



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

07/18/2013

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 003-13

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: Monday, July 29, 2013

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: Tracy Brown, City of Sandy
Gordon Howard, DLCD Urban Planning Specialist
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

JUL 15 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Sandy**

Local file number: **13-013 ZC**

Date of Adoption: **6/3/13**

Date Mailed: **7/3/13**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 04/22/2013

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".

Zone Change for two properties, owned by the City of Sandy and Greg Ernst. The City of Sandy property located on Champion Way contains 2.41 acres (Parcel 2 of Re-Plat of Lot 5, Pioneer Corporate Park) and is proposed to change from Industrial Park, I-1 to Light Industrial, I-2. The Greg Ernst property located on Industrial Way contains 1.32 acres (Parcel 3 of Partition Plat 1999-72) and is proposed to change from Light Industrial, I-2 to Industrial Park, I-1. Both properties are already designated as Industrial on the Comprehensive Plan Map.

Does the Adoption differ from proposal? NO

Plan Map Changed from: **Industrial**

to: **Industrial**

Zone Map Changed from: **Industrial Park, I-1
Light Industrial, I-2**

to: **Light Industrial, I-2
Industrial Park, I-1**

Location: **24E15A 00206 and 24E15A 00212**

Acres Involved: **3.73**

Specify Density: Previous: **N/A**

New: **N/A**

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. 003-13 (19810) [17533]

ORDINANCE NO. 2013-09

AN ORDINANCE AMENDING THE CITY OF SANDY ZONING MAP BY CHANGING THE ZONING MAP DESIGNATIONS FOR TWO PROPERTIES

Whereas, the City of Sandy owns a parcel of real property composed of 2.41 acres and identified as T2S R4E Section 15A Tax Lot 206;

Whereas, Gregory Ernst owns a parcel of real property composed of 1.32 acres and identified as T2S R4E Section 15A Tax Lot 212;

Whereas, the applicant, the City of Sandy, desires to change the Zoning Map designation for its property from I-1, Industrial Park to I-2, Light Industrial;

Whereas, the applicant, Gregory Ernst, desires to change the Zoning Map designation for his property from I-2, Light Industrial to I-1, Industrial Park;

Whereas, the Planning Commission held a public hearing to review the proposal on May 28, 2013 and forwarded a recommendation to the City Council to approve the request;

Whereas, the City Council then held a public hearing to review the proposal on July 1, 2013.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

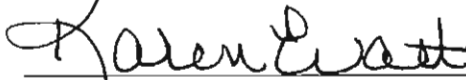
- Section 1: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 is hereby amended to change the Zoning Map designation for T2S R4E Section 15A Tax Lot 206 from I-1, Industrial Park to I-2, Light Industrial.
- Section 2: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 is hereby amended to change the Zoning Map designation for T2S R4E Section 15A Tax Lot 212 from I-2, Light Industrial to I-1, Industrial Park.
- Section 3: All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.
- Section 4: Attached and incorporated by reference is Exhibit A. It contains findings supporting the above changes to the Zoning Map and contains relevant conditions of approval.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 1ST DAY OF JULY, 2013.



William King
Mayor

ATTEST:



Karen Evatt
City Recorder

**EXHIBIT A
ORDINANCE 2013-09**

**FINDINGS OF FACT and FINAL ORDER
TYPE IV LAND USE DECISION**

DATE: July 3, 2013

FILE NO.: 13-013 ZC

PROJECT NAME: City of Sandy and Gregory Ernst Zone Change

APPLICANT/OWNER: City of Sandy (portion of Tax Lot 206) and Gregory Ernst (Tax Lot 212)

LEGAL DESCRIPTION: T2S R4E Section 15A, Tax Lots 206 and 212

DECISION: The City Council approves a zone change amendment for two properties located in the City of Sandy.

The above-referenced proposal was reviewed as a Type IV Zone Change Amendment, the following Findings of Fact are adopted supporting approval of the plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant Submittals

- A. Land Use Application Form
- B. Letter from Gregory Ernst
- C. Vicinity Map
- D. Zoning Map
- E. Partition Plat

Agency Comments:

None

City Documents:

- F. Ordinance 2013-09

Public Comments:

None

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on April 4, 2013. Where there is a conflict between these findings and the staff reports, these findings shall control.

2. The application was deemed complete on May 4, 2013. The 120-day deadline is September 1, 2013.

3. The staff reports and this final order are based upon the exhibits listed above, as well as the testimony and discussion at the Planning Commission hearing held on May 28, 2013 and the City Council hearing held on July 1, 2013.
4. Notification of the proposal before the Planning Commission meeting was mailed to property owners within 300 feet of the subject property and to affected agencies on May 9, 2013. A legal notice was published in the Sandy Post on Wednesday, May 15, 2013.
5. Notification of the proposal before the City Council meeting was mailed to property owners within 300 feet of the subject property and to affected agencies on June 11, 2013. A legal notice was published in the Sandy Post on Wednesday, June 19, 2013.
6. No individuals, besides the applicant, spoke at the Planning Commission or City Council public hearings.
7. No comments were received by affected agencies.
8. The Planning Commission reviewed the application at a public hearing on May 28, 2013 and recommended approval of the application with a vote of 6-0.
9. The City Council reviewed the application at a public hearing on July 1, 2013 and completed a first reading of Ordinance 2013-09 with a vote of 7-0.
10. The City Council then completed a second reading of Ordinance 2013-09 at the July 1, 2013 meeting with a vote of 7-0.
11. The subject site owned by the City of Sandy contains a total gross area of approximately (Tax Lot 206) 2.41 acres and the subject site owned by Gregory Ernst (Tax Lot 212) contains 1.32 acres. The sites are located on Champion Way (Tax Lot 206) and on Industrial Way (Tax Lot 212).
12. The subject site owned by the City of Sandy has a Plan Map designation of Industrial and a Zoning Map designation of Industrial Park, I-1. The Zoning Map designation for the City of Sandy property was approved to change to Light Industrial, I-2.
13. The subject site owned by Gregory Ernst has a Plan Map designation of Industrial and a Zoning Map designation of Light Industrial, I-2. The Zoning Map designation for the Gregory Ernst property was approved to change to Industrial Park, I-1.
14. The property owned by the City of Sandy is an undeveloped portion of the public works operations center. The land is in the process of being divided into two lots with Parcel 1 being retained for City operations and Parcel 2, the subject property. The City requested this zone change in order to sell the property to Konell Construction to be used as a salvage yard.
15. The property owned by Gregory Ernst was created as Parcel 3 of Partition Plat 1999-072 and is currently vacant. The owner currently has the property for sale. Mr. Ernst requested the

zone change to I-1 to allow for a greater number of potential commercial and industrial park uses.

Chapter 17.26 – Zoning District Amendment

16. Section 17.26.40(B)1. requires that in order to complete a zone change the applicant shall determine the effects on City facilities and services. The City has evaluated their public works operations center and has determined that Parcel 2 is not needed for future expansion. Both the City property and the Ernst property already have access to all required utilities. Development of both properties would require land use review and applicable development requirements. Because the proposal will not create a significant impact to City facilities and services, the application meets this criterion.

17. Section 17.26.40(B)2. requires that in order to complete a zone change the applicant shall assure consistency with the purposes of this chapter. The proposal is consistent with the purposes of this chapter. The applicants have requested review of a Type IV Quasi-Judicial Amendment to the Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject sites are both currently planned and zoned industrial and are proposed to be rezoned to a different intensity of industrial. The properties are adjacent to industrial properties and right-of-way.

18. Section 17.26.40(B)3 requires that in order to complete a zone change the applicant shall assure consistency with the policies of the Comprehensive Plan. This proposal is consistent with the policies of the Comprehensive Plan. Both properties contain a Comprehensive Plan designation of Industrial. This will not change. Staff determined the proposal conforms to the policies of the Comprehensive Plan, specifically the following goals and policies:
 - Goal 1, Policy 2 – This proposed Comprehensive Plan change includes citizen participation as the approval process included two public hearings and allowed for people to submit written comment.
 - Goal 2, Policy 6 – This proposal is consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
 - Goal 9, Policy 2 – The proposed zone change is requested to facilitate development of two properties that are undeveloped. Expected development of the properties can be accommodated by existing water, sewer, and street capacity.
 - Goal 9, Policy 36 –The property owned by the City of Sandy is located between the City operations center and the Konell salvage yard at the current terminus of Champion Way. This property location is less suitable for a commercial type use. The proposed zone change modified 1.32 acres on Industrial Way from Light Industrial I-2 to the less intensive Industrial Park I-1. This change allows for more commercial uses in a location adjacent to other existing commercial uses (Fred Meyer).

19. Section 17.26.40(B)4. requires that in order to complete a zone change the applicant shall assure consistency with the Statewide Planning Goals as may be necessary, and any other

applicable policies and standards adopted by the City Council. In order to comply with the requirements of this section the proposal must also meet the intent of the applicable Statewide Planning Goals. Based on the proposal and the location of the subject property the following Statewide Planning Goals apply to the proposal: 1, 2, and 9 as analyzed below.

- **Goal 1: Citizen Involvement**
The application was reviewed through a Type IV process that required two public hearings. Two public notices, one for City Council and one for Planning Commission, were sent to property owners and to affected agencies within 300 feet of the subject properties. Legal notices were published in the Sandy Post for both the City Council and Planning Commission public hearings, and a notice of the proposal was sent to the Department of Land Conservation and Development. The Planning Commission reviewed the proposal at a public hearing on May 28, 2013 and made a recommendation of approval to City Council. City Council held a public hearing on July 1, 2013. Because the public had the opportunity to review and comment on the application, this proposal meets the intent of Goal 1.
- **Goal 2: Land Use Planning**
The City's Comprehensive Plan guides land use within the City's Urban Growth Boundary. The City's Zoning Ordinance enforces the Comprehensive Plan. Staff has reviewed the application for conformance with the Comprehensive Plan and Zoning Ordinance.
- **Goal 9: Economic Development**
Goal 9 requires cities to provide an adequate supply of buildable lands for a variety of commercial and industrial activities, and requires plans to be based on an analysis of the comparative advantages of a planning region. The proposal will reduce the land supply for Industrial Park 1-1 by 1.09 acres with a corresponding increase in Light Industrial I-2. If both properties are developed based on permitted uses within their proposed zoning districts approval of this application could create additional employment growth.

Transportation Planning Rule (TPR)

20. The Oregon Transportation Planning Rule (TPR) requires local governments to place measures assuring that allowed land uses are consistent with the identified function, capacity, and performance standards of a transportation facility if a change to the comprehensive plan "significantly affects" a transportation facility.
21. The City has received an offer from the adjacent property owner, Konell Construction, to purchase the property. The future proposed use for the City property will most likely be a salvage yard; however, development of the site will need to be approved through a separate land use approval prior to the new use occupying the site. Traffic evaluations will need to be conducted at the time a future use is proposed. The sales agreement for the property owned by the City will include a requirement to sign a non-remonstrance agreement for the formation of a local improvement district for future Champion Way street improvements. The Champion Way roadway extension will adhere to Option B as designed by the City Engineer on October of 2010.

22. The Ernst property is currently for sale, but no proposed use has been determined. Development of the property will require land use approval which will also include traffic evaluations. The net decrease of Industrial Park I-1 land is 1.09 acres. The potential traffic impacts to the area could be reduced with the approval of this zone change as more property would transition to Light Industrial I-2 which generally has permitted uses that create less traffic. Staff does not believe the proposed zone change and future development of the two properties will significantly affect the road network.

DECISION

For the reasons described above, this request by the City of Sandy and Gregory Ernst, to complete a zone change amendment for two properties located in the City of Sandy is hereby approved.

CITY OF SANDY
39250 PIONEER BLVD.
SANDY, OR 97055



U.S. POSTAGE  PITNEY BOWES

ZIP 97055 \$ 001.12⁰
02 1W
0001376803 JUL 08 2013

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

DEPT OF

LAND CONSERVATION
AND DEVELOPMENT