

FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

DATE:	March 7, 2025
FILE NO.:	25-001 DR
PROJECT NAME:	Thai Home Deck Remodel
PROPOSAL:	Remove and Replace Existing Deck and Stairs
APPLICANT/OWNER:	Patty Vierra
ADDRESS:	38676 Pioneer Blvd.
APPLICABLE CRITERIA:	Section 17.90.110
MAP/TAX LOTS:	24E13CB01001
ZONING:	Central Business District (C-1)
STAFF CONTACT:	Patrick Depa, Senior Planner

PROPOSAL:

The applicant is proposing to remove and replace the existing deck and stairs attached to the Thai Home Restaurant in compliance with the requirements of Section 17.90.110, Downtown Design Standards. The deck is proposed to increase in size and receive a new reinforced solid railing and the concrete stairs will be removed and replaced with wood steps. The increased size of the deck warrants the installation of a retaining wall to maintain a solid base and prevent the area beneath the footings from eroding.

The retaining wall will be three (3) feet tall and constructed out of concrete. It will include a four (4) inch perforated pipe to pick up stormwater to decrease the surcharge on the retaining wall. The stormwater is proposed to discharge to a three (3) foot wide diameter and four (4) foot deep dry well.

The entire site is subject to review and shall be brought up to current commercial standards. Certain design standards like Sandy Style will only be applied to areas on the building that are proposed to change, need repair, or new paint.

EXHIBITS:

Applicant's Submittals

- A. Design Review Application Form
- B. Site Plan
- C. Construction Drawings

FINDINGS OF FACT:

1. The subject property is zoned Central Business District (C-1).
2. The subject property contains both commercial and residential uses.

3. The deck is located at the front of the property and is primarily used for outdoor seating pertaining to the restaurant.
4. The proposed new deck will increase in size to eighteen (18) feet by thirty-two (32) feet. The deck will be enclosed by a 42-inch railing that will have a solid cedar board infill. The proposed deck will be stained with a flat light brown color.
5. The installation of the deck requires the issuance of a building permit. **A building permit shall be approved prior to any demolition or construction.**
6. The deck is connected to the sidewalk along Pioneer Blvd. The connection is in good shape.
7. The deck is approximately seven feet from the sidewalk and is screened by a landscaped planter area filled with shrubs, flowers, and trees.



8. There are a number of street trees along Pioneer Blvd. which the landowner is responsible for protecting and retaining.
9. The proposed wooden stairs will be located in the exact same location as the existing concrete steps. The stairs will be stained to match the deck and will include the required railings whereas the current steps do not.
10. A three (3) foot high retaining wall constructed out of concrete is proposed to stabilize the land and create a base where the deck footings are proposed to be built.
11. The retaining wall is being proposed with a four (4) inch perforated pipe to pick up stormwater to decrease the surcharge on the retaining wall. The stormwater is proposed to discharge into a three (3) foot wide diameter and four (4) foot deep dry well. **The proposed dry well shall be located in a protected area away from where vehicles maneuver or**

park. The dry well shall be entirely buried and be flush to the surrounding grade. The applicant is required to apply to the Department of Environmental Quality (DEQ) for an Underground Injection Control (UIC) permit prior to the installation of their dry well. The applicant shall provide a copy of the DEQ approval to the Planning Division.

12. The site plan shows a patch of gravel adjacent to the stairs, but the site plan does not define how this area will be improved. **The Planning Division does not find the gravel area adjacent to the retaining wall, suitable for parking due to size, the restrictions around the dry well, and additional requirements of Section 17.92.120. If the applicant pursues to install parking in the gravel area on the site plan, the applicant shall submit additional details to the Planning Division, such as paving details including grading to determine stormwater flow.**

If the gravel area is not paved, then it shall maintain a permanent landscaped ground cover per Section 17.92.10.I., that includes barriers to avoid erosion and prevent vehicles from driving into the landscaping.

13. **After the deck and retaining wall are installed, the remaining adjacent areas shall be landscaped or have permanent ground cover plants. If new landscaping is proposed it shall meet the requirements of Section 17.92.50. for plant types and sizes at planting.**
14. During a site visit, staff observed the that a portion of the building has numerous paint patches and does not meet the City's color palette. See picture below. **The lower level of the building shall be re-painted in compliance with the City of Sandy Color Palette in Appendix C. [Section 17.90.120(B.4)]**



15. During a site visit, staff observed junk and debris on the site. **All junk and debris shall be removed from the berm area adjacent to the driveway.**

DECISION:

The application to remove and replace the existing deck and stairs attached to the Thai Home Restaurant is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

1. A building permit shall be applied for and acquired prior to any work being done on site. This condition applies to any demolition or construction.
2. The applicant is required to apply to the Department of Environmental Quality (DEQ) for an Underground Injection Control (UIC) permit prior to the installation of their dry well. The applicant shall provide a copy of the DEQ approval to the Planning Division.
3. The proposed dry well shall be located in a protected area away from where vehicles maneuver or park. The dry well shall be entirely buried and be flush to the surrounding grade.
4. If the applicant pursues to install parking in the gravel area on the site plan, the applicant shall submit additional details to the Planning Division, such as paving details including grading to determine stormwater flow.
5. If the gravel area is not paved, then it shall maintain a permanent landscaped ground cover per Section 17.92.10.I. that includes barriers to avoid erosion and prevent vehicles from driving into the landscaping.
6. After the deck and retaining wall are installed, the remaining adjacent areas shall be landscaped or have permanent ground cover plants. If new landscaping is proposed it shall meet the requirements of Section 17.92.50. for plant types and sizes at planting.
7. The lower level of the building shall be re-painted in compliance with the City of Sandy Color Palette in Appendix C. [Section 17.90.120(B.4)]
8. All junk and debris shall be removed from the berm area adjacent to the driveway.



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) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.