



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 10, 2016  
Jurisdiction: City of Sandy  
Local file no.: 16-011 CPA/ZC  
DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/07/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 001-16 {24351}  
Received: 6/7/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sandy

Local file no.: **16-011 CPA/ZC**

Date of adoption: 6/6/16      Date sent: 6/7/16

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/22/16
- No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Tracy Brown

Phone: 503-668-4886 E-mail: [tbrown@ci.sandy.or.us](mailto:tbrown@ci.sandy.or.us)

Street address: 39250 Pioneer Blvd. City: Sandy Zip: 97055-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Commercial to High Density Resid. 0.36 acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Change from            to            .            acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T2S R4E 13DB Tax Lots 2100, 2200.

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from Central Business District to High Density Resid.. Acres: 0.36

Change from           to           . Acres:

Change from           to           . Acres:

Change from           to           . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:           . Acres added:           . Acres removed:

Location of affected property (T, R, Sec., TL and address): T2S R4E 13DB Tax Lots 2100, 2200

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List affected state or federal agencies, local governments and special districts: City of Sandy

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**ORDINANCE NO. 2016-01**

**AN ORDINANCE AMENDING THE CITY OF SANDY COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS FOR 0.36 ACRES.**

**Whereas**, McKenzie Cook submitted a request to change the Comprehensive Plan Map designation and Zoning Map designation for a portion of property owned by the Sandy Church of Christ identified as T2S R4E Section 13DB Tax Lots 2100 and 2200;

**Whereas**, the applicant, McKenzie Cook, desires to change the Comprehensive Plan Map designation for 0.36 acres of this property from Commercial to High Density Residential;

**Whereas**, the applicant, McKenzie Cook, desires to change the Zoning Map designation for the 0.36 acre property from C-1, Central Business District to R-3, High Density Residential;

**Whereas**, the applicant has proposed the Comprehensive Plan map amendment and the Zoning Map amendment be conditioned on completing a land division process to create a 0.36 acre parcel from the rest of the subject property in compliance with applicable land division regulations;

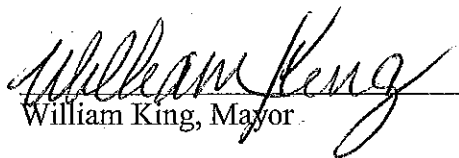
**Whereas**, the Planning Commission held a public hearing to review the proposal on April 25, 2016 and forwarded a recommendation to the City Council to approve the request;

**Whereas**, the City Council then held a public hearing to review the proposal on May 2, 2016.

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

- Section 1: The Council conditionally approves the Comprehensive Plan amendment and Zoning Map amendment, subject to the applicant completing a land division process to create a separate 0.36 parcel which is the subject of this request. After the land division process is recorded to create the 0.36 acre parcel, the Comprehensive Plan Map designation for this new parcel only will be changed from Commercial to High Density Residential and the Zoning Map designation will be changed from C-1, Central Business District to R-3, High Density Residential. The Comprehensive Plan Map designation and the Zoning Map designation for the remainder of the property will not change.
- Section 2: All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.
- Section 3: The Comprehensive Plan Map amendment and Zoning Map amendment will only be effective following completion of the terms and conditions contained in the Final Order attached as Exhibit A to this Ordinance. This document contains findings supporting the above change to the Comprehensive Plan Map and the Zoning Map and relevant conditions of approval.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY  
THE MAYOR THIS 6th DAY OF JUNE, 2016.

  
\_\_\_\_\_  
William King, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Young, City Recorder

**EXHIBIT A  
ORDINANCE 2016-01**

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

**DATE:** June 6, 2016

**FILE NO.:** 16-011 CPA/ZC

**PROJECT NAME:** Cook Comprehensive Plan Amendment and Zone Change

**APPLICANT:** McKenzie Cook

**OWNER:** Sandy Church of Christ

**LEGAL DESCRIPTION:** T2S R4E Section 13DB Tax Lots 2100 and 2200

**DECISION:** The City Council approves a conditional Comprehensive Plan Map amendment and Zoning Map amendment subject to conditions contained in this Order.

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's Submittals**

- A. Land Use Application Form and Supplemental Application
- B. Narrative
- C. Traffic Impact Study
- D. Sketch Map with Aerial
- E. Proposed Lot Line Adjustment and Existing Utility Plan
- F. Arborist Report and Tree Plan

**Agency Comments:**

- G. Oregon Department of Transportation (4/6/16)

**Public Comments:**

- H. Ted Huskey (4/4/16)

**FINDINGS OF FACT**

**General**

1. These findings are based on the applicant's original submittal received on March 17, 2016. Where there is a conflict between these findings and the staff reports, these findings shall control.
2. The application was deemed complete on March 22, 2016.

3. The staff report 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 April 25, 2016 and the City Council hearing held on May 2, 2016.
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 March 23, 2016. A legal notice for the Planning Commission and City Council public hearings was published in the Sandy Post on April 13, 2016.
5. No individuals, besides the applicant's representative, spoke at the Planning Commission public hearing.
6. The following individuals spoke at the City Council public hearing:
  - Marie Skipper, representing the applicant (23424 SE Country Squire Road)
  - John Macauley (39427 McCormick Drive)
  - Chris Switzer (39554 McCormick Drive)
  - Virginia Fudali (39534 McCormick Drive)
  - Greg Becker (14585 Bluff Road)
  - Shawn Puhlman (17710 Loundree Drive)
  - John Pyryt (17675 Wolf Drive)
  - James Suchanek (17795 Wolf Drive)
  - Shawn Pfenning (17700 Loundree Drive)
  - Nancy Becker (14585 Bluff Road)
  - Steve Fudali (39534 McCormick Drive)
7. Written comments were received from the Oregon Department of Transportation (Exhibit G).
8. The Planning Commission reviewed the application at a public hearing on April 25, 2016 and recommended approval of the application with a vote of 6-0 subject to conditions contained in this motion.
9. The City Council reviewed the application at a public hearing on May 2, 2016 and voted 4-3 approving the application and directed staff to prepare an Ordinance and Final Order for their consideration at a subsequent meeting.
10. The applicant requests approval to change the Comprehensive Plan Map designation of Commercial to High Density Residential and to change the zoning designation from C-1 (Central Business District) to R-3 (High Density Residential). The applicant is requesting the amendment in order to facilitate development of this portion of the property for residential uses allowed in the new zone.
11. Chapter 17.24, Comprehensive Plan Amendment Procedures, contains review criteria for Comprehensive Plan amendments in Section 17.14.70.

12. Section 17.24.70 (A) specifies the change being proposed is the best means of meeting the identified public need. The City Council adopted an updated Urbanization Study in February 2015 (Ordinance 2015-01). This study projected the land needs for the Urban Growth Boundary to the year 2034 and concluded there is expected to be a surplus of 13.9 acres of high density residential land and a deficit of 51.8 acres of commercial land for the planning period. The proposed change would reduce the commercial land supply by 0.36 acres and add a corresponding area to the high density residential land supply. With approval of the proposal the commercial land deficit would be increased to 52.16 acres (51.8 + 0.36). The city is currently conducting the second part of the study to determine how the identified land need will be met. Because of its location, the Council finds the subject property to be generally more suitable for residential development than it would be for commercial development. There is currently a strong demand within the city for lower cost residential development and development of the subject property as indicated by the applicant would address this demand. Based on this analysis the proposal will not detract from the identified land needs outlined in the Comprehensive Plan. As such, the proposal complies with this criterion.
13. Section 17.24.70(B) requires the change to conform to all applicable Statewide Planning Goals. The proposal complies with applicable Statewide Planning Goals 1, 2, 9, 10, 11 and 12 as reviewed below.

**Goal 1: Citizen Involvement**

The application is being reviewed through a Type IV process that requires two public hearings. A public notice was sent to adjoining property owners, a legal notice published in the Sandy Post, and a notice of the proposal was sent to the Department of Land Conservation and Development. The Planning Commission will review the application at a public hearing on April 25, 2016 and make a recommendation to City Council who will hold a public hearing on May 2, 2016. Because the public will have the opportunity to review and comment on the application, the proposal meets the intent of Goal 1.

**Goal 2: Land Use Planning**

The City's Comprehensive Plan guides land uses 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.

**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 commercial land by 0.36 acres with a corresponding increase in high density residential land. The change in zoning to high density will provide additional housing options in this area of the city.

**Goal 10: 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 14 acres will remain. Because the proposal does not substantially detract from the supply of land designated for commercial development, the application meets the intent of Goal 10.

**Goal 11: Public Facilities and Services**

The proposed comprehensive plan change and zone change will not negatively impact public facilities or create service capacity shortfalls. The proposed future construction of residential dwelling units will have a negligible impact on public facilities and will require the payment of System Development Charges.

**Goal 12: Transportation**

The City's Transportation System Plan does not identify a public street on the subject property. The subject site would gain access from McCormick Drive. The applicant submitted a Traffic Impact Study prepared by Lancaster Engineering (Exhibit C). This study indicates that with development of the site for six townhouses, the proposed development is projected to generate an additional five site trips during the morning peak hour and six trips during the evening peak hour. Based on the results of the operational analysis, all study area intersections are currently operating acceptably through the year 2018 either with or without the addition of site trips from the proposed development. The study indicates that no operational mitigation is necessary or recommended. The Oregon Department of Transportation submitted a letter reviewing the submitted Traffic Impact Study (Exhibit G). The conclusion of this letter indicates that, "ODOT agrees that there is "no significant effect" on the transportation system. No direct access to Pioneer Blvd. is permitted." With this analysis the project is determined to comply with the requirements of Goal 12 and the Transportation Planning Rule.

14. Section 17.26.40 contains review criteria for Zoning Map amendments. Section 17.26.40 (B)(1) requires the Council to determine the effects on City facilities and services. Development on the site whether for residential or commercial purposes will require sanitary sewer and water service and the provision of stormwater treatment and detention on-site. Sanitary sewer and water service is available to serve development in either Wolf Drive or McCormick Drive. The Council determines the proposed comprehensive plan change and zone change will not negatively impact public facilities or create service capacity shortfalls. The proposed future construction of the residential development will provide additional housing options within this area of the city. Issues related to on-street parking and access will be evaluated during review of a subdivision application. Because the proposal will not create a significant impact to City facilities and services, the application meets this criterion.
15. Section 17.26.40(B)(2) requires the proposal to assure consistency with the purposes of this chapter. The Council finds 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, the Council has determined the proposal meets applicable criteria. The subject site is bordered by C-1 Central Business District property to the north and R-3 High Density Residential zoning constructed with multi-family housing to the west. The subject property is located directly across from the Sandy Post Office and other single family residential

development. The subject property has limited potential for commercial development because of its size and location. Future development of the property with additional dwellings will provide a logical extension of housing options.

16. Section 17.26.50(B)(3) requires the proposal to assure consistency with the policies of the Comprehensive Plan. The Council finds the proposal is consistent with the policies of the Comprehensive Plan.

Goal 1, Policy 2 – The proposed Comprehensive Plan change included citizen participation as the approval process includes two public hearings and allowed for the public to submit written comments.

Goal 2 Policy 2 – The proposal is consistent with policies of the Comprehensive Plan, state law, and intergovernmental agreements. The Council finds the proposal is consistent with the policies of the Comprehensive Plan, state law and intergovernmental agreements as reviewed throughout this report.

Goal 9, Policy 2 – The proposed Comprehensive Plan change and zone change is requested to facilitate future development of residential housing on the subject property. The proposed residential development can be accommodated by existing utilities and will create more housing opportunities within this area of the city, thus carrying out the community goal of increasing housing choices.

Goal 10 Policy 1 – This policy strives to assure an adequate supply of developable land for low, medium, and high density housing to meet the 20-year population projections. The city completed an updated Urbanization Study (adopted by Ordinance 2015-01) identifies a deficit of 51.8 acres of commercial land and a surplus of 13.9 acres high density residential land over the next 20-years. The applicant's request to change 0.36 acres to high density residential will have a limited impact on meeting this goal.

17. Section 17.26.50(B)(4) requires the proposal to be reviewed for consistency with Statewide Planning Goals 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 a review of Section 17.24.70 above. As noted above, the applicant submitted a Traffic Impact Study (Exhibit C) evaluating potential traffic impacts with the requested Comprehensive Plan amendment and zone change. The conclusion of this analysis is that the proposal would have no significant impact to the transportation system including local streets and Highway 26. The Oregon Department of Transportation reviewed this study and submitted written comments (Exhibit G) concurring with this conclusion.

## **DECISION**

For the reasons described above, the request by McKenzie Cook to change the Comprehensive Plan Map designation from Commercial to High Density Residential and the Zoning Map designation

from C-1, Central Business District to R-3, High Density Residential is hereby conditionally approved subject to the conditions listed below.

#### **CONDITIONS OF APPROVAL**

##### **A. Prior to final conditional approval the applicant shall complete the following:**

1. Submit an application to the City of Sandy (property line adjustment or partition as required by Clackamas County) to create a new 0.36 parcel as shown on Exhibit E of this application.
2. Submit proof of a recorded partition or property line adjustment as approved above.

##### **B. General Conditions of Approval**

1. The Comprehensive Plan Map designation will remain Commercial and the Zoning Map designation will remain C-1 until all of the conditions contained in this Order are completed.
2. Any further action on the subject property requires approval of a new land use application.