



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 28, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 004-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 12, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Tracy Brown, City of Sandy

<paa> ya

NOTICE OF ADOPTION

This form must be mailed to DLCD not later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction City of Sandy Local File # 08-004

Date of Adoption July 21, 2008 Date Mailed July 22, 2008

Date the Proposed Notice was Mailed to DLCD April 9, 2008

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amend the Comprehensive Plan Map Designation from Low Density Residential to Low Density Residential and Zoning Map Designation from R-1, Low Density Residential to R-2, Medium Density Residential.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

Same

Plan Map Change From LDR to MDR

Zone Map Change From R-1 to R-2

Location: T2S R4E Section 13CB Tax Lot 1913 Acres Involved: 0.69

Specify Density: Previous Density 5-10 units/acre New Density 8-14units/acre

Applicable Goals: 1, 2, 10-14 Was an Exception adopted? Yes No

DLCD File # _____ DLCD Appeal Deadline _____

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes No The Statewide Planning Goals do not apply

Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Tracy Brown, Planning Director Phone: 503-668-4886

Address: City of Sandy, 39250 Pioneer Blvd., Sandy OR 97055

DLCD # 004-08 (16828)

ORDINANCE NO. 2008-10

AN ORDINANCE AMENDING THE CITY OF SANDY COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATION FOR T2S, R4E, SECTION 13, TAX LOT 1913.

Whereas, the property was originally subdivided through the Bluff Hollow subdivision (91-1 SUB). At the time of the subdivision application (July, 1991) the property was zoned R-3, High Density Residential;

Whereas, the City adopted a new Comprehensive Plan in October 1997. The property was rezoned to R-1, Low Density Residential during the 1997 Comprehensive Plan process;

Whereas, the subject property is currently designated on the Comprehensive Plan Map as Low Density Residential and has a zoning designation of R-1, Low Density Residential.

Whereas, the property owners desire to change the Comprehensive Plan designation for the subject property from Low Density Residential to Medium Density Residential and the Zoning Designation from R-1, Low Density Residential to R-2, Medium Density Residential.

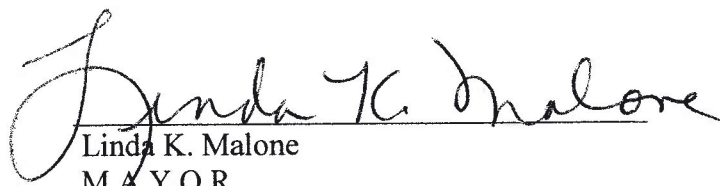
Whereas, the Planning Commission held a public hearing to review the request on June 23, 2008 and forwarded a recommendation to the City Council to approve the request.

Whereas, the City Council then held a public hearing on July 7, 2008 to review the request.


NOW, THEREFORE, THE CITY OF SANDY DOES ORDAIN AS FOLLOWS:

- Section 1: The Comprehensive Plan Map adopted by the City of Sandy by Ordinance 10-97 on October 20, 1997 will be amended to remove the Low Density Residential designation for T2S, R4E Section 13, Tax Lot 1315 and designate this property Medium Density Residential.
- Section 2: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 will be amended to remove the R-1, Low Density Residential zoning for T2S, R4E Section 13, Tax Lot 1315 and designate this property R-2, Medium Density Residential.
- Section 3: The aforesaid map amendment is supported by the Findings and Conclusions contained in the Final Order for the Wilson Comprehensive Plan Amendment and Zone Change (File No. 08-004 CPA ZC), which is attached hereto as Exhibit A, and the staff report incorporated herein as reference.
- Section 4: All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

**THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE
MAYOR THIS 21ST DAY OF JULY, 2008.**


Linda K. Malone
MAYOR

ATTEST:



Karen Evatt
City Recorder

EXHIBIT A
ORDINANCE NO. 2008-10
FINDINGS OF FACT and CONCLUSIONS

FILE NO.: 08-004 CPA/ZC

PROJECT NAME: Wilson Comprehensive Plan Map Amendment and Zoning Map Amendment

OWNERS: Tom and Ronda Wilson

LEGAL DESCRIPTION: T2S R4E Section 13CB Tax Lot 1913

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the staff report dated May 20, 2008, which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The subject site consists of one parcel with a total area of approximately .69 acres.
3. The parcel currently has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of R-1, Low Density Residential, and is currently vacant.
4. The applicant proposes changing the Comprehensive Plan Designation to Medium Density Residential and the Zoning Map Designation to R-2, Medium Density Residential.
5. The property was originally subdivided through the Bluff Hollow subdivision (91-1 SUB). At the time of the subdivision application (July, 1991) the property was zoned R-3, High Density Residential.
6. The City adopted a new Comprehensive Plan in October 1997. The property was rezoned to R-1, Low Density Residential during the 1997 Comprehensive Plan process. Staff was not able to find any testimony related to a zone change for the subject property.
7. The applicant's own the subject property as well as a contiguous parcel to the east. On August 10, 2005 the applicant's received approval for a Type II Property Line Adjustment (File No. 05-018 PLA FSH) for the two parcels. Prior to the property line adjustment, the property was part of a single tax lot with two underlying lots of record created by the Bluff Hollow subdivision. Once the property line adjustment was recorded, the two lots of record were reestablished into two tax lots. The applicant requests a zone change for only one parcel; Tax Lot 1913.
8. Notice of the proposal was sent to the Department of Land Conservation and Development on April 9, 2008 and to property owners within 300 feet of the site as well as public and private agencies on April 21, 2008.

9. Staff received written testimony from a neighboring property owner; Robert Dudash. Mr. Dudash claims the rezone would be harmful and unfair to surrounding properties but does not specifically state why. The letter did not cite any specific criteria related to the proposal. The City Council disagreed with Mr. Dudash's opposition for the reasons specified throughout these findings. Because Mr. Dudash does not state any specific grounds for opposing the proposal, the City Council does not believe the reasons stated within the letter can be used as grounds for denial.
10. The Planning Commission reviewed the request at a public hearing on June 23, 2008. Based on staff's recommendation, the Commission recommended approval of the proposal and forwarded this recommendation to the City Council.
11. The City Council held a public hearing to review the request on July 7, 2008. No members of the public spoke in support or opposition to the request. The conclusion of the public hearing was the City Council closed the public hearing and approved the request as recommended by the Planning Commission with no conditions pending adoption of Ordinance No. 2008-10.

17.24 Comprehensive Plan Amendment Procedures

12. Section 17.24.70 contains review criteria to evaluate Comprehensive Plan Amendments. Section 17.24.70(A) requires, "The change being proposed is the best means of meeting the identified public need." The buildable lands inventory contained in the 2040 Plan states there will be an 11 acre deficit of low density residential and an 11 acre surplus of medium density residential for the build-out population of 16,518 in 2017. However these numbers do not include the expansion of the UGB to include the Bornstedt Village (BV). The Plan notes that expanding the UGB to include BV would provide the land capacity necessary to absorb the residential land need through the year 2017. BV was added to the UGB after adoption of the Comprehensive Plan. Based on the annexation of the BV (File No. 03-037 ANN), the total amount of acres designated as low and medium density residential added to the UGB exceeds the demand.
13. The proposal will subtract .69 acres from the low density land supply and add .69 acres to the medium density supply. The proposal will not detract from the identified land needs outlined in the Comprehensive Plan. Because the proposal will not create a deficit of low density residential, the City Council believes the change being proposed will meet the identified public need; meeting the criterion of Section 17.24.70.

17.26 Zoning District Amendment

14. Chapter 17.26 contains review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments.
15. Section 17.26.40(B)(1) requires the Council to determine the effect on City facilities and services. Development on the site will require extension of water, and sanitary sewer service regardless of the type of development. Based on the .69 acre site, the current R-1 zoning of the subject property would amount to a density range of 3 to 6. The proposed R-2 zoning would increase the density range to 5 to 9. The proposed zone change could allow the applicant to create an additional 3 units more than the maximum permitted under the current zoning.

16. The City determined the capacity of City facilities and services with adoption of the Comprehensive Plan in 1997. The Comprehensive Plan bases its analysis on the build-out population to the year 2017. Because the applicant proposes a small increase to the density of the site, there will be a small impact to City facilities and services. Based on a maximum increase of 3 units however, the City Council believes the impact to City water, sewer, streets, police and fire will be very minimal. Because the proposal will not create a significant impact to City facilities and services, the application meets this criterion.
17. Section 17.26.40(B)(2) requires review to “assure consistency with the purposes of this chapter”. The applicant has requested review of a Type IV Quasi-Judicial Amendment to the Comprehensive Plan and Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26 the City Council has determined the proposal generally meets the applicable criteria.
18. Section 17.26.40(B)(3) requires review to “assure consistency with the policies of the Comprehensive Plan”. The Council reviewed relevant policies in the Comprehensive including Goal 2, Policies 2 and 11, Goal 5, Policy 3 and Goal 10, Policy 1 and finds the proposal to be consistent with these and other relevant policies.
19. Section 17.26.40(B)(4) requires review to “assure consistency with any other applicable policies and standards adopted by the City Council.” In order to comply with the requirements of Section 17.26.40(B)(4), the proposal must also meet the intent of applicable Statewide Planning Goals. Based on the proposal and the location of the subject property, the Council determines the following Statewide Planning Goals apply to the proposal: 1, 2, 5, 10 and 12. The Council finds the proposal is consistent with this criterion.

Statewide Planning Goals

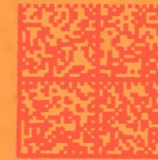
20. The application was reviewed through a Type IV process including two public hearings. A notice of the proposal was sent on to all persons within 300 feet of the subject site. The Planning Commission reviewed the application at a public hearing on June 23, 2008 and the City Council a second hearing on July 7, 2008. Because the public was given the opportunity to review and comment on the application, the Council finds the proposal meets the intent of Goal 1.
21. The City’s Comprehensive Plan guides land use with the City’s Urban Growth Boundary. The City’s Zoning Ordinance enforces the Comprehensive Plan. The Planning Commission and City Council reviewed the application for conformance with the Comprehensive Plan in review of Chapter 17.24, and Zoning Ordinance in review of Chapter 17.26. For these reasons, the Council finds the proposal meets the intent of Goal 2.
22. The site is bisected by “No Name Creek”; a non-salmon bearing stream. The Comprehensive Plan depicts Flood Slope Hazard Overlay over the majority of the property. Upon development of the property, Chapter 17.60 Flood Slope Hazard Overlay requires 50-foot setbacks from the top of bank of “No Name Creek”. However, Section 17.60.30(C)(2) allows the applicant to reduce the setbacks to 25-feet with approval of a “stream bank restoration plan”. Future development of the property will be required to comply with the requirements of Chapter 17.60. Because the applicant will be required to preserve and enhance the identified natural resource, the City Council finds the proposal meets the intent of Statewide Planning Goal 5.

23. Goal 10 calls for cities to provide a land inventory, future needs and planning and zoning to meet the identified needs. The Goal also calls for cities to provide different types of housing. As analyzed in review of Chapter 17.24, the proposal will increase the supply of land designated medium density. The proposal will not create a deficit of land designated low density residential. Because the proposal does not substantially detract from the supply of land designated low density residential, the City Council believes the application meets the intent of Goal 10.
24. The City's Transportation System Plan does not identify a public street on the subject property and the subject site has access to an improved public street (Strawbridge Pkwy). Development of the site will require additional public access to the public street. The applicant does not propose any development with this application. Future development of the site will require a separate traffic analysis that will be reviewed for conformance with City standards.
25. To determine the impact of the proposal on the City's transportation system, staff used trips rates from the manual Trip Generation, Seventh Addition, published by the Institute of Transportation Engineers (ITE). For consistency, staff used the trip rates from land use code 230, Residential Condominium/Townhome. A townhouse, or row house is a permitted use in both the existing R-1 and proposed R-2 zoning districts. In addition, the applicant's have expressed interest in developing the subject property with a higher density housing type, such as a row house.
26. In the case of this application, the increase in maximum density from 6 to 9 units will result in a small increase of vehicle trips. The increase in AM/PM peak hour trips caused by the zone change will be insignificant however. The number of weekday trips will increase by 18. The moderate increase in average weekday trips can be accommodated by the existing local street. Because of the scale of the zone change, the City Council does not believe the increase in vehicle trips will significantly affect the road network.

CITY OF SANDY
39250 PIONEER BLVD.
SANDY, OREGON 97055

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