications and dimensions on elevations.**

C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.

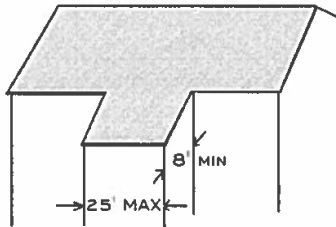
**** Windows are proposed in compliance with this standard.**

D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.



2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet, with maximum length of an overhang not to exceed 25 feet.



3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 feet deep and at least 125 sq. ft. in area.

**** 8 foot offsets required every 20 feet. Please include offset specifications on the elevations.**

E. Private Outdoor Areas.

1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.
2. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces or porches shall be provided for each dwelling unit located above the ground level.

**** Decks appear to be 3.5' x 10' and thus do not meet this standard. Please include private outdoor square footage details on future plan submittals for staff evaluation.**

F. Parking Lots. Parking lots in multi-family developments shall not occupy more than 50% of the frontage of any public street abutting the lot or building.

**** The site plan shows the parking located in front of the building, which would be visible from Pleasant Street. However, the driveway width is 20 feet, which is less than 50% of the 50 foot frontage.**

G. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

Size of Dwelling	Minimum Square Feet	Minimum Height
Studio	24	6
1 Bedroom	24	6
2 Bedroom	36	6
3+ Bedroom	48	6

**** Compliance with this standard cannot be determined without submittal of detailed building floorplans. Please include individual storage area details on future plan submittals. Separate screened**

storage must also be provided for garbage/recycling bins. The minimum parking areas within garages shall be free from storage of items or garbage/recycling bins and identified as such on the floor plans.

H. Carports and Garages. If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

**** The proposed garages shall be consistent with the building in terms of form, materials, color, and construction.**

I. Shared Outdoor Recreation Areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square feet per dwelling unit.

**** The proposal is for 2 units (or 3 units if a variance is requested and granted); thus, the proposal does not need to provide shared outdoor recreation areas.**

J. Safety and Security.

1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.

2. Establish a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

**** The application requires submittal of proposed exterior lighting fixtures, cut-sheets, and a photometric analysis to determine compliance with Chapter 15.30, Dark Sky Ordinance.**

K. Service, Delivery and Screening.

1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.

2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.

3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.

4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.

5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:

a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.

b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

**** Compliance with this standard cannot be determined without submittal of a more detailed site plan or floor plan. The proposed mailbox location will need to be evaluated by the Post Office and in coordination with the ROW improvements.**

L. Electrical and Mechanical Equipment. On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

**** The proposal requires identification of the location of electrical and mechanical equipment and screening of these facilities.**

CHAPTER 17.92 – LANDSCAPING AND SCREENING

17.92.10 GENERAL PROVISIONS

- ** Submittal of a Landscape Plan that meets Chapter 17.92 for coverage, required landscaping locations, and plant size specifications is required.**
- ** Significant trees should be preserved to the greatest extent practicable and incorporated into the design of the development. The existing tree in the SE corner of the property will likely be heavily impacted by the excavation, compaction of gravel for the driveway and sidewalk, and new impervious surfaces. An arborist evaluation will be required to see if the tree can be saved.**

17.92.20 MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING

The minimum landscaping area of a site to be retained in landscaping shall be as follows:

ZONING DISTRICT OR USE	PERCENTAGE
R-3 High Density Residential	25%

- ** 25 percent of the site is required to be landscaped.**

CHAPTER 17.98 – PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. Off Street Parking Requirements. Off street parking shall conform to the following standards:

9.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Duplexes	2 per dwelling	0
Multiple Family Dwellings	1.5 per studio or 1 bedroom 2.0 per 2 bedroom 2.25 per 3 bedroom or greater	1 per dwelling unit

- ** A duplex is proposed, which requires 2 off-street parking spaces per dwelling (4 total) and 0 bicycle spaces.**

If the applicant requests and is granted a variance to the maximum density to build a 3-plex, 6 off-street parking spaces and 3 bicycle spaces will be required. One ADA space with an access aisle is required. The ADA space must be built to van accessible standards.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

B. Size of Space.

1. A standard parking space shall be 9 feet by 18 feet.
 2. A compact parking space shall be 8 feet by 16 feet.
 3. Handicapped parking spaces shall be 13 feet by 18 feet. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 4. Parallel parking spaces shall be a length of 22 feet.
 5. No more than 35 percent of the parking stalls shall be compact spaces.
- ** The driveway setback is 20 feet and the shared driveway is 20 feet wide, which allows for two parking spaces in front of the two garages. A more detailed floor plan with interior garage dimensions will be required.**

17.98.100 DRIVEWAYS

A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

**** The site plan details a 20 foot wide driveway with a 20 foot access approach.**

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

**** Submittal of a stormwater analysis is required. The applicant shall provide stormwater treatment and detention per the requirements of Sections 13.18 and 13.20 of the Sandy Municipal Code and the 2016 City of Portland Stormwater Management Manual (SWMM) standards that were adopted by reference into the Sandy Development Code.**

17.98.150 LIGHTING

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

**** Submittal of exterior lighting fixture cut-sheets and a photometric analysis in compliance with Chapter 15.30 is required. Any proposed exterior lighting shall be full cut-off and not exceed 3,000 Kelvins.**

REVIEW SUMMARY

Summary of Issues:

1. Maximum density allowed on a 0.12 acre lot in C-1 (R-3) is 2 units. A duplex is not a permitted use in the C-1, nor is it specifically listed as a conditional use. The applicant could apply for a variance to the maximum density and propose a 3-plex. However, fitting three (3) dwelling units, six (6) off-street parking spaces, individual storage space, private outdoor space, and 25% landscaping may be difficult on a 0.12 acre site.
2. Multi-family design standards. Will need to request an adjustment/variance if a standard can't be met (e.g., recesses/extensions, private outdoor areas, individual storage areas).
3. What is the plan for the garbage/recycling enclosure?

APPLICATION PROCESS: Type III Conditional Use Permit/Design Review for the proposed multi-family development.

Fees:

Type III Conditional Use	\$1,605
Type III Design Review	\$3,845 based on a project valuation between \$100k and \$1 million
Type I Adjustment (<10%) (if requested)	\$320 per adjustment requested
Type II Adjustment (<20%) (if requested)	\$430 per adjustment requested
Type II Variance (if requested)	\$640 per variance requested
Type III Special Variance (if requested)	\$1,070 per special variance requested

Projected Processing Steps:

- Submittal Requirements: signed land use application form, fees, notice list and labels for properties within 500 feet (exclusive of ROW), narrative, density calculations, detailed site plan, floor plan for each floor, landscape plan, utility plan, grading and erosion control plan, building elevations, photometric plan, lighting cut sheets, arborist report for tree in SE corner, and stormwater analysis. (See Submittal Requirements Handout)
- Staff review for completeness (30 days max.), if determined incomplete then the applicant submits additional information as required, staff then reviews for completeness again, if the application is deemed complete then the application is processed.

EXHIBIT N



Staff Report

Meeting Date: November 19, 2019

From Kelly O'Neill, Development Services Director

SUBJECT: 19-028 DR/CUP Pleasant Street Duplex

Background:

Kevin Cashatt, with Cashatt Construction Inc., submitted an application seeking approval for a conditional use permit (CUP) to construct "other uses similar in nature" on the subject property located at 24E13BC05500 (vacant lot between 38535 & 38565 Pleasant Street). Specifically, the proposal includes the construction of a duplex (a dwelling containing two independent dwelling units) on site therefore the application also includes a Type III Design Review to evaluate compliance with applicable development standards of the C-1 zone district and other chapters of the Municipal Code.

Recommendation:

It is hereby recommended the Planning Commission deny the requested Conditional Use to consider a duplex a "use similar in nature" to those permitted within the C-1 zone district. The proposed duplex does not fit into any of the allowed residential uses, whether conditional or not. As a type of low density housing often found in single family residential zones, staff does not consider a duplex to be similar in nature to a multi-family development in form, function, or intent, nor does staff find that a low-density duplex meets the intent of the C-1 district, which specifically does not permit new low-density housing types. Subsection 17.42.00 states that "all development and uses shall be consistent with the intent of the district." It is also important to recognize that the code effectively makes duplexes non-conforming uses in the C-1 zone. As noted above, Subsection 17.42.10(A)(2) only permits duplexes "existing prior to the adoption of this Code." When it adopted Chapter 17.42, the City Council clearly sought to limit a wide range of low-density residential uses, including duplexes, in the C-1 zone by permitting only those that existed at that time. The fact that: (1) existing duplexes in the C-1 are non-conforming; (2) Subsection 17.42.00 expressly states that the C-1 "does not permit new low density building types;" and (3) "all development and uses shall be consistent with" 17.42.00, which prohibits new low density building types, leads staff to conclude that a duplex is not permitted as a conditional use that is "similar in nature" to a multi-family dwelling type.

Staff finds the proposed use does not meet the intent of the C-1 zone district in that the district does not permit new low-density building types. Approval of the request would contradict the intentions of the C-1 zone district and compromise Pleasant Street

redevelopment by allowing a use incompatible with the planned commercial neighborhood on Pleasant Street.

**PLANNING COMMISSION
STAFF REPORT
TYPE III LAND USE PROPOSAL**

DATE: November 19, 2019

FILE NO.: 19-028 DR/CUP

PROJECT NAME: Pleasant Street Duplex Conditional Use Permit

APPLICANT/OWNER: Cashatt Construction, Inc.

REPRESENTATIVE: Tracy Brown Planning Consultants, LLC

LEGAL DESCRIPTION: T2S R4E Section 13 BC, Tax Lot 5500

SITUS ADDRESS: *not yet assigned (vacant lot)*

PROPERTY LOCATION: Located on the north side of Pleasant Street in between 38535 & 38565 Pleasant Street.

Note on conditions: Staff has not included a conditions of approval list as the staff recommendation is denial of the conditional use permit request. Staff has inserted bolded text to detail potential conditions if Planning Commission decides to approve the conditional use permit request.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Property List and Mailing Labels
- C. Project Narrative
- D. Plan Set
 - 0.SP: Site and Landscaping Plan
 - Sheet 1: Elevations and Roof Plan
 - Sheet 2: First Floor Plan
 - Sheet 3: Second Floor Plan
 - Sheet 4: Foundation Plan
 - Sheet 5: Framing Plan
 - Sheet 6: Sections and Details

Agency Comments

- E. City Engineer (October 1, 2019)
- F. Public Works Director (October 24, 2019)

Supplemental Documents Provided by Staff

- G. Transportation System Plan Figure 5
- H. Final Order 04-037 DR
- I. Final Order 04-049 VAR
- J. Final Order 17-017 CUP/DR
- K. Sale Disclosure from Estate

Public Comments

- L. Russell Collier (October 4, 2019)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submitted materials deemed complete on September 6, 2019. These items are identified as Exhibits A-D including preliminary plans, a written narrative and notice list/mailling labels. The applicant did not submit detailing regarding landscaping, right-of-way improvements, or stormwater detention and treatment. However, the submitted narrative identifies these elements are proposed to be submitted for building/construction review following the decision of the design review and conditional use permit.
2. The overall site is approximately 5,250 square feet (0.12 acres).
3. The parcel has a Plan Map designation of Retail/Commercial and a Zoning Map designation of C-1, Central Business District.
4. Kevin Cashatt, with Cashatt Construction Inc., submitted an application seeking approval for a conditional use permit (CUP) to construct "other uses similar in nature" on the subject property located at 24E13BC05500 (vacant lot between 38535 & 38565 Pleasant Street). Specifically, the proposal includes the construction of a duplex (a dwelling containing two independent dwelling units) on site therefore the application also includes a Type III Design Review to evaluate compliance with applicable development standards of the C-1 zone district and other chapters of the Municipal Code.
5. The applicant's submission included a mailing list and labels for property owners within 550 feet of the subject property (Exhibit B) and notifications of the proposal were mailed to the property owners/affected agencies on September 26, 2019. A legal notice was published in the Sandy Post on October 16, 2019.
6. Staff received one public comment from Russell Collier (Exhibit L) who is the pastor at Rivers of Living Water. Mr. Collier stated that he believes the proposed new development should be approved as the residential structure is proposed to be built in a residential area.

17.30 – Zoning Districts

7. The subject property is located within the Central Business District (C-1) zone district and is therefore subject to the limitations and development standards of Chapter 17.42 – Central Business District (C-1). Section 17.42.30 states that residential not above commercial is subject

to the density standards in Chapter 17.40, High Density Residential, R-3. The R-3 zoning district has a density range of 10 to 20 dwelling units per net acre. The density calculation for this site is a minimum of 1 dwelling unit (10 x .12) and a maximum of 2 dwelling units (20 x .12). The applicant proposes 2 dwelling units.

17.42 – Central Business District (C-1)

8. The intended primary use of the subject property is a duplex. Subsection 17.10.30 defines a duplex as “a dwelling containing two independent dwelling units.” Subsection 17.42.10(A)(2) permits “duplexes existing prior to adoption of this Code” but does not permit a new duplex as a primary use permitted outright; therefore the proposed duplex is not permitted outright. A duplex is also not listed as either a minor conditional use or a conditional use in the C-1 zone. Subsection 17.42.20(B)(E) identifies “multi-family dwellings not contained within a commercial building” as an allowed Conditional Use. Subsection 17.42.20(B)(G) identifies “other uses similar in nature” as an allowed Conditional Use. The applicant is arguing that a duplex is a use similar in nature to a multi-family dwelling not contained within a commercial building.
9. Subsection 17.10.30 – Meaning of Specific Words and Terms defines Multi-Family Dwelling as, “at least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site.” Based on the definitions of “duplex” and “multi-family dwelling” in the development code, a duplex is not a type of multi-family dwelling, as a multi-family dwelling must have “at least 3 dwelling units.” Therefore, a duplex (2 dwelling units) does not fit within this Conditional Use category.
10. Subsection 17.42.20(B)(G) identifies “other uses similar in nature” as an allowed Conditional Use. As stated within Subsection 17.42.00, the C-1 zone district 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. In addition, this subsection states while the district (C-1) does not permit new low-density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. In line with the intent of the C-1 district, the uses permitted outright are primarily commercial uses, with limited allowances for specific types of residential uses: residential uses that existed prior to adoption of the Code, residential care facilities, and residential dwellings attached to a commercial business. The code identifies two additional residential uses as conditional uses: congregate housing is a minor conditional use, and multi-family dwellings not contained within a commercial building are a conditional use.
11. The proposed duplex does not fit into any of the allowed residential uses, whether conditional or not. As a type of low density housing often found in single family residential zones, staff does not consider a duplex to be similar in nature to a multi-family development in form, function, or intent, nor does staff find that a low-density duplex meets the intent of the C-1 district, which specifically does not permit new low-density housing types. Subsection 17.42.00 states that “all development and uses shall be consistent with the intent of the district.”

It is also important to recognize that the code effectively makes duplexes non-conforming uses in the C-1 zone. As noted above, Subsection 17.42.10(A)(2) only permits duplexes “existing prior to the adoption of this Code.” When it adopted Chapter 17.42, the City Council clearly sought to limit a wide range of low-density residential uses, including duplexes, in the C-1 zone by permitting only those that existed at that time. The fact that: (1) existing duplexes in the C-1 are

non-conforming; (2) Subsection 17.42.00 expressly states that the C-1 “does not permit new low density building types;” and (3) “all development and uses shall be consistent with” 17.42.00, which prohibits new low density building types, leads staff to conclude that a duplex is not permitted as a conditional use that is “similar in nature” to a multi-family dwelling type.

12. For the reasons discussed above, staff recommends the Planning Commission deny the application based upon a duplex not being similar in nature to a multi-family dwelling. The remainder of the staff report includes analysis of the relevant criteria that would apply if the Commission were to determine that a new duplex in the C-1 zone is similar in nature to multi-family dwellings.

13. Residential development, not above commercial buildings, within the C-1 zone district is required to follow the development standards of the R-3 (High Density Residential) zone district (Subsection 17.40.30). The proposed setbacks meet the standards of Subsection 17.40.30 and are as follow:

	Standard	Proposed
Front Yard	10 feet	11 feet 11.5 inches
Rear Yard	15 feet	43 feet 0.5 inches
Side Interior (East)	5 feet	5 feet
Side Interior (West)	5 feet	5 feet
Garage (Front Vehicle Access)	20 feet	20 feet

14. The development standards of the R-3 zone district limit the structure’s height to 35 feet. The overall height of the structure is proposed to be 21 feet 2.75 inches from grade to the average height of the highest gable of the pitched roof.

15. The proposal includes a total landscaped area of 1,800 square feet which equates to 34 percent of the overall site. The development standards of the R-3 zone district require multi-family dwellings to include a minimum landscaping area of 25 percent. While the proposed use, a duplex (a dwelling containing two independent dwelling units), is not by definition a multi-family dwelling the proposal has included landscaping to exceed the multi-family dwelling requirement.

17.68 – Conditional Use

16. The applicant has requested a Type III Conditional Use to construct “other uses similar in nature” on the subject property. Specifically, the proposal includes the construction of a duplex (a dwelling containing two independent dwelling units).

17. Section 17.68.20 contains review criteria for conditional use permits. The Planning Commission may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

18. Section 17.68.20(A) requires the use to be listed as a conditional use in the underlying zoning district or be interpreted to be similar in use to other listed conditional uses. The subject property

is zoned Central Business District (C-1). The proposal includes construction of a duplex. As stated above, a new duplex is not listed as a permitted use outright and a duplex does not meet the definition of a multi-family dwelling; therefore a duplex is neither an outright permitted use nor is it a conditional use in the C-1 zone. Therefore, it must be interpreted to be similar in use to other conditional uses in the C-1 in order to satisfy subsection (A). For the reasons discussed above, staff does not believe a duplex is a use similar in nature to that of a multi-family dwelling. **Criterion A is not met.**

19. Section 17.68.20(B) requires the characteristics of the site to be suitable for the proposed use considering the size, shape, location, topography, and natural features. The C-1 zoning district prefers commercial buildings to be located a maximum of 10 feet from the front property line. The C-1 zoning district also prefers parking to be located behind and to the side of structures. As a reminder for Planning Commission the multi-family dwellings (5 units) were approved on Hood Street (File No. 17-017 CUP/DR) through a Conditional Use Permit by placing the structure within 10 feet of the front property line and requiring all parking to be located to the rear of the structure along Hood Street. This submittal has the building located further than 10 feet from the front property line and all parking located in front of the building close to the right-of-way. **Criterion B is not met.**

20. Section 17.68.20(C) requires the use to be timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use. Water and sanitary sewer are available to serve the site and proposed to be extended from Pleasant Street. Electric service is available to the property via an existing utility pole located south of the property and across the Pleasant Street right-of-way. **The electrical service to the proposed duplex will need to be installed underground.** The subject property currently has one street frontage, Pleasant Street, with a frontage dimension of 50 feet. Of this 50-foot frontage, 20 feet is proposed to be used for a shared driveway for the proposed duplex. The remaining 30 feet is proposed to be evenly distributed (15 feet each) between the two dwelling units. The existing transportation system can accommodate the proposed duplex at this time. **Criterion C is satisfied.**

21. Section 17.68.20(D) specifies the proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district. All abutting parcels to the subject site are within City limits and are zoned Central Business District (C-1), with the exception of the property to the north, which is zoned Medium Density Residential, R-2. The properties to the west, east, and south have the same site and building design regulations as the subject site. The site is located at the west end of Sandy's downtown center and is one block north of Proctor Blvd. (US 26). Adjacent properties are currently used as follow:

North	Single-Family Residential
East	Single-Family Residential
South	Surface Parking Lot (Commercial)
West	Mixed Use (Residential/Commercial)

The property immediately west of the subject site, 38535 Pleasant Street, was previously approved to include a 400 square foot ground floor commercial space per Final Order 04-037 DR (Exhibit H). Subsequently, the same property received two variances to increase the maximum

front-yard setback to 30 feet and to allow off-street parking between a commercial building and the street in the C-1 zone district (Exhibit I). The subject application did not include a request for a variance. The C-1 zone district 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. When observing the uses of neighboring properties, the established character, and review of previous approvals, it can be observed that the properties on the north side of Pleasant Street were historically developed and used as residential properties. Then in 2004 the approval of 04-037 DR and 04-049 VAR began the efforts to incorporate more mixed use/commercial development within this area to meet the intent and conditional uses of the C-1 zone district. The use and character of the properties on the south side of the Pleasant Street right-of-way appear to have historically been a mixture of multi-family dwellings and commercial uses. Staff has determined that the proposed use, a duplex, does not substantially limit, preclude, or impair the use of surrounding properties for the primary uses listed in the underlying zoning district; however, approval of a duplex would contradict the intent of the C-1 zone district, which states the district does not permit new low density building types. House Bill 2001 introduces duplex units to all residential zoning districts and is a low-density dwelling type. **Criterion D has been satisfied; however, approval of the proposed use would contradict the intent of the C-1 zone district.**

22. Section 17.68.20(E) specifies the proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare. It can be observed that the properties neighboring the subject property are similar in nature or of more intense uses; therefore staff finds the proposed development is unlikely to create, or cause to be created, a public nuisance. **Criterion E has been satisfied.**
23. Section 17.68.20(F) requires the proposed use to be reasonably compatible with existing or planned neighboring uses based on review of 10 factors as listed below in F.1 through F.10.
24. Section 17.68.20(F.1) Basic site design (organization of uses on the site) - The subject property has one street frontage, Pleasant Street, with a dimension of 50 feet. Of this 50-foot frontage, 20 feet is proposed to be used for a shared driveway for the proposed duplex. The remaining 30 feet is proposed to be evenly distributed (15 feet each) between the two dwelling units. The driveway has been designed to accommodate two vehicles, one per unit. The property to the west has been approved to include commercial parking between the right-of-way and the approved commercial use on the property, but the approval required a variance. Section 17.68.20(F) states that the proposed use shall be reasonably compatible with existing or planned neighboring uses. Since future neighboring uses will be predominately commercial and the C-1 zoning district requires buildings within 10 feet of the front property line the proposed building setback at 20 feet is not compatible with future building orientation on Pleasant Street. The proposed duplex would include a driveway and parking in front of the structure which is not supported in the C-1 zone district. **Criterion F.1 is not met.**
25. Section 17.68.20(F.2) Visual elements (scale, structural design and form, materials, and so forth) - The proposed duplex will be of similar scale to the neighboring properties and include Sandy Style design elements such as horizontal lap siding, stone columns and vertical siding to provide visual interest. The proposal includes horizontal Hardie-plank siding and vertical tongue and

groove siding. The proposal also includes cultured stone and a decent number of windows on the front façade. Section 17.68.20(F) states that the proposed use shall be reasonably compatible with existing or planned neighboring uses. Since future neighboring uses will be predominately commercial and must adhere to the Sandy Style color palette staff recommends the exterior of the proposed building shall be painted to match the Miller Paint Company's Historic Color Collection Palette. **The applicant shall submit proposed paint colors to the Director for review and approval to ensure compliance with the approved palette. Criterion F.2 can be satisfied if the exterior building colors meet the approved color palette.**

26. Section 17.68.20(F.3) Noise - The proposed use is similar to that of adjacent properties therefore it is reasonable to conclude any noise generated from the use will be compatible with existing neighboring development. **Criterion F.3 has been satisfied.**
27. Section 17.68.20(F.4) Noxious odors - The proposed use is similar to that of adjacent properties therefore it is reasonable to conclude any noxious odors generated from the use will be compatible with existing neighboring development. **Criterion F.4 has been satisfied.**
28. Section 17.68.20(F.5) Lighting - The submitted narrative identifies that no excessive lighting is proposed. The applicant did not submit lighting cut-sheets nor a photometric plan. In addition, exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. Since this land use application has been requested to be reviewed similar in nature to multi-family Dark Sky lighting standards shall be adhered to. These submittals are discussed in Chapter 15.30 below. **Criterion F.5 is not met with the applicant's submitted materials.**
29. Section 17.68.20(F.6) Signage – No signage is proposed for the proposed use, a duplex. **The applicant will be required to obtain a permit for any proposed signage.** The proposal can comply with signage regulations. **Criterion F.6 has been satisfied.**
30. Section 17.68.20(F.7) Landscaping for buffering and screening - The proposal includes a total landscaped area of 34 percent (1,800 square feet) which exceeds the required 25 percent. The application did not include a detailed plant list, however the submitted narrative identifies these elements are proposed to be submitted for building/construction review following the decision of the design review and conditional use permit. It is reasonable to conclude the proposal will provide adequate landscaping in keeping with neighboring properties. **Criterion F. 7 has been satisfied.**
31. Section 17.68.20(F.8) Traffic - The existing transportation system can accommodate the proposed duplex at this time. **Criterion F.8 has been satisfied.**
32. Section 17.68.20(F.9) Effects on off-street parking - The subject property currently has one street frontage, Pleasant Street, with a frontage dimension of 50 feet. Of this 50-foot frontage, 20 feet will be used for a shared driveway for the proposed duplex. Each unit will have one garage space and one off-street parking space in the driveway meeting the minimum parking space per unit requirement. **Criterion F. 9 has been satisfied.**

33. Section 17.68.20(F.10) Effects on air quality and water quality - The proposed improvements will not adversely affect air and water quality. The project will comply with all applicable state and federal environmental standards. **Criterion F.10 has been satisfied.**

17.84 – Improvements Required with Development

34. Chapter 17.84 provides general information regarding improvements required in association with development. **All required improvements shall be installed or financially guaranteed prior to final occupancy of the duplex.**
35. Section 17.84.20 provides information on timing of improvements. The application did not include improvement details however expressed the intention of having them submitted and reviewed for consideration during the building and construction stage post design and conditional use approval. **Prior to the issuance of building/construction permits associated with the proposal the applicant shall submit utility and public improvements plans for review and approval.**
36. Section 17.84.30 requires sidewalks and planting areas along all public streets. Pleasant Street is identified as a local street within the Sandy Transportation System Plan (Exhibit G). **Local streets are required to have sidewalks that are a minimum of 5 feet wide. The sidewalks shall be separated by a planter strip and curb that provides separation between the sidewalk and asphalt.** Without submitted plans it is unclear to staff if the existing tree located in the southeast portion of the property can be retained. **The applicant shall update all applicable plan sheets to include or not include the tree based upon the ability for the site to accommodate the required sidewalk infrastructure.**
37. Section 17.84.50 has requirements in regard to street improvements. The Public Works Director (Exhibit F) states **the applicant shall construct half-street improvements and place power, phone and CATV services underground per Section 15.20 of the Sandy Municipal Code (SMC). The applicant shall submit half-street improvement plans prepared by an Oregon-registered PE with the building permit application.**
38. Section 17.84.60 states that all development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage. **All stormwater shall be collected, treated, conveyed and discharged per Section 13.18 of the Municipal Code and City of Portland Stormwater Management Manual. The applicant shall revise the utility plan to include broadband fiber locations for SandyNet utilities to be installed.**
39. Section 17.84.80 contains standards for franchise utility installation. Private utility services will be submitted for review and approval by service providers and City staff in association with construction plans, and all utility lines will be extended to the perimeter of the site. **All franchise utilities shall be installed underground and in conformance with City standards. The applicant shall call the PGE Service Coordinators at 503-323-6700 when the developer is ready to start the project.**
40. Section 17.84.100 contains requirements for mail delivery facilities. The applicant will need to coordinate with the United States Postal Service (USPS) to relocate mail facilities and these will be approved by the City and USPS. **Mail delivery facilities shall be provided by the applicant in conformance with 17.84.100 and the standards of the USPS. The applicant shall submit a**

mail delivery plan to the City and USPS for review and approval prior to installation of mailboxes.

17.90 – Design Standards

41. While the proposed use, a duplex, is being reviewed as “other uses similar in nature” with regards to the conditional use, the subject property is located with the C-1 zone district and staff has determined it does not fit the description of multi-family residential development. The submitted narrative states the proposal is based on the design criteria of Subsection 17.90.160 – Multi-Family Developments, but as identified above, the proposed duplex does not fit the definition of multi-family dwelling. Staff has evaluated the design standards to detail potential conditions if Planning Commission decides to approve the conditional use permit request.
42. 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.**
43. Section 17.90.160 (A) contains standards for roofs. Roofs shall have a minimum pitch of 3:12 with at least a 30-inch overhang, unless the developer can demonstrate that the majority of structures within 300 feet have roofs similar to what is proposed. The applicant proposes a hipped roof with a 5:12 roof pitch. The narrative (Exhibit C) states that the applicant requests an alternative overhang with 16 inch overhangs based on an analysis of surrounding structures. Per the applicant’s narrative, the residential structures in the vicinity of the proposed duplex structure feature a variety of roof overhangs, many of which are much less than 30 inches. Thus, a 16 inch overhang is consistent with the surrounding structures and, therefore an acceptable alternative to the required 30 inch overhang.
44. Section 17.90.160(B) contains standards for designing entries. Each dwelling unit has a front porch proposed with an architecturally detailed pitched roof. The entries incorporate decorative posts with cultured stone. The proposed entries comply with this code standard.
45. Section 17.90.160(C) contains provisions for building facades. The proposal includes horizontal Hardie-plank siding and vertical tongue and groove siding. The proposal also includes cultured stone and a decent number of windows on the front façade. Staff recommends that since the proposed building is located in the C-1 zoning district the exterior building materials should be consistent with the Sandy Style and City of Sandy approved colors from the Miller Paint Company’s Historic Color Collection Palette. **The applicant shall submit proposed paint colors to the Director for review and approval to ensure compliance with the approved palette.**
46. Section 17.90.160(D) contains standards related to building recesses, extensions and partially enclosed covered porches. This section requires the vertical face of a structure when facing a public street, pedestrian way, or an abutting residential use to contain building offsets at a minimum depth of eight-feet (recesses and extensions) every 20 feet. The narrative (Exhibit C) states that the front elevation contains a 2-foot wall projection and that the front porch extends an additional 6 feet beyond the front facade. The combined change in the front facade is 8 feet and meets the code requirement at the outer extents of the building; however, the façade only varies two feet in depth along the garage section of the building which is 24 linear feet. **The applicant**

shall apply for a variance to this code section or modify the building design so that no portion of the front façade exceeds 20 linear feet without an 8-foot recess or extension.

47. Section 17.90.160(E) contains standards for private outdoor areas. This section requires all dwelling units to provide a minimum of 48 square feet of private outdoor area (balcony, porch, etc.). The narrative (Exhibit C) states that each dwelling unit features a 35 square foot outdoor patio area and a 40 foot by 50 foot rear yard. To clarify, each unit will have a rear yard that is approximately 40 feet by 25 feet. The proposal meets the requirement to provide private outdoor area.
48. Section 17.90.160(F) contains standards for parking lots in multi-family developments. This section specifies that parking lots in multi-family developments shall not occupy more than 50 percent of the public street frontage. The proposal includes a 20-foot-wide driveway/parking area on a 50 foot wide lot. The narrative (Exhibit C) states that the 20-foot-wide parking area occupies 40 percent of the lot's street frontage. While staff concludes the proposed garage meets the required 20-foot setback and required parking for a two-family dwelling (duplex) is allowed within a driveway, the proposed use is not permitted within the C-1 zone district and the site is not designed in accordance with the C-1 zone district. **The site shall be designed similar to the Cashatt 5 Plex on Hood Street (Exhibit J) with a 10 foot maximum setback and parking placed behind the building.** Not only would this help increase eyes on the street but would be more contextually compatible with the 10 foot maximum setback for commercial development of future neighboring properties in the C-1 zoning district.
49. Section 17.90.160(G) contains standards for individual storage areas. Each dwelling unit is proposed to contain three bedrooms. Each three-bedroom dwelling unit is required to provide a minimum storage area of 48 square feet. The narrative (Exhibit C) states that each unit includes a garage and a back deck to accommodate storage. Multi-family dwelling approvals in Sandy have never been allowed to include the back porch/deck as 'individual storage area.' **The applicant shall submit revised plans detailing the location of 48 square feet of storage area per dwelling unit.**
50. Section 17.90.160(H) states that carports and garages shall be compatible with the complex they serve. Each unit is proposed with an attached garage. The proposed garages are compatible with the buildings' form, materials, and color. The garages are detailed at approximately 11 feet wide by 18 feet in depth. One of the garage doors is only 7 feet in width. **The applicant shall increase the garage door width for the west duplex unit to 8 feet in width to accommodate a vehicle similar to the parking space design requirements in Section 17.98.60. The applicant shall submit a revised plan set that dimensions the west garage door at 8 feet in width.**
51. Section 17.90.160(I) contains standards for shared outdoor recreation areas. This section requires developments containing more than 5 dwelling units to provide a minimum of 200 square feet of outdoor recreation area per dwelling unit. The proposed project is for 2 dwelling units and therefore this section is not applicable.
52. Section 17.90.160(J) contains standards to promote safety and security. The narrative (Exhibit C) states that the porch of each unit will include a light and that each unit will be clearly identified with address numbers. The applicant did not submit lighting cut-sheets nor a photometric plan. Since this land use application has been requested to be reviewed similar in nature to multi-

family Dark Sky lighting standards shall be adhered to. These submittals are discussed in Chapter 15.30 below.

53. Section 17.90.160(K) contains standards related to service, delivery and screening. According to the applicant's narrative, the location and type of the postal delivery facility will be coordinated with the US Postal Service. Postal delivery areas shall meet the requirements of 17.84.100. The proposal does not include a communal trash/recycling area; however, the narrative (Exhibit C) states the garbage and recycling will be provided to the units individually and stored in the garages.
54. Section 17.90.160(L) contains standards for screening electrical and mechanical equipment. This section requires all on and above ground electrical and mechanical equipment to be screened with sight obscuring fences, walls, or landscaping. The narrative (Exhibit C) states that all electrical and mechanical equipment will be screened as required using landscape materials. **All electrical and mechanical equipment shall be screened from view from the Pleasant Street right-of-way.**

17.92 – Landscaping and Screening

55. 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 C-1 zoning district. The applicant's narrative reasons the proposed use is similar in nature to multi-family residential and therefore applied the R-3 standards to the proposal. As such the proposal includes a total landscaped area of 34 percent (1,800 square feet) which exceeds the R-3 zone district's required 25 percent. The application did not include a detailed plant list however the submitted narrative identifies these elements are proposed to be submitted for building/construction review following the decision of the design review and conditional use permit. It is reasonable to conclude the proposal will provide adequate landscaping in keeping with neighboring properties. **The applicant shall submit a landscape plan detailing materials and overall plan compatibility with the standards of Chapter 17.92.**
56. Section 17.92.30 requires trees to be planted along public street frontages. The application did not include details regarding the required street tree planting; however, the applicant expressed that "street trees will be required along Pleasant Street selected from City's approved street tree list" showing the intentions to meet the code requirement. **The applicant shall submit revised plans showing conformance with the requirements of Subsection 17.92.30 at time of Building permit submission.**
57. Section 17.92.40 details standards regarding landscaping irrigation. The submitted narrative explains the intentions to have all landscape areas be irrigated with either a manual or automatic system and that details of this system will be submitted with building plans. **The applicant shall submit revised plans showing conformance with the requirements of Subsection 17.92.40 at time of Building permit submission.**
58. Section 17.92.50 details the types and sizes of plant materials required with development. The submitted narrative explains the intention to incorporate a variety of trees, shrubs and turf in accordance with the standards of this section and that details of this will be submitted with building plans. **The applicant shall submit revised plans showing conformance with the requirements of Subsection 17.92.50 at time of Building permit submission.**

59. Section 17.92.130 details performance bond standards as they associate to required landscaping. The applicant has the option to defer the installation of street trees and/or landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. **If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of street trees shall be based on the street tree plan and at least \$500 per tree. The cost of landscaping 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.**

17.98 – Parking, Loading, and Access Requirements

60. Subsection 17.98.20 identifies the required number of parking spaces required per use. Within this section it identifies that a duplex is required to have a total of 2 parking spaces per dwelling, therefore the proposed duplex would be required to have a total of four parking spaces.
61. Each unit features a single-car garage with a single vehicle space in front of the garage space for a total of two off-street parking spaces per dwelling unit. The R-3 zone district requires garages to be setback a minimum of 20 feet; however, the subject site should be designed in accordance with the C-1 zoning district. While staff concludes the proposed garage meets the required 20-foot setback and required parking for a two-family dwelling (duplex) is allowed within a driveway, the proposed use is not permitted within the C-1 zone district and the site is not designed in accordance with the C-1 zone district. **The site shall be designed similar to the Cashatt 5 Plex on Hood Street with a 10 foot maximum setback and parking placed behind the building (Exhibit J).**
62. Section 17.98.60(B) contains specifications for size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. Since the applicant requests this proposal to be reviewed as multi-family development the site shall provide ADA parking. The narrative (Exhibit C) states, “Because the proposal is for a duplex, no ADA parking is required.” The analysis in the narrative is incorrect. The applicant has specifically applied for a use similar in nature to multi-family dwellings therefore the parking shall comply as it does for multi-family dwellings. Per ORS 447.233, lots with 1 to 25 parking spaces must have a minimum of one accessible space; the accessible space must be van accessible. Per ORS 447.233, van accessible parking spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide; the access aisle shall be located on the passenger side of the parking space. **The applicant shall submit a detailed plan with accommodations for an ADA parking space and access aisle.**
63. Section 17.98.100 has specifications for driveways. The submitted Plan Set details one 20-foot wide driveway connecting to Pleasant Street. **The new driveway approach and sidewalk shall conform to the US Access Board PROWAAAC requirements for cross slope and running grade and the current ADA Guidelines.**
64. Section 17.98.130 requires all parking and vehicular maneuvering areas to be paved with asphalt or concrete. The applicant is required to adhere to the paving requirements of Section 17.98.130.

65. Section 17.98.140 contains requirements for drainage. Chapter 17.84 of this order details the stormwater requirements.
66. Section 17.98.150 contains lighting requirements. The applicant did not submit lighting cut-sheets nor a photometric plan. Since this land use application has been requested to be reviewed similar in nature to multi-family Dark Sky lighting standards shall be adhered to. These submittals are discussed in Chapter 15.30 below.
67. Section 17.98.160 contains requirements for bicycle parking facilities. The requirement is one bicycle parking spaces per multifamily dwelling unit. The 2 dwelling units require a minimum of 2 bicycle parking spaces. **The applicant shall submit a revised site plan identifying two bicycle parking spaces.**

17.102 – Urban Forestry

68. The provisions of this chapter do not apply due to the size of the property not exceeding one acre. Section 17.92.10(C) states, “significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development” therefore the applicant proposes to retain an existing tree located in the southeast portion of the subject property.
69. Without submitted plans depicting the required right-of-way improvements (i.e. curb, gutter, sidewalk, landscaping, etc.) it is unclear to staff if the existing tree proposed to be retained will indeed be able to be retained. **The applicant shall update all applicable plan sheets to include or not include the tree based upon the ability for the site to accommodate the required sidewalk infrastructure.**
70. In order to protect the trees proposed for retention, **the applicant shall install protective fencing located 5 feet outside of the dripline around all trees to be retained on the subject property or supply an alternative tree protection plan approved by a certified arborist. Inspections of retention tree fencing by a City official shall be completed prior to any earthwork or grading being conducted onsite. The tree protection fencing shall be 6 foot high chain link or no-jump horse fencing and shall have a sign that clearly marks the area as a Tree Root Protection Zone.**

15.30 – Dark Sky Ordinance

71. Since this land use application has been requested to be reviewed similar in nature to multi-family Dark Sky lighting standards shall be adhered to. **The applicant shall submit lighting fixture cut sheets and a photometric analysis for on-site lighting. The lighting shall be full cutoff, not exceed 4,125 Kelvins, and shall not exceed 0.25-foot candles 10 feet beyond the property line.**
72. The applicant may need to install a street light. **With construction plans the applicant shall submit photometric analysis to determine if street lighting is adequate. The type of street fixture and necessity to provide a street light is at the discretion of the Public Works Director once the analysis is submitted for review.**

15.44 – Erosion Control Regulations

73. **All on-site earthwork activities including any retaining wall construction should follow the requirements of the current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval.**

74. **Site grading should not in any way impede, impound or inundate the adjoining properties. 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. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional 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.**

RECOMENDATION

It is hereby recommended the Planning Commission deny the requested Conditional Use to consider a duplex a “use similar in nature” to those permitted within the C-1 zone district. The proposed duplex does not fit into any of the allowed residential uses, whether conditional or not. As a type of low density housing often found in single family residential zones, staff does not consider a duplex to be similar in nature to a multi-family development in form, function, or intent, nor does staff find that a low-density duplex meets the intent of the C-1 district, which specifically does not permit new low-density housing types. Subsection 17.42.00 states that “all development and uses shall be consistent with the intent of the district.” It is also important to recognize that the code effectively makes duplexes non-conforming uses in the C-1 zone. As noted above, Subsection 17.42.10(A)(2) only permits duplexes “existing prior to the adoption of this Code.” When it adopted Chapter 17.42, the City Council clearly sought to limit a wide range of low-density residential uses, including duplexes, in the C-1 zone by permitting only those that existed at that time. The fact that: (1) existing duplexes in the C-1 are non-conforming; (2) Subsection 17.42.00 expressly states that the C-1 “does not permit new low density building types;” and (3) “all development and uses shall be consistent with” 17.42.00, which prohibits new low density building types, leads staff to conclude that a duplex is not permitted as a conditional use that is “similar in nature” to a multi-family dwelling type.

Staff finds the proposed use does not meet the intent of the C-1 zone district in that the district does not permit new low-density building types. Approval of the request would contradict the intentions of the C-1 zone district and compromise Pleasant Street redevelopment by allowing a use incompatible with the planned commercial neighborhood on Pleasant Street.

**PLANNING COMMISSION
FINDINGS OF FACT and FINAL ORDER
TYPE III LAND USE DECISION**

DATE: November 22, 2019

FILE NO.: 19-028 DR/CUP

PROJECT NAME: Pleasant Street Duplex Conditional Use Permit

APPLICANT/OWNER: Cashatt Construction, Inc.

REPRESENTATIVE: Tracy Brown Planning Consultants, LLC

LEGAL DESCRIPTION: T2S R4E Section 13 BC, Tax Lot 5500

SITUS ADDRESS: *not yet assigned (vacant lot)*

PROPERTY LOCATION: Located on the north side of Pleasant Street in between 38535 & 38565 Pleasant Street.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Property List and Mailing Labels
- C. Project Narrative
- D. Plan Set
 - 0.SP: Site and Landscaping Plan
 - Sheet 1: Elevations and Roof Plan
 - Sheet 2: First Floor Plan
 - Sheet 3: Second Floor Plan
 - Sheet 4: Foundation Plan
 - Sheet 5: Framing Plan
 - Sheet 6: Sections and Details

Agency Comments

- E. City Engineer (October 1, 2019)
- F. Public Works Director (October 24, 2019)

Supplemental Documents Provided by Staff

- G. Transportation System Plan Figure 5
- H. Final Order 04-037 DR
- I. Final Order 04-049 VAR

- J. Final Order 17-017 CUP/DR
- K. Sale Disclosure from Estate

Public Comments

- L. Russell Collier (October 4, 2019)

Applicant's Submittal Items at Planning Commission Hearing

- M. Copy of pre-app notes

Document from Planning Commission Hearing

- N. Staff Report from November 19, 2019

FINDINGS OF FACT

1. On November 19, 2019 the Planning Commission held a public hearing to hear file number 19-028 DR/CUP.
2. The applicant's submitted materials were deemed complete on September 6, 2019. These items are identified as Exhibits A-D including preliminary plans, a written narrative and notice list/mailling labels. The applicant did not submit detailing regarding landscaping, right-of-way improvements, or stormwater detention and treatment. However, the submitted narrative identified that these elements were proposed to be submitted for building/construction review following the decision of the design review and conditional use permit.
3. The overall site is approximately 5,250 square feet (0.12 acres).
4. The parcel has a Plan Map designation of Retail/Commercial and a Zoning Map designation of C-1, Central Business District.
5. Kevin Cashatt, with Cashatt Construction Inc., submitted an application seeking approval for a conditional use permit (CUP) to construct "other uses similar in nature" on the subject property located at 24E13BC05500 (vacant lot between 38535 & 38565 Pleasant Street). Specifically, the proposal includes the construction of a duplex (a dwelling containing two independent dwelling units) on site therefore the application also includes a Type III Design Review to evaluate compliance with applicable development standards of the C-1 zone district and other chapters of the Municipal Code.
6. The applicant's submission included a mailing list and labels for property owners within 550 feet of the subject property (Exhibit B) and notifications of the proposal were mailed to the property owners/affected agencies on September 26, 2019. A legal notice was published in the Sandy Post on October 16, 2019.
7. Staff received one public comment from Russell Collier (Exhibit L) who is the pastor at Rivers of Living Water. Mr. Collier stated that he believes the proposed new development should be approved as the residential structure is proposed to be built in a residential area.
8. The subject property is located within the Central Business District (C-1) zone district and is therefore subject to the limitations and development standards of Chapter 17.42 – Central Business District (C-1). Section 17.42.30 states that residential not above commercial is subject

to the density standards in Chapter 17.40, High Density Residential, R-3. The R-3 zoning district has a density range of 10 to 20 dwelling units per net acre. The density calculation for this site is a minimum of 1 dwelling unit (10 x .12) and a maximum of 2 dwelling units (20 x .12). The applicant proposes 2 dwelling units.

9. The intended primary use of the subject property is a duplex. Subsection 17.10.30 defines a duplex as “a dwelling containing two independent dwelling units.” Subsection 17.42.10(A)(2) permits “duplexes existing prior to adoption of this Code” but does not permit a new duplex as a primary use permitted outright; therefore, the proposed duplex is not permitted outright. A duplex is also not listed as either a minor conditional use or a conditional use in the C-1 zone. Subsection 17.42.20(B)(E) identifies “multi-family dwellings not contained within a commercial building” as an allowed Conditional Use. Subsection 17.42.20(B)(G) identifies “other uses similar in nature” as an allowed Conditional Use. The applicant argued that a duplex is a use similar in nature to a multi-family dwelling not contained within a commercial building.
10. Subsection 17.10.30 – Meaning of Specific Words and Terms defines Multi-Family Dwelling as, “at least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site.” Based on the definitions of “duplex” and “multi-family dwelling” in the development code, a duplex is not a type of multi-family dwelling, as a multi-family dwelling must have “at least 3 dwelling units.” Therefore, a duplex (2 dwelling units) does not fit within this Conditional Use category.
11. Subsection 17.42.20(B)(G) identifies “other uses similar in nature” as an allowed Conditional Use. As stated within Subsection 17.42.00, the C-1 zone district 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. In addition, this subsection states while the district (C-1) does not permit new low-density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. In line with the intent of the C-1 district, the uses permitted outright are primarily commercial uses, with limited allowances for specific types of residential uses: residential uses that existed prior to adoption of the Code, residential care facilities, and residential dwellings attached to a commercial business. The code identifies two additional residential uses as conditional uses: congregate housing is a minor conditional use, and multi-family dwellings not contained within a commercial building are a conditional use.
12. The proposed duplex does not fit into any of the allowed residential uses, whether conditional or not. As a type of low density housing often found in single family residential zones, staff does not consider a duplex to be similar in nature to a multi-family development in form, function, or intent, nor does staff find that a low-density duplex meets the intent of the C-1 district, which specifically does not permit new low-density housing types. Subsection 17.42.00 states that “all development and uses shall be consistent with the intent of the district.”

It is also important to recognize that the code effectively makes duplexes non-conforming uses in the C-1 zone. As noted above, Subsection 17.42.10(A)(2) only permits duplexes “existing prior to the adoption of this Code.” When it adopted Chapter 17.42, the City Council clearly sought to limit a wide range of low-density residential uses, including duplexes, in the C-1 zone by permitting only those that existed at that time. The fact that: (1) existing duplexes in the C-1 are non-conforming; (2) Subsection 17.42.00 expressly states that the C-1 “does not permit new low

density building types;" and (3) "all development and uses shall be consistent with" 17.42.00, which prohibits new low density building types, leads staff to conclude that a duplex is not permitted as a conditional use that is "similar in nature" to a multi-family dwelling type.

13. At the Planning Commission public hearing on November 19, 2019 the applicant, Kevin Cashatt, and the applicant's representative, Tracy Brown from Tracy Brown Planning Consultants, testified in support of the proposal.
14. Staff recommended the Planning Commission deny the requested Conditional Use to consider a duplex a "use similar in nature" to those permitted within the C-1 zone district. Staff found the proposed use does not meet the intent of the C-1 zone district in that the district does not permit new low-density building types. Approval of the request would contradict the intentions of the C-1 zone district and compromise Pleasant Street redevelopment by allowing a use incompatible with the planned commercial neighborhood on Pleasant Street.
15. The Planning Commission determined that a duplex is not an 'other use similar in nature' to multi-family and voted unanimously 6-0 to deny the conditional use permit.
16. The staff report from November 19, 2019 included analysis of the relevant criteria that would have applied if the Commission would have determined that a new duplex in the C-1 zone is similar in nature to multi-family dwellings. The remainder of the staff report analysis from Chapters 17.42 Central Business District, 17.68 Conditional Use, 17.84 Improvements Required with Development, 17.90 Design Standards, 17.92 Landscaping and Screening, 17.98 Parking, Loading and Access, 17.102 Urban Forestry, 15.30 Dark Sky Ordinance, and 15.44 Erosion Control Regulations are contained in this final order by reference to Exhibit N (Staff Report from November 19, 2019).

DECISION

The Planning Commission determined that a duplex is not an 'other use similar in nature' to multi-family and voted unanimously 6-0 to deny the conditional use permit.



Jerry Crosby
Planning Commission Chair

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 Chapter 17.28.50; and,
5. Payment of required filing fees.

EXHIBIT P



MINUTES
Planning Commission Meeting
Tuesday, November 19, 2019 City Hall-
Council Chambers, 39250 Pioneer Blvd.,
Sandy, Oregon 97055 6:30 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

COMMISSIONERS ABSENT: Ron Lesowski, Commissioner

STAFF PRESENT: Kelly O'Neill, Development Services Director and Emily Meharg, Associate Planner, David Doughman, City Attorney

MEDIA PRESENT: None

1. Roll Call

2. Work Session

Training on House Bills

2.1.

David Doughman presented information on House Bills 2001 and 2003.

House Bill 2001 will require duplexes to be allowed anywhere that single family homes are allowed. HB 2001 is effective on June 30, 2021. DLCDC will create a model ordinance that is applicable if cities do not adopt their own ordinance modifications by June 30, 2021. With the passing of HB 2001 municipalities cannot require properties with accessory dwelling units (ADUs) to be owner occupied anymore.

House Bill 2003 requires the State of Oregon to conduct a regional housing analysis. HB 2003 will also require cities outside metro to complete a buildable land analysis and a housing needs analysis every 8 years.

Meeting recess at 7:05 PM

3. Approval of Minutes

3.1. September 23, 2019 Planning Commission Meeting Minutes

Moved by Don Carlton, seconded by Chris Mayton

Motion: To approve minutes for September 23, 2019

Modification needed on Page 5 of 6 – Modify the motion to show a roll call vote and Commissioner Mayton as a no vote.

CARRIED.

3.2. October 28, 2019 Planning Commission Work Session Meeting Minutes

Moved by John Logan, seconded by Hollis MacLean-Wenzel

Motion: To approve minutes for October 28, 2019

Modification needed on Page 2 of 3 – Commissioner MacLean-Wenzel asked for staff to modify her statement regarding mixed-used development.

CARRIED.

4. Requests From the Floor - Citizen Communication on Non- Agenda Items

5. OLD BUSINESS

6. NEW BUSINESS

6.1. Sandy Health Clinic Zone Amendment (19-032 ZC)

Chairman Crosby opened the public hearing on File No. 19-032 ZC at 7:18 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners. Crosby explained that the decision tonight is only a recommendation to City Council.

Staff Report:

Associate Planner Emily Meharg summarized the staff report and addressed the background, factual information, and presented a brief slide show.

Applicant Testimony:

Lori Kellow
Ankrom Moisan
38 NW Davis, Suite 300
Portland, OR 97209

Ms. Kellow is the architect for the project. They request the zone change because they want a less restrictive setback standard and an easier path forward for redevelopment of the site.

Steve Kelly
Clackamas County Health
2051 Kane Road, Suite 245
Oregon City, OR 97045
Mr. Kelly said the medical clinic is negotiating with the Immanuel Lutheran Church for 17 parking spaces leased at the church parking lot.

Proponent Testimony:

Fawnda Buck
39627 Pleasant Street
Sandy, OR 97055
She stated the zone change will be an asset to the community.

Opponent Testimony:

None

Discussion:

Commissioner Carlton asked if the main reason for the zone change request is for setbacks. Emily Meharg and Kelly O'Neill Jr. stated that the main reason for the zone change is to accommodate reduced setbacks. Commissioner Carlton asked questions about the parking supply and the transportation impacts. Emily Meharg stated that those items will be evaluated with the design review application.

Motion: Close the public hearing
Moved By: Commissioner Carlton
Seconded By: Commissioner Logan
Yes votes: All Ayes
No votes: None
The motion passed at 7:35 PM

Moved by John Logan, seconded by Todd Mobley

The Planning Commission forwards a recommendation of approval to City Council for the proposed Zone Map amendment.
Yes votes: Carlton, MacLean-Wenzel, Crosby, Logan, Mobley, Mayton
No votes: None

The motion passed at 7:36 PM

CARRIED.

6.2. Mt. Hood Senior Living Conditional Use (19-027 CUP)

Chairman Crosby opened the public hearing on File No. 19-027 CUP at 7:37 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Associate Planner Emily Meharg summarized the staff report and addressed the background, factual information, and presented a brief slide show.

Applicant Testimony:

Melissa Meiners
2117 NE Oregon Street, Suite 201
Portland, OR 97232

She stated that she represents the applicant as the architect. The fire apparatus turnaround to the rear of the building might have to be modified to accommodate fire trucks. The gravel parking spaces to the rear of the building will be removed and replaced with landscaping.

Mara Carter-Leigh
16837 Chula Vista
Sandy, OR 97055

Ms. Carter-Leigh said that for every residential wing there will be 5 to 10 employees.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown asked if city staff evaluated the parking based on the parking

numbers presented by the applicant during their testimony. Mr. Brown also asked if the facility operators are licensed and have experience in assisted living care.

Staff Recap:

Emily Meharg stated that we will need to evaluate parking based on the new numbers presented by the applicant. Kelly O’Neill Jr. stated that the conditional use permit process doesn’t evaluate if the care facility is licensed with the state, but that will be done during the business license process.

Applicant Rebuttal:

Reann Voorhies
20025 Destiny Court
Bend, OR 97703

Ms. Voorhies stated that the facility will have state approval. Based on the complete phase buildout the site will contain many employees. She also gave a lengthy explanation on how the facility will be licensed and the safe guards that are regulated by the State of Oregon.

Discussion:

Commissioner Carlton stated the applicant should submit a revised parking plan as part of the updated submission. Commissioner Mobley recommends amending Condition 6 labeling 23 parking spaces to recommend the applicant submit a revised off-street parking plan that is evaluated by staff. Carlton stated that this facility is located in a residential neighborhood and we need to minimize impacts to the surrounding neighborhood. Commissioner Mac-Lean Wenzel stated that this use has minimal impact to the surrounding neighborhood and fills a vacant building.

Motion: Close the public hearing
Moved By: Commissioner Carlton
Seconded By: Commissioner Logan
Yes votes: All Ayes
No votes: None
The motion passed at 8:01 PM

Moved by Don Carlton, seconded by Chris Mayton

Approve the Conditional Use Permit for Mt. Hood Senior Living with an amendment to Condition 6 requiring the applicant to submit a revised off-street parking analysis for staff review and approval.

Yes votes: Carlton, MacLean-Wenzel, Crosby, Logan, Mobley, Mayton

*No votes: None
The motion passed at 8:03 PM*

Meeting recess at 8:03 PM

CARRIED.

6.3. Pleasant Street Duplex (19-028 DR/CUP)

Chairman Crosby opened the public hearing on File No. 19-028 DR/CUP at 8:08 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Development Services Director Kelly O'Neill Jr. summarized the staff report and addressed the background, factual information, and presented a brief slide show.

Applicant Testimony

Kevin Cashatt
41055 SE Kitzmiller Road
Eagle Creek, OR 97022

Mr. Cashatt states he is a home builder around the Sandy OR area. They recently completed a multi-family development on Hood Street. He also built a duplex on Hood Street. Mr. Cashatt stated that he met with the City thinking that building a duplex on the site was a possibility based on the meetings.

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown was hired by Kevin Cashatt to complete the land use application. He handed out a copy of the pre-application notes and talked about what is written in the notes. Mr. Brown stated that the property to the west was approved with commercial attached, but that after a short period of time the commercial use ceased. He explained that the notes provided options and they used the option list to submit the application with multi-family design standards. He stated that using 'other uses similar in nature' is an elegant way to approach development of the property. Mr. Brown stated that the Planning Commission needs to determine if a duplex is a use similar in nature to multi-family. Mr. Brown would also like to evaluate the conditions in the staff report

if the Planning Commission decides to approve the conditional use permit.

Proponent Testimony:

None

Proponent Testimony:

None

Staff Recap:

Kelly O'Neill Jr. stated that he agrees with the applicant that the pre-app notes are not written very clearly and that the site is very tight and will be difficult to develop. However, staff does not find a duplex is similar in use to a multi-family development. David Doughman stated that seeking a variance to the maximum density allowed in a zoning district can be processed through a variance, but an applicant cannot request the density be decreased below the minimum density in a zoning district.

Applicant Rebuttal:

Kevin Cashatt
41055 SE Kitzmiller Road
Eagle Creek, OR 97022

Mr. Cashatt stated that this process has been a very frustrating process and that building a duplex would be very arduous if built in accordance with the drafted conditions. After meeting with staff Mr. Cashatt thought that constructing a duplex was a possibility.

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown stated that he appreciated the attorney's comments on density. He does not believe that this approval would open the door to allowing multi-family development in single family zoning districts.

Discussion:

Commissioner Mac-Lean Wenzel stated this is a commercial zone and the community only has so much commercial land for growth. Mac-Lean Wenzel stated that we should encourage mixed-use on Pleasant Street and more commercial uses. Commissioner Carlton stated that Pleasant Street needs to transition to commercial over time. Carlton stated that the C-1 zoning district does not allow duplexes except duplex units that existed prior to the adoption of the code. Commissioner Mayton stated that not all lots are created equal

and that the property is surrounded by residential uses. Carlton said the code is black and white on this issue, and he does not see a gray area because the code states that duplexes are not allowed. Commissioner Logan asked that if the applicant puts three dwelling units detached from one other on the property could that be considered multi-family? Kelly O'Neill Jr. affirmed that would be considered multi-family. Logan said there is no gray area. Commissioner Crosby said that the Commission is constrained by the code language and that the code was written to not allow duplexes. Carlton said that Pleasant Street will most likely have small boutique commercial on the street. Mac-Lean Wenzel wanted to thank staff for working with the applicant on a fee reduction for the next application on this property. Mayton said that maybe the applicant can apply for a zone change. Carlton said that would create an odd gerrymander of zoning. Crosby said that the Commission grants a lot of variances, but that sometimes that is not an option.

Motion: Close the public hearing
Moved By: Commissioner Carlton
Seconded By: Commissioner Mayton
Yes votes: All Ayes
No votes: None
The motion passed at 9:03 PM

Moved by Chris Mayton, seconded by Don Carlton

The Planning Commission denies the request for a conditional use permit for a duplex.

*Yes votes: Carlton, Mac-Lean Wenzel, Logan, Mobley, Mayton, Crosby
No votes: None
Abstention: None
The motion passed at 9:05 PM*

CARRIED.

7. Items from Commission and Staff

7.1.

Commissioner Crosby asked if anyone is up for appointment in December 2019. Kelly O'Neill Jr. stated that the next reappointment is in 2020. O'Neill then explained the upcoming meetings and the new staff report format. Commissioner Carlton asked what constitutes a window. O'Neill stated that staff was unaware the windows on the Tractor Supply Store would be adhered to the building and not traditional windows. Doughman said that adhering windows to the exterior of the building is allowed by law. Carlton asked if we

could do design awards again. O'Neill stated that we could start the program again in 2020.

8. Adjourn

8.1.

Motion: To adjourn
Moved By: Commissioner Logan
Seconded By: Commissioner Carlton
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

Chairman Crosby adjourned the meeting at 9:20 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr

EXHIBIT Q



NOTICE OF INTENT TO APPEAL

(Please print or type the information below)

File No. <u>19-048 APP</u>	Date of Decision:
Date Notice of Decision Mailed:	Date Appeal Filed: <u>12-02-2019</u>
Appeal Filed within 12 calendar days of Written Decision: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Application Complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	Appeal Fee: \$ <u>770.00</u> Receipt No.
Scheduled for review before the <input type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> City Council	
Date Set for Appeal Hearing:	

Name of Appellant: Cashatt Construction Inc. Phone Number 971-563-0134

Address: 41055 SE Kitzmiller Road, Eagle Creek OR 97022
(city/state/zip)

Legal Description of Property under Appeal: T2S R4 E Section 13BC TL 5500

Basis for Standing to Appeal:

- Submitted written evidence during the initial review
- Testified orally at the hearing
- Participated through submittal of land use application

Grounds for the Appeal: Attach separate page(s) stating the grounds for the appeal. The appeal must be based upon issues raised during the decision-making process or hearing. You must identify the issue with sufficient information so that the reviewing body understands under what criteria within the Sandy Development Code, the Comprehensive Plan, or Statewide Land Use Goals you are appealing.

Relevant Code Sections: Attach separate page(s) listing the relevant code sections, which relate to the appeal application.

Please note:

- If the notice fails to conform to the above requirements or is not actually received by the city (delivered to the city manager, planning director, city recorder or their staff) within the timelines specified, the appeal is void and shall be dismissed.
- An appeal stays an approval until resolution of the appeal.

EXHIBIT R

APPEAL OF TYPE III LAND USE DECISION
FILE NO. 19-028 DR/CUP
CASHATT CONSTRUCTION DUPLEX
(December 2, 2019)

Introduction

Cashatt Construction Inc. filed this Notice of Intent to Appeal appealing the Planning Commission's decision contained in the Findings of Fact and Final Order for File No. 19-028 dated November 22, 2019. The applicant believes the Planning Commission incorrectly denied his request for a Conditional Use Permit and design review application to site a duplex on the property he owns on Pleasant Street. Specifically, the applicant believes the commission incorrectly interpreted the proposed duplex was not a use "similar in nature" to a multi-family residence and did not take into consideration the relevant economic challenges and site specific constraints with developing the property with another use. In addition, the applicant believes the process related issues described below should have factored into the Planning Commission's decision.

Background

The applicant submitted an application requesting Conditional Use Permit and design review approval to construct a duplex on a vacant lot he owns located between 38535 Pleasant Street and 38565 Pleasant Street. The property is zoned C-1, Central Business District by the City of Sandy.

Prior to purchasing the property in early 2019, the applicant met with the city's Planning Director in August 2018 to discuss the project. At that meeting the Director told him and later sent him a summary email indicating an option for developing the site with a duplex was to submit a Conditional Use Permit application under Section 17.42.20(B.G), "Other uses similar in nature". After purchasing the property the applicant then engaged an architect to prepare a preliminary design for a building on the site and he then submitted a pre-application conference request to the city. A pre-application conference was held with the city on June 5, 2019. The pre-application notes included four options for the applicant to consider to move the project forward. The first option listed was the applicant could submit a Conditional Use Permit application for a duplex as an "other use similar in nature" to a multi-family dwelling.

After considering these options the applicant found the first option to be the best choice and he then engaged a land use consultant to prepare the Conditional Use Permit and design review application submittal package. The applicant relied on the staff feedback in making this decision, believing City staff had acted in good faith in listing these options and would have only presented viable options for moving forward. The application was also deemed complete by the city with no indication of staff's concerns. Because there hadn't ever been any input to the contrary, the applicant was shocked when he received the staff report and staff's recommendation

the Planning Commission to deny the request. In total, the applicant estimates he spent about \$10,000 on the application including \$6,100 in application fees.

A Duplex is an "Other Uses Similar in Nature" to a Multi-family Use.

As noted above, the applicant completed his due diligence prior to purchasing the property by meeting with staff where he was presented with an option to consider the proposed duplex an "other use similar in nature" to a multi-family dwelling. The key to interpreting whether a "use" is "similar in nature" to another use is first to consider the meaning of the words "use", "similar" and "in nature".

What is a "use"; in this case a land use? A "use" is defined in the Sandy Development Code as "*an activity or a purpose, for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.*" As described in the intent section of Chapter 17.42, Central Business District, "*This district is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community*". The proposed duplex is a residential use containing more than one living unit on a single lot.

Lacking definitions in the Development Code "similar" is defined in Webster's dictionary as, "*two things having characteristics in common*" and the phrase "in nature" is defined as "*having such a quality or qualities*". The complete definition of the phrase "other uses similar in nature" pertinent to the current question now reads, "*two residential uses having characteristics or qualities in common.*" The two uses in this case are a duplex and a multi-family structure.

Section 17.42.20(B)(5) lists "multi-family dwellings not contained within a commercial building" as a Conditional Use in the C-1 zone. Multi-family dwellings are defined in Chapter 17.10, Definitions, as those containing "*at least three dwelling units on a single lot or development site*". This chapter also defines duplexes as a "*dwelling containing two independent dwelling units*" and as illustrated in the picture associated with this definition, both dwelling units of a duplex are required to be located on the same lot. Comparing the definition for multi-family dwellings with that for duplexes in Chapter 17.10, reveals the only real difference between these residential types is the number of dwelling units in each type (two units in a duplex and three or more units in a multi-family dwelling).

The pre-application notes for this project also required the applicant to design the duplex in compliance with the multi-family design standards. Typically duplexes are not required to comply with multi-family standards, and with these additional design requirements the appearance of the proposed duplex is also "similar" to a multi-family structure designed under the same standards.

In reviewing the appeal the City Council will need to determine if the proposed duplex is "*similar in nature*" to a multi-family structure that could be constructed on this site and the two uses have "*characteristics or qualities in common*". This determination does not require these two uses to be exactly the same as each other

or does it require the council to review other code sections in making this determination. With these facts in mind the applicant believes the City Council can reasonably make an interpretation that the proposed duplex is “similar in nature” to a multi-family dwelling and approve the request.

Site Constraints

The specific details of the proposed development site is an additional consideration with the development of the site. As shown on the aerial photo to the right, the subject property is surrounded on three sides (north, west, east) by existing residential development. In fact, this lot is the only vacant lot on the North side of Pleasant Street in the three block stretch between Beers Avenue and Strauss Avenue. The small size of the lot at 5,250 square feet (0.12 acres) with dimensions of 50 feet wide by 105 feet deep is also a limiting factor in developing the lot.



After reviewing various options the applicant concluded the property would be extremely challenging and cost prohibitive to develop with a commercial building given parking requirements (located to the rear or side of the building) and extensive building design requirements. The narrow width of the lot also physically limits parking placement. Another factor in this decision was the applicant does not believe a market currently exists to develop a commercial building



in this location and such a project would not be economically successful because of high construction costs associated with developing the property and competition from existing vacant commercial spaces in prime locations with likely lower lease rates.

The applicant also considered developing the site with a multi-family dwelling structure containing three dwelling units. Unfortunately, the size of the property only allows a maximum of two units. Even if the number of units could be increased to three units with approval of a density variance, the dimensions and size of the property limit may prevent it from being developed with a multi-family structure without approval of a number of other variances.

Conclusion

Cashatt Construction Inc. filed this Notice of Intent to Appeal appealing the Planning Commission's denial of his request for a Conditional Use Permit and design review to construct a duplex on the property he owns on Pleasant Street. As discussed above, the applicant believes the Planning Commissioner erred by not considering the proposed duplex a use "similar in nature" to a multi-family dwelling. In addition, the applicant believes the Planning Commission should have considered development pattern limitations in the vicinity of the subject property and site specific constraints with developing the site with another use (commercial use or multi-family structure) as valid reasons for approving this request. Given these facts the applicant believes the proposed duplex is the most suitable development type to construct on the lot given current market conditions and construction factors and he respectfully requests the City Council reverse the Planning Commission's decision and approve this request.

If the City Council approves this request, the applicant also requests the Council continue the public hearing to allow time to review appropriate conditions at a future meeting. If necessary, the applicant is prepared to extend the 120 day processing timeline to accommodate this additional review.