



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

12/03/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment  
DLCD File Number 003-11

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: Wednesday, December 12, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Scott Lazenby, City of Sandy  
Gordon Howard, DLCD Urban Planning Specialist

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FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
NOV 26 2012  
LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: **City of Sandy**

Local file number: **11-031 DCA (EVS-001)**

Date of Adoption: **11/19/12**

Date Mailed: **11/21/12**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 6/28/11

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Revisions to the list of permitted and conditional uses in non-residential (commercial/industrial) zones.

Does the Adoption differ from proposal? Yes. The adopted code language does not change permitted uses in the I-2 zoning district to the degree that was originally proposed. The adopted changes also do not changes uses in the I-3 zoning district as originally proposed.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19  
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 003-11 (18876) [17248]

**ORDINANCE NO. 2012-05**

**AN ORDINANCE AMENDING CHAPTER 17 OF THE SANDY MUNICIPAL CODE TO PROVIDE INCREASED FLEXIBILITY OF USES IN COMMERCIAL AND INDUSTRIAL ZONES.**

**WHEREAS**, the lists of permitted land uses in Sandy's commercial and industrial zones were initially developed in the late 1970s; and

**WHEREAS**, in the intervening years the City of Sandy has adopted a series of changes to the development code to improve the quality and appearance of the built environment, including regulation of building placement and site design, outdoor lighting, storm drainage, tree retention, and building design ("Sandy Style") standards; and

**WHEREAS**, the Sandy City Council has noted that there have been many instances where the City's exclusionary zoning code has needlessly prevented businesses from expanding or locating in Sandy, or has subjected them to an expensive and time-consuming conditional use process; and

**WHEREAS**, the City Council has adopted a goal to "Amend the zoning code to give businesses more flexibility in the use of their commercial and industrial buildings."

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

- Section 1. Sandy Municipal Code Chapters 17.10, 17.42, 17.44, 17.46, 17.48, and 17.50 are amended as detailed in Exhibit A, attached and incorporated by reference.
- Section 2. This ordinance is supported by findings, attached as Exhibit B and incorporated by reference.

**THIS ORDINANCE ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 19TH DAY OF NOVEMBER 2012.**

  
William King  
MAYOR

ATTEST:

  
Karen Evatt  
City Recorder



**EXHIBIT A**  
**ORDINANCE NO. 2012-05**

**Amend Chapter 17.10 by adding the following definitions.**

**Fast-Food Restaurant** – This type of restaurant is characterized by a large carryout clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service.

**High-Turnover Sit Down Restaurant** – This type of restaurant consists of a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. This restaurant type is different than fast-food and quality restaurants as defined in the Institute of Transportation Engineers, Trip Generation manual.

**Overnight Lodging** – A building or group of buildings designed and used primarily for overnight lodging. This definition includes hotels, motels, hostels, bed breakfast inns and similar uses.

**Replace Chapters 17.42 through 17.50 in their entirety with the following:**

**CHAPTER 17.42**  
**CENTRAL BUSINESS DISTRICT - C-1**

**17.42.00 INTENT**

This district is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core. This district is not intended for intensive automobile or industrial uses. This district is intended to provide the principal focus for civil and social functions within the community.

This commercial district is intended for civic uses and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the district does not permit new low density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. All development and uses shall be consistent with the intent of the district, as well as compatible with the space, access and exposure constraints and opportunities of the central city.

**17.42.10 PERMITTED USES**

A. Primary Uses Permitted Outright - Residential

1. Attached Rowhouses existing prior to adoption of this Code;
2. Duplexes existing prior to adoption of this Code;
3. Residential Care Facility;
4. Residential dwellings attached to a commercial business;
5. Single Attached (Zero Lot Line, 2 Units) existing prior to adoption of this Code;
6. Single Detached existing prior to adoption of this Code;
7. Single Detached (Zero Lot Line) existing prior to adoption of this Code.

B. Primary Uses Permitted Outright – Commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities:

1. Retail uses, including but not limited to:
  - a. Automotive trailer, recreational vehicle, motorcycle sales and rental;
  - b. Convenience market/store;
  - c. Eating and drinking establishment including fast-food and high-turnover sit down restaurants but excluding drive-up/drive-through uses;
  - d. Grocery store or supermarket;
2. Service and professional businesses and organizations, including but not limited to:
  - a. Athletic club, indoor recreation, or entertainment;
  - b. Automotive repair and service;
  - c. Commercial day care facility;
  - d. Community services;
  - e. Education facility (e.g., pre-school, school, college);
  - f. Financial institution;
  - g. Medical facility (e.g., clinic, hospital, laboratory);
  - h. Professional or general business office;
  - i. Self-service storage;
  - j. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
  - a. Brewery, distillery, or winery with pub/tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Nursery/greenhouse;
8. Outdoor recreation;
9. Overnight lodging;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreational area, and buildings;
13. Warehousing and distribution facilities for wholesale merchandise;
14. Other uses similar in nature.

C. Accessory Uses Permitted Outright

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

2. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
3. Accessory dwelling unit;
4. Accessory structures, detached or attached;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses;
7. Parking lot or garage (when associated with development).

#### **17.42.20 CONDITIONAL USES**

- A. Automotive fueling station;
- B. Brewery, distillery, or winery without pub/tasting room;
- C. Buildings designed for one or more occupants with more than 30,000 square ft. of gross floor area;
- D. Congregate housing;
- E. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
- F. Major public facility;
- G. Multi-family dwellings not contained within a commercial building;
- H. Outdoor product display or storage of merchandise covering greater than 10% of the total retail sales area;
- I. Wholesale lumber or building materials;
- J. Other uses similar in nature.

#### **17.42.30 DEVELOPMENT STANDARDS**

A.

<b>Residential - Not Above Commercial Building</b>	
<b>Type</b>	<b>Standard</b>
Density/Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98

<b>Commercial</b>	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum <sup>1</sup> ; maximum 10 ft.
Lot Coverage	No maximum
Landscaping	10% minimum (includes required civic space in Section 17.90.110.)

<sup>1</sup> Unless abutting a more restrictive zoning district or as required to maintain vision clearance.

Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

- B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.
1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.
  2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district.
  3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was freestanding.
  4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

## CHAPTER 17.44 GENERAL COMMERCIAL - C-2

### 17.44.00 INTENT

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

### 17.44.10 PERMITTED USES

- A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:
1. Retail businesses, including but not limited to:
    - a. Automotive fueling station;
    - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
    - c. Convenience market/store;
    - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
    - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
    - f. Grocery store or supermarket;

2. Service and professional businesses and organizations, including but not limited to:
  - a. Athletic club, indoor recreation, or entertainment;
  - b. Automotive repair and service;
  - c. Commercial day care facility;
  - d. Community services;
  - e. Education facility (e.g., pre-school, school, college);
  - f. Financial institution;
  - g. Medical facility (e.g., clinic, hospital, laboratory);
  - h. Professional or general business office;
  - i. Self-service storage;
  - j. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
  - a. Brewery, distillery, or winery, with or without pub or tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Nursery/greenhouse;
8. Outdoor recreation;
9. Overnight lodging;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreation area, and buildings;
13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

**B. Accessory Uses Permitted Outright.**

1. A use customarily incidental and subordinate to a use permitted outright;
2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
3. Parking lot or garage (when associated with development).

**17.44.20 CONDITIONAL USES**

- A. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
- B. Major public facility;
- C. Outdoor product display or storage of merchandise covering greater than 15% of the total lot area;
- D. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or



- supportive commercial facilities. Residential uses are limited to a maximum of 50 % of the total gross acreage;
- E. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
  - F. Other uses similar in nature.

#### 17.44.30 DEVELOPMENT REQUIREMENTS

A.

Lot Area	No minimum
Lot Dimension	No minimum
Setbacks <sup>2</sup>	
Front .....	10 ft. minimum; 50 ft. maximum
Side .....	None
Rear .....	None
Corner .....	15 ft.
Outside Display/Sales Lot Area	80%
Lot Coverage - Impervious Area	No maximum
Landscaping	20% (includes required civic space in Section 17.90.120)
Structure Height	45 ft.
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.

1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

### CHAPTER 17.46 VILLAGE COMMERCIAL - C-3

<sup>2</sup> Unless abutting a more restrictive zoning district, or as required under Section 17.90.120 Design Standards for C-2.

## **17.46.00 INTENT**

The intent of the village commercial district is primarily oriented to serve residents of the village and the immediately surrounding residential area. The Village Commercial area is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

### **17.46.10 PERMITTED USES**

#### **A. Primary Uses Permitted Outright - Residential**

1. Single family dwelling above, beside or behind a commercial business;
2. Multi-family dwellings above, beside or behind a commercial business.

#### **B. Primary Uses Permitted Outright – Commercial (in buildings with up to 7,500 square ft. of gross floor area):**

1. Retail uses, including but not limited to:
  - a. Automotive, trailer, recreational vehicle, motorcycle sales and rental;
  - b. Convenience market/store;
  - c. Eating and drinking establishment including fast-food and high-turnover sit down restaurant but excluding drive-through;
  - d. Grocery store or supermarket;
2. Service and professional businesses and organizations, including but not limited to:
  - a. Athletic club, indoor recreation, or entertainment;
  - b. Automotive repair and service;
  - c. Commercial day care facility;
  - d. Community services;
  - e. Education facility (e.g., pre-school, school, college);
  - f. Financial institution excluding drive-through;
  - g. Medical facility (e.g., clinic, hospital, laboratory);
  - h. Professional or general business office;
  - i. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
  - a. Brewery, distillery, or winery with pub/tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Overnight lodging;
8. Park and ride station;
9. Parking lot or garage (when not an accessory use);
10. Other uses similar in nature.

#### **Accessory Uses Permitted Outright**

1. A use customarily incidental and subordinate to a principal use permitted outright;
2. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
3. Accessory dwelling units, detached or attached;
4. Accessory structures;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses;
7. Parking lot or garage (when associated with development).

#### 17.46.20 CONDITIONAL USES

- A. Automotive fueling stations;
- B. Buildings designed for one or more occupants with more than 7,500 square feet of gross floor area;
- C. Congregate housing;
- D. Drive-through facilities in conjunction with a bank, savings and loan, credit union, or an eating and drinking establishment on a site abutting a state highway, subject to all other applicable provisions of the Sandy Development Code and the following special conditions:
  1. No drive-through facility will be permitted unless the development site is at least 2 acres in size and only one drive-through facility shall be allowed on each development site.
  2. Each drive-through facility shall be oriented to the adjacent public street and shall be otherwise designed to prioritize pedestrian access and circulation over vehicular access and circulation. Pedestrians shall not have to cross drive-through lanes to access entry doors.
  3. A drive-through facility may be conditioned to operate during hours that do not negatively impact adjacent residential uses in terms of noise and lighting.
  4. Each drive-through facility may have only one (1) drive-through lane, which shall not be positioned between the primary building and a local residential street.
- E. Major public facility;
- F. Multi-family dwellings not located above a commercial business and occupying no more than 30% of the C-3 district area in a village;
- G. Nursery/greenhouse;
- H. Outdoor product display or storage of merchandise covering greater than 10% of the total retail sales area;
- I. Outdoor recreation;
- J. Public park, plaza, playground or recreational area, and buildings;
- K. Other uses similar in nature.

#### 17.46.30 DEVELOPMENT STANDARDS

A.

Residential - Not in Conjunction with a Commercial Business	
Type	Standard

Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%
Off-Street Parking	See Chapter 17.98

<b>Commercial</b>	
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100 ft. recommended;
Lot Coverage	No maximum
Setbacks <sup>3</sup>	No minimum; maximum 20 ft.
Structure Height	45 ft.
Landscaping	10% (includes required civic space per 17.90.110.)
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

- B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District
1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.;
  2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district; When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be free-standing. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
  3. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

## CHAPTER 17.48 INDUSTRIAL PARK (I-1)

### 17.48.00 INTENT

<sup>3</sup> Unless abutting a more restrictive zoning district or as required to maintain vision clearance.



It is the intent of this district to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites, which will blend harmoniously with their surroundings, and adjacent land uses.

This district is intended primarily for light manufacturing, select warehousing and wholesaling, storage and office uses, with limited provisions for limited commercial uses which, due to their activity and space requirements, are compatible in industrial areas without causing use or other activity conflicts with the primary uses. Commercial uses located in this district are those whose activities are compatible with industrial uses, those which supplement and support surrounding industrial activity and the needs of the employees of nearby firms and those which have extensive space and land area requirements.

#### **17.48.10 PERMITTED USES**

**A. Primary Uses Permitted Outright in building with less than 60,000 square ft. of gross floor area:**

1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:
  - a. Brewery, distillery, or winery, with or without pub or tasting room;
2. Service and professional businesses and organizations, including but not limited to:
  - a. Athletic club, indoor recreation, or entertainment;
  - b. Automotive repair and service;
  - c. Commercial day care facility;
  - d. Community services;
  - e. Education facility (e.g., pre-school, school, college);
  - f. Financial institution;
  - g. Medical facility (e.g., clinic, hospital, laboratory);
  - h. Professional or general business office;
  - i. Self-service storage;
  - j. Social organization;
3. Retail businesses, including but not limited to:
  - a. Automotive fueling station;
  - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
  - c. Convenience market/store;
  - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
  - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
  - f. Grocery store or supermarket;
4. Bus station or terminal;
5. Group care and assisted living;
6. Overnight lodging;

7. Minor public facility;
8. Nursery/greenhouse;
9. Outdoor recreation;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreation area, and buildings;
13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

**B. Accessory Uses Permitted Outright**

1. Use customarily incidental and subordinate to a use permitted outright;
2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
3. Parking lot or garage (when associated with development).

**17.48.20 CONDITIONAL USES**

- A. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
- B. Major public facility;
- C. Outdoor product display or storage of merchandise covering greater than 15% of the total lot area;
- D. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or supportive commercial facilities. Residential uses are limited to a maximum of 50 % of the total gross acreage;
- E. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
- F. Other uses similar in nature.

**17.48.30 DEVELOPMENT REQUIREMENTS**

A.

Lot Area – Park	No minimum
Lot Area - Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks	
Front .....	10 ft. minimum; 50 ft. maximum
Side .....	None - Unless abutting a more restrictive district; if abutting, the min. setback is 30 ft.
Rear .....	None
Corner .....	15 ft.
Lot Coverage	80% maximum
Landscaping Requirement	20% minimum (includes required civic space per Section 17.90.120)

Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

**B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District**

1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

## **CHAPTER 17.50 LIGHT INDUSTRIAL (I-2)**

### **17.50.00 INTENT**

It is the intent of this district to provide locations in suitable areas for manufacturing and warehousing business, or other commercial uses that do not depend on high visibility. Commercial or retail uses must be compatible with an environment that includes heavy truck traffic and outdoor storage of industrial materials. Because building design standards are less restrictive in this zone than in other zones, buildings (regardless of use) shall be screened from view from arterial streets and highways.

### **17.50.10 PERMITTED USES**

**A. Primary Uses Permitted Outright**

1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
  - a. Brewery, distillery, or winery, with or without tasting room or tap room;
2. Service and professional businesses and organizations, including but not limited to:
  - a. Automotive repair and service;
  - b. Commercial day care facility in conjunction with a permitted use;
  - c. Community services;

- d. Indoor recreation/sports arena, excluding athletic club/gym;
- e. Laboratory;
- f. Professional or general business office;
- g. Self-service storage;
- h. Social organization;
- 3. Retail businesses, limited to the following:
  - a. Any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building;
  - b. Automotive, trailer, recreation vehicle, and motorcycle, sales and rental;
  - c. Eating/drinking establishment, excluding fast-food restaurant, high-turnover sit down restaurant, and drive-up/drive-through uses, and limited to no more than 40 seats;
  - d. Meat market, produce market, excluding grocery stores and convenience stores;
- 4. Bus station or terminal;
- 5. Group care and assisted living;
- 6. Minor public facility;
- 7. Nursery/greenhouse;
- 8. Outdoor recreation;
- 9. Park and ride station;
- 10. Parking lot or garage (when not an accessory use);
- 11. Public park, plaza, playground or recreation area, and buildings;
- 12. Salvage yards, including processing, storage or sales;
- 13. Trucking terminal, distribution center, or transit center;
- 14. Warehousing and distribution facilities for wholesale merchandise;
- 15. Wholesale lumber or building materials yard;
- 16. Other uses similar in nature.

**B. Accessory Uses Permitted Outright**

- 1. A use customarily incidental and subordinate to a use permitted outright;
- 2. Caretaker quarters;
- 3. Parking lot or garage (when associated with development).

**17.50.20 CONDITIONAL USES**

- A. Automotive fueling station;
- B. Concrete or asphalt batch plant;
- C. Convenience market/store of less than 2,500 gross square feet
- D. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
- E. Major public facility;
- F. Stand-alone retail uses of less than 5,000 gross square feet;
- G. Other uses similar in nature.

**17.50.30 DEVELOPMENT REQUIREMENTS**



Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	
Front .....	30 ft. minimum; 70 ft. maximum from a transit street
Side or Rear .....	None, unless abutting a more restrictive district; if abutting, the minimum setback is 50 ft.
Corner .....	15 ft.
Outdoor Display/Sales Lot Area	40% maximum
Lot Coverage	80% maximum
Landscaping Requirement	15% minimum
Structure Height	45 ft. maximum
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98

A. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District

1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

B. Off-Street Parking. Parking shall not be located in a required standard 30' setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared may be required.

C. Screening. All buildings (regardless of use) that are visible from an arterial street or highway shall be screened from view by a vegetative buffer as specified below:

1. Minimum depth of the buffer shall be 20 feet measured from the property line and run the entire length of the property.
2. Existing trees shall be preserved to the greatest extent possible.
3. Evergreen trees at least 8 feet in height and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years.
4. If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways.

#### **17.50.40 ADDITIONAL REQUIREMENTS**

- A. Design review is required for all buildings and external building modifications.
- B. All processes and storage shall be entirely enclosed within a building. However, outdoor storage of materials may be approved by the Director upon a finding that the proposed storage is screened from view from public rights-of-way by buildings, landscaping, fences, etc. All manufacturing operations shall be conducted wholly within an enclosed building.
- C. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process.

**EXHIBIT B**  
**ORDINANCE NO. 2012-05**

**FINDINGS**

Flexible Use Employment Land Amendments

1. Goal 1. Goal 1 in Sandy's Comprehensive Plan ("Plan") mirrors the state's Goal 1 and generally requires citizen involvement in all phases of the planning process. Citizens were involved in shaping these code amendments through several public hearings before the Sandy Planning Commission ("Commission" or "PC") and the Sandy City Council ("Council"). The Commission held public hearings on the amendments in October and November 2011. The Council held public hearings on the amendments in May, June and November of 2012. Between June and November 2012, a task force that the Council appointed considered in public sessions additional revisions and refinements to the amendments. The task force included both elected and appointed officials as well as resident stakeholders. For these reasons, Goal 1 is satisfied.
2. Goal 2. Sandy's Plan implements Goal 2 by requiring an adequate factual base to accompany amendments to the development code. An "adequate factual base" requires that substantial evidence exist in the entire record to support the decision – that is, evidence that reasonable persons would rely on in making day-to-day decisions. The PC and Council received testimony from a variety of persons and businesses concerning a desire for more flexibility in certain commercial and industrial zones. With respect to the state's transportation concerns, the city engaged a traffic engineer to review what impacts the amendments may have on transportation facilities. The engineer's conclusions are discussed and evaluated further below in these findings. Neither the state nor any other participant contradicted these conclusions or offered alternative evidence with respect to the amendments' potential effect on transportation facilities. Regarding the state's concern about the effect the amendments may have on the city's continued compliance with Goal 9, the city's 2009 economic opportunity analysis envisions the flexibility the amendments provide, as further described below in these findings. For these reasons, Goal 2 is satisfied.
3. Goal 3. Sandy's Plan recognizes that Goal 3 is inapplicable to the city, and by extension, these amendments.
4. Goal 4. Sandy's Plan recognizes that Goal 4 is inapplicable to the city, and by extension, these amendments.
5. Goal 5. The city has a number of development controls (including setbacks to streams and wetlands, open space requirements and exceptions to design standards for certain buildings of a historic nature) intended to comply with the Plan's Goal 5

provisions. These amendments do not weaken or alter those controls. Therefore, the amendments comply with the city's Plan provisions implementing Goal 5.

A state administrative rule implementing Goal 5 states that the rule is applicable to post-acknowledgement amendments such as this one. However, the rule also states that local governments are not required to apply Goal 5 to such amendments if they do not "affect a Goal 5 resource." The rule specifies when an amendment affects a Goal 5 resource at OAR 660-023-0250(3)(a)-(c). In consideration of those criteria, the city finds that these amendments do not: (a) amend a Goal 5 resource list or a land use regulation intended to protect a Goal 5 resource; (b) permit new uses that could conflict with "a particular significant Goal 5 resource site on an acknowledged resource list;" or (c) amend the city's UGB. Therefore, the city finds that the amendments do not affect a Goal 5 resource based on OAR 660-023-0250(3)(a)-(c)'s plain language. The amendments satisfy Goal 5.

6. Goal 6. The city's Plan provisions implementing Goal 6 seek to "[r]educe air pollution by decreasing the need for vehicle trips" through a variety of measures. These measures include: "(a) [p]romoting pedestrian, bike, and transit friendly land uses, including mixed use developments that are compatible with existing neighborhoods; (b) [i]mplementing the Oregon Transportation Planning Rule; (c) [p]roviding opportunities to utilize alternative transportation modes; and (d) [e]ncourage employers, including the City of Sandy, to implement programs to reduce single occupant trips to and from work."

The amendments comply with the TPR as discussed below in these findings. Although the amendments in a worst-case scenario may increase PM peak traffic by less than two percent, the city does not believe that this increase violates the above-quoted Plan language. The city interprets the policy to mean that air pollution and vehicle trips will decrease if the city implements the measures listed above. The city has a long history of promoting pedestrian, bike and transit friendly land uses as well as mixed-uses. This is reflected generally in its 1997 Plan and development code updates and specifically through the development of the Tickle Creek trail and the adoption of a new TSP in 2011. The promotion of such policies is also reflected by allowing mixed residential and commercial uses in the downtown core and now, through these amendments, by allowing a limited mixture of commercial and industrial uses in certain commercial and industrial zones. The city's trail network and its bicycle lanes (most notably present on Highway 26 itself as it passes through the city) provide opportunities for people to utilize alternative transportation modes. The new TSP contains a variety of traffic-demand-management strategies, including programs to encourage carpooling and to otherwise reduce trips to and from work. Goal 6 is satisfied.

7. Goal 7. The amendments do not relate to or involve the Plan's standards implementing Goal 7. Therefore, Goal 7 is not applicable.



8. Goal 8. The amendments do not relate to or involve the Plan's standards implementing Goal 8. Therefore, Goal 8 is not applicable.
9. Goal 9. The city's Plan provisions implementing Goal 9 seek to "establish policies to diversify and improve" Sandy's economy. Policy 2 states the city will support projects that, among other things, "[c]arry out specific community goals." As the record demonstrates, a council goal exists to provide more land use flexibility for businesses in the industrial and commercial zones. In this respect, the amendments respond to and meet this goal.

### Policy 3

The amendments comply with other specific Plan policies under Goal 9 as well. Policy number three seeks to "concentrate" general commercial uses at Sandy's western end on the north side of Highway 26. Within the city limits, industrial zones predominate on the south side of Highway 26 at the city's western boundary. The amendments permit a variety of commercial uses in the I-1 zone and a very narrow number of commercial uses in the I-2 zone. The amendments do not propose any changes to the I-3 zone.

Neither the Plan nor Sandy's code defines the word "concentrate." Webster's Third New International Dictionary defines the word in pertinent part as "to settle closely; GATHER, COLLECT." Based on this definition, commercial uses will continue to concentrate north of Highway 26 notwithstanding the modestly increased opportunities for commercial uses south of Highway 26. There are several reasons for this. The greatest opportunity for commercial uses south of Highway 26 exists in lands zoned I-1 (see TAZ areas 11 and 12). However, those I-1 zoned lands occupy a very small percentage of the land area affected by these amendments. The total acreage of industrial and commercial lands in the UGB is 521.94 acres. I-1 zoned lands account for 33.54 of those acres, or roughly six percent of the employment land total. About 58 percent of these I-1 zoned lands are already developed. Even if landowners developed the remaining vacant properties in those I-1 zones with only commercial uses (an unrealistic assumption considering the myriad industrial uses that the zone has historically allowed and will continue to permit), the vast majority of commercial uses would continue to be concentrated north of Highway 26.

Lands zoned I-2 occupy a larger footprint south of Highway 26 in the west end of town. However, it is unlikely that many commercial uses will ultimately locate in any of these I-2 zoned lands. The zone will require all buildings – including any buildings used for commercial purposes – to be fully screened from view if visible from an arterial street or a highway. The council received testimony that most commercial uses seek to locate on arterial roads or off the highway. It also received testimony that such screening is likely to discourage commercial uses from locating in the I-2 zone because such uses generally depend upon visibility from arterials and highways in order to be profitable. The council received no testimony disputing these assertions and it finds them to be reasonable.

Furthermore, the amendments strictly limit retail uses permitted in the I-2. The amendments only permit: (a) small markets (e.g. meat or produce markets but specifically excluding grocery and convenience stores); (b) small restaurants (limited to 40 or fewer seats and excluding fast food establishments, high turnover sit down establishments and any drive-up or drive-through amenities); (c) vehicle sales and rentals; or (d) other retail uses if they are incidental to and associated with a permitted use and occupy less than 35% of the gross area of the use. These limitations will necessarily contain and minimize commercial uses in the I-2 zone.

In addition, the amendments arguably make it more difficult to establish commercial uses as conditional uses in the I-2 zone. Currently, the I-2 conditionally permits all commercial uses if they complement the industrial uses in the district. The amendments only permit a modest amount of specific commercial uses and in certain instances place specific size limitations on such uses (e.g. convenience markets less than 2500 square feet in area; stand-alone retail uses less than 5000 square feet in area). In practice, the city has approved virtually all commercial uses that seek conditional use approval in the I-2 zone. The amendments will practically limit the number and size of commercial uses that can be conditionally approved in the I-2.

For these reasons, the city finds that commercial uses will continue to be concentrated north of Highway 26.

#### Policy 36

The city's Plan provisions implementing Goal 9 also instruct the city to "[l]imit commercial development in industrial areas to uses which are clearly ancillary and subordinate to industrial development." The Plan and code do not define the terms "ancillary and subordinate." Webster's Third New International Dictionary defines "ancillary" as meaning "SUBORDINATE, SUBSIDIARY." It defines "subordinate" as something that is "placed in a lower order, class or rank."

The city interprets this language as follows: across all industrial zones, the city reasonably expects industrial uses to outnumber commercial uses at full build out of the city's UGB. As mentioned above, while the amendments permit a variety of commercial uses in the I-1 zone, the I-1 zone makes up a very small portion of the area affected by the amendments and a relatively small portion (24 percent) of all industrially zoned lands in the UGB (see generally the "Zoning and TAZ Map"). Furthermore, about 58 percent of those I-1 zoned lands are already developed, leaving approximately 14 acres of I-1 zoned lands that could be developed with commercial uses under the amendments. Regarding the use distribution on these remaining undeveloped I-1 lands, it is reasonable to assume that industrial uses will continue to occupy a significant portion of overall uses in the zone because the zone has historically allowed industrial uses and will continue to permit them outright under the amendments.

As discussed above, the city believes there are ultimately very limited opportunities for commercial development in I-2 zones under the amendments. It incorporates the reasons for that conclusion here to support its finding that commercial development will continue to be ancillary and subordinate to industrial development in the I-2 zone. Finally, as mentioned previously, the amendments do not modify the uses permitted in the I-3 zone. As indicated on the Zoning and TAZ Map, the I-3 zone occupies a large portion of the city's industrially zoned lands (approximately 80 acres of the total 219 acres of industrially zoned lands in the UGB). Permitted uses in this zone remain confined to unambiguously industrial uses, including manufacturing, warehousing and wholesaling without any allowance for retail uses.

As such, the city finds that the amendments comply with Policy 36 under Goal 9 of the Plan. Based on the above discussion, it is reasonable to conclude that industrial uses will continue to outnumber commercial uses on industrially zoned properties and that industrial uses will predominate in industrial lands at full buildout of the city's UGB.

#### Goal 9 administrative rule

The state believes the city may have to conduct an economic opportunities analysis ("EOA") before it can determine whether the amendments satisfy Goal 9. OAR Chapter 660, division 9 implements Goal 9. It contains clear language on when cities may rely on existing plans to meet the rule's requirements and when a city may need to amend its comprehensive plan to include or update an EOA.

OAR 660-009-0010(3) plainly allows cities to rely on their existing plans to meet the requirements of the rule if they conclude: (a) there are not significant changes in economic development opportunities; and (b) existing inventories and analyses otherwise meet the requirements of the rule.

With the state's review and assistance, the city adopted an updated EOA in 2009. Relative to the amendments, the council considered testimony indicating that economic conditions in the state and region have not significantly changed since 2009. The council agrees with this testimony. The city's review of the rule and of the 2009 EOA demonstrates that the 2009 EOA meets the rule's requirements. As mentioned, DLCD reviewed the 2009 EOA when the city adopted it. It did not state at that time, nor did it state during the public process associated with these amendments, that the 2009 EOA failed to meet the rule's requirements.

It is possible the state believes OAR 660-009-0010(4) applies to this post-acknowledgement amendment. That rule states as follows:

For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other

use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

The rule's plain language only applies to "plan amendments" that change "the plan designation of land." The amendments do not modify Sandy's Plan. Rather, the amendments modify uses in certain commercial and industrial zones.<sup>1</sup>

Nevertheless, the amendments do comply with the 2009 EOA. The EOA found that Sandy has a 119.8 gross acre surplus of employment land (2009 EOA, page 6-5). The amendments do not change the Plan designation or zoning of any properties, so the amendments do not affect this 120-acre surplus.

The 2009 EOA found that Sandy has a need for smaller employment sites (< five acres) and that it could meet this need in part through a better use of underutilized sites via infill and redevelopment (2009 EOA, page 5-20). The 2009 EOA also described Sandy's comparative advantage for attracting businesses and suggested the city establish policies to attract professional service businesses, retirement facilities, personal services (lodging, restaurants, tourist-oriented retail, etc.) and small-scale manufacturing firms. Based on the city's advantages, the 2009 EOA predicted these types of businesses are most likely to choose to locate in Sandy (2009 EOA, page 5-10 through 5-11).

The amendments represent the city's attempt through its development code to capitalize on its comparative advantage and make it easier for such businesses to locate in Sandy. For instance, retirement facilities are currently a conditional use in the C-1 and C-2 zones. The amendments make them outright permitted uses in those zones. Professional offices are currently outright permitted uses in the C-1 and C-2 zones, are a conditional use in the C-3 and are at best conditional uses in the industrial zones (and arguably prohibited in at least the I-2). The amendments make professional offices outright permitted uses in the I-1<sup>2</sup> and I-2 zones. The

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<sup>1</sup> The amendments likewise do not implicate ORS 227.186. Notice under that statute is required for code amendments if the amendments "rezone" property. Property is "rezoned" for the statute's purposes if a local government changes the "base zoning classification" of property or amends its code to "limit or prohibit land uses previously allowed in the affected zone." ORS 227.186(9). The amendments do not change the base zone classification of any properties (e.g. they do not change a property's zoning from I-1 to I-2, C-1 to C-2, etc.) and they broaden rather than limit land uses previously allowed in the affected zones.

<sup>2</sup> For buildings less than 60,000 square feet. For buildings greater than 60,000 square feet, the amendments conditionally permit professional offices in the I-1 zone.



amendments permit outright small-scale manufacturing in the C-1, C-2 and C-3 zones; currently manufacturing uses are not addressed in those zones and are arguably prohibited.<sup>3</sup> Finally, the amendments permit limited commercial and retail uses in the I-1 and I-2 zones, as detailed above. Currently, there are very limited commercial uses permitted in the I-1 and the code only permits them as special conditional uses in the I-2.

For these reasons, the city finds that the amendments are entirely consistent with the 2009 EOA, its most recent economic opportunities analysis.

#### Additional Goal 9 findings

- By relaxing some of the current restrictions on the non-residential land development marketplace, the amendment increases market efficiency and thus improves the possibility of economic development.
- By emphasizing building and site design standards (and environmental effects) rather than arbitrary land “use” labels, the amendment will provide more opportunities for “a variety of economic activities.”
- The state’s economic development goal includes a subgoal for local comprehensive plans to “limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.” The state provides no evidence that limiting the land development market somehow improves the overall economy. Zoning any land for a *specific* commercial or industrial use makes even less sense from the standpoint of economic theory. Nevertheless, one could argue that externalities might reduce the economic value of nearby properties. The amendments do not change the regulation of externalities such as noise, smoke, and odor. If there is such a thing as an aesthetic externality, the amendment does not affect building or site design standards for the various zones.
- An August 4, 2011, letter from Jennifer Donnelly representing DLCD states, “the staff report does not include goal findings or include any analysis that the City did to determine if there is a need for more commercial lands or a need for commercial uses in the industrial zones.” The implied assumption is that when there is more flexibility in uses (commercial uses in industrial zones and industrial uses in commercial zones), the market will somehow create more demand for commercial activities. DLCD has provided no evidence or data to support this assumption. Demand for retail services in particular is determined by the local residential base and Highway 26 traffic, and nothing in this amendment affects those two sources of retail demand. The amendment is not being made in response to a perceived need for “more” of any type of land, it is being made to reduce unnecessary restrictions in the land development market.

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<sup>3</sup> In the C-1, C-2 and C-3 districts, the amendments limit the size of such manufacturing uses to 30,000 square feet, 60,000 square feet and 7500 square feet, respectively. The amendments only allow larger manufacturing uses in each zone through a conditional use process.

- The DLCD letter further states, “The City will need to make findings that they have a long range industrial land supply and the industrial land supply will not be eroded by this code change.” The amendment does not change the city’s zoning map (based on the comprehensive plan’s economic opportunities analysis) and thus does not affect the supply of industrial land.
- The 2003 legislature directed the state to appoint an “Industrial Conversion Study Committee” to examine whether there is a problem with industrially-zoned land being “converted” to other purposes. The committee noted in its final report (December 2004) that “very little empirical information is available to document the nature and extent of conversion.” (p.6) The report goes on to provide support for **exactly the kind of flexibility** proposed in this amendment:

Committee members agreed with the task force’s characterization that the nature of industrial uses has changed dramatically since Oregon’s land use program was adopted more than thirty years ago. Oregon’s economy is no longer centered on forest and food processing industries and heavy manufacturing. It has diversified to include more high-tech and office-based employment, much of which is traded-sector activity. *Yet, many local governments have not updated their codes to reflect the types of uses and activities that make up today’s economy.*

To better understand the concept of ‘employment lands,’ the committee examined the Phase I findings of the Greater Metropolitan Employment Lands Study (GMELS). This study is in the record and is incorporated by reference. The study is based on an assessment of the need for a broad category of employment lands within the greater Portland metropolitan region. Committee members concurred with a major finding of GMELS that the line between industrial and non-industrial use is becoming increasingly blurred in the new economy because many traded-sector and industrial activities are now carried out in office and tech-flex settings. The latter type of industrial uses is perfectly compatible with other employment activities and, *thus, can be accommodated in mixed-use zoning districts that include retail, office, institutional and/or light industrial and even residential uses.*

Employment lands accommodate a broader range of uses than are currently allowed under traditional Euclidian (exclusionary) zoning. According to the GMELS Phase I findings, *the standard for employment lands should be based on development, design and performance standards rather than exclusive uses. This way, the evolving market can determine the nature and mix of uses at any given location as long as the resulting development looks and functions like other nearby development with the same underlying zoning designation.* The state should incorporate the employment lands concept in the administrative rules and policy. (final report, pp 18-19. Emphasis added)

- In its letter, DLCD provided no data to show that, in cities similar to Sandy, more flexibility in industrial and commercial uses has harmed the local economy, as

measured by aggregate personal income, per-capita personal income, the unemployment rate, or other measures of overall economic health. Ultimately, this kind of evidence (which would be counter to the predictions of micro-economic theory) would be needed to show that the proposed amendment is inconsistent with Goal 9.

- The Task Force recommendation which limits retail uses to those incidental to, and associated with, the primary (permitted) use (as recommended by DLCD planner Jennifer Donnelly at the May 21 hearing) complies with Sandy's Comprehensive Plan policies relating to Goal 9 (economic development) which include the following goal:

36. Protect designated industrial lands for industrial uses. Limit commercial development in industrial areas to uses which are clearly ancillary and subordinate to industrial development.

In addition, businesses in the industrial zone (I-2) under this amendment must be screened from view from Highway 26 and arterial streets. In Sandy, this mechanism has been applied in the past on a case-by-case basis, and it has been far more successful than the brute-force approach of fighting the land development market through regulations. The Sandy Industrial Park and the Mt. Hood Industrial Park are both screened from view from Highway 26 (the former through a thick screen of conifers, and the latter through a combination of trees and grade separation). There has been little interest in locating commercial or retail businesses in these areas. In some cases, the parks have served as incubators for local retail businesses that—once established—are able to afford higher rents and move to commercial zones with good visibility from the 30,000 to 60,000 vehicles that pass by on Highway 26 each day.

For all of the foregoing reasons, the city finds the amendments comply with Goal 9.

10. Goal 10. The amendments do not relate to or involve the Plan's standards implementing Goal 10 and do not trigger compliance with any Goal 10-related statute or rule. Therefore, Goal 10 is not applicable.
11. Goal 11. The amendments do not relate to or involve the Plan's standards implementing Goal 11 and do not trigger compliance with any Goal 11-related statute or rule. Therefore, Goal 11 is not applicable.
12. Goal 12. The amendments are not transportation-related and therefore they do not implicate the Plan's standards implementing Goal 12. However, the amendments do implicate the transportation planning rule ("TPR").

The TPR states that "[i]f an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility" a city must take additional steps to mitigate such effects. OAR 660-012-0060(1). According to the rule:

a land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - (b) Change standards implementing a functional classification system; or
  - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The state believes the amendments may significantly affect applicable transportation facilities in Sandy. The state did not specifically reference which portion of the rule quoted above it believes the amendments' implicate. Moreover, the state did not present any evidence to the council to support its conclusion that the amendments may significantly affect facilities. Therefore, the city must speculate as to which portion of the definition of a significant effect the state considers applicable to the amendments.

The only evidence from a traffic engineer in the record regarding these issues is from the city's consultant, John Replinger. The city hired Mr. Replinger after ODOT and DLCD expressed concerns regarding the amendments and recommended additional analysis. Notwithstanding repeated invitations from the city for the state to provide contrary evidence, it did not do so in any meaningful fashion. The state submitted testimony expressing a generalized concern about the amendments – concerns that the city has responded to with detailed analyses and calculations demonstrating that the amendments will result in a virtually imperceptible increase in traffic volumes anticipated in the TSP. In the absence of any other evidence and in light of Mr. Replinger's expertise as a traffic engineer, the city finds his analyses and conclusions to be reasonable and credible.

The city finds that the amendments do not implicate OAR 660-012-0060(1)(a) or (b). The amendments do not change the functional classification of a facility (e.g. change a local street to a collector or a collector to an arterial). Likewise, they do not change standards implementing those classifications (e.g. amend the TSP's roadway standards to increase or decrease ROW width or design standards that relate to a



particular classification). Presumably, the state believes that OAR 660-012-0060(1)(c) may apply.

The record does not reveal any existing or planned facilities that are projected to not meet performance standards identified in the city's TSP. Thus, these findings analyze whether the amendments will result in any of the effects identified in OAR 660-012-0060(1)(c)(A) and (B). For the reasons that follow, the city finds that the amendments will not result: (1) in levels of travel or access that are inconsistent with functional classifications of existing or planned facilities; or (2) degrade the performance of an existing or planned facility such that it would not meet the performance standards identified in the TSP. Therefore, the city finds the amendments will not significantly affect any transportation facilities under the TPR.

As mentioned above John Replinger reviewed the amendments to determine whether they significantly affect transportation facilities in Sandy. In a report dated January 15, 2012, Mr. Replinger concluded that the proposed changes will not significantly affect the transportation system. In a follow-up report dated May 7, 2012, Mr. Replinger finds that even in the worst case (industrial zones are developed with high traffic generating uses), the increase in pm peak traffic is within 2% of the base level of traffic projected in the Transportation System Plan, well within the range of forecasting error. These reports are attached to, and incorporated in, these findings.

Mr. Replinger based his January and May 2012 analyses and reports on the amendments as they were written at those times. However, the version of the amendments the council adopts that are the subject of these findings responds to the state's concerns, particularly by limiting retail development in the I-2 zone to those retail uses that are "incidental to and associated with" a primary permitted use in the I-2 and by not amending uses in the I-3 zone. DLCD's Jennifer Donnelly suggested modifying the amendments in this fashion during her testimony before the council. The effect of the limitation in the I-2 zone and the avoidance of any changes to the I-3 zone further limits the impacts (modest as they were before such changes) the amendments may have on traffic facilities. The city engaged Mr. Replinger to analyze the final version of the amendments. His report, dated November 14, 2012, is attached and incorporated by reference into these findings. Not surprisingly, the report concludes the amendments as adopted will only further reduce the impacts on the transportation system relative to the original proposal Mr. Replinger analyzed in his January and May reports.

While the amendment affects all non-residential zones, undeveloped property within the Sandy Urban Growth Boundary in these zones is primarily limited to the C-2, I-1, I-2, and I-3 zones west of 362<sup>nd</sup> Drive and north and south of Highway 26. Traffic generated by developments in these areas enters Highway 26 at signalized intersections at 362<sup>nd</sup> and Orient Drive, and right-only movements at Champion Way. Even if the pattern of development is altered by this development (for example, more light industrial north of Hwy 26, and more commercial south of Hwy 26), the volume



of traffic entering the highway at the two intersections will not be affected. Thus, there is no significant effect on Highway 26.

Uses allowed in current non-residential zones encompass a wide range of traffic volumes. For example, the C-2 zone allows parking lots and convenience stores, the I-1 zone allows movie theaters or a Home Depot, the I-2 zone allows offices and trucking, and the I-3 zone allows car repair shops and lumber yards. Traffic patterns vary over time as businesses come and go. While the proposed amendment could result in a different traffic pattern, there is no way to predict whether it would be (at any given location) lower or higher than under the current zoning rules.

The proposed amendment excludes high traffic generators (convenience stores, drive-throughs, high-turnover restaurants) from the list of outright permitted uses in the light industrial zone. Retail uses that generate high traffic volumes will probably not locate in this zone anyway, since the amendment requires developments in these zones to be screened from view from Highway 26 and arterial streets. The Sandy Industrial Park and Mt. Hood Industrial Park have been similarly screened for over two decades, and while some retail businesses have located in these parks (e.g., car repair, card lock gas station), they have not been high traffic generators due to the lack of visibility from major streets.

The distribution of industrial and commercial/retail uses north and south of Highway 26 is not an issue because the local circulation systems on either side of the highway in the Transportation System Plan are mirror images of each other. Highway 26 is intersected by 362<sup>nd</sup>, which serves the non-residential zones on both sides of the highway. Two roads--Industrial Way (a collector) on the south, and Bell Street (a minor arterial) on the north--parallel Highway 26 and connect the signalized intersection at 362<sup>nd</sup> to the signalized intersection at Orient Drive. Both of these parallel streets feature two travel lanes and a center turn lane (required on Bell and as needed on Industrial Way). They have equal traffic volume capacity. From a traffic capacity standpoint, there is no good reason to concentrate high traffic generation uses on the north side of the highway, since street capacity is the same here as it is on the south side. It would in fact be a better use of street capacity to allow a more even mix of traffic generators on both the north and south sides of the highway, which is a possible (but not certain) outcome of this amendment.

In response to staff comments from ODOT, the draft amendment (as reviewed by the state agencies) has been updated to retain the I-1 and I-3 zones as separate zones (rather than combining I-1 with C-2, and I-3 with I-2 as in the original proposal). Further, the revised amendment does not include any changes to the I-3 zone. These changes effectively negate the objections expressed in the ODOT letter and traffic-related concerns expressed by DLCD.

Retail traffic generation. The letter from ODOT implies, with no evidence to support it, that the proposed changes in permitted and conditional uses within zones will by itself cause an increase in traffic associated with (new) retail uses. Traffic volumes

generated by three retail uses—convenience market, supermarket, and fast food—are noted in the ODOT letter to be higher than traffic volumes generated by three industrial uses (industrial park, light industrial, and heavy industrial). In fact, the proposed changes will not increase retail-oriented traffic in Sandy, and may instead reduce trip lengths and traffic on the overall state and county road systems.

Retail businesses that might expand or locate in Sandy fall into one of three categories:

- Those that serve local (Sandy and nearby rural areas) customers (local retail).
- Those that serve customers who are passing through on their way to the Mt. Hood recreation area or central Oregon (pass-through retail)
- Those that attract customers from the larger region (destination retail).

Demand for local retail is determined by the local residential base, and the proposed amendments do not change residential zoning. Local retailers (e.g., Fred Meyer, Ace Hardware, Sandy Cinema, Mt Hood Athletic Club) have found that while they are able to attract customers from the Hoodland Corridor and Estacada, residents west of Sandy tend to be drawn to the Portland urban area, not east to Sandy. Therefore, the only source of net new local retail demand in Sandy would be as a result of intercepting local traffic *that would otherwise* continue traveling west into Gresham or the Clackamas Town Center area. This would have the effect of *reducing trip lengths and reducing trips on the state and county road systems*.

Demand for pass-through retail is determined by the traffic bound for destinations east or west of Sandy. The proposed amendments will have no effect on this traffic or the shopping appetites of the occupants of these vehicles. Moreover, the (new) requirement to screen I-2 buildings and signs from Highway 26 included in the proposed amendment could well reduce the attractiveness of these properties for retail development, which is *currently* allowed as a conditional use.

Finally, there is little destination retail in Sandy, and no reason to expect significantly more. Sandy retail businesses that now serve a regional market include Suburban Auto, Fred's RV, and Johnson RV. These businesses generate very few trips per gross acre. As much as Sandy may want to attract a Harley Davidson dealer or a Cabela's store, there is little likelihood of this happening given the capacity limitations of US 26 in Gresham, and of Highway 212. These kinds of destination retail outlets are unlikely to locate in the I-2 zone if their businesses will not be visible from Highway 26; it is no accident that Suburban Auto and the RV dealerships have very prominent US 26 frontages.

The Task Force appointed by the City Council on July 2 has recommended changes to the initial staff proposal that will significantly limit retail trip generation in the industrial (I-2) zone. Retail uses are limited to those incidental to, and associated with, the primary (permitted) use, and can occupy no more than 35% of the space occupied by the business.

For all of these reasons, the amendments comply with Goal 12.

13. Goal 13. The amendments do not directly implicate the Plan's provisions regarding Goal 13. However, as discussed above, the amendments should encourage infill development by modestly broadening the uses permitted in many of the city's commercial and industrial zones. This meets the Plan's policy of "promot[ing] infill developments to reduce the need to extend services and streets." Goal 13 is satisfied.
14. Goal 14. The amendments to not adopt or amend Sandy's UGB. Therefore, the amendments do not implicate the Plan's provisions regarding Goal 14 or any Goal 14-related statute or administrative rule. Therefore, Goal 14 is not applicable.

**REPLINGER & ASSOCIATES LLC**  
TRANSPORTATION ENGINEERING

To: Mr. Scott Lazenby  
From: John Replinger, PE  
Subject: Worst Case – TSP Trip Generation Comparison  
Date: November 14, 2012

**Purpose**

This memorandum describes the analysis of a development scenario for areas of west Sandy south of Highway 26 based on the proposal to allow commercial uses on land currently zoned for industrial use. It specifically addresses the likely development of vacant land in Transportation Analysis Zones (TAZs) 10, 11, and 12.

The development scenario described in this memorandum can be considered as a reasonable worst-case scenario. It assumes development of the area with a combination of industrial, commercial and retail uses that would be allowed under the current proposal. This analysis accounts for the fact that the I-2 zoning category is much more restrictive than the I-1 category. In addition, the development scenario considers key constraints and limitations specific to the parcels, including, but not limited to the existence of power lines, existence of wetlands, and accessibility.

Finally, the PM peak hour trip generation associated with this reasonable worst-case scenario is compared with the trip generation used in the development of the City of Sandy's Transportation System Plan (TSP).

**Proposed Changes to Allowable Uses in the City of Sandy's Light Industrial Zones**

The City of Sandy has proposed new definitions for the C-2, I-1 and I-2 zones. The changes are designed principally to allow more flexibility in the uses for these zoning categories. Among the reasons cited for the change are the economic issues and the increasing overlap or similarity of industrial and retail uses.

The City of Sandy has proposed that a variety of commercial uses, including some retail and service uses, be allowed in land zoned I-2. There are, however, restrictions specified in the city's zoning code that limit what will be allowed outright as a permitted use.

Most of the uses permitted outright are "traditional" industrial uses such as trucking terminals, salvage yards, warehousing and distribution facilities, self-storage facilities, and manufacturing and assembly facilities. Under the current proposal, some additional uses would be permitted outright, including automobile repair and service centers, professional or general offices, and "any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building."

**Development Constraints and Assumptions**

To analyze the impact of the proposed changes, city staff developed a best guess of the development potential for sixteen vacant or underutilized parcels in southwest Sandy. City staff based the development potential on the existing zoning and on allowable uses specified in the proposed code language.

Staff assessed the limitations on each parcels by adjusting parcel size for the existence of power lines and wetlands that would limit the development potential.

Requirements of the city zoning code related to setbacks, landscaping, surface water treatment, and parking are calculated to limit the footprint of buildings in these zones to 25 percent of the parcels' developable size. This is also referred to as a floor area ratio or FAR.

The accompanying map and spreadsheet identify vacant parcels in TAZ 10, 11 and 12. The sixteen vacant parcels are identified as parcels A through P. In the spreadsheet, information is provided on gross and net usable parcel size and maximum building size. The spreadsheet also indicates the city staff's judgment of the uses that would be a reasonable worst-case development from a traffic standpoint.

Note that two of the larger parcels are expected to develop with traditional light industrial use; one is predicted to have trip generation characteristics similar to a heavy industrial use. Five others are predicted to develop primarily with light industrial uses, but with some portion developed with less traditional industrial uses or the ancillary retail function allowed under the proposed I-2 zoning category. Six parcels (D, E, H, M, O and P) would have some blend of commercial uses mostly associated with retail services; and two others (L and N) are identified for individual retail uses.

### **Trip Generation**

For the light industrial, heavy industrial, restaurant, and home/farm supply and equipment, individual rates from the Institute of Transportation Engineers' *Trip Generation* were used. The ITE land use codes used for the calculations are noted in column H of the attached spreadsheet.

For the six parcels city staff identified uses as "commercial," a trip generation rate was calculated using a blend of nine retail uses. The blend and applicable trip generation rates can be found on the spreadsheet labeled "Composite Trip Rates." This blend includes some high trip generation uses, including a fast food restaurant and supermarket. The blend represents what city staff believes to be a reasonable worst-case development scenario for parcels with I-1 zoning.

For parcels with the more restrictive I-2 zoning, a second composite trip generation rate was calculated. This is identified as "Light Industrial with Mixed Permitted Uses" on the spreadsheet labeled "Composite Trip Rates." This blended rate uses a combination of six land uses taken from ITE's *Trip Generation*. These are drawn from the list of outright permitted uses proposed for the I-2 category. The inclusion of the quality restaurant was intended to represent a taproom or tasting room at a brewery or winery or other restaurants identified in the proposed code. The auto care center, new car sales facilities, and office buildings were included to represent other outright permitted uses. Finally, the remaining industrial uses were matched with "specialty retail" calculated at the maximum allowable 35 percent of floor area ratio for ancillary retail uses. Like the blended rate described above, this represents what is thought to be a reasonable worst-case scenario for parcels with I-2 zoning.

It is worth noting that pass-by trips were excluded from the calculations. This was deemed appropriate because the pass-by component is already on the highway and because the trip generation used for the TSP was based on the specialty retail land use category, which has no pass-by trip percentage identified.

Trip generation rates for the expected uses are identified in columns I, J, and K for the daily, AM peak and PM peak hours, respectively. Total trip generation for each parcel is provided for these



same time periods in columns L, M and N. The final two columns (O and P) provide separate values for the inbound and outbound trips during the PM peak hour.

#### **Comparison of TSP and Worst-Case Development Scenario**

As summarized in the spreadsheet, the total trip generation for the sixteen vacant parcels in the study area is estimated to be 277 and 388 inbound and outbound trips, respectively. This compares with TSP estimates of 157 and 193 for the same periods and directions. The data are summarized in Table 1.

<b>Table 1</b>		
<b>Trip Generation Comparison for PM Peak Hour</b>		
<b>Scenario</b>	<b>Inbound</b>	<b>Outbound</b>
TSP	157	193
Reasonable Worst-case Development	277	388
Difference	120	195

To provide perspective on the significance of this increase, the total trips calculated for the TSP are presented in Table 2.

<b>Table 2</b>		
<b>Total Sandy Area Trips for PM Peak Hour</b>		
<b>Scenario</b>	<b>Inbound</b>	<b>Outbound</b>
TSP Base Year	6809	6869
TSP 2029	9314	9447
Difference Due to Worst-case Development Scenario (from Table 1)	120	195

As illustrated in Table 2, the difference in total PM peak hour trips due to the worst-case development scenario represents less than 1.7 percent of total year 2029 traffic. It is also worth noting that, as presented in my January 15, 2012 letter, development of some commercial uses in TAZ 10, 11 and 12 is likely to result in lesser commercial development in other parts of the city. Since the city also proposes allowing traditional industrial uses in commercial zoning categories, the increased flexibility might result in no net traffic increase due to the city's proposal.

#### **Transportation Planning Rule Compliance**

The Transportation Planning Rule considers an amendment may have a significant effect if any of the following is true.

1. Result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
2. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
3. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Based upon the information presented in this memorandum and the accompanying map and spreadsheet, I conclude it is unlikely that the proposed modifications of the zoning code would have a significant effect on the transportation system.

With regard to criterion 1, the streets providing access to the parcels are part of the street network designated in the TSP and are equally well suited to serving industrial or commercial uses. With regard to criteria 2 and 3, the net increase in traffic is very small (less than 1.7 percent of total PM peak hour traffic in the TSP's horizon year). The traffic increases are generated across an area of approximately  $\frac{3}{4}$  mile by  $\frac{1}{2}$  mile and this traffic is distributed among important collector and arterial roads including Champion Way, Industrial Way, and SE 362<sup>nd</sup> Avenue.

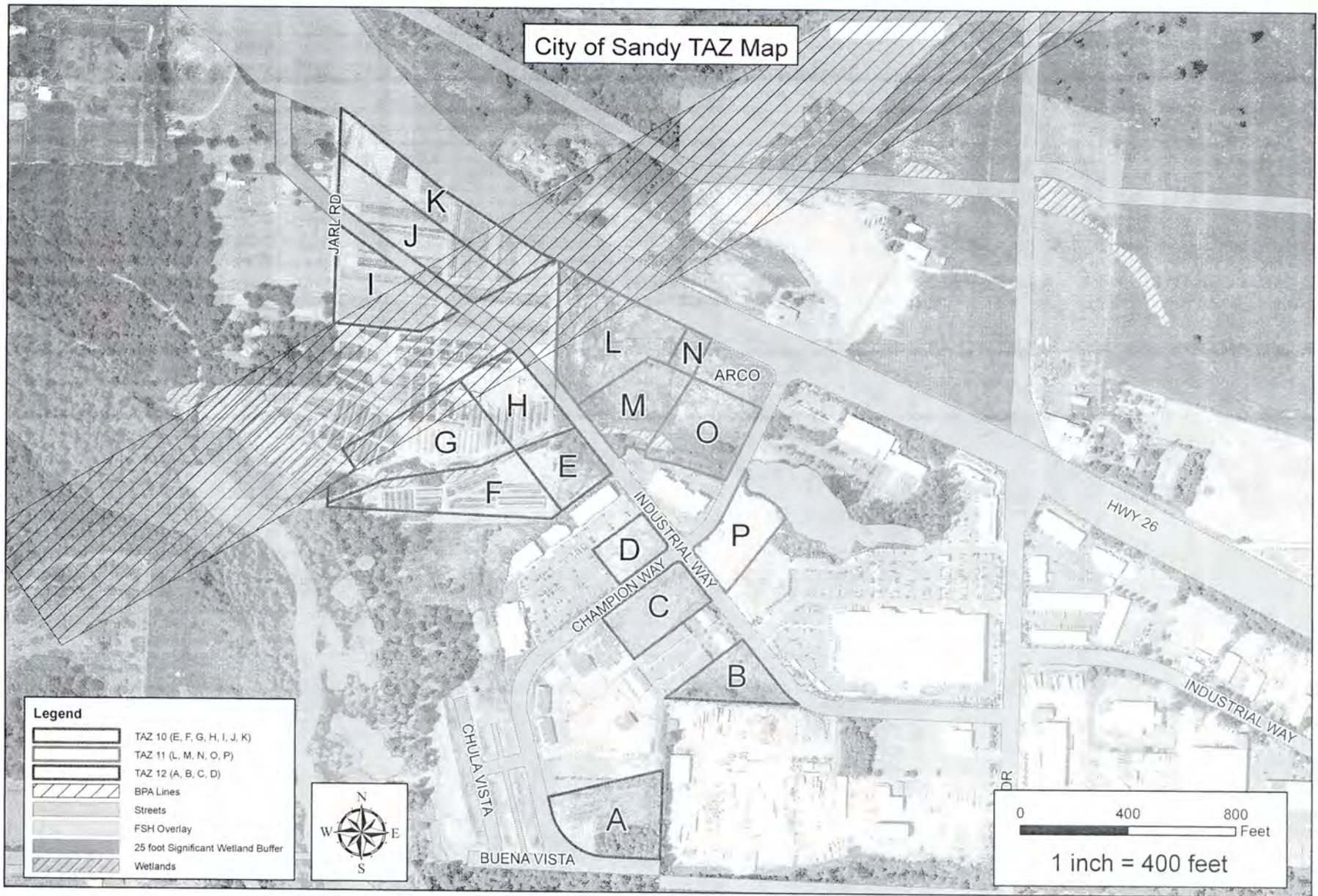
One final factor reinforces my conclusion that this proposal will not likely have a significant effect on the transportation system. The city simultaneously proposes a change that allows industrial uses in the C-2 commercial zoning category. Since the community has a finite need for commercial establishments based on the city's population and services to through traffic, one would expect that retail or other commercial establishments constructed on I-1 or I-2 lands will reduce demand for such retail activity on other commercially designated lands in the city. TAZ 48, which is located on the north side of US 26, is designated C-2. The TAZ is approximately 130 acres and is mostly vacant. According to the spreadsheets of employment growth used for the development of the TSP, this TAZ is the one with the largest number new retail and service employment for the city. The total new employment is forecast to be 582 with the vast majority in the retail and service sectors. As described above, a shift of some of these retail and service employees to TAZ 11 and 12 would likely be offset by industrial uses shifting from TAZ 11 and 12 to TAZ 48.

## **Conclusion**

The reasonable worst-case development scenario outlined in this memorandum is based on the assumption that the city's proposal for changes in allowable uses would result in various commercial uses on many of the sixteen vacant parcels in southwest Sandy. Trip generation calculations based on the reasonable worst-case development scenario were shown to generate somewhat more trips than were assumed for these same areas in the TSP. When compared with the total trips generated within Sandy, the impact of the worst-case development scenario is very small. Compared with trips in 2029, the planning horizon for the TSP, the increase from the worst-case development scenario is only 1.7 percent of total PM peak hour traffic. I conclude that the proposal to adjust the allowable uses in the I-1, I-2 and C-2 zoning categories is unlikely to have a significant effect on the transportation system.



# City of Sandy TAZ Map





**Trip Generation Calculations for Undeveloped Land for TAZ 10, 11, and 12 in west Sandy**

Worst-Case Analysis -- Flexible Zoning

		Gross Site Area	Percent Buildable	Net Useable Area	FAR Building SF	Uses		Trip Generation Rate			Total Trip Generation				
TAZ							Trip Generation Basis	Daily	AM Peak	PM Peak	Daily	AM Peak	PM Peak	PM In	PM Out
10	E	60,343	0.80	48,274	12,069	Commercial	Commercial Blend	45.40	3.75	3.60	547.90	45.27	43.42	20.84	22.58
	F	122,355	0.80	97,884	24,471	Light Industrial	ITE 110	6.97	0.92	0.97	170.56	22.51	23.74	2.85	20.89
	G	148,400	0.80	118,720	29,680	Light Industrial	ITE 110	6.97	0.92	0.97	206.87	27.31	28.79	3.45	25.33
	H	84,917	0.80	67,934	16,983	Commercial	Commercial Blend	45.40	3.75	3.60	771.03	63.70	61.10	29.33	31.77
	I	104,789	1.00	104,789	26,197	Light Industrial w/ Mixed Permitted Uses	Lt. Ind. w/Mixed Permitted	19.85	2.61	1.74	519.94	68.37	45.52	16.39	29.13
	J	118,047	1.00	118,047	29,512	Light Industrial w/ Mixed Permitted Uses	Lt. Ind. w/Mixed Permitted	19.85	2.61	1.74	585.73	77.02	51.28	18.46	32.82
	K	118,059	1.00	118,059	29,515	Light Industrial w/ Mixed Permitted Uses	Lt. Ind. w/Mixed Permitted	19.85	2.61	1.74	585.79	77.03	51.29	18.46	32.82
TAZ Subtotal														109.79	195.35
11	L	150,971	1.00	150,971	37,743	Home/farm supplies and equipment.	ITE 862 (less pass-by)	15.50	0.66	1.23	584.86	24.73	46.51	22.33	24.19
	M	87,131	0.75	65,348	16,337	Commercial	Commercial Blend	45.40	3.75	3.60	741.69	61.27	58.78	28.21	30.56
	N	17,090	1.00	17,090	4,273	Restaurant	ITE 932 (less pass-by)	72.48	6.57	6.36	309.65	28.05	27.15	16.02	11.13
	O	99,109	0.75	74,332	18,583	Commercial	Commercial Blend	45.40	3.75	3.60	843.65	69.70	66.86	32.09	34.77
	P	70,258	1.00	70,258	17,565	Commercial	Commercial Blend	45.40	3.75	3.60	797.41	65.88	63.19	30.33	32.86
TAZ Subtotal														128.98	133.51
12	A	105,392	1.00	105,392		Outdoor construction storage yard	ITE 120 (acres)	6.75	1.98	2.16	16.33	4.79	5.23	1.05	4.18
	B	57,648	1.00	57,648	14,412	Light Industrial w/ Mixed Permitted Uses	Lt. Ind. w/Mixed Permitted	19.85	2.61	1.74	286.04	37.61	25.04	9.02	16.03
	C	73,567	1.00	73,567	18,392	Light Industrial w/ Mixed Permitted Uses	Lt. Ind. w/Mixed Permitted	19.85	2.61	1.74	365.03	48.00	31.96	11.51	20.45
	D	39,381	1.00	39,381	9,845	Commercial	Commercial Blend	45.40	3.75	3.60	446.96	36.93	35.42	17.00	18.42
TAZ Subtotal														38.57	59.08
Total for TAZ 10, 11 & 12					305,576						7,779.45	758.18	665.29	277.34	387.95
						For "Commercial Blend" and "Light Indust. w/ Mixed Permitted Uses"									
						trip generation rates, see next workbook tab									
											Total Inbound PM Peak Trips		Total Outbound PM Peak Trips		

### Composite Trip Generation Rates

## Commercial Blend

[illegible]

**Light Industrial with Mixed Permitted Uses**

1% Quality restaurant	89.95	0.81	7.49	0.41	0.41	5.02	2.47
5% Auto care center	23.72	2.25	3.11	1.49	0.77	1.49	1.62
5% New car sales	32.30	1.92	2.62	1.44	0.48	1.05	1.57
15% General office building	11.01	1.55	1.49	1.36	0.19	0.25	1.24
25% Specialty Retail	44.32	6.84	2.71	3.28	3.56	1.19	1.52
49% Light Industrial	6.97	0.92	0.97	0.81	0.11	0.12	0.85
Total	188.27	2.51	1.57	8.35	5.04	7.23	7.75
						33%	67%



Summary of Major Changes

	Current	Initial Staff Proposal	Task Force
<b>C-1 Downtown Commercial</b>			
Light manufacturing	Conditional as a "cottage industry"	Permitted	Permitted (no noise or odor)
Brew Pub	Conditional	Permitted	Permitted
Gas Station	Unclear	Conditional	Conditional
<b>C-3 Village Commercial</b>			
Light manufacturing	Not addressed	Permitted	Permitted (no noise or odor)
Brew pub	Unclear	Permitted	Permitted
<b>C-2 General Commercial</b>			
Light manufacturing	Not addressed; some types of service and repair permitted	Permitted	Permitted (no noise or odor)
Brew pub	Unclear	Permitted	Permitted (breweries, wineries, distilleries permitted with or without pub)
<b>I-1 Industrial Park (Mixed Use Commercial/Industrial)</b>			
Retail	Limited to specific categories of equipment, hardware, building materials. All other allowed as a conditional use if Planning Commission deems the business is "supportive and complementary" to the zone.	Permitted	Permitted
Brew Pub	Permitted; brewery without pub limited to 5,000 SF	Permitted; brewery without pub limited to 5,000 SF	Permitted, with or without pub
<b>I-2 Light Industrial</b>			

Retail	Allowed as a conditional use if Planning Commission deems the business is "supportive and complementary" to the zone.	Permitted, except for high traffic generators	Permitted, but limited to 35% of gross SF of associated permitted use
Automotive and related sales and service	Conditional	Permitted	Permitted
Eating/drinking establishments	Conditional	Permitted	Permitted except for fast food, and limited to 40 seats
Brewery	Conditional	Permitted	Permitted; tap room or tasting room allowed but not full pub

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