

FINDINGS OF FACT and FINAL ORDER TYPE I LAND USE DECISION

DATE:	July 9, 2024
FILE NO:	24-033 MOD
NATURE OF APPLICATION:	Minor Modification of Building Facades (Type I)
APPLICABLE CRITERIA:	Chapter 17.90.80 Modifying Approvals
PROPERTY OWNER:	Mike and Vicky Maiden
LOCATION/ADDRESS:	Eagle Park/16600 thru 16652 362nd Drive
MAP/TAX LOT:	24E14 01116
ZONE DESIGNATION:	Light Industrial (I-2)
STAFF CONTACT:	Patrick Depa, Senior Planner

NATURE OF THE PROPOSAL

The applicant is proposing to modify their façade improvement application (19-009 MOD) that was reviewed on June 18, 2019. The site, Eagle Park, consists of a total of five separate buildings all with a different name to delineate from the other (see Figure 1). This modification will specifically focus on only one of the five buildings originally approved in 2019, the Paleo Building. The applicant proposes to modify the architectural features, walkways, and windows on three of the four elevations on the building. The Paleo Building is adjacent to 362nd Avenue where the site gains access from and its north elevation is directly adjacent to the primary access drive into the site.

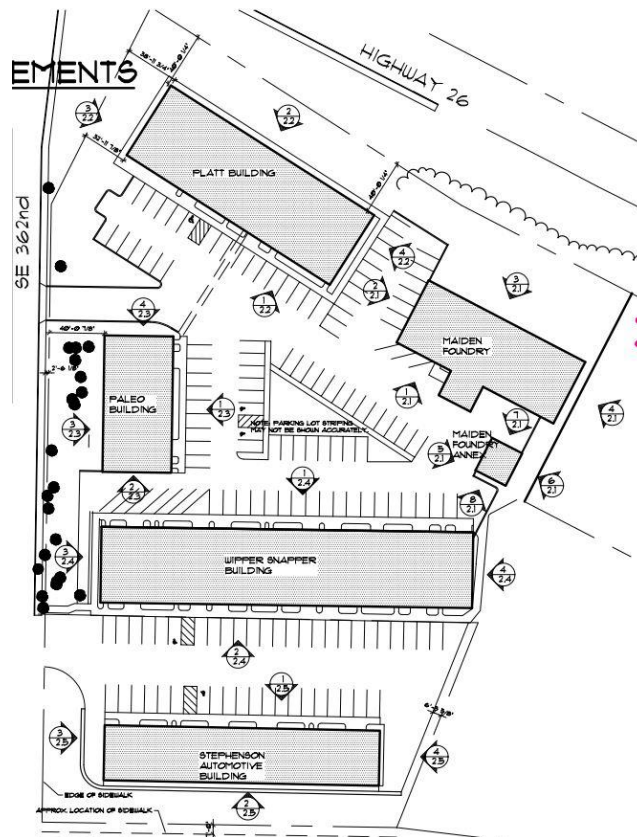


Figure 1

BACKGROUND

The subject site consists of one parcel with a total area of 3.99 acres. The site is located south of Highway 26, north of Industrial Way, and east of 362nd Drive. The parcel has an existing Plan Map designation of Industrial and a Zoning Map designation of I-2, Light Industrial. The Sandy Industrial Park subdivision was created in June 1973 and further subdivided in June 1978. The subject property with the buildings that are being proposed for façade modifications are legally described as Lots 2-5 of Block 1 of Sandy Industrial Park.

The applicant applied to change the zoning designation for the subject property from Light Industrial (I-2) to Industrial Park (I-1) in 2014 (14-028 ZC). The zone change request was reviewed by the Planning Commission at a public hearing on March 23, 2015, and forwarded for City Council approval at a public hearing on May 4, 2015. On June 1, 2015, the City Council adopted a first reading of Ordinance No. 2015-03, and a second reading was adopted on June 15, 2015.

In Ordinance No. 2015-03 the City Council conditioned the applicant to sign a contract specifying the terms and timelines associated with the zone change and established a trip cap for the property. A Non-Statutory Development Agreement was recorded between the City of Sandy and Michael Maiden on August 5, 2016, that includes a timeline for the remaining steps.

- a. Applicant to apply for a pre-application conference no later than October 1, 2015. *The applicant applied for a pre-application conference and the conference was held on October 22, 2015.*
- b. Applicant to submit design review request no later than February 1, 2016. *The applicant submitted a design review application on February 1, 2016; however, this application was deemed incomplete by staff on February 26, 2016. The applicant then submitted additional information and the application was deemed complete on April 18, 2016.*
- c. Applicant to complete all building upgrades within three (3) years from the date of design review approval. *The Development Services Director granted the applicant an extension until July 29, 2019. **On August 5, 2020, the Sandy City Council granted an extension through July 29, 2025.***
- d. Following completion of building upgrades, the I-1 zoning district designation, and the trip cap would become effective. The applicant will be required to submit a detailed table showing trip generation (ADT and PM peak hour) for the existing uses.

The applicant submitted an application for façade improvements in February of 2016 to meet step b, above (File No. 16-007 DR). With the initial 2016 application, the applicant proposed to construct the building enhancements in two phases. Phase I was proposed to include the Platt and Maiden Foundry buildings and **Phase II was proposed to include the Paleo**, Wippersnapper, and Stephenson Automotive buildings. The applicant proposed to re-roof all buildings using metal roofing in the color 'Evergreen' in compliance with the approved color palette. All buildings except portions of the north elevation of the Maiden Foundry Building and portions of the east elevation of the Wippersnapper Building were proposed to be re-sided using a combination of horizontal lap siding with a 10-inch exposure on the lower 20 feet and board and batten siding on the upper portion of each elevation. All existing and new windows will include the installation of trim boards.

EXHIBITS

Applicant's Submittals

- A. Land Use Application
- B. Site Plan
- C. Paleo Building Upgrade
- D. Paleo Building (2019 submittal)

FINDINGS APPLYING DEVELOPMENT CODE CRITERIA

Section 17.90.80. – Modifying approvals

- A. *Major Modification.* A major modification to a Design Review approval shall be processed as a new application. Major Modifications include but are not limited to:
 1. Changes in proposed land use;
 2. Substantial change in building elevation and materials;
 3. Changes in type and location of access ways and parking areas where off-site traffic would be affected;
 4. Increase in the floor area proposed for nonresidential use by more than ten percent from what was previously specified;
 5. Increase in the total ground area proposed to be covered by structures or parking by more than ten percent from what was previously specified;
 6. Reduction of project amenities provided, such as civic space, recreational facilities, screening, and/or landscaping provisions by more than ten percent from what was previously specified, and;
 7. Any other modification to a requirement established at the time of Design Review approval.
- B. *Minor Modification.* Minor Modifications may include any of the changes listed above provided the change is below the quantifiable thresholds for a Major Modification, per Section 17.90.80.A. Minor modifications shall be processed as a Type I or Type II decision; a Type II procedure shall be used where the modification requires interpretation of a discretionary standard.
 1. There are no changes in the proposed land use. There is no substantial change in building elevation and materials. There are no changes to the parking area or circulation patterns that would alter any off-site traffic. There is no increase in floor area or site area around the structures. In fact, the removal of a pedestrian walkway decreases the overall footprint. The proposed modifications are specific to the building façade only, but the overall site amenities will not change. The modification is not a major modification as defined in Section 17.90.80. (A).

The proposed development shall be in compliance with all applicable requirements of the Development Code including Section 17.90.120. General Commercial (C-2), Industrial Park (I-1), and non-residential uses in residential zones design standards.

2. With this application, the applicant is requesting to modify the approved facades for the Paleo Building from File No. 19-009 MOD final order. File No. 19-009 MOD was filed to modify the building elevations established by the final order 16-007 DR. This review will address only the elevation changes proposed on the Paleo Building. **All conditions from Final Order 16-007 DR and 19-009 MOD shall be met unless specifically modified by this Final Order.**
3. **Phase II - Paleo Building** – The Paleo Building contains approximately 5,000 square feet. The original façade design and design standards are indicated in normal black text, and the modifications are shown in **italic** black text below.

East Elevation (facing parking lot) – New roofed timber frame structures with stone base at each roll-up door (two doors). New covered pedestrian shelters over the two access doors. *The northern access door design will now have a new gabled roofed timber frame structure in place of the wrap around standing seam metal roof that continues to the north elevation. The southern access door design will now have a new gabled roofed timber frame structure in place of the standing seam metal roof. The thirty-six-inch tall, “Dressed Fieldstone” base on both sides of the doors will remain but now extend out to be flush with the overhead roll up doors.* This elevation will continue to have two new windows between the roll-up doors.

North Elevation (facing Platt Building) – Continuous pedestrian shelter supported by heavy posts. Knee braces in gable end. *The continuous pedestrian shelter (standing seam metal roof) supported by heavy posts will be removed with no pedestrian walkways being proposed along this elevation. It will be replaced with three additional large windows bringing the total to six (6) windows. The wood color shake inside the gabled roof and the board and batten siding will remain as the dominant building materials. The original north elevation did not propose any stone base. With the removal of the pedestrian shelter, the applicant is now proposing that the “Dressed Fieldstone” shown on the other elevations now wrap approximately five (5) feet around the north elevation. The proposal also includes changing some of the proposed board and batten siding to lap siding.*

The north building elevation is directly adjacent to the sites northern accessway. The primary reason for the modification to the north elevation and the covered pedestrian walkway is to keep it from encroaching into the northern accessway.

West Elevation (facing 362nd Drive) – Two new roofed timber frame structures with stone base at each access (two doors). The pedestrian shelter extends north from the northern door to connect with wrap-around shelter along north elevation. *The pedestrian shelter that originally wrapped around the north elevation to the west elevation will remain on the west elevation only and terminate at the corner of the building.*

South Elevation (facing the Wippersnapper Building) – Hardie-shingle siding and knee braces in the gable end, and two types of lap siding on the lower elevation.

Section 17.98.100. – Driveways

4. A driveway to an off-street parking area shall be improved from the public right-of-way 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. *The current width of the accessway is twenty-four (24) feet. The tenants and their businesses receive and ship their products via both medium and large semi-tractor trailer trucks. Any decrease in the width of the accessway would affect the turning radius of the larger vehicles into the site.*

Chapter 17.48 – I-1 Industrial Park Zoning District

5. For the purposes of this design review the subject property was reviewed under the Industrial Park (I-1) zoning district and applicable design standards contained in Chapter 17.90.
6. Section 17.48.10 lists all permitted uses in the I-1 zoning district. All existing uses at the site at the time of the zone change from Light Industrial (I-2) to Industrial Park (I-1) will be allowed to remain without further consideration. Future uses at the subject site will need to comply with the permitted uses in the I-1 zoning district or the conditional uses as listed in Section 17.48.20.
7. Section 17.48.30 contains development requirements, such as setbacks, building height, etc. for properties in the I-1 zoning district. The buildings on the subject site are existing and are not proposed to be moved. *Only some site improvements and the building facades are being modified, including additional building footprints to accommodate entry features and pedestrian shelters; however, the buildings are not proposed to encroach closer than 10 feet for the setback to 362nd Drive.* The height of the building is not proposed to be modified.

Chapter 17.90 – Design Standards

8. The proposal is subject to all the requirements for a Design Review as stated in Chapter 17.90.
9. Section 17.90.70 specifies that a **design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.** As a condition of the 2016 application, the applicant was required to complete all building upgrades within three (3) years from the date of design review approval. With this requirement in mind, the Planning Commission extended the design review deadline to cover the timeline to **July 29, 2019**. Then the Development Services Director granted the applicant an extension until July 29, 2020. *In August of 2020, the City Council granted the applicant another extension to July 29, 2025.*
10. Section 17.90.120 contains design standards for the I-1 zoning district. Only the sections that include proposed changes since the 2016 and 2019 approvals are included in this design modification order.

11. Section 17.90.120(B) contains provisions specifying building facades, construction materials, and colors. ***This review pertains specifically to the modifications proposed to the Paleo Building to determine compliance with applicable code sections.***
12. Section 17.90.120(B)(2) requires that buildings incorporate pedestrian shelters over primary building entrances. Pedestrian shelters shall extend at least five feet over the pedestrian area. The 2016 building elevations detailed new gable roof features at all entry/exit locations, as well as continuous covers (arcades) in several locations, but not in all locations where pedestrians are likely to walk. In 2016, the entry features were proposed at approximately three (3) feet in depth which is less than the five-foot depth required; the proposed canopies varied in depth from seven to 10 feet. In 2016, **the Planning Commission determined the proposed three-foot-deep gabled entry features comply with the intent of this section and approved a deviation to this standard; this approval stands. With this application, the applicant is proposing to remove some of the pedestrian shelters on the Paleo Building and replace them with gabled roof entryways.** The remaining gabled entryways are proposed to be three feet in depth as approved by the Planning Commission in 2016.
13. Section 17.90.120(B)(3)(b) requires that at least 36 inches of a building's base contains stone on the sides of the building visible from the public street. The proposed building entries feature a stone base measuring four feet above grade. The 2019 submission reduced the amount of stone at the base of the support posts of the gabled entries. The applicant did not specify the proposed stone type in 2016 but specified Dressed Fieldstone with this application as recommended by the Planning Commission. ***The new Dressed Fieldstone will be added to the northeast and northwest corners of the Paleo Building now that the pedestrian shelter is being removed.***
14. Section 17.90.120(B)(3)(e) requires that building elevations facing a public street incorporate at least three architectural features. As defined in Chapter 17.10, a "Facing, Building Elevation" is one that is typically parallel and adjacent to a public street. The following building elevations are facing a public street and require compliance with this standard:

Paleo Building (west elevation) – *No changes are proposed for this elevation except that the pedestrian shelter terminates at the northwest corner of the building. This elevation features heavy timbers, wood shingles, board and batten siding, and stone. The four proposed architectural features meet the minimum requirement.*
15. Section 17.90.120(B)(4) requires exterior building colors to include warm earth tones that conform to the Color Palette in Chapter 17.90, Appendix C. The applicant submitted paint colors in conformance with the approved color palette. The applicant is not proposing any high-intensity primary colors or metallic colors. The 2019 proposed color palette includes four shades of beige/tan, one grey, and red trim with a green roof. While all the colors comply with the approved color palette, staff recommends the applicant consider an alternative roof color such as Colonial Red or Dark Bronze. **The applicant should work with staff on an alternative color scheme for the buildings and roofs.**

16. Section 17.90.120(C)(3) states that when practicable buildings shall be oriented, so the gable end of the roof faces the abutting street. Only the Paleo Building does not have the gable end facing 362nd Drive. Based on the elevations, the west roof of the Paleo Building is 67 feet long, which requires two (2) secondary roof features per Section 17.90.120(C)(4). ***The applicant proposed two dormers on the roof of the west elevation as a condition of the 16-007 DR approval. These dormers were part of the 2019 modification and remain as part of this review.***
17. Section 17.90.120(C)(4) contains requirements for secondary roof forms. ***The applicant had already updated the west elevation of the Paleo Building as a condition of 16-007 DR to detail at least two (2) dormers per Section 17.90.120(C)(4). No further roof forms are required.***
18. Section 17.90.120(C)(5) states that visible roof materials must be 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. The applicant proposes replacing the existing metal roof on the subject buildings with a new standing seam metal roof. The submitted plans indicate the roof will be painted “Evergreen” in compliance with the Sandy Style metal roof color palette. ***The applicant should work with staff on an alternative color scheme for the buildings and roofs.***
19. Section 17.90.120(D) contains standards related to building orientation and entrances. Section 17.90.120(D)(1) states that buildings shall be oriented to a public street or civic space. The buildings are all existing and there are no proposed changes to the building footprints, with the exception of new support posts for covered entries.
20. Section 17.90.120(D)(7) requires that buildings shall provide at least one (1) elevation where the pedestrian environment is “activated.” All buildings contain less than 10,000 square feet requiring 30 percent window transparency. None of the buildings appear to fully comply with this standard. **In 2016, the Planning Commission approved a code deviation to not require activated elevations in compliance with Section 17.90.120(D)(7).**
21. Section 17.90.120(D)(8) states that 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. The entrance modifications are required as part of the buildings transformation to appear more in line with Sandy Style. **In 2016, the Planning Commission approved a code deviation to allow the gabled entry features to only be three (3) feet in depth due to existing site constraints. This approved design deviation stillstands. As noted above, the new entry features are proposed gabled roofs approximately three feet in depth with a heavy timber (Sandy Style) design.**
22. Section 17.90.120(E) contains standards for construction and placement of windows. The intent of windows is to promote business vitality, public safety, and aesthetics through effective window placement and design. The building includes a consistent window style throughout the complex.

23. Section 17.90.120(E)(2) specifies that the activated frontage shall contain a minimum of 25-30 percent of the building elevation in windows, depending on the square footage of the building, and that lots with multiple street frontages are required to meet this standard on two frontages. The subject building is not ‘new’ but since the request is to change the zoning of the property and bring the building closer into conformance with applicable standards, compliance with this section **could** be required.

The west elevation is the only facade facing a public right-of-way and the window glazing consists of a total of eight (8) percent of the building. However, this elevation is highly screened by six mature Douglas firs and six mature deciduous trees.

The north elevation is highly visible from the 362nd Drive right-of-way and is more prominent due to its exposure to the street and the absence of landscaping. The applicant is proposing a total of six (6) new windows on the north elevation consisting of roughly 45 percent of the total façade dimensions. The modified north facade will make the existing building more prominent from the street and give the elevations activated frontages resembling the Sandy Style, albeit not meeting the Sandy Style.

24. Section 17.90.120(H) contains standards regarding lighting. **The applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 and summarized within this Order.**
25. Section 17.90.120(I) contains standards to promote natural surveillance of public spaces. Windows located on the front, sides, and rear of the building will allow employees to watch the parking area and other areas of the property. *The buildings are designed to allow viewing of all parking areas. The proposal includes additional windows facing parking areas which will increase the amount of natural surveillance. The applicant is adding two new windows on the east elevation of the Paleo Building which provide unobstructed views of the area where employees and customer’s park. As stated above, six (6) new windows will be added to the north elevation for direct visibility into another adjacent parking area.*

Chapter 15.30 – Dark Sky

26. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. The applicant did not submit lighting cut sheet or a Photometric Analysis with this application. Section 15.30.60(D) requires all new lighting to be designed so that the area 10 feet beyond the property line receives no more than 0.25 (one quarter) of a foot-candle of light from the premises lighting system. **In 2016, the Planning Commission required the applicant to submit a photometric analysis to include locations of light fixtures and lighting levels in compliance with code standards; this condition stands. In addition, the Planning Commission required the applicant to submit information determining if freestanding parking lot lighting is needed to produce desired illumination; this condition stands. The applicant shall submit lighting cut sheets. All proposed exterior lighting shall be full-cutoff and not exceed 4,125 Kelvins or 591 nanometers.**

DECISION

All planning requirements have been met pertaining to the proposed minor modification of the Paleo Building's façade. All building and site improvements meet the requirements of the Development Code or will be shown as a condition of approval. The minor modification of newly proposed façade improvements to the Paleo Building in Eagle Park is hereby **approved** with adherence to the conditions of approval listed below.

CONDITIONS OF APPROVAL

A. All conditions from Final Orders 16-007 DR and 19-009 MOD shall be met unless specifically modified by this Final Order.

1. Submit a revised landscape plan with the following: Detail additional vegetation in the civic space including a mix of both trees and shrubs. Plants shall be native or acclimatized to the Pacific Northwest.
2. The Planning Commission required the applicant to submit information determining if freestanding parking lot lighting is needed to produce desired illumination; this condition is still outstanding.
3. Submit details on the trash/recycling enclosures.
4. Work with staff on an alternative color scheme for the buildings and roofs at your own discretion.

B. General Conditions

1. Obtain all required building permits.
2. All required improvements shall be installed or financially guaranteed prior to the zone change being effective.
3. Design review approval shall be void after *July 29, 2025, per the City Council granted extension at the August 2020 meeting* unless, the applicant has submitted plans for building permit approval.
4. All lighting shall comply with the requirements of Chapter 15.30, Dark Skies.
5. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
6. Land use approval does not connote approval of utility or public improvement plans submitted with the land use application. Plan details will be reviewed during the construction plan submittal phase by the Public Works Director or designee.

7. Comply with all other conditions or regulations imposed by the Clackamas Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Patrick Depa
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by a party with appeal standings by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the City to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.