



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/16/2013

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 006-12

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: Thursday, January 31, 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

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

JAN 11 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Sandy**

Local file number: **12-029 CPA/ZC**

Date of Adoption: **1/7/13**

Date Mailed: **1/8/13**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/12/2012

☐ 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".

Comprehensive Plan amendment and Zone change from High Density Residential to Commercial designation. The proposal includes two properties owned by Jabez Properties, LLC totaling 0.90 acres. The applicant requested the amendment to facilitate expansion of parking facilities for AEC Inc located directly across Pioneer Blvd from the proposed site. The City Council approved the request on January 7, 2013 with adoption of Ordinance 2013-01.

Does the Adoption differ from proposal? NO

Plan Map Changed from: High Density Residential

to: Commercial

Zone Map Changed from: High Density Residential, R-3

to: Central Business District, C-1

Location: 24E13CA 6700 and 6790

Acres Involved: 0.90

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 006-12 (19549) [19314]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Tracy Brown**

Phone: (503) 668-4886 Extension:

Address: **39250 Pioneer Blvd.**

Fax Number: **503-668-8714**

City: **Sandy**

Zip: **97055-**

E-mail Address: **tbrown@cityofsandy.com**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

-
9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

ORDINANCE NO. 2013-01

AN ORDINANCE AMENDING THE CITY OF SANDY COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS FOR TWO PROPERTIES.

Whereas, the Jabez Properties LLC land is composed of two properties identified as T2S R4E Section 13CA Tax Lots 6700 and 6790;

Whereas, the applicant, Jabez Properties LLC, desires to change the Comprehensive Plan Map designation for the properties from High Density Residential to Commercial;

Whereas, the applicant, Jabez Properties LLC, desires to change the Zoning Map designation for the properties from R-3, High Density Residential to C-1, Central Business District;

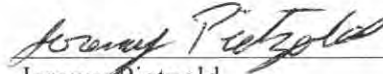
Whereas, the Planning Commission held a public hearing to review the proposal on November 26, 2012 and forwarded a recommendation to the City Council to approve the request;

Whereas, the City Council then held a public hearing to review the proposal on December 17, 2012.

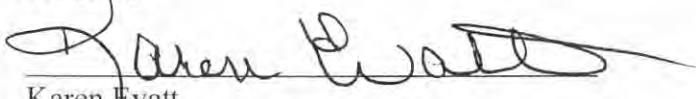
NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

- Section 1: The Comprehensive Plan Map adopted by the City of Sandy by Ordinance 10-97 on October 20, 1997 is hereby amended to change the Comprehensive Plan designation for T2S R4E Section 13CA Tax Lots 6700 and 6790 from the High Density Residential designation to the Commercial designation.
- 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 13CA Tax Lots 6700 and 6790 from R-3, High Density Residential to C-1, Central Business District.
- 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 Comprehensive Plan and Zoning Map and contains relevant conditions of approval.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 7th DAY OF JANUARY, 2013.


Jeremy Pietzold
Council President

ATTEST:


Karen Evatt
City Recorder

**EXHIBIT A
ORDINANCE 2013-01**

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

DATE: December 31, 2013

FILE NO.: 12-029 CPA/ZC

PROJECT NAME: Jabez Properties Comprehensive Plan Amendment and Zone Change

APPLICANT/OWNER: Jabez Properties, LLC (Ernie Brache)

LEGAL DESCRIPTION: T2S R4E Section 13CA Tax Lots 6700 and 6790

DECISION: The City Council approves a comprehensive plan amendment and zone change amendment to facilitate future development of a parking lot on the subject property.

The above-referenced proposal was reviewed as a Type IV Comprehensive Plan Amendment and 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's Submittals

- A. Land Use Application Form
- B. Narrative
- C. Site and Storm Plan Parking Lot Improvement Plan
- D. Tax Assessor Map

Agency Comments:

- E. ODOT letter (11/20/12)
- F. City Traffic Consultant (11/21/12)

City Documents:

- G. Ordinance 2013-01
- H. Findings of Fact and Final Order

Public Comments:

None

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on October 4, 2012. Where there is a conflict between these findings and the staff reports, these findings shall control.

2. The application was deemed complete on October 10, 2012.
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 November 26, 2012 and the City Council hearing held on December 17, 2012.
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 October 16, 2012. A legal notice was published in the Sandy Post on Wednesday, November 14, 2012.
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 October 16, 2012. A legal notice was published in the Sandy Post on Wednesday, December 5, 2012.
6. No individuals besides the applicant spoke at the Planning Commission or City Council public hearings.
7. Comments were received from the Oregon Department of Transportation and the City's Traffic Consultant.
8. The Planning Commission reviewed the application at a public hearing on November 26, 2012 and recommended approval of the application with a vote of 5-0 subject to a condition requiring a trip cap as recommended by the City's Traffic Consultant.
9. The City Council reviewed the application at a public hearing on December 17, 2012 and recommended approval of the application with a vote of 6-0 including the recommended condition requiring a trip cap.
10. The subject site contains a total gross area of approximately 0.90 acres. The site is located south of Pioneer Blvd., north of Tupper Road, and east of Junker Street.
11. The site has a Plan Map designation of High Density Residential and a Zoning Map designation of High Density Residential, R-3.
12. The site is proposed to have a Plan Map designation of Commercial and a Zoning Map designation of Central Business District, C-1.
13. The proposal before the City Council is a Comprehensive Plan Map amendment from High Density Residential to Commercial and a Zone Change from R-3 (High Density Residential) to C-1 (Central Business District). The proposal includes two properties owned by Jabez Properties, LLC. The applicant is requesting this amendment to facilitate a future expansion of parking facilities for AEC Inc. located across Pioneer Blvd. from the subject site. Parking lots are not a permitted use in the R-3 zoning district so a zone change is necessary to accommodate the proposed future development of a parking lot which is a permitted use in the C-1 zoning district.

Chapter 17.24 – Comprehensive Plan Amendment Procedures

14. Section 17.24.70(A) requires that a comprehensive change shall be the best means of meeting the identified public need. The City adopted an updated buildable lands inventory in February 2009 (Ordinance 2008-11). This report identified a surplus of 19.1 gross acres of high density residential land and 49.6 acres of commercial land for the period 2009-2029. The proposed change would reduce the high density residential land supply by 0.90 and add a corresponding area to the commercial land supply. Approval of the proposal would result in more than 20 acres remaining in the high density residential category. Based on this analysis the proposal will not detract from the identified land needs outlined in the Comprehensive Plan.
15. Section 17.24.70(B) requires that a comprehensive change conform to all applicable Statewide Planning Goals. The proposal complies with applicable Statewide Planning Goals 1, 2, 9, 10, 11 and 12 as explained in the following six findings.
16. Goal 1 has requirements for citizen involvement. The application is being reviewed through a Type IV process requiring two public hearings. A public notice was sent to adjoining property owners, legal notices were published in the Sandy Post, and a notice of the proposal was also sent to the Department of Land Conservation and Development (DLCD). The Planning Commission reviewed the application at a November 26, 2012 public hearing and made a recommendation to City Council for approval with one modification as recommended by staff. The City Council held a public hearing on December 17, 2012 and made a recommendation to approve the proposal incorporating the trip cap modification as recommended by the Planning Commission. Because the public had the opportunity to review and comment on the application, the proposal meets the intent of Goal 1.
17. Goal 2 contains requirements for 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 in review of Chapter 17.24, and Zoning Ordinance in review of Chapter 17.26.
18. 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. As noted above, the City adopted an updated buildable lands inventory in February 2009 (Ordinance 2008-11). This report identified a surplus of 19.1 gross acres of high density residential land and 49.6 acres of commercial land for the period 2009-2029. The proposed change would reduce the high density residential land supply by 0.90 and add a corresponding area to the commercial land supply. The applicant has indicated this land will be used to construct additional parking for AEC Inc. If the land is used for the proposed parking area it would create additional employment growth opportunities by providing AEC Inc. with more parking flexibility, while decreasing parking capacity shortfalls for other businesses in the immediate vicinity.
19. Goal 10 has requirements for housing. Goal 10 calls for cities to provide a land inventory, future needs and planning and zoning to meet the identified needs. As shown in the buildable lands inventory, following the proposed change, a surplus of high density residential land of over 20 acres will remain. Because the proposal does not substantially

detract from the supply of land designated high density residential, the application meets the intent of Goal 10.

20. Goal 11 has requirements for public facilities and services. The proposed comprehensive plan change and zone change should not negatively impact public facilities or create service capacity shortfalls. The proposed future construction of the parking lot would alleviate current parking capacity shortfalls to on-street public parking and the public parking lot, Heritage Square Parking Lot.
21. Goal 12 has requirements for transportation. The City's Transportation System Plan does not identify a public street on the subject property. The subject site would gain access through the existing parking lot to Highway 26, which is classified as a major arterial. The applicant does not propose any street development with this application. The proposed future construction of the parking lot should not generate additional vehicle trips as the intent of the use is to alleviate current parking capacity shortfalls, not create additional traffic. At the advice of ODOT and as recommended by the Planning Commission, the Council has determined that a traffic generation trip cap shall be developed based on the reasonable worst case traffic generation under the R-3, High Density Residential zoning district. For proposed future development that would create trips above and beyond the trip cap allotment a traffic study would be required.

Chapter 17.26 – Zoning District Amendment

22. 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. Development on the site will require fill and a retaining wall, stormwater treatment and detention on-site, and water service for irrigation of landscaping around the future parking lot. Extension of sanitary sewer will be required with future development of the lot. The proposed comprehensive plan change and zone change should not negatively impact public facilities or create service capacity shortfalls. The proposed future construction of the parking lot would alleviate current parking capacity shortfalls to on-street public parking and the public parking lot, Heritage Square Parking Lot. Because the proposal will not create a significant impact to City facilities and services, the application meets this criterion.
23. 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 applicant has requested review of a Type IV Quasi-Judicial Amendment to the Comprehensive Plan and Zoning Map as required by Chapter 17.26. As analyzed through review of Chapter 17.26, staff has determined the proposal meets the applicable criteria. The subject site is bordered by C-1 Central Business District property to the north and is separated from residential property to the south by Tupper Road. The property zoned residential to the east of the subject property has limited development potential because of its limited size and access. The residential property to the west of the subject site would provide a transitional area between commercial property and high density residential.
 - 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. Criteria for changes to the Comprehensive Plan were reviewed in Chapter 17.24 above.

24. 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, 9, 10, 11 and 12. An analysis of each goal is included in review of Section 17.24.70 above.

Transportation Planning Rule (TPR)

25. The Oregon Transportation Planning Rule (TPR) requires local governments to assure 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. The future proposed use of a parking lot for an existing business should not generate additional vehicle trips as the intent of the use is to alleviate current parking capacity shortfalls, not create additional traffic. Future construction of commercial structures on the subject site could generate more trips than High Density Residential uses; however, it is not feasible to determine the trip generation impact without knowing the proposed future uses of the site. The site is relatively small (0.90 acres) and a large percentage of the property will be occupied by the future proposed parking lot. Any future development of the subject site will be evaluated for impacts to the transportation system. Because of the scale of the zone change, staff does not believe the proposed zone change and future development of the site as a parking lot will significantly affect the road network.
26. Comments were received from ODOT on November 20, 2012 stating that the land uses under the existing Comprehensive Plan Map and zoning for High Density Residential generate less traffic than the allowed uses under the proposed Comprehensive Plan Map and zoning for Central Business District. Since the subject site could redevelop in the future with a more intense use, ODOT recommended a Condition of Approval requiring a traffic generation trip cap be established on the property representing a worst case scenario based on uses under the existing zoning, or require the applicant to prepare a traffic impact study for the property.
27. The Planning Commission reviewed the options as recommended by ODOT and recommended that the imposition of a trip cap was the most straight forward approach. Prior to the meeting, staff contacted the City’s Traffic Consultant to discuss a worse case trip generation scenario based on existing zoning (Exhibit F). The worse case trip generation is based on multi-family housing as a land use, which is the most intensive use in the R-3, High Density Residential zoning district. Based on net density requirements, it is estimated that 18 units would be the maximum number permitted on the subject site. Development of this use is expected to produce 120 daily trips, nine trips in the AM peak hour, and 11 trips in the PM peak hour.
28. The applicant’s representatives indicated before Planning Commission and again before Council they were in agreement with the trip cap approach. For this reason, Council

conditioned the approval to include a trip generation trip cap of nine trips in the AM peak hour and 11 trips in the PM peak hour. If a future development proposal would produce more trips than these numbers, the applicant would be required to submit a traffic impact study.

DECISION

For the reasons described above, this request by Jabez Properties, LLC, to complete a comprehensive plan amendment and zone change amendment to facilitate future development of a parking lot on the subject property is hereby approved as modified by the conditions listed below.

CONDITIONS OF APPROVAL

A. General Conditions

1. Vehicle trips generated by any future use or uses on the subject property, whether conditional uses or permitted uses, cumulatively shall not exceed 120 daily trips, nine trips in the AM peak hour, and 11 trips in the PM peak hour. A request to exceed this trip cap requires submittal of a traffic impact study and approval from the Oregon Department of Transportation.
2. Development of the subject property requires land use and building permit approval as appropriate.

City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055



U.S. POSTAGE » PITNEY BOWES
ZIP 97055 \$001.30⁰
02 1W
0001376803 JAN 10 2013

DEPT OF

JAN 11 2013

LAND CONSERVATION
AND DEVELOPMENT

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