

**Project Narrative  
for  
The Riffle  
A Premier Food Cart Court**

**37115 and 37133 Highway 26, Sandy, Oregon  
(24E 14BA tax lots 1000 and 1200)**



**Prepared by  
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March, 2022**

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## **I. General Project Description**

The applicant, Todd Hoffman requests land use approval to construct “The Riffle” food cart court. The subject property is located at 37115 and 37133 Highway 26, Sandy, OR (24E14BA tax lots 1000 and 1200). The property is accessed by a private drive off Highway 26 created as part of the Twin Cedars Subdivision Improvements. An additional access is also provided through the shopping center west of the site. Tax lot 1200 on the east side of the private drive borders a small portion of the unimproved Kate Schmitz Avenue right-of-way. This tax lot also contains several trees protected as part of the subdivision approval. No trees are proposed to be removed with development of the site. Tax lot 1000 directly west of tax lot 1200 on the west side of the drive does not contain any protected trees.

The subject property contains approximately 1.72 acres total (tax lot 1000, 0.43 acres and tax lot 1200, 1.29 acres). Both properties are currently vacant and have never contained structures. The site is zoned C-2, General Commercial and the proposed food cart development and eating and drinking establishment are permitted outright uses in the zone.

Development on tax lot 1200 includes the construction of food cart pads with utilities to accommodate up to 18 food carts. In addition, a 3,600 square foot building to contain beverage service and dining tables and a separate restroom building will be constructed on the development site. Vehicle will be provided on both tax lot 1200 with the building and on tax lot 1000 across the private drive from the building and bicycle parking will be provided under the awning of the building. Tax lot 1000 will be used exclusively for vehicle parking. Additional site improvements on tax lot 1200 include the construction of a “soft surface” trail from the development site to the Kate Schmitz right-of-way, a garbage enclosure, site lighting, and landscaping. The proposed alignment and construction type of the proposed trail is designed to minimize grading and compaction of the root zone of protected trees in this area.

The applicant attended pre-application conferences with the City on May 6, 2021.

## **II. Application Approval Requests**

The applicant is requesting the following approvals with this application:

- Type II food cart permit, and
- Type III design review to construct a food cart court with an eating and drinking establishment and associated site improvements.

In addition, as discussed below, the applicant has determined the additional approvals are necessary in order to facilitate development of the proposed project:

- Type II adjustment to Section 17.74.40(B)(4) to the maximum 8-foot wall height in a side yard (north side) by 20 percent.

- Type II variance to Section 17.44.30 to the maximum 50 foot front setback on Kate Schmitz Road;
- Type II Variance to Section 17.90.120 (D)(1) regarding building orientation and percent of street frontage including buildings;
- Type III design deviation to Section 17.90.120 (D)(3) requiring ground floor spaces to face a public street or civic space; and
- Type III Special Variance to Section 17.98.10(Q) regarding the maximum allowed parking on a site.

### **III. Items Submitted With This Application**

- General Land Use Application
- Supplemental Design Review Application
- Notification List and Mailing Labels
- Exhibit A - Project Narrative
- Exhibit B - Civil Plans
  - Sheet C1 - Cover Sheet
  - Sheet C2 - Topographic Survey
  - Sheet C3 - Overall Site Plan
  - Sheet C4 - Building Setbacks
  - Sheet C5 - Detail Site Plan
  - Sheet C6 - Preliminary Utility Plan
  - Sheet C7 - Preliminary Grading Plan
  - Sheet C8 - Tree Survey On-site
  - Sheet C9 - Tree Survey Off-site
  - Sheet C10 - Detailed Tree Information
- Exhibit C - Architectural Plans
  - Sheet A2.01 - Floor Plans
  - Sheet A3.01 - Building Elevations
  - Sheet A3.02 - Restroom Elevations
  - Sheet A3.03 - Trash Enclosure Elevations
  - Rendering East Elevation
  - Rendering West Elevation
- Exhibit D - Landscape Plan
- Exhibit E - Photometric Analysis
- Exhibit F - Preliminary Stormwater Report
- Exhibit G - Traffic Impact Study

### **IV. Review of Applicable Approval Criteria**

Development applications are required to meet 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 plain text followed by a response identifying how the proposal complies with this standard in *italics*.

<u>Chapter</u>	<u>Title</u>
17.44	General Commercial (C-2)
17.66	Adjustments & Variances
17.74	Accessory Development - Additional Provisions and Procedures
17.80	Additional Setbacks on Collector and Arterial Streets
17.84	Improvements Required with Development
17.90	Design Standards
17.92	Landscaping and Screening
17.98	Parking, Loading, and Access Requirements
17.102	Urban Forestry
15.30	Dark Sky Ordinance

## CHAPTER 17.44 - GENERAL COMMERCIAL (C-2)

### 17.44.00 INTENT

This district is intended to provide for a wide range of commercial activities in a community scale shopping center and for commercial uses and related services and businesses, which require large land areas for structures and parking facilities and direct automobile access. This district is not intended for exclusively residential uses, although mixed-use developments are encouraged.

### 17.44.10 PERMITTED USES

B. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:

1. Retail businesses, including but not limited to:

*e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;*

**Response:** *The applicant proposes constructing a food cart development to accommodate 18 food carts and a 3,600 square foot building to be used for beverage service and dining, a restroom building and additional site improvements and landscaping on tax lot 1200. The proposed use is permitted outright in this zone. Development on tax lot 1000 includes vehicle parking and landscaping. This use is an accessory use to the primary use and is permitted outright in the C-2 zone.*

C. Accessory Uses Permitted Outright:

1. A use customarily incidental and subordinate to a use permitted outright;

2. Outdoor product display or storage of merchandise covering no more than 20 percent of the total lot area;

3. Parking lot or garage (when associated with development).

**Response:** *As shown on the Site Plan, tax lot 1000 across the private drive from the primary site is proposed to be developed as a parking lot to serve the proposed development. This use is an accessory use to the primary use on tax lot 1200 and is also permitted outright.*

**17.44.30 DEVELOPMENT STANDARDS**

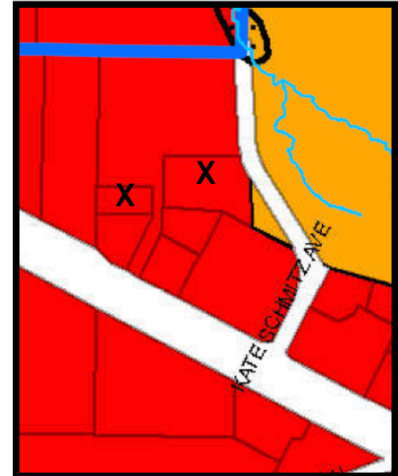
Standard	Requirement	Proposed
Lot Area	No Minimum	The total site area contains 57,069sf (1.72 acres)
Lot Dimension	No Minimum	complies
Setbacks ** Front .....	10 ft. minimum; 50 ft. maximum	Kate Schmitz is considered the front lot line. The proposed building is located 173 - 199 feet from this street. A variance is requested. Complies Complies N/A
Side .....	None	
Rear .....	None	
Corner .....	15 ft.	
Outside Display/Sale Lot Area	80%	No outside display is proposed.
Lot Coverage - Impervious	No maximum	complies
Landscaping	20% (includes required civic space in Section 17.90.120)	41% of the site will contain either formal or natural landscaping. Complies
Structure Height	45 ft.	Approx. 26 ft 7 in - Complies
Off-Street Parking	See Chapter 17.98	See Chapter 17.98 below
Design Review Standards	See Section 17.90.120	See Section 17.90.120 below

\*\* - Unless abutting a more restrictive zoning district, or as required under Section 17.90.120 Design Standards for C-2.

**Response:** *As shown on the table above, the proposed development complies with all standards with the exception of the 50 foot maximum front setback. Only tax lot 1200 contains frontage on the unimproved right-of-way of Kate Schmitz Avenue. As such, this street is defined as the front yard. The proposed building is located about 173 - 199 feet from this property line. As shown on submitted plans, site constraints including site topography (slope) and the location of preserved trees prevent compliance with this standard. For these reasons, a Type II Variance to this standard has been requested as reviewed in Chapter 17.66 below.*

- B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District
  - 1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft;

2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.



**Response:** As shown on the zoning map to the right, the subject properties are bordered on all sides by C-2 zoned property with the exception of the eastern line of tax lot 1200, which borders R-2 zoned property. The proposed project is located such that no additional setbacks are required.

#### CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

As reviewed in this narrative, the proposal complies with all relevant code criteria with the exception of the following:

- Section 17.44.30 maximum 50 foot front setback;
- Section 17.74.40(B)(4) to exceed the maximum 8-foot wall height in a side yard (north side) by 20 percent;
- Section 17.90.120(D)(1) building orientation and percent of street frontage including buildings;
- Section 17.90.120(D)(3) requiring ground floor spaces to face a public street or civic space: and,
- Section 17.98.10(Q) maximum allowed parking.

For this reason, the following are also requested with this application:

- Type II adjustment to Section 17.74.40(B)(4) to exceed the maximum 8-foot wall height in a side yard (north side) by 20 percent.
- Type II variance to Section 17.44.30 to exceed the maximum 50 foot front setback on Kate Schmitz Road.
- Type II Variance to Section 17.90.120 (D)(1) regarding building orientation and percent of street frontage including buildings.
- Type III Special Variance to Section 17.98.10(Q) to exceed maximum allowed parking by more than 30 percent.
- Type III design deviation to Section 17.90.120 (D)(3) requiring ground floor spaces to face a public street or civic space.

*The narrative below first reviews the Type II adjustment, followed by the two Type II Variances, then the Type III Special Variance, and finally the narrative reviews the Type III Design Deviation request.*

### **17.66.30 TYPE II ADJUSTMENTS**

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

***Response:** As shown on submitted plans, a portion of the wall along the north property line of tax lot 1200 is 9 feet tall. For this reason, the applicant requests a 20 percent adjustment to exceed the 8-foot maximum wall height in Section 17.74.40(B)(4) by 1.5 feet (20 percent). The reason for this request is due to the existing site grade.*

### **17.66.40 Type I AND II ADJUSTMENT CRITERIA**

A. The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;

***Response:** The proposal to increase the wall height is due to site specific conditions and will not be contrary to the purposes of this chapter or any plans or policies. The proposal complies with this criteria.*

B. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code;

***Response:** The proposal to increase the wall height by 1.5 feet will have no affect on the amount of privacy enjoyed by users of nearby structures. The proposal complies with this criteria.*

C. The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks; and

***Response:** The proposed wall will have not affect on the facilities and conditions in this criteria. The proposal complies with this criteria.*

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

***Response:** As shown on submitted plans, the proposed wall will be constructed using split faced block. The difference in appearance between an 8-foot wall in compliance with the standard and the proposed 9.5 foot will have a marginally different appearance. The proposal complies with this criteria.*

### **17.66.70 TYPE II VARIANCE CRITERIA**



The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approvable in the location. The criteria are as follows:

**Request:** *As reviewed in this narrative, the applicant is requesting Type II variances to both Sections 17.44.30 and 17.90.120(D)(1). The circumstances necessitating these variances are both due to site constraints associated with site topography and the location of trees on tax lot 1200 protected as part of the Twin Cedars Subdivision approval. Each variance is reviewed separately below.*

**Variance No. 1 - Section 17.44.30.** *This section requires buildings in the C-2 zone to contain a 50 foot maximum front setback. The only abutting public right-of-way is the undeveloped Kate Schmitz right-of-way of tax lot 1200. This east property line is considered the front lot line. As shown on the Site Plan, the proposed building will be located 173 - 199 feet from and about 15 - 20 feet higher than the undeveloped right-of-way.*

*As reviewed below, the reasons for this request is due to topographic characteristics of the site and the location of required protected trees on the site. Given these constraints, placement of the building within 50 feet of this right-of-way is not possible without considerable excavation, fill, construction of walls and the removal of protected trees. As designed, the proposed building will be located near the access private drive on the most visible and prominent part of the site.*

- A. The circumstances necessitating the variance are not of the applicant's making.  
**Response:** *The circumstances necessitating this variance are due to the existing topography of the site and location of protected trees. As shown on the submitted Site Plan, construction of a building in compliance with this section would required the removal of the majority of protected trees located on the lot. The proposal complies with this criteria.*
  
- B. The hardship 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.  
**Response:** *Approval of this variance will allow construction of proposed improvements without removing protected trees or causing excessive excavation within the root protection zone of these trees. The proposal complies with this criteria.*
  
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.  
**Response:** *Approval of the requested variance will not adversely affect implementation of the Comprehensive Plan. On the contrary, approval of this variance ensures the subject property is developed in accordance with the goals and policies of the Plan. The proposal complies with this criteria.*
  
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

**Response:** *The proposed Site Plan to protect retained trees will have a positive affect on the public welfare. Required compliance with this standard will cause these trees to be removed and cause excessive grading and fill. The proposal complies with this criteria.*

- E. The development will be the same as development permitted under this Code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

**Response:** *As shown on submitted plans, the east elevation of the building facing the Kate Schmitz right-of-way features windows, and door with canopy. In addition, this elevation features a gable end with decorative bracing and metal fasteners to enhance its appearance. The proposal complies with this criteria.*

- F. Special circumstances or conditions 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.

**Response:** *The circumstances necessitating this variance is due to the existing topography of the site and location of protected trees abutting an unimproved right-of-way at a significantly lower elevation than the majority of the site. As shown on the submitted Site Plan, construction of a building in compliance with this section would require the removal of the majority of protected trees located on the lot. These conditions are unique to the subject property and the proposal complies with this criteria.*

**Variance No. 2 - Section 17.90.120(D)(1).** *This section requires buildings to be oriented to a public street or civic space with at least 50 percent of the site street frontage comprised of building(s) within 20 feet of a sidewalk. As noted in the narrative for Variance No. 1 above, site constraints and protected trees, require the building to be setback 173 - 199 feet from the Kate Schmitz undeveloped right-of-way. For these reasons, compliance with this section is not possible.*

- A. The circumstances necessitating the variance are not of the applicant's making.

**Response:** *The circumstances necessitating this variance are due to the inherent topography of the site and location of protected trees. The proposal complies with this criteria.*

- B. The hardship 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.

**Response:** *Approval of this variance will allow construction of proposed improvements without removing protected trees or causing excessive excavation within the root protection zone of these trees. The proposal complies with this criteria.*

- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

**Response:** Approval of the requested variance will not adversely affect implementation of the Comprehensive Plan. On the contrary, approval of this variance ensures the subject property is developed in accordance with the goals and policies of the Plan. The proposal complies with this criteria.

- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

**Response:** The proposed Site Plan is designed to protect retained trees and for this reason the plan will have a positive affect on the public welfare. Required compliance with this standard will require removal of these trees and cause excessive grading and fill. The proposal complies with this criteria. Approval of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity of the subject property. The proposal complies with this criteria.

- E. The development will be the same as development permitted under this Code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

**Response:** As shown on submitted plans, the east elevation of the building facing the Kate Schmitz right-of-way features windows and a door with canopy. In addition, this elevation features a gable end with decorative bracing and metal fasteners to enhance its appearance. The proposal complies with this criteria.

- F. Special circumstances or conditions 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.

**Response:** The circumstances necessitating this variance is due to the existing topography of the site and location of protected trees abutting an unimproved right-of-way at a significantly lower elevation than the majority of the site. As shown on the submitted Site Plan, construction of a building in compliance with this section would require the removal of the majority of protected trees located on the lot. These conditions are unique to the subject property and the proposal complies with this criteria.

### **Section 17.66.80 - TYPE III SPECIAL VARIANCES**

The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

**Response:** The applicant requests a Special Variance to exceed the maximum allowed parking standard. As specified in Section 17.98.10(Q), the maximum allowed parking for a commercially zoned property, shall not exceed the minimum off-street

parking required by Section 17.98.20 by more than 30 percent. As reviewed in Section 17.98.20 below, off-street parking requirements require a minimum of 34 parking spaces for the proposed use. As shown on the Site Plan, a total of 69 parking spaces are proposed, 35 spaces (about 103 percent) more than the minimum required parking. The applicant believes this request is warranted given the popularity of this type of use and the lack of available on-street parking in the vicinity of the proposed development.

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

*Response: The request to exceed the maximum parking standard is warranted given the proposed use and limited on-street parking options. The applicant desires to be a good neighbor and does not want to burden neighboring properties with customers of the development parking in adjacent parking lots. The proposal complies with this criteria.*

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

*Response: The proposal to allow an increase in parking is intended to provide an overall benefit to the public welfare by providing sufficient parking for customers of the proposed development as well as minimizing parking conflicts with adjoining properties. The proposal complies with this criteria.*

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

*Response: The proposal is the minimum variance needed to accommodate the popularity of the proposed use and use of the property as proposed. The proposal complies with this criteria.*

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

*Response: The proposed use is a new use and this criteria is not applicable.*

### **Deviation to the Design Standards in Chapter 17.90**

*Request: As reviewed in Chapter 17.90 below, the applicant also requests a Type III design deviation to Section 17.90.120 (D)(3). The circumstances necessitating this design deviation is the same as the two Type II variances reviewed above: site constraints associated with site topography and the location of trees on tax lot 1200 protected as part of the Twin Cedars Subdivision approval. For these reasons, compliance with this section is not practical.*

**Design Deviation - Section 17.90.120(D)(3).** *This section requires ground floor spaces to face a public street or civic space and be connected to it by a direct pedestrian route. As shown on the Site Plan, the proposed building will be located 173 - 199 feet from and about 15 - 20 feet higher than the Kate Schmitz undeveloped right-of-way. As such, the applicant requests a Design Deviation to this section given the considerable distance and elevation difference between the building and the public right-of-way. As shown on the Site Plan, instead of a direct connection, a meandering, soft surfaced pedestrian trail, is proposed to be constructed connecting the development site to the Kate Schmitz right-of-way.*

*The intent of Section 17.90.120(D) Building Orientation and Entrances is:*

*Intent: To maintain and enhance General Commercial and Industrial streetscapes as public spaces, emphasizing pedestrian-scale and character in new development, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H) and representative photos in Appendix E.*

- A. The circumstances necessitating the variance are not of the applicant's making.  
***Response:*** *The circumstances necessitating this deviation is due to the inherent topography of the site, location of protected trees and the considerable distance between the building and this unimproved right-of-way.*
  
- B. The hardship 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.  
***Response:*** *Approval of this deviation will allow construction of proposed improvements without removing protected trees and causing excessive excavation and expense.*
  
- C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.  
***Response:*** *Approval of the requested deviation will not adversely affect implementation of the Comprehensive Plan. On the contrary, approval of this variance ensures the subject property is developed in accordance with the goals and policies of the Plan.*
  
- D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.  
***Response:*** *Approval of the requested deviation will not be materially detrimental to the public welfare or injurious to other property in the vicinity of the subject property.*
  
- E. The development will be the same as development permitted under this Code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

*Response: As shown on submitted plans, the proposed pedestrian will be designed to conform with existing grades to provide a relatively direct, but more pleasant pedestrian experience.*

- F. Special circumstances or conditions 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.

*Response: The circumstances necessitating this design deviation is due to the existing topography of the site and location of protected trees abutting an unimproved right-of-way at a significantly lower elevation than the majority of the site. As shown on the submitted Site Plan, hard surfaced, direct, pedestrian from the building to the Kate Schmitz right-of-way would cause extensive damage to the root zone of protect trees. These conditions are unique to the subject property and the proposal complies with this criteria.*

## **CHAPTER 17.74 - ACCESSORY DEVELOPMENT—ADDITIONAL PROVISIONS AND PROCEDURES**

### **17.74.40 FENCES AND WINDSCREENS**

#### **B. Fences—Commercial/Industrial.**

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed four feet.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed six ft.
4. Fences—Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed eight feet.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 feet may grow to any height.

*Response: As shown on the Site Plan, no wall is proposed along the front property line adjacent to the Kate Schmitz right-of-way. Due to site conditions, a wall is proposed around the site perimeter (rear and side property lines) adjacent to the food cart area ranging in height from 2-3-feet along the south line, 5-feet along the west line, and up to 11-feet along the north line. As specified in Section 17.74.40(B)(4) above, the maximum wall height adjacent to a side or rear property line is 8-feet. For this reason, the applicant requests a Type II Adjustment to this section to allow the proposed 9.5-foot tall wall. As shown on the plan, the proposed fence located behind the wall is five feet tall in compliance with this standard.*

- F. Fences in excess of six feet in height require a building permit.

*Response: The applicant is aware a building permit will be required for a wall taller than six feet in height.*

#### **17.74.90 FOOD AND BEVERAGE CARTS**

- A. Intent. The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.
- B. Applicability. The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

*Response: The requirements of this Section are applicable to the proposed application.*

- C. Permit Required.
  - 1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
  - 2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.
  - 3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

*Response: This application includes a Type II Food Cart Permit request. In addition, the applicant understands each food and beverage cart will require its own permit prior to placement as specified in this section.*

- D. Submission Requirements. An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:
  - 1. A completed General Land Use Application and application fee.
  - 2. List and mailing labels for property owners within 200 feet of the subject property.
  - 3. Site plan drawn to scale including:
    - a. Site dimensions.
    - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
    - c. Number and location of food carts on the site.
    - d. Individual square footage of all food carts.
    - e. Accessible pedestrian route clearances.
    - f. Size, location, and clearances of customer seating areas.
    - g. Vehicular circulation and access points.
    - h. Parking, maneuvering and loading areas.
    - i. Location and design elevation of all structures.

- j. Location and specification of landscaped areas.
  - k. Location and specifications of food cart pads.
  - l. Location and design of fences and walls.
  - m. Number and location of trash and recycling areas.
  - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
  5. Proximity to bathroom and written permission, if applicable.
  6. Disposal plan for wastewater and gray water.
  7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
  8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
  9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.
  10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

**Response:** *The applicant requests approval to develop an 18 cart food cart development including construction of a 3,600 square foot building and associated improvements and parking. All of the items required by this section regarding site development have been included. Items in this section regarding the design of specific food carts will be submitted as part of a permit request for each cart.*

- E. Standards for Food and Beverage Carts. An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design.

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.

**Response:** *No drive-through carts are proposed and no cart greater than 20 feet in length is proposed in compliance with these sections.*

3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.

**Response:** *All carts will be placed on a paved pad as required.*

4. Carts shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least five feet away from other carts.

**Response:** *As shown on submitted plans, all carts will be located at least three feet from a public right-of-way and five feet from each other.*



6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.

**Response:** *As shown on submitted plans, the nearest cart to the parking lot entrance is about 25 feet from this driveway.*

7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.

**Response:** *No cart will occupy a fire lane or drive aisle.*

8. Customer service windows shall be located at least five feet from an active drive aisle used by cars.

9. Carts shall not occupy pedestrian walkways or required landscape areas.

10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.

**Response:** *All customer service windows will be located at least five feet from an active drive aisle and no cart will occupy a pedestrian walkway, landscape area, or needed parking space.*

11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within one-quarter mile of the subject site allowing the food cart operator to share parking facilities.

**Response:** *The proposed parking count assumes one off-street parking space is provided for an employee of each food cart.*

12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.

13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.

14. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.

15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.

**Response:** *The details of these sections will be evaluated as part of the permit review process for each individual food cart.*

16. All seating areas shall be located on the subject property at least ten feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.

**Response:** *All seating is proposed on the same tax lot as food carts in compliance with this section.*

17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one A-frame sign.

**Response:** *All signage will comply with the required of Chapter 15.32 and a separate sign permit will be secured prior to placing any signage.*

18. Auxiliary storage shall be provided on site when there are four or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

**Response:** *As shown on the Detailed Site Plan, each cart will be provided with a small auxiliary storage shed. This shed will be sided with board and batten siding, painted "Bean Pot" to match the board and batten color on the primary structure and will contain a minimum 3:12 pitch standing seam "Light Bronze" metal shed roof, pitched downwards towards the cart.*

#### Fire Safety.

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.

20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.

21. Appropriate fire extinguishers are required.

22. Propane tanks shall be stored and handled properly and be located at least ten feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.

23. Carts shall not have any internal floor space available to customers.

**Response:** *The requirements of these sections will be evaluated with each individual food cart as part of the permit process.*

#### Health and Sanitation.

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one trash receptacle and one recycle receptacle shall be provided in the common seating area.

**Response:** *A garbage enclosure is provided for the entire complex as shown on the submitted plan. Garbage cans will be distributed throughout the site and within the dining structure as required.*

25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

26. Sites containing more than one food cart shall provide a restroom facility on-site.

*Response: A restroom building is provided as required.*

27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.

28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

*Response: As shown on the Utility Plan, each cart will be connected to sewer and water service as required.*

## **CHAPTER 17.80 - ADDITIONAL SETBACKS ON COLLECTOR & ARTERIAL STREETS**

### **17.80.20 SPECIFIC SETBACKS**

Any structure located on streets listed above or identified in the Transportation System Plan as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.

*Response: Kate Schmitz Avenue is identified in the City's Transportation System Plan as a collector street. As shown on the Site Plan, no buildings are proposed within 20 feet of this right-of-way.*

## **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 as follows:

*Response: All improvements will be completed prior to occupancy*

2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

*Response: A land division is not proposed. The subject lots were previously created as part of the Twin Cedars Subdivision*

### **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:** *The subject property does not abut a local street.*

2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft. wide.

**Response:** *As noted above, the subject property abuts the unimproved right-of-way of Kate Schmitz Avenue identified in the TSP as a collector street.*

4. The timing of the installation of sidewalks shall be as follows:

**Response:** *No improvements are proposed to the unimproved Kate Schmitz right-of-way. The applicant understands the city may require a fee in lieu payment to defer construction of this improvement.*

#### **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 of Sandy required the applicant to provide a traffic impact study with this application. The applicant contracted with a Traffic Engineer to complete this study.*

#### **17.84.60 PUBLIC FACILITY EXTENSIONS**

A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

**Response:** *The site will be connected to all of these utilities as appropriate.*

B. Where necessary to serve property as specified in "A" above, required public facility installations shall be constructed concurrent with development.

**Response:** *This section is not applicable.*

- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

*Response: This section is not applicable.*

- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

*Response: This section is not applicable since no public facilities will be installed.*

- E. All public facility installations required with development shall conform to the City's facilities master plans.

*Response: This section is not applicable.*

- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

*Response: All utilities will be private.*

#### **17.84.70 PUBLIC IMPROVEMENT PROCEDURES**

*Response: No public improvements are proposed.*

#### **17.84.80 FRANCHISE UTILITY EXTENSIONS**

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: Franchise utilities will be installed as needed according the requirements of this section.*

#### **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 easements for the purposes identified in this section are proposed.*

### **CHAPTER 17.90 DESIGN STANDARDS**

#### **17.90.10 APPLICABILITY**

The provisions of this chapter apply to all zones and uses as follows except as specified in Sections 17.90.10(B), (C), (D), (E), and (F) below:

- A. All construction within a Commercial or Industrial Zoning District or a non-residential use in a Residential Zoning District including the following:
1. New construction;
  2. Replacement of a building that is destroyed as specified in Section 17.08.30;
  3. Addition to an existing building;
  4. Exterior alterations other than general maintenance on an existing building;
  5. Site improvements including changes to landscaping, parking, civic spaces, etc.
- Response: The proposal includes construction of a food and beverage service and dining structure. As such, the requirements of this chapter are applicable.*

### **17.90.120 GENERAL COMMERCIAL AND INDUSTRIAL (C-2 and I-1) AND NON-RESIDENTIAL USES IN RESIDENTIAL ZONES DESIGN STANDARDS**

Development in the C-2 and I-1 districts and non-residential uses in a residential zone shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

#### **A. Site Layout and Access.**

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.120-A and 17.90.120-B)

1. All lots shall abut or have cross access to a dedicated public street.  
*Response: The subject property abuts a private drive created to provide access from Highway 26 to the subject properties. There is an existing sidewalk along the east side of this drive from Highway 26 to the development site.*
2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.  
*Response: The subject property does not abut an alley and this section is not applicable*
3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10-feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.  
*Response: Due to site topography and location of existing protected trees it is not possible to locate the building within 50 of the front property line (Kate Schmitz) as required. As shown on the Site Plan, despite this condition, no parking will be located between the proposed building and the Kate Schmitz right-of-way 173 - 199 feet to the east. The proposal complies with this standard.*

4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.  
**Response:** *The subject property is connected by an existing private drive. No improvements other than those proposed are warranted.*
5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.  
**Response:** *The layout of the proposed development as shown on the Site Plan does not require any of these design treatments.*
6. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.  
**Response:** *This section is not applicable.*
7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).  
**Response:** *The proposed pedestrian circulation plan as shown on the Site Plan does not conflict with any vehicle maneuvering area. The proposal complies with this standard.*
8. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary. Where openings occur between buildings adjacent to Highway 26, pedestrian ways should connect the street sidewalk to any internal parking areas and building entrances. Development should avoid creating barriers to pedestrian circulation.  
**Response:** *The subject properties are served by an existing private drive with existing access easements to the east and west. The proposal complies with this standard.*
9. Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.  
**Response:** *No additional joint use or cross-over easements are warranted.*
10. Through lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such

access points must conform to the above access spacing requirements and parking must be internalized to the property.

**Response:** *This section is not applicable.*

11. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.

**Response:** *A sidewalk system is proposed to provide access within the subject building and between the parking area west of the access drive and the proposed building/ food carts.*

12. Minimum parking requirements are contained in Chapter 17.98. For developments containing more than 150 parking spaces, at least 20 percent of all parking spaces shall be constructed of permeable materials such as permeable asphalt, permeable concrete, pavers, and/or similar materials as approved by the City.

**Response:** *Parking requirements are evaluated in Chapter 17.98. The proposal contains 69 vehicle parking spaces in two lot areas, considerably less than 150 parking spaces requiring additional construction details in this section. This section is not applicable.*

## **B. Building Facades, Materials, and Colors**

Intent: To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-C, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I; and the Color Palette and representative photos provided in the Appendix E.)

1. Articulation. The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as follows:

- a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes of no more than 40 lineal feet long to include the following:

**Response:** *The subject property is located adjacent to a private pedestrian walkway. As shown on the submitted Site Plat, the eastern and northern elevations of the proposed building are located about 173 - 199 feet west and about 15 - 20 feet higher than the Kate Schmitz unimproved right-of-way to the east. In addition, several protected trees with low hanging branches are located between the Kate Schmitz right-of-way and the proposed building further blocking this elevation from being viewed from the right-of-way. The western and southern building elevations are located about 360 feet from the Highway 26 right-of-way, further away than is reasonable to require compliance with this section. In addition, the existing Starbucks and Fresenius Medical buildings located between*



*Highway 26 and the proposed building will block the majority of the building from being viewed from the highway. With these findings, the proposed building will not be reasonably “visible” from an abutting public street or right-of-way and the requirements of this section are not applicable. Regardless, as shown on the submitted Building Elevations, the proposed building features changes in wall planes and articulation on each building elevation.*

- 1) Wall planes meeting this standard shall include a feature or variation in the wall plane that are those that are entirely separated from other wall planes by a recessed or projecting section of the structure that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four (4) feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.

***Response:*** *As reviewed above, the requirements of this section are not applicable. As shown on submitted Building Elevations, all elevations feature pedestrian awnings projecting from the wall surface.*

- 2) Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.

***Response:*** *All elevations contain a combination of stone and siding material and all windows are proposed to contain trim or are adjacent to a stone accent in compliance with this standard.*

- 3) The lower and upper floors of multi-storied buildings shall be delineated by using pedestrian shelters, changes in siding materials, heavy timbers, or natural wood accents (e.g. brackets, paneling, or other detailing).

***Response:*** *The proposed building contains a single story and this section is not applicable.*

2. Pedestrian Shelters. Buildings must incorporate pedestrian shelters, as follows:

***Response:*** *As reviewed below, the proposal complies with all of the standards in this section.*

- a. Pedestrian shelters shall be provided over the building’s primary entrance(s) and all pedestrian areas (i.e., sidewalks, and civic spaces) abutting the subject building, where pedestrians are likely to use these facilities.

***Response:*** *None of the building elevations abut parking areas, sidewalks, or civic spaces. Regardless, the proposed building features pedestrian shelters on all building elevations. These features address the requirements of this standard.*

- b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required to protect pedestrians from the rain and sun.

**Response:** *The proposed design includes a canopy along the entire north and south building elevations and at the doors on the east elevation.*

- c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.

**Response:** *As shown on submitted building elevations, all pedestrian shelters extend at least five feet over the adjoining pedestrian area.*

- d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.120(C). Dome or bubble shaped awnings are not permitted.

**Response:** *The proposed awnings on the north and south elevations feature a 3:12 pitch to provide weather protection between the food carts and the dining building. The awnings on the east elevation features a 3.5:12 pitch to provide covering over this doors and add visual interest to this elevation. The proposal complies with this section.*

- 3. Building Materials. Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:

- a. Buildings on the same site shall be architecturally unified. Architectural unity means buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.

**Response:** *All exterior building materials used on the structures are intended to convey an impression of strength and durability. The proposal complies with this standard.*

- b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from an abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.

**Response:** *All elevations feature a continuous 48-inch high base of Glacier Stone Supply, "Bitterroot" stone in compliance with this standard.*

- c. Foundations shall be designed to match the scale of the building being supported. Sheathing the foundation structure with base materials and wall siding are examples of methods which accomplish this purpose.

**Response:** *All of the foundation material will be covered by the proposed base material in compliance with the standard.*

- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. Stucco, synthetic stucco, or metal are only permitted as specified below. Vinyl, plastic or similar siding is not permitted.

**Response:** *Proposed siding materials include a combination of composite board and batten as the base material and shingles in the upper part of the gable ends. Cultured stone, Glacier Stone Supply, "Bitterroot", will be applied as the base on all elevations.*

- 1) Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.

**Response:** *Areas covered with wood-like materials include a board and batten and shingles. No vertical grooved sheet siding is proposed in compliance with this standard.*

- 2) Where board-and-batten siding is used, battens shall be a minimum of 2-inches wide x 1-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.

**Response:** *Areas covered with board and batten siding feature three-inches wide by one-inch deep battens spaced 16-inches on center apart in compliance with this standard.*

- 3) Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every elevation where it is used. Examples of decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction. Changes in pattern should be used to accentuate breaks in building stories, corners, windows, and building tops (e.g., parapets where flat roofs are allowed).

**Response:** *No masonry is proposed. Stone veneer will be used as a base material only. The proposal complies with the standard.*

- 4) Where metal siding is used, it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building

elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements.

**Response:** *No metal siding is proposed. Metal will be used for roofing and to cover all awnings. As noted below, the color of this material has been selected from the city's approved color palette.*

- 5) Where stucco or synthetic stucco is used, it shall only be used as an accent comprising not more than 30 percent of the surface of the building elevation.

**Response:** *No stucco or synthetic stucco is proposed.*

- 6) Where concrete form liner is used, it shall be limited to patterns replicating horizontal wood siding, stone, or brick as shown in Appendix H and shall not include ribbed, fluted, or similar patterns.

**Response:** *Concrete form liner is not proposed.*

- e. Building elevations facing a public street shall incorporate at least three (3) of the following features: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, storefront elements.

- 1) Exposed, heavy timbers;
- 2) Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
- 3) Natural wood color shingles (e.g., used as siding or to accent gable ends);
- 4) Metal canopies;
- 5) Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing, and/or;
- 6) Similar features, consistent with the Sandy Style.

**Response:** *Only the east and south building elevations face a public street (Kate Schmitz Avenue and Highway 26). As noted above, the proposed building will be located 173 - 199 feet from Kate Schmitz Avenue and 360 - 369 feet from Highway 26. Because of this distance and other factors (trees, grade separation, and existing buildings) the building will be mostly obscured from viewing these elevations and the detailed features specified in this section are unlikely to be visible from these streets. Regardless, the east building elevation features heavy timbers, brackets, natural wood (composite) shingles, metal canopies, and stone base materials. The south elevation features a metal canopy, heavy timbers, and a stone base. Both elevations comply with this section.*

- f. Materials required on elevations visible from an abutting public street must turn the building corner and incorporate appropriate transitions onto

elevations not requiring these materials for a distance of not less than four (4) feet.

**Response:** *As noted above, no building elevation will be reasonably visible from an abutting public street (Kate Schmitz Avenue or Highway 26).*

*Regardless, required materials are provided on all building elevations and all materials turn the corner of the building in compliance with this standard.*

4. Colors. Building exteriors shall comply with the following standards:

- a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to Color Palette in Appendix C.

**Response:** *All painted surfaces (shingles, horizontal siding and trim) are proposed to be painted with colors selected from the City’s approved Miller Paint Historic Color Collection. The shingles on the gable end of the west and east elevations will be painted “Maple”, board and batten siding on all elevations will be painted, “Bean Pot”, and window and door trim will be painted “Portsmouth Spice. All exposed wood trusses will be stained Valspar Semi-transparent “Cedar Natural Tone” to complement the building colors.*

- b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent (1%) of the surface area of any elevation. Such color shall not be used as primary wall colors.

**Response:** *None of these colors are proposed.*

- c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

**Response:** *None of these colors are proposed.*

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

Intent: To provide roof forms and detailing consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I and representative photos in Appendix E)

- 1. Except as provided in subsections 17.90.120(C)(8), below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

Zoning District	Primary Roof Forms (minimum)	Secondary Roof Forms (minimum)
C-2 and I-1	6:12	4:12

**Response:** *As shown on submitted Building Elevations, the proposed building features a 6:12 pitched roof in compliance with this standard. As discussed below, because of the building’s location and site specific conditions, no secondary roof forms are warranted or proposed.*

2. As provided above, “Primary Roof Forms” are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.
3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.

**Response:** *As shown on the Site Plan, the proposed building is oriented with the gable end facing the unimproved Kate Schmitz Avenue right-of-way even though this street is located 173 - 199 feet from and about 15 - 20 feet lower in elevation than the proposed building.*

4. Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

Roof Length	Number of Secondary Roof Forms
30-40 feet	1
41-80 feet	2
81 feet and greater	4

**Response:** *As discussed above, because of the building’s location and the location of existing structure and tree, none of the building elevations will be reasonably “visible” from an abutting public street. The closest public street abutting the subject property is the undeveloped Kate Schmitz right-of-way. As shown on the Site Plan, the east building elevation will be located 173 - 199 feet and 15 - 20 feet higher than this undeveloped right-of-way. The building will be located about 360 - 369 feet away from Highway 26 and will be blocked by existing buildings (Starbucks and Fresenius Medical Center). For this reason, secondary roof forms are not warranted or required.*

5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.

**Response:** *Roof and awning materials are proposed to be Metallion Industries, Light Bronze” standing seam roofing. This color is selected from the adopted color palette.*

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from all adjacent public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed

equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.

**Response:** *All mechanical equipment associated with the building will be located inside the building. Electrical and gas meters associated with the food carts will be mounted to the garbage enclosure wall. These facilities will not be visible from any public right-of-way or civic space.*

7. A-frame buildings and Mansard-style roofs are not permitted.

**Response:** *The proposed roof form is a gable roof form and is not an A-frame or a Mansard-style roof form.*

8. Exception to Pitched Roof: When a building requires a roof span greater than 50-feet, or the internal function of the building or a portion of the building make construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an “applied pitched roof” or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.

a. Applied Pitched Roof: An “applied pitched roof” is the preferred alternative roof form and shall be considered first. An “applied pitched roof” is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An “applied pitched roof” shall be constructed according to the following:

- 1) For buildings with a span of less than 50 feet, the “applied pitched roof” shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;
- 2) For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.
- 3) The reviewing body may require buildings with a span of 50 feet or greater to include an “applied pitched roof” in lieu of a flat roof along street facing elevations.

**Response:** *These sections are not applicable.*

b. Flat Roof: Flat roofs shall comply with the following standards:

- 1) Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from a public street. Parapets shall be varied so that the length of a parapet does not exceed 40 feet without a change in the parapet height of at least 2 feet or as necessary to hide rooftop equipment.
- 2) Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed one-third (1/3) of the height of the supporting wall;

- 3) A cornice projecting at least six (6) inches from the building face shall be provided at the roofline of all elevations visible from public rights-of-way;
- 4) Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building;

*Response: These sections are not applicable.*

#### **D. Building Orientation and Entrances**

Intent: To maintain and enhance General Commercial and Industrial streetscapes as public spaces, emphasizing pedestrian-scale and character in new development, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H) and representative photos in Appendix E.

1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site's street frontage is comprised of building(s) placed within 20 feet of a sidewalk, walkway or civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building's front façade and the adjacent street(s).

*Response: As noted above, the proposed building will be located 173 - 199 feet from the unimproved Kate Schmitz Avenue right-of-way. In addition, protected trees and a grade separation will further obscure the building from being viewed from this right-of-way. For these reasons, compliance with this section is not possible and the applicant is requesting a variance to this section as reviewed in Chapter 17.66 above.*

2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk. The partial screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building's primary entrance.

*Response: As shown on the Site Plan, parking is located between the East building elevation and the Kate Schmitz right-of-way, however, no parking is proposed directly between this facade and the right-of-way. The proposal complies with the intent of this section.*

3. Ground floor spaces shall face a public street or civic space and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel).

*Response: As discussed in Chapter 17.66 above, a variance to this Section has been requested. To comply with the intent of this section, as shown on the Site Plan, a soft service trail will be constructed to provide a pedestrian connection between the development site and the Kate Schmitz right-of-way.*



4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within forty feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style. Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.

**Response:** *The subject property is not located at a street intersection and this section is not applicable.*

5. For structures greater than 40,000 gross square feet, there shall be at least two (2) clearly articulated public entrances on the structure; at least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk or walkway.

**Response:** *The proposed building contains 3,600 square feet and this standard is not applicable.*

6. Retail buildings shall provide at least one customer entrance for every 200 lineal feet of anchor store space along at least one of the building's street-facing elevation(s). Such entrances may be oriented to a public street or designated civic space. Where ancillary stores or offices are provided, entrances to those spaces must be placed not more than 40 feet apart on average. For example, a 300 foot long building with one anchor store and four ancillary stores would provide no fewer than two anchor space entrances spaced not more than 200 feet apart and four ancillary entrances placed not more than 40 feet apart on average.

**Response:** *The proposed building is not a retail building and this section is not applicable.*

7. Buildings shall provide at least one (1) elevation where the pedestrian environment is "activated". An elevation is "activated" when it meets the window transparency requirements in subsection 17.90.120(E), below, and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space.

**Response:** *The south building elevation is identified as the "activated" elevation. This elevation contains a building entrance and an awning extending greater than five feet over the sidewalk in front of this entrance. As detailed below, this elevation also complies with window transparency requirements in subsection 17.90.120(E) below. The proposal complies with this section.*

8. Primary entrances must be architecturally emphasized and visible from the public right-of-way and shall be sheltered with a canopy, overhang, or portico with a depth of at least five (5) feet. Architectural emphasis should be

provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

**Response:** *All building elevations except the west elevation will serve as entrances and include pedestrian awnings in compliance with this section.*

**E. Windows**

Intent: To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H)

1. Unified Design. Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.

**Response:** *All building elevations are proposed to relate to one another as required by this standard.*

2. Ground Floor Windows. The ground floor elevation of all new buildings shall contain ground floor display areas, windows, and doorways on the “activated” frontage as follows:

Building Size	Percentage Windows Required
0 - 10,000 sq. ft.	30 percent of elevation
10,000 sq. ft. - 30,000 sq. ft.	25 percent of elevation
Greater than 30,000 sq. ft.	20 percent of elevation

**Response:** *As noted above, the applicant has designated the south building elevation of the 3,600 square foot building as the “activated” frontage. As shown on the South Building Elevation, 30.2 percent of this elevation is proposed in clear window glass and doors (1,350 square feet/408 square feet) in compliance with this standard.*

- a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may allow windows above or below this height. Display boxes affixed to a building’s exterior are not counted in meeting the above standard.

**Response:** *All windows will be clear glass and are located at least three feet above the adjacent finished grade in compliance with this standard. All windows and door frames will be Aluminum, “Kawneer Dark Bronze” and vinyl clerestory windows on the north and south elevations will be Milgard “Bronze”.*

- b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.

**Response:** *All proposed windows are square or divided into vertically oriented units in compliance with this standard. Transom windows located over doors are horizontally oriented as permitted. The proposal complies with this standard.*

- c. Windows with any dimension exceeding six (6) feet shall be divided to contain two or more smaller panes with real divided panes, vinyl inserts, or applied dividers.

**Response:** *No windows are proposed to exceed six feet in any dimension without being divided into smaller panes.*

- d. Windows shall have trim or moldings at least three (3) inches in width around them, or have reveals of at least three (3) inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.

**Response:** *As detailed on the Building Elevations, all windows are proposed to include 4-inch wide window trim in compliance with this section. Trim will be painted Miller Paint "Portsmouth Spice" in compliance with the approved color palette.*

### 3. Upper Floor Window Standards.

- a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along the "activated" frontage. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.120(B)(1).

**Response:** *As shown on the submitted floor plan, the proposed building contains a single story, but the building features a sill height of 20-feet 10-inches. For this reason the requirements of this section are applicable. As reviewed above, the south building elevation is considered the "activated" frontage.*

- b. Windows shall be square or vertically oriented. Individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes.

**Response:** *All upper floor windows are square (3-feet x 3-feet) and further divided into smaller panes. These frames of these windows will be vinyl Milgard "Bronze".*

- c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet, unless approved by variance or adjustment. Upper story windows that have

one (1) foot by one (1) foot grid inside double pane glass are appropriate and are encouraged.

**Response:** *All upper story windows are divided into 1-foot by 1-foot grids in compliance with this section.*

- d. Window trim and moldings shall be compatible with those used on the ground floor.

**Response:** *All windows will include 1x4-inch trim in compliance with this section. Trim will be painted Miller Paint "Portsmouth Spice" in compliance with the approved color palette.*

#### 4. Prohibited Windows.

- a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces and walkways.

**Response:** *As noted on the Building Elevations, all windows are proposed to be clear glass.*

- b. Glass curtain windows are not permitted facing public right-of-ways, except where the reviewing body finds that such windows are consistent with the Sandy Style.

**Response:** *No glass curtain windows are proposed.*

#### F. Landscaping and Streetscape Design

Intent: To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style, and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (See Figures 17.90.120-J and 17.90.120- K and Appendix G)

- 1. The provisions of Chapter 17.92 Landscaping and Screening General Standards shall apply.

**Response:** *A Landscape Plan in compliance with requirements of Chapter 17.92 is included with the submittal package.*

- 2. Parcels abutting Highway 26 shall provide a landscape buffer comprising not less than 30 percent of the highway frontage, to a depth of not less than 20 feet. Within the buffer, existing trees shall be preserved to the extent practicable. New trees, shrubs, and groundcover shall be planted to create a landscape buffer and partial visual screen along the highway as specified below or as approved by the reviewing authority. If approved in writing by the Oregon Department of Transportation, this buffer may be located within the public right-of-way. Any new or modified access must fall outside the designated buffer. Landscape plans shall indicate proposed landscaping, signage and other proposed development.

**Response:** *The site does not abut Highway 26 and this section is not applicable.*

3. Landscape buffer plantings shall contain a mixture of both deciduous and evergreen species selected from the list below and shall be of a sufficient quantity to provide a partial buffer within two years from the date they are planted:
  - Trees - Deciduous (minimum 1 1/2-inch caliper) -Autumn Blaze Maple, Red Sunset Maple, Scarlet Oak. Evergreen (minimum 8-10 feet) - Hogan Cedar, Incense Cedar, Western Red Cedar, Douglas fir.
  - Small Trees/Shrubs - Vine Maple, Serviceberry, Chinese Kousa Dogwood, Red flowering Currant, Ceanothus 'Blue Blossom', Rhododendron, Pacific Wax Myrtle.
  - Groundcover - Kinnickinick, Salal, Low Oregon Grape, Coastal Strawberry, Rock Rose.

*Response: This section is not applicable.*

4. All service and storage areas must be screened from view from all adjacent rights-of-way. (See Figure 17.90.120-K below.)

*Response: The proposed trash enclosure will be screened from view by existing buildings (Goodwill, Starbucks, and Fresenius Medical).*

#### G. Civic Space

Intent: To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public, consistent with Sandy's Downtown Streetscape Design. (See Figures 17.90.120-L and 17.90.120-M).

*Response: The subject property only abuts the undeveloped Kate Schmitz right-of-way. As shown on the submitted Site Plan, the proposed building will be located at least 173 feet from this future road. The area between the building and this right-of-way contains a number of trees required to be protected. For these reason, the requirements of this section are not applicable.*

1. Not less than three (3) percent of the building area of every development shall be improved as civic space.
2. All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.
3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.
4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.

*Response: As noted above, the proposed building is located a considerable distance from any public right-of-way. For this reason, there is no location meeting the requirements of this section.*

5. Civic spaces should abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or approved pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.
6. The reviewing authority may consider the voluntary provision of civic space or pedestrian amenities in quantities exceeding the minimum standards of this code in approving an adjustment or variance.
7. Exceptions:
  - a. Building additions and remodels subject to Type I Design Review are not required to set aside or improve civic space, though they are encouraged to do so.  
**Response:** *These sections are not applicable.*

#### H. Lighting

Intent: To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style. (Figures 17.90.120-G, 17.90.120-H, and 17.90.120-M)

1. Streetscape lighting shall conform to Chapter 15.30 Dark Sky Ordinance.  
**Response:** *A Lighting Plan is included with the submittal package.*
2. 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. On-site light fixtures conforming to the Sandy Style are encouraged.  
**Response:** *All light fixtures will be full cutoff Sandy Style fixtures. The design of perimeter parking lot lighting will comply with the requirements of Chapter 15.30, Dark Sky Ordinance. Gooseneck light fixtures on the west and east elevations are proposed to light "The Riffle" sign and will be painted matte black.*
3. Lighting must be adequate for safety purposes. Walkways and parking lots should be illuminated at 1.5 - 2.0 foot candles.  
**Response:** *The photometric analysis is designed to comply with this standard.*

#### I. Safety and Security

Intent: To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.  
**Response:** *The proposed use involves both inside dining and outside food cart/ordering components that will ensure all areas of the site are visible.*

*The applicant intends to install surveillance cameras to allow viewing of all areas around the building.*

2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.

***Response:*** *As noted above, a civic space is not required and this section is not required.*

3. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates buildings and their entries for patrons and emergency services.

***Response:*** *Street address numbers complying with this standard will be installed.*

4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas.

***Response:*** *The lighting plan will be designed to ensure the site is sufficiently lite to ensure safety and security.*

#### J. External Storage

Intent: To promote land use compatibility and aesthetics, particularly where development abuts public spaces. (Figure 17.90.120-K)

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

***Response:*** *No exterior storage of merchandise or materials is proposed.*

2. Where such storage is allowed, it must be screened from view from public rights of way and civic spaces at least eight (8) feet and not more than 10 feet unless the screen is a continuation of the building wall.

***Response:*** *This section is not applicable.*

3. Mechanical, electrical, and communications equipment including meters and transformers, service and delivery entrances, and garbage storage areas shall be screened from view from all public rights-of-way and civic spaces.

***Response:*** *All mechanical equipment associated with the building will be located inside the building. Electrical and gas meters associated with the food carts will be either located on the garbage enclosure wall or a wall constructed next to this structure designed for this purpose. These facilities will not be visible from any public right-of-way or civic space.*

4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from all public rights of way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.

**Response:** *The Site Plan shows the location of the proposed trash and recycling enclosure to the east of the southern bank of food carts. This enclosure will be constructed using complementary materials to the proposed structure and will be screened from view by the food carts and by plant materials as shown on the Landscape Plan.*

5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to the proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

**Response:** *No exceptions to these standards are proposed or required.*

## **CHAPTER 17.92 LANDSCAPING AND SCREENING GENERAL STANDARDS - ALL ZONES**

**Response:** *As noted above, because of site constraints with the proposed stormwater detention facility and the nature of the proposed use, no onsite landscaping is proposed with this application. The proposal includes landscaping within the public right-of-way in the location of the removed approach on Proctor Blvd.*

### **17.92.10 GENERAL PROVISIONS**

- A. Where landscaping is required by this Code, detailed planting plans shall be submitted for review with development applications. No development may commence until the Director or Planning Commission has determined the plans comply with the purposes clause and specific standards in this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.

**Response:** *A Landscape Plan containing the details of the proposed landscape planting is included. The applicant understands that all required landscaping shall be completed or financially guaranteed prior to the issuance of a final Certificate of Occupancy.*

- B. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.

**Response:** *All required landscape materials will be taken care of as specified in this section.*

- C. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 25-inches or greater circumference measured at a height of 4-1/2 ft. above grade are considered significant. Plants to be saved and methods of protection shall be



indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5-ft. outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 ft. outside the dripline.

**Response:** *The subject property contains trees protected as part of the Twin Cedars Subdivision approval. All preserved trees on the site will be protected. These trees will be protected during construction by tree protection fencing as required.*

- 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. All vehicle parking spaces adjacent to a landscape planter will include wheel stops to protect landscape materials as required.*

- 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:** *The Landscape Plan will be modified as required to address vision clearance requirements necessary.*

- F. Landscaped planters and other landscaping features shall be used to define, soften or screen the appearance of off-street parking areas and other activity from the public street. Up to 35 percent of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the Director or Planning Commission.

**Response:** *A landscape planter is proposed at the end of all parking bays to help define and soften the appearance of these areas.*

- G. Required landscaping/open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

**Response:** *As noted above, about 41 percent of the site will contain either formal or natural landscaping. All landscaped areas are designed to enhance the appearance of the site to provide visual appeal and interest.*

- H. Balconies required for entrances and exits shall not be considered as open space except where such exits and entrances are for the sole use of the unit.

- I. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

**Response:** *These sections are not applicable.*

- J. Driveways and parking areas shall not be included as open space.  
*Response: None of these areas are included in site landscaping calculations.*
- K. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.  
*Response: As shown on the Landscape Plan all areas not occupied by buildings and paved surfaces will be landscaped or left in their natural condition.*
- L. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.  
*Response: All landscaping is intended to be maintained as required.*

**17.92.20 MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING**

The minimum landscaping area of a site to be retained in landscaping shall be as follows: C - 2 General Commercial - 20%

*Response: As shown on the Landscape Plan and Site Plan, the site contains both formal and natural landscape areas. About 30,776 square feet (41 percent) of the 1.72 acre total site is proposed to be in either formal or natural landscaping. The area of landscaping exceeds the 20 percent minimum landscaping required in the C-2 zone.*

**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 proposed development contains more than four parking spaces. A Landscape Plan is included with the submitted plan set. This plan identifies all proposed formal landscaping. Other landscaped areas will be left in their natural condition.*

**17.92.40 IRRIGATION**

Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

*Response: All formal landscape areas will be irrigated using either a manual or automatic system. The details of this system will be determined 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.
- B. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.
- C. Trees shall be species having an average mature spread of crown greater than 15 feet and having trunks which can be maintained in a clear condition with over 5 feet of clear wood (without branches). Trees having a mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread.
- 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.
- E. Coniferous trees shall be a minimum five feet in height above ground at time of planting.
- 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 ryegrasses 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 Landscape Plan has been designed in accordance with the standards of this section. All trees deciduous trees will be at least 1.5-inch caliper, coniferous trees at five feet in height, shrubs will be one to five gallons, groundcover will be four inch pots and spaced 24-inches on-center as appropriate. The submitted Landscape Plan complies with these standards.*

#### **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: Offsite landscaping is not counted toward required landscaping. No offsite areas are proposed to contain landscaping.*

#### **17.92.80 BUFFER PLANTING - PARKING, LOADING AND MANEUVERING AREAS**

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas.

Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements. Exception: truck parking lots are exempt from parking bay buffer planting requirements.

*Response: As shown on submitted plans, all parking spaces will be buffered by a landscaped planter.*

#### **17.92.90 SCREENING (HEDGES, FENCES, WALLS, BERMS)**

Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

- A. Height and Opacity. Where landscaping is used for required screening, it shall be at least 6 ft. in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site.
- B. Chain Link Fencing. A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with Section 17.92.00 above.
- C. Height Measurement. The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.
- D. Berms. Earthen berms up to 6 ft. in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs, and trees.

*Response: No areas requiring screening are proposed or are warranted. As shown on the Site Plan, a fence is proposed around the perimeter of the food cart development and building to provide after hours security.*

#### **17.92.100 SCREENING OF SERVICE FACILITIES**

Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and 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.

*Response: All service facilities are proposed to be screened with landscape materials as shown on the Landscape Plan.*

#### **17.92.110 OUTDOOR STORAGE**

All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Director. Exceptions to the preceding requirements include: new or used cars, cycles and trucks (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home

*Response: No outdoor storage is proposed.*

### **CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS**

#### **17.98.10 GENERAL PROVISIONS**

- A. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.

*Response: All of these sections have been reviewed and the proposal addresses these requirements.*

- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.
- E. Increased Intensity. When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional

required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.

- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.

*Response: These sections are not applicable as the proposal is for a new use and building. The site is currently vacant.*

- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.

*Response: All required parking will be constructed prior to temporary or final occupancy.*

- H. Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.

- I. Truck Parking. In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted.

- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.

- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

*Response: These sections are not applicable.*

- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

*Response: All proposed vehicle and bicycle parking spaces will be available for customers, patrons, and employees only as required.*

- N. Location of Required Parking.

- 1. Off-street vehicle parking required for residential uses, except for residential uses in the Central Business District, shall be provided on the development site

of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.

2. May be utilized in the C-1 Zoning District to meet the minimum parking requirements as specified in Section 17.98.30 (B).
3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.

**Response:** *Vehicle parking will provided on both tax lot 1200, the site containing the building and food carts and on tax lot 1000 across the private drive from this facility. Bicycle parking is provided on tax lot 1200 under the building awning.*

- P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

**Response:** *The calculation of required vehicle and bicycle parking has been rounded according to the requirements in this section.*

- Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

**Response:** *Section 17.98.20 reviewed below requires 34 parking spaces. As shown on the Site Plan, 69 vehicle parking spaces are proposed exceeding minimum parking by 35 spaces. This number represent an increase of parking by about 103 percent over the minimum standard. For this reason, the applicant requests a Type III Special Variance to exceed the maximum parking allowed by this section as reviewed in Chapter 17.66.*

### **17.98.20 OFF-STREET PARKING REQUIREMENTS**

- A. Off Street Parking Requirements. Off street parking shall conform to the following standards:

1. All square footage measurements are gross square feet of total floor area.
2. 18 lineal inches of bench shall be considered 1 seat.
3. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections A6-A9 below.
4. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 5-9 below.
5. In addition to requirements for residential off street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.

**Response:** *The proposal complies with these requirements as applicable.*

8.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Food Carts per Section 17.74.70(EE)(11)	1 per food cart	
Eating and drinking establishments	1 per 250 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
<b>Required Parking</b>	<ul style="list-style-type: none"> <li>• 18 food carts = 18 spaces per Section 17.74.90(E)(11)</li> <li>• 3,600 sq. ft./250 = 14.4, rounded down to 14 spaces.</li> </ul>	
	Number of employees = 4/2 2 parking spaces required	
<b>Total Parking Required</b>	18 + 14 + 2 = <b>34 spaces required</b>	34 x .05 = 1.7 (2 spaces required)
<b>Proposed Parking</b>	<b>69 spaces total ( 47 standard, 19 compact, and 3 ADA spaces)</b>	<b>4 spaces proposed (7 x .05 = 3.5)</b>

*Response: As shown on the table above, the 18 food carts and 3,600 square foot eating and drinking establishment building, require a minimum of 34 vehicle parking spaces and two bicycle parking spaces. This calculation is based on the size of the proposed building in addition to four employees anticipated on the largest shift. As shown on the Site Plan, 69 vehicle parking spaces (47 standard, 19 compact, three ADA spaces) and four bicycle parking spaces are proposed. As noted above, the applicant has requested a Type III Special to exceed the maximum parking standard in Section 17.98.10(Q) as reviewed in Chapter 17.66 above.*

**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: No parking is proposed to abut a residential zone and no parking is proposed within a required front or side yard setback area.*

**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 surfaced with asphalt.*

**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 spaces are designed in compliance with these standards. Twenty-two parking spaces (31 percent) are proposed as compact spaces in compliance with this standard.*

**C. Aisle Width.**

*Response: All proposed parking spaces comply with these standards.*

#### **17.98.70 ON-SITE CIRCULATION**

- A. Groups of more than three (3) parking spaces shall be permanently striped.
- B. Backing and Maneuvering. Except for a single family dwelling or two family dwelling, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

*Response: All proposed parking will be permanently striped and the site has sufficient space to allow for all vehicles to turn-around to exit the site in a forward manner. No vehicles spaces are located near a public right-of-way.*

#### **17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS**

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as

approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

- C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

*Response: Highway 26 is classified as a Major Arterial. Although Kate Schmitz Avenues is classified as a Collector Street, this right-of-way is currently unimproved. The subject properties will be access from either the private drive constructed and permitted as part of the Twin Cedars Subdivision or from the west through the existing shopping center. A traffic signal is located to the west of the site that can be accessed through this shopping center. A traffic impact study is included with the application package.*

#### **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.
- D. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.
- E. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.
- F. The location and design of the driveway shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

*Response: Both tax lots will be accessed by an existing private drive developed as part of the subdivision improvements or from the shopping center access to the west of the site. The proposal complies with the minimum standards in this section.*

#### **17.98.110 VISION CLEARANCE**

- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved,

type of traffic control present at the intersection, and designated speed for the streets.

- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

*Response: None of these items are within vision clearance areas.*

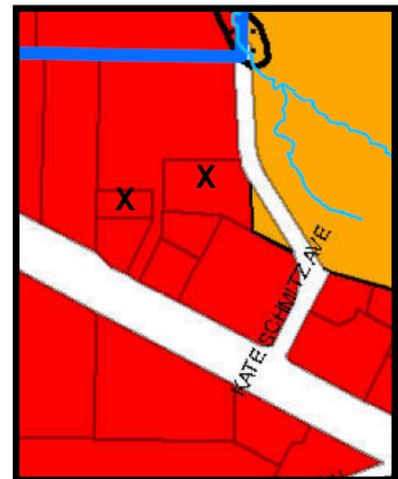
### 17.98.120 LANDSCAPING AND SCREENING

- A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way.

*Response: The proposal includes 69 parking spaces. All parking spaces are located a considerable distance from a public right-of-way and additional screening has not been identified. The proposal complies with this standard.*

- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80% opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.

*Response: As shown on the diagram to the right, the subject property abuts a small sliver of R-3 zoned property that is a remnant when the Kate Schmitz right-of-way was dedicated by the Oregon Trail School as part of a former land use action. The size and location of this property is likely to remain undeveloped under this zone for many years. For this reason, compliance with this section is not required.*



- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10% of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.

*Response: The Landscape Plan shows landscaping within and along the edge of all paved areas.*

- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.

*Response: All parking areas are divided into bays containing fewer than 20 parking spaces. A planter in compliance with this section is proposed at each end of all parking bays.*

- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.

*Response: As shown on the submitted Landscape Plan, all parking area setbacks will be landscaped in compliance with Chapter 17.92.*

- F. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for safe pedestrian circulation is required.

*Response: As shown on the Site Plan, wheel stops are proposed in front of all parking spaces to prevent vehicles from encroaching on sidewalks and landscaping.*

#### **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 submitted plans all driving surfaces will be paved with asphalt.*

#### **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: A preliminary stormwater management plan is provided as part of the application package. This plan has been designed in accordance with the City of Sandy Stormwater Management requirements. As shown on the submitted Utility Plan all roof and parking lot stormwater water will be routed to the proposed stormwater detention tank.*

#### **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: As noted above, the applicant proposes installing new lighting to illuminate the site. All site lighting will be designed and installed in accordance with Chapter 15.30, Dark Sky Ordinance standards.*

### **17.98.160 BICYCLE PARKING FACILITIES**

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

#### **A. Location.**

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

*Response: A ranch to accommodate four bicycle parking spaces is provided under the awning on the south side of the building. This proposal complies with this standard.*

#### **B. Bicycle Parking Space Dimensions.**

1. Each required bicycle parking space shall be at least 2 1/2 feet by 6 feet. If covered, vertical clearance of 7 feet must be provided.
2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

*Response: The four proposed bicycle parking spaces comply with the space dimension requirements of this section.*

#### **C. Security.**

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.
3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.
4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.

*Response: Proposed bicycle parking includes an anchored rack so that bicycles can be securely locked. These spaces will be provided with weather protection by the awning overhang.*

### **17.98.190 OFF-STREET LOADING FACILITIES**

- A. The minimum area required for commercial and industrial loading spaces is as follows:
  - 1. 250 square feet for buildings of 5,000 to 19,999 square feet of gross floor area.
  - 2. 500 square feet for buildings of 20,000 to 49,999 square feet of gross floor area
  - 3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.
- E. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.
- F. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

*Response: The proposed use does not warrant a separate designated loading area.*

## **CHAPTER 17.102 - URBAN FORESTRY**

### **17.102.20 - APPLICABILITY**

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

- A. General: No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.
  - 1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
  - 2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

*Response: The standards of this chapter are applicable to the proposed development. Tree preservation on the subject property was required as part of the Twin Cedars Subdivision approval and a Restrictive Covenant (Document Nos. 2005-083010 and 2005-082102) was recorded with this project. Sheet 3 of this document identifies trees preserved on tax lot 1200. The original tree protection covenant showed 25 trees to be protected. A current Inventory of the site reveals only 11 of these trees remain on the property. The applicant is engaged in contract to purchase the property from the original owner and*

*has no knowledge as to the reasons fewer than the required tree count remains. With this in mind, the owner Mt. Hood Athletic Club (former owner of subject property) has indicated his willingness to protect an additional 14 trees on the lot containing the athletic club (tax lot 1100). A Tree Survey showing both onsite and offsite trees and a detailed tree inventory are included with the application package. The applicant is aware a new Tree Protection Restrictive Covenant showing these trees will need to be recorded as a Condition of Approval of the subject application.*

#### **17.102.50 - TREE RETENTION AND PROTECTION REQUIREMENTS**

- A. Tree Retention: The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.
  2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
  3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.
  4. If possible, at least two of the required trees per acre must be of conifer species.
  5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.

*Response: All protected trees on the site will be retained and protected.*

- B. Tree Protection Area: Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.

1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.
2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.

*Response: The submitted tree protection plan indicates that retained trees are proposed to be protected in accordance with the requirements of this section.*

#### **17.102.60 - TREE REPLANTING REQUIREMENTS**

1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.
2. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.
4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.
5. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060  
*Response: The requirements of this section are not applicable to the proposal.*

#### **17.102.70 - VARIANCES**

*Response: The submitted plan is designed in compliance with the standards in this chapter and a variance to these standards is not requested or required.*

#### **CHAPTER 15.30 - DARK SKY ORDINANCE**

##### **15.30.000 Purpose.**

The purpose of the Sandy Dark Sky Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. (Ord. 2002-11)

*Response: All new light fixtures will be designed and installed in accordance with these regulations. A photometric analysis and lighting fixture cut-sheets are included with the application package.*

#### **V. Conclusion**

The applicant, Todd Hoffman requests land use approval to construct “The Riffle” food cart court. The subject property is located at 37115 and 37133 Highway 26, Sandy, OR (24E14BA tax lots 1000 and 1200). The property is accessed by a private drive off Highway 26 created as part of the Twin Cedars Subdivision Improvements. An additional access is provided through the shopping center west of the site. Tax lot 1200 on the east side of the private drive borders a small portion of the unimproved Kate Schmitz Avenue right-of-way. This tax lot also contains several trees protected as part of the subdivision approval. No protected trees are proposed to be removed with development of the site. Tax lot 1000 directly west of tax lot 1200, on the west side of the drive, does not contain any protected trees.

Development on tax lot 1200 includes the construction of 18 food cart pads with utilities to accommodate food carts. In addition, a 3,600 square foot building to contain beverage service and dining tables and a separate restroom building will be constructed. Vehicle and bicycle parking will be provided on both tax lot 1200 with the building and on tax lot 1000 across the private drive from the building.



As reviewed in this narrative, the proposal complies with all relevant code criteria with the exception of the following sections:

- Section 17.74.40(B)(4) maximum 8-foot wall height in a side yard;
- Section 17.44.30 maximum 50 foot front setback;
- Section 17.90.120(D)(1) building orientation and percent of street frontage including buildings; and,
- Section 17.90.120(D)(3) requiring ground floor spaces to face a public street or civic space: and,
- Section 17.98.10(Q) maximum allowed parking.

For the reasons discussed in Chapter 17.66 above, the applicant requests approval of a Type II Adjustment to Section 17.74.40(B)(4), two Type II Variances to Sections 17.44.30 and 17.90.120(D)(1), a Type III Design Deviations to Section 17.90.120(D) (3), and a Type III Special Variance to Section 17.98.10(Q).

As shown on submitted plans and demonstrated in this narrative, the proposal complies with all applicable code sections and the applicant requests the application be approved.