

FINDINGS OF FACT and FINAL ORDER TYPE III APPLICATION

DATE OF MEETING:	August 1, 2025
FILE NO.:	25-037 DR_VAR
PROJECT NAME:	Basketball Court Shelter Variances
APPLICANT/OWNER:	Tiana Rundell/City of Sandy
ADDRESS:	18200 Meadow Drive/Deer Pointe Park
MAP/TAX LOT:	25E18CC 13400 and 25E18CD 01600
SIZE OF PROPERTY:	3.16 acres
ZONING:	Parks and Open Space (POS)
STAFF CONTACT:	Patrick Depa, Senior Planner

PURPOSE

The purpose of this land use application is the request for a design review and three special variances to Chapter 17.90, Design Standards, to a basketball court shelter with an alternative design to the required “Sandy Style” design, above the already approved basketball court. The basketball court was approved in land use File No. 24-057 DR – Deer Pointe Park on March 21, 2025. The first variance relates to roof pitch (17.90.120.C.1). The second variance relates to secondary roof forms (17.90.120.C.4). The third variance relates to strong base materials (17.90.120.B.3.b).

BACKGROUND

Deer Pointe Park is a neighborhood park project for the City of Sandy. Deer Pointe Park is currently categorized as a 1.41 acre “Undeveloped Park” in Sandy’s 2022 Parks and Trails Master Plan. On June 23, 2023, Bull Run Terrace, a mixed-use development, fulfilled their final order and completed a 1.75-acre parkland dedication (Deed No. 2023-021503) to the City. As part of the Deer Pointe Park design review approval, there was a condition to combine the two properties for the development of the new park. The lot consolidation is still in process, but the application was processed shortly after the design review approval in land use File No. 25-002 PLA - Deer Pointe Park Lot Consolidation. The total park area is being consolidated to approximately 3.16 acres.

The Deer Pointe Park approval consists of developing the entire site. Land clearing and utility installations have already started. The park design consists of standard neighborhood park amenities including an accessible looped path, playground, multi-use field, picnic shelters and tables, and a basketball court.

The File No. 24-057 DR final order describes the design and layout of the entire Deer Pointe Park site. This includes the requirements for providing street frontage improvements, landscaping, setbacks, design elements, parking/paving, and other projected processing steps. This proposal is reviewed as a design review with three Type III special variances to the Sandy Municipal Code

(see findings 24 through 30). The following exhibits, findings of fact, and conditions of approval explain the proposal and define project requirements.

EXHIBITS

Exhibit A: Application
Exhibit B: Site Plan
Exhibit C: Elevations
Exhibit C: Narrative
Exhibit D: Color Chart

PUBLIC COMMENTS

No public comments were received during review of this application.

EXTERNAL AGENCY AND CITY DEPARTMENT NOTES

Clackamas Fire District Fire Marshal: No comments.

Building Official:

1. The building structure(s) will require a building permit.
2. Gutters and downspouts to approved drainage are also required.

Public Works: The downspouts from the shelter shall be channeled into the “Stormwater Planter” adjacent to the court. The planter shall have specific aquatic plants to filter out contaminants.

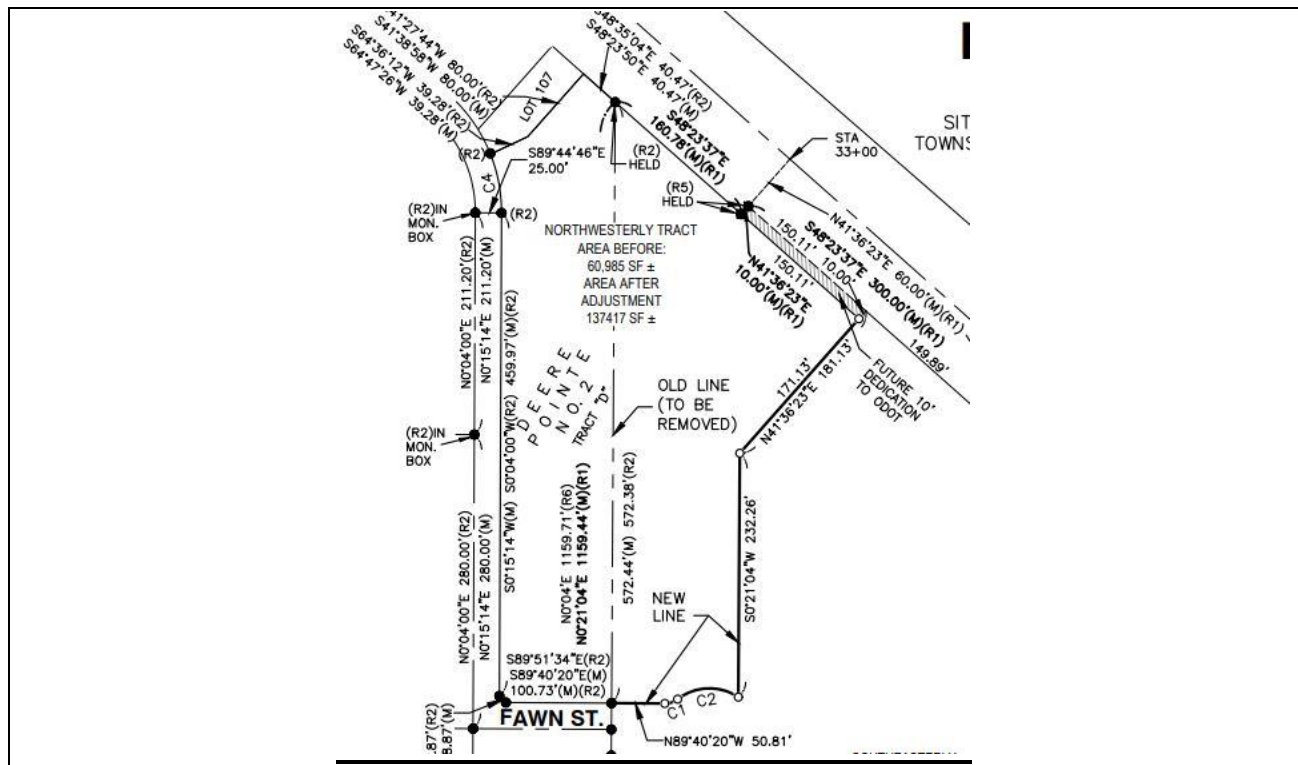
APPLICABLE CHAPTERS

17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.32 Parks and Open Space (POS); 17.66 Adjustments and Variances; 17.86 Parkland and Open Space; 17.90 Design Standards; 17.92 Landscaping & Screening; 17.98 Parking Loading and Access Requirements (Bicycles Only); 17.102 Urban Forestry; 15.20 Curbs, Sidewalks, and Underground Utilities; and, 15.30 Dark Sky Ordinance.

FINDINGS OF FACT

Lot Line Adjustment

Finding 1. The placement of the basketball court crosses the common property line and several walkways meander between parcels to other park structures and amenities. The applicant submitted a Property Line Adjustment application (File No. 25-002 PLA) along with a draft survey to combine the two parcels. That application was approved with conditions by the Planning Division on February 26, 2025. **The applicant shall record the property line adjustment associated with File No. 25-002 PLA prior to issuance of the certificate of occupancy for the basketball shelter (see Figure 1).**



(Figure 1)

CHAPTER 17.32 – PARKS AND OPEN SPACE (POS)

Sec. 17.32.20. Permitted Uses.

A. Primary Uses Permitted Outright:

1. Parks, natural areas and open space, and special use areas identified in Map 5 Existing Park Inventory, Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan,

or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan;

B. Accessory Uses Permitted Outright:

1. Accessory structures, detached or attached;
11. Sports fields and courts;

Finding 2. The subject properties both have a zoning designation and a comprehensive plan map designation of Parks and Open Space (POS). File No. 24-057 DR – Deer Pointe Park was approved on March 21, 2025. The proposed use of a basketball court and shelter in Deer Pointe Park are permitted outright.

Sec. 17.32.50 DEVELOPMENT REQUIREMENTS

Parks and Open Space	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum or maximum
Lot Coverage	No maximum
Structure Height	35 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

Finding 3. Lot area, lot dimensions, setbacks, and lot coverage have all been reviewed in File No. 24-057 DR and have been met. All parking requirements have been reviewed, addressed, and approved in File No. 24-057 DR. The proposed height of the new shelter is below the maximum height allowed but will be discussed in further detail in this document with the proposed roof design. The design review standards will also be addressed later in this document.

CHAPTER 17.90 - DESIGN STANDARDS

Sec. 17.90.10. Applicability.

The provisions of this chapter apply to structures and uses as specified in Sections 17.90.10(A) and (B) 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.

- B. Nonresidential development and the nonresidential components of mixed-use development shall comply with all applicable standards in this chapter. Residential development and the residential components of a mixed-use development are only required to comply with the clear and objective standards of this chapter unless the applicant is requesting a Design Deviation, in which case compliance with all standards is required for residential development.

Finding 4. The basketball court shelter is new construction and is classified as a non-residential use. Planning Division staff used Section 17.90.120 for the purposes of this review per Section 17.32.50 - Development Requirements.

Section 17.90.120. General Commercial and Industrial (C-2 and I-1) and Non-Residential Uses in Residential Zones Design Standards.

The proposed structures and layout must adhere to all the ‘non-residential uses in residential zones design standards’ per Section 17.90.120. of the design standards.

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. (Examples of site designs that meet these standards are illustrated in Figures 17.90.120-A and 17.90.120-B)

Finding 5. The only parking being provided for this use is on-street parking, so this standard is not applicable. All parking will be located along Meadow Avenue and Fawn Street. Walkways from the public street sidewalk to the basketball court and shelter are provided. Multiple walkways on site are proposed to intersect with public sidewalks along Meadow Avenue and Fawn Street.

B. Building Facades, Material, 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 Palettes (Appendices C and D) and representative photos (Appendix E). Compliance with the Color Palettes in Appendices C and D is required; the photos in Appendix E are for illustrative purposes only.)

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:

- i. 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 inches from the adjacent plane, for a length of at least four 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, or roof overhangs. Other features consistent with the Sandy Style may be approved through Design Deviation.
- ii. Wall planes shall incorporate at least one change in materials or changes in texture or patterns, including trim or moldings. Except for residential components of development (other than those requesting a Design Deviation), these changes shall be visually contrasting and complementary.
- iii. The lower and upper floors of multi-storied buildings shall be delineated by using pedestrian shelters, changes in siding materials, heavy timber, or natural wood accents (e.g. brackets, paneling, or other detailing).

Finding 6. The proposed basketball court shelter has no walls and therefore cannot articulate in any specified direction. The shelter is positioned diagonally on the site with the longer elevation facing Hwy 26 and Meadow Avenue, the primary street access for the project.

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

- 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.
- b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticos are required to protect pedestrians from the rain and sun.
- c. Pedestrian shelters must extend at least five feet over the pedestrian area.
- d. Shelters over building entrances shall be designed with gable or shed roofs over building entrances and must comply with the roof pitch standards in Section 17.90.110.C. Dome or bubble shaped awnings are not permitted.

Finding 7. The only structure is a proposed picnic shelter which has no walls, so no entranceway/pedestrian shelter is required.

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

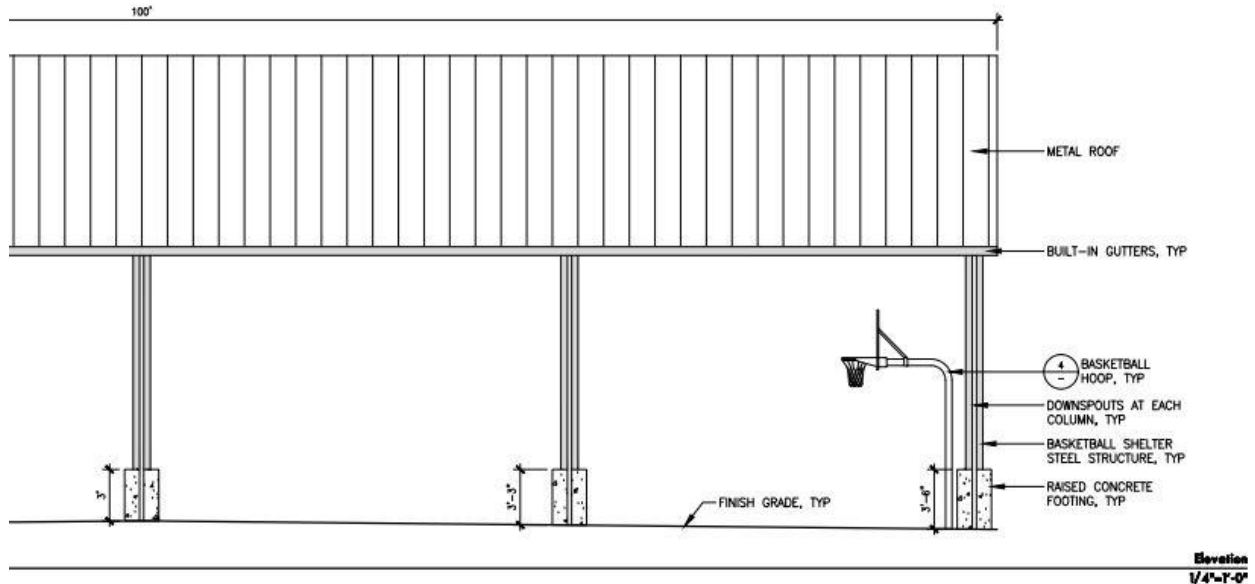
- a. The following standard does not apply to residential components of development, except those requesting a Design Deviation. Buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions, and remodeling such that buildings are related in architectural 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.

- 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.
- 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.
- d. Siding shall consist of wood, composite wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced 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.
- e. Building elevations facing a public street shall incorporate at least three 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.
 - i. Exposed, heavy timbers;
 - ii. Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
 - iii. Natural wood color shingles (e.g., used as siding or to accent gable ends);
 - iv. Metal canopies;
 - v. Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing, and/or;
 - vi. Similar features, consistent with the Sandy Style, if approved through Design Deviation.

Finding 8. The basketball court shelter has a similar open-air design (no walls) as the proposed picnic shelter already approved for the park. However, where the picnic shelter has steel columns wrapped in stone that meet the above requirement to include strong base materials such as natural stone, split-faced rusticated concrete block, or brick, the basketball court shelter columns are not proposed to include such materials. The columns on the basketball court shelter are proposed to be steel but, will be set in a raised concrete base/footing (see Figure 2). The exposed footings are proposed at 36-inches in height in standard grey concrete, but without a stone wrap. This requires a variance to Section 17.90.120.B.3.b. The applicant applied for a Type III Special

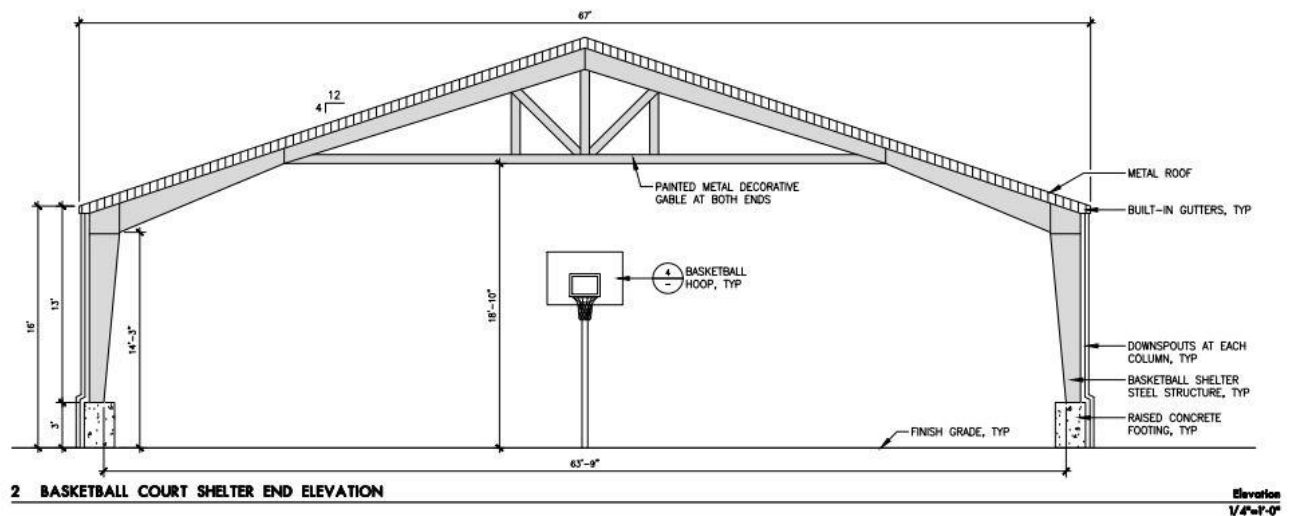
Variance according to the process defined in Section 17.66.80. that will be addressed later in this document.



(Figure 2)

The open gable ends are comprised of painted metal decorative beams with a Howe style truss at both ends of the structure (see Figure 3). Neither gable end faces a street but both ends fall short of satisfying the requirement to include at least three “Sandy Style” design features. The materials used in the gable ends of the shelter can be modified to meet the requirements of this subsection and the number of design elements needed to meet the intent of this section.

At the quasi-judicial public hearing on July 28, 2025, the Planning Division recommended that the applicant apply a dark base coat of paint on the exposed beams and brush on a different lighter color with a grain roller to achieve a wood style finish. The Planning Commission discussed the merits of the staff recommendation but had concerns about how the wood style finish would appear on steel I-beams and were also concerned about graffiti. However, the Planning Commission decided that painting the I-beams one solid color and painting the wood grain on the gable ends would be required. **The applicant shall submit details on the painted-on wood grain for the gable ends. Also, the Planning Commission conditioned the installation of multiple heavy metal brackets at all connection points in the two gables to replicate a Sandy Style design and finish.** This is also emphasized under *Finding 27*.



(Figure 3)

4. **Colors.** Building exteriors shall comply with the following standards:
 - a. Paint color should not contrast with the white-washed buildings on this block.
 - b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one (1) percent of the surface area of any elevation. Such color shall not be used as primary wall colors.
 - c. Day-glow colors, highly reflective colors, and similar colors are not permitted.
 - d. Exterior building colors shall be in compliance with the City of Sandy Color Palette in Appendix C. [Section 17.90.120(B.4)]

Finding 9. The applicant has identified the proposed finish for the metal roof, roof trim, and downspouts as Cypress Green by Metallion Industries. The columns and decorative gable ends are proposed to be painted with Miller Paint "Film Noir"(0144). Film Noir is not in the historic color collection. **The applicant shall choose a color from the Miller Pain Historic Color Collection to replace Film Noir for staff review and approval.**

The proposed natural wood color on the gable ends and the forest color metal roof will be consistent with the colors assigned to the proposed picnic structure. The raised concrete bases are proposed as typical concrete grey. **The color of the metal roof is compatible with the historic colors in the City of Sandy Color Palette but the applicant shall pick a color from the Miller Paint collection to replace "Film Noir"(0144).**

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.

1. Except as provided in subsections 17.90.120(C)(1), 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, I-1	6:12	4:12

Finding 10. The applicant proposed to use a 4:12 roof pitch with a standing metal seam roof instead of the 6:12 roof pitch in accordance with the Sandy Municipal Code. **The applicant applied for a Type III Special Variance according to the process defined in Section 17.66.80 that will be addressed later in this document.**

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. Buildings shall be oriented so the gable end of the roof faces the abutting street.
4. Pitched roof surfaces 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

Finding 11. Because the basketball court shelter is proposed at a span of 100 feet in length, four (4) secondary roof forms are required. Due to the unique style of the shelter, the applicant has proposed to exclude any secondary roof forms from its design. Because of this, **the applicant applied for a Type III Special Variance according to the process defined in Section 17.66.80 that will be addressed later in this document.**

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 17.90.120H) and representative photos in Appendix E.

Finding 12. Section 17.90.120(D) Building Orientation and Entrances does not apply to this park project and shelter as there are no walls and the intention of these standards is primarily related to commercial and industrial streetscapes when buildings have interior space.

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)

Finding 13. Section 17.90.120(E) Windows does not apply to this park project as no walls are proposed on the basketball court shelter.

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)

Finding 14. Landscaping and streetscape design were reviewed and addressed in File No. 24-059 DR. The proposed shelter is quite a distance from all surrounding streets, but Deer Pointe Park has been designed to have a continuous pedestrian network connecting all areas. No further review of this section is necessary with this application.

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)

Finding 15. The site development is a park that includes a covered picnic shelter, play area, basketball court, benches, and walking trails. Since the entire site acts as one large civic space, staff did not analyze this proposal for any additional need.

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)

Finding 16. No lighting has been proposed for the basketball court shelter or the surrounding area. **If the applicant chooses to install lighting at a later date the applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 of this document and submit lighting cut sheets and a photometric plan for staff review and approval.**

I. Safety and Security.

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

Finding 17. Deer Pointe Park's name and address will be installed on a proposed future sign measuring a minimum of six (6) inches high and of contrasting color, which clearly locates the park for patrons and emergency services.

J. External Storage.

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

Finding 18. The applicant has identified various locations around the park where there will be trash receptacles. The proposed trash receptacles have a decorative design to match materials used on each of the proposed shelters. No dumpster enclosure is proposed for Deer Pointe Park. Park maintenance staff will complete routine trash and recycling collection.

CHAPTER 17.92 – LANDSCAPING AND SCREENING

Sec. 17.92.00. Intent.

This chapter prescribes standards for landscaping, buffering, and screening. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this intent clause as the guiding principle.

Finding 19. The landscaping and screening plan were reviewed and approved in File No. 24-059 DR. No additional landscaping or screening is proposed for this project and all requirements remain satisfied.

Sec. 17.92.20. Minimum improvements—Landscaping and screening.

The minimum landscaping area of a site to be retained in landscaping shall be as follows:

ZONING DISTRICT OR USE	PERCENTAGE
POS General Commercial	0%

Section 17.92.10 (F). Allows for up to only 35 percent of a site's total required landscaped area may be developed into pedestrian amenities.

Section 17.92.10 (I). All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

Finding 20. Nothing is identified in the landscape section of the development code for the Parks and Open Space (POS) zoning district for this use. The total size of the site is 3.16 acres. The pedestrian amenities include walkways, playground equipment, sports courts, picnic shelters, and other pedestrian amenities that make up less than ten (10) percent of the site. The applicant proposed to landscape or seed all areas not occupied with impervious surfaces (roughly 90% of the park).

Sec. 17.92.30. Required tree plantings.

Planting of trees is required for all parking lots with four or more parking spaces, public street frontages, and along private drives more than 150 feet long.

Finding 21. The street tree planting plan is detailed on L4.01 of the applicant's Planting Plan. The applicant proposed a combination of twenty-two (22) Maple and Beech trees spaced roughly thirty (30) feet apart along Meadow Avenue and Fawn Street. This is consistent with a medium canopy tree species. The street trees will be planted in the landscaped areas between the back of curb to the edge of sidewalk. All landscaping is recommended to be native, drought tolerant, and shall meet the minimum planting sizes as specified in Section 17.92.50. The applicant meets this requirement.

CHAPTER 17.98 - PARKING, LOADING, AND ACCESS REQUIREMENTS

Sec. 17.98.20. Off-street parking requirements.

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

Community Service	Number of Parking Spaces	Number of Bicycle Spaces
Not listed	None	8

Finding 22. All vehicle parking requirements have been reviewed, addressed, and approved in File No. 24-057 DR. Section 17.98.160 contains requirements related to vehicle and bicycle parking facilities; however, the Sandy Development Code does not contain any requirements for public park development. Although not required, vehicle parking will be provided along the adjacent local streets, Meadow Avenue and Fawn Street.

However, the applicant has proposed a number of bicycle spaces in line with the above Community Service requirements. Per Section 17.98.160(B) each required bicycle parking space will be at least two and one-half feet by six feet; vertical or upright bicycle storage structures are exempt from the parking space length.

CHAPTER 17.102 – URBAN FORESTRY

Sec. 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, except in the Bornstedt Village Overlay (BVO) in accordance with Section 17.54.140.
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. Provided they meet the other requirements in this section, at least two of the required trees per acre must be of conifer species.

B. *Tree Protection Area.* 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, unless these requirements are waived by the Director. 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 ten 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.

Finding 23. The applicant's tree retention and protection plan were approved in File No. 24-057 DR. The retention and protection plan provides a table cataloging 58 trees that are on site and distinguishes their status between "To be removed" and "To be preserved". The site is 3.16 acres and over forty (40) trees will be retained on the property meeting the retention tree requirement of three (3) trees per acre. There are five (5) separate tree stands that are proposed to be protected with required fencing. The City confirms that the tree protection measures that are proposed are sufficient.

CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

Sec. 17.66.80. Type III special variances.

The Planning Commission may grant a special variance waiving a specified provision 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.

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

The applicant is requesting three (3) special variances to the Sandy Municipal Code (SMC):

1. Section 17.90.120.B.3(b) – Building Materials

2. Section 17.90.120.C.1 – Roof Pitch

3. Section 17.90.120.C.4 – Secondary Roof Forms

Finding 24. All three proposed variances were reviewed under subsection A., because subsections B. & C. do not apply.

Variance 1. Section 17.90.120.B.3(b) – Building Materials

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

Finding 25. The applicant proposed a variance to Sandy Style for its base material that consists of conveying an impression of strength and durability using natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, or brick.

The applicant proposed ten steel columns with solid concrete bases to hold up the steel roof shelter but without being consistent with the Sandy Style as required. All ten bases will be constructed with solid concrete circular bases that extend up the columns the required 36 inches. Each concrete circular base will convey an impression of strength and durability, but just not with the aesthetic veneer associated with the Sandy Style.

The primary reason for not including aesthetic veneer as expressed in the application submission was for preserving safety. The materials associated with the Sandy Style all have a square style finish that creates a stone edge that the applicant states are hazardous to court users. The circular shape of the concrete bases is not inconsistent with base materials used on other columns holding up outside public shelters. At the quasi-judicial public hearing on July 28, 2025, the Planning Commission decided to approve the special variance to waive the strong base material requirement for the ten steel columns but decided to require color additive in the concrete and conditioned that the concrete shall not be formed using cardboard form tubes. **The applicant shall submit details on the proposed color additive for the concrete bases for staff review and approval. The applicant shall submit details on the concrete base form methods, not including cardboard form tubes.**

Finding 26. The above stated “Finding 25” satisfies the variance criteria and is deemed to not be in conflict with the existing Sandy Development Code (SMC) or the 2025 Comprehensive Plan. The absence of a natural stone finish, replaced by a smoother surface, will increase the safety of patrons using the court. Due to the basketball court’s location, the Planning Commission found that the lack of Sandy Style materials will not have an injurious effect on the surrounding properties. Therefore, under the authority granted under Section 17.18.80. Type III development decision and Section 17.20.60. Action by hearing authority, the Special Variance to the strong base materials was approved.

Variance 2. Section 17.90.120.C.1 – Roof Pitch

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

Finding 27. The applicant proposed a variance to providing roof forms and detailing consistent with the Sandy Style. The proposed 67 foot by 100-foot metal standing seam roof is required to maintain a minimum 6:12 roof pitch. The applicant proposed a 4:12 roof pitch.

Roof pitch significantly influences the overall appearance and style of a building. Steeper pitches can be more visually striking and dramatic, while lower pitches complement modern styles. Low pitched roofs from 2:12 to 4:12 are often associated with large modern aesthetic open-air shelters, referring to a building with open sides, used for gatherings and outdoor activities. Sometimes called pavilions, they are often used for shielding basketball courts or larger picnic areas from weather conditions.

The only other structure proposed in the park is a picnic shelter which is one-third the size of the proposed basketball court shelter. Due to the scale of the basketball court shelter's surroundings such as the picnic shelter or the homes in the surrounding Deer Pointe neighborhood, the 4:12 roof pitch will not stand out or command attention and will be more visually compatible in overall massing with its surroundings.

Although the gable ends are not completely visible from an abutting street, they do need to detail some transition from the gable ends to the other elevations. The two gable ends on the shelter appear to have a Sandy Style design but lack two of the three required design elements. The metal roof/canopy counts as one design element, but the steel support beams in the gable do not count as being of the Sandy Style design. The steel as proposed does not have a timber or wood finish. The steel also has welded connection points rather than heavy metal brackets, but brackets could be applied as cosmetic detailing.

At the quasi-judicial public hearing on July 28, 2025, Planning Division staff recommended that the applicant apply a dark base coat of paint on the exposed beams and brush on a different lighter color with a grain roller to achieve a wood style finish. The Planning Commission discussed the merits of the staff recommendation but had concerns about how the wood style finish would appear on steel I-beams and were also concerned about graffiti. However, the Planning Commission decided that painting the I-beams one solid color and painting the wood grain on the gable ends would be required. **The applicant shall submit details on the painted-on wood grain for the gable ends. Also, the Planning Commission**

conditioned the installation of multiple heavy metal brackets at all connection points in the two gables to replicate a Sandy Style design and finish.

Finding 28. The above stated “Finding 27” satisfies the variance criteria and is deemed to not be in conflict with the existing Sandy Development Code (SMC) or the 2025 Comprehensive Plan. The Planning Commission found that the reduction in roof pitch will not be in conflict with the intent of a Sandy Style structure or the general scale of the neighborhood. Due to the basketball court’s location, the Planning Commission found that the reduction in roof pitch will not have an injurious effect on the surrounding properties. Therefore, under the authority granted under Section 17.18.80. Type III development decision and Section 17.20.60. Action by hearing authority, the Special Variance to the roof pitch was approved.

Variance 3. Section 17.90.120.C.4 – Secondary Roof Forms

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)

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

Finding 29. The applicant proposed a variance to providing the required amount of secondary roof forms consistent with the Sandy Style. The proposed 67 foot by 100-foot metal standing seam roof is required to provide a minimum of four (4) secondary roof forms. The main reason for proposing the variance is that the applicant is proposing a 4:12 roof pitch (Variance 2) and secondary roof forms are not compatible and do not typically work as effectively on lower pitched roofs.

Secondary roof forms like dormers, towers, or a cupola offer both functional and aesthetic benefits to buildings. They are primarily used to add additional usable space for transforming attics into functional rooms like bedrooms, offices, or bathrooms. They also provide passive solar heating and sunlight. Secondary roof forms typically break up large roof distances keeping the roof pattern in similar scale and design. This shelter is a standalone structure with a very specific height, span, and length that is not comparable to any other structure adjacent to or close by in the area. The proposed small picnic shelter will be dynamically different when

considering building size, height, length, Sandy Style materials, and roof pitch. So, the scale and design are completely different in the two buildings and the Planning Commission found that maintaining a similar roof pattern is not necessary.

In the recent past with File No. 23-020, the Planning Commission decided on a similar secondary roof form variance request for a picnic and restroom shelter in Cedar Park. The Commission deliberated on the roof slope, materials, and the open-air nature of the roof and found that installing secondary roof forms would be contrary to the scale and proportions of the shelters form and function. For these reasons, the Planning Commission approved the requested special variance to not provide secondary roof forms on the two proposed shelters in Cedar Park.

At the quasi-judicial public hearing on July 28, 2025, the Planning Commission discussed the merits of the staff recommendation to waive the requirement for secondary roof forms but had concerns that a large structure as proposed would look unappealing without a secondary roof form. The Planning Commission decided that the structure shall include a cupola or multiple cupolas to provide additional roof detailing. Staff stated that determining the number of cupolas and the size of the cupolas should be left to the project architect. **The applicant shall submit details on a proposed cupola or cupolas of a size as recommended by the project architect for staff review and approval.**

Finding 30. The above stated “Finding 29” satisfies the variance criteria and is deemed to not be in conflict with the existing Sandy Development Code (SMC) or the 2025 Comprehensive Plan. Based on the past Planning Commission decision for Cedar Park which is a similar request to the one in Deer Pointe Park, staff recommend that the Planning Commission find that secondary roof forms are contrary to the form and function of a sports shelter and the elimination of secondary roof forms will not affect the safety or public welfare of the patrons or have an injurious effect on surrounding properties. The Planning Commission discussed the merits of the staff recommendation to waive the requirement for secondary roof forms but had concerns that a large structure as proposed would look unappealing without a secondary roof form. The Planning Commission decided that the structure shall include a cupola or multiple cupolas to provide additional roof detailing. Therefore, under the authority granted under Section 17.18.80. Type III development decision and Section 17.20.60. Action by hearing authority, the Special Variance to provide four secondary roof forms was approved.

CHAPTER 15.30 - DARK SKY ORDINANCE

Submittal of lighting fixture cut sheets and a photometric analysis in compliance with Chapter 15.30 are required. Any proposed exterior lighting shall be fully cut off and not exceed 4,125 Kelvins. The area 10 feet beyond the property line shall receive no more than one quarter (0.25) of a foot-candle of light from any site lighting. The photometric analysis shall detail the lot lines and a line 10 feet beyond the property lines.

Finding 31. No lighting is proposed at the shelters as the park is open only from dawn to dusk. **If the applicant chooses to install lighting at a later date the applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 of this document and submit lighting cut sheets and a photometric plan for staff review and approval.**

CHAPTER 15.44. – EROSION CONTROL

15.44.00. Intent.

The purpose is to regulate land disturbing activities that may lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, and public and private property. No land disturbing activity shall be conducted so as to cause slides of mud, soil, rock, vegetative material, or any other material to be pushed onto, deposited upon, or gravitated to the property of another, either public or private.

Finding 32. Soil erosion control measures and requirements were addressed in File No. 24-057 DR and remain the same.

CHAPTER 15.32. – SIGN CODE

The sign regulations are intended to serve the community by:

- A. Requiring sound construction, by requiring that signs be maintained, and by limiting the number of visual images to be communicated;
- B. Providing an equitable opportunity to use signs outside of public rights-of-way as a communication medium;
- C. Providing standards for frequency, location, size, construction, type and number of signs;
- D. Providing reasonable limits on the magnitude and extent of graphic communication presented to the public;
- E. Regulating the location and quantity of temporary signs, and the circumstances under which they may be used and encourage all businesses to utilize permanent signs to the maximum extent possible and not rely on temporary signs for advertising needs; and
- F. Expressing elements of or reflecting Cascadian architecture by adapting elements of the Sandy Style into new signs.

Finding 33. No signage has been proposed at this stage of the review. All future signage, including directional signage, shall be submitted to the Planning Division for review.

DECISION

The Planning Commission held a quasi-judicial public hearing to review this application on July 28, 2025. For the reasons described above, the Planning Commission **approved** the design review and three special variances for the construction of a covered basketball court at Deer Pointe Park, subject to the conditions of approval below.

CONDITIONS OF APPROVAL

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

1. Submit building permits in accordance with the State of Oregon Building Codes, including engineering stamps in compliance with structural plan requirements.
2. Submit details on the proposed color additive for the concrete bases.
3. Submit details on the concrete base form methods, not including cardboard form tubes.
4. Submit a color from the Miller Paint Historic Color Collection to replace Film Noir for the steel I-beams.
5. Submit details on the painted-on wood grain for the gable ends.
6. Submit details on heavy metal brackets at all connection points in the two gables to replicate a Sandy Style design and finish.
7. Submit details on a proposed cupola or cupolas of a size as recommended by the project architect.
8. Submit details on downspouts from the shelter channeled into the "Stormwater Planter" adjacent to the court. Include details on the aquatic plants in the planter.

B. Prior to the issuance of a Certificate of Occupancy for the covered basketball structure, the applicant shall:

1. Record the property line adjustment associated with File No. 25-002 PLA.
2. Install all improvements as approved with the building permit.

C. General Conditions of Approval:

1. This design review approval shall be void after two (2) years from the date of the Final Order unless the applicant has submitted plans for building permit approval.
2. If the applicant chooses to install lighting at a later date the applicant shall follow all Dark Sky Ordinance requirements as outlined in Chapter 15.30 of this document and submit lighting cut sheets and a photometric plan for staff review and approval.
3. No signage has been proposed at this stage of the review. All future signage, including directional signage, shall be submitted to the Planning Division for review.



Darren Wegener
Planning Commission Chair

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in 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.