



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 28, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 005-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 12, 2008

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

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

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

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

<paa> ya/

JUL 23 2008

NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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

See reverse side for submittal requirements

Jurisdiction City of Sandy Local File # 08-002

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

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

- Comprehensive Plan Text Amendment [] Comprehensive Plan Map Amendment [X]
Land Use Regulation Amendment [] Zoning Map Amendment [X]
New Land Use Regulation []

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

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

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

Same

Plan Map Change From MDR to LDR

Zone Map Change From R-2 to SFR

Location: T2S R5E Section 19 Tax Lot 500 Acres Involved: 10.88

Specify Density: Previous Density 8-14 units/acre New Density 2-6 units/acre

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

DLCD File # DLCD Appeal Deadline

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

- [X] Yes [] No [] The Statewide Planning Goals do not apply
[] Emergency Circumstances Required Expedited Review

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

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

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

DLCD # 005-08 (16829)

ORDINANCE NO. 2008-09

AN ORDINANCE AMENDING THE CITY OF SANDY COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS FOR T2S, R5E, SECTION 19, TAX LOT 500.

Whereas, the subject property was approved for annexation into the Sandy city limits by the Portland Metropolitan Area Local Government Boundary Commission in 1998.

Whereas, following annexation of the subject property, the property is then required to apply to the City to change the zoning on the property from Clackamas County zoning to City of Sandy zoning.

Whereas, the property owner never completed the Zoning designation step and as such zoning on the property is currently identified as “undesigned”.

Whereas, the subject property is designated on the Comprehensive Plan Map as Medium Density Residential and has a conceptual zoning designation as R-2, Medium Density Residential.

Whereas, the property owner desires to change the Comprehensive Plan Designation for the subject property from Medium Density Residential to Low Density Residential and the Zoning Designation from R-2, Medium Density Residential to SFR, Single Family Residential.

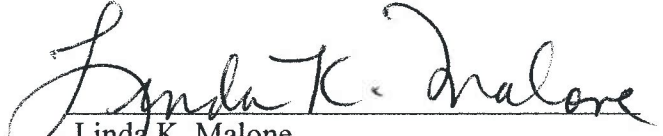
Whereas, the Planning Commission held a public hearing to review the request on May 27, 2008 and forwarded a recommendation to the City Council to approve the request.

Whereas, the City Council then held a public hearing on June 16, 2008 to review the request.

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

- Section 1: The Comprehensive Plan Map adopted by the City of Sandy by Ordinance 10-97 on October 20, 1997 will be amended to change the Comprehensive Plan Designation for T2S, R5E Section 19, Tax Lot 500 from Medium Density Residential as identified in the 2040 Plan Process to Low Density Residential.
- Section 2: The Zoning Map adopted by the City of Sandy by Ordinance 9-97 on October 20, 1997 will be amended to remove the “undesigned” symbol for T2S, R5E Section 19, Tax Lot 500 and change the zoning map designation from R-2, Medium Density Residential as identified in the 2040 Plan Process to SFR, Single Family Residential.
- Section 3: The aforesaid map amendments are supported by the Findings and Conclusions contained in the Final Order for the Knapp Comprehensive Plan Amendment and Zoning Change (File No. 08-002 CPA/ZC), which is attached hereto as Exhibit A, and the staff report incorporated herein as reference.
- Section 4. All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

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


Linda K. Malone
MAYOR

ATTEST:

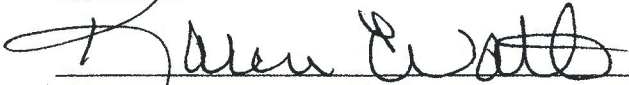

Karen Evatt
City Recorder

EXHIBIT A
ORDINANCE NO. 2008-09
FINDINGS OF FACT and CONCLUSIONS

FILE NO.: 08-002 CPA/ZC

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

OWNERS: John and Regena Knapp

LEGAL DESCRIPTION: T2S R5E Section 19 Tax Lot 500

FINDINGS OF FACT

General

1. These findings supplement and are in addition to the staff report dated June 9, 2008, which is incorporated herein by reference. Where there is a conflict between these findings and the staff report, these findings shall control.
2. The subject site consists of one parcel with a total area of approximately 10 acres.
3. The parcel currently has a Comprehensive Plan Map designation of Medium Density Residential and a Zoning Map designation of R-2, Medium Density Residential (unassigned), and is currently vacant.
4. Prior to its dissolution in January 1999, the Portland Boundary Commission provided review of annexations into the City of Sandy. As a second step in this process, annexation also required zoning assignment by the City of Sandy. On November 12, 1998, the Portland Boundary Commission approved annexation of the subject property through Boundary Change Proposal. The subsequent zoning assignment for the site was never proposed.
5. The applicant proposes changing the Comprehensive Plan Designation to Low Density Residential and the Zoning Map Designation of Single Family Residential.
6. Notice of the proposal was sent to the Department of Land Conservation and Development on April 9, 2008 and to property owners within 300 feet of the site as well as public and private agencies on April 21, 2008. A legal notice advertising the City Council public hearing was published in the Sandy Post on June 11, 2008.
7. The Planning Commission reviewed the request at a public hearing on May 27, 2008. At this meeting public testimony in support of the proposal was heard by Bill Knapp and Lois Coleman. No one spoke in opposition to the request. Based on staff's recommendation, the Commission recommended approval of the proposal and forwarded this recommendation to the City Council.

8. The City Council held a public hearing to review the request on June 16, 2008. No members of the public spoke in support or opposition to the request. The conclusion of the public hearing was the City Council closed the public hearing and approved the request as recommended by the Planning Commission with no conditions pending adoption of Ordinance No. 2008-09.

17.24 Comprehensive Plan Amendment Procedures

9. Section 17.24.70 contains review criteria to evaluate Comprehensive Plan Amendments. Section 17.24.70(A) requires, "The change being proposed is the best means of meeting the identified public need." The applicant's narrative indicates that their primary objective for requesting this change is to respond to an increasing demand for larger lots. As such, the applicant discussed the proposal relative to the City's recent buildable lands analysis efforts. As noted in the staff report, since this report has not been finalized at the time the applicant's request was submitted, this information was not used in evaluating the application. Instead, the City Council relied on the currently adopted buildable lands inventory completed in 1997. Review of this study indicates that a net surplus of land would still exist in the Medium Density Residential category if the subject property were changed to Low Density Residential. As such, the Council finds the proposal will not detract from the identified land needs outlined in 2040 Plan.

17.26 Zoning District Amendment

10. Chapter 17.26 contains review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments.
11. Section 17.26.40(B)(1) requires the Council to determine the effect on City facilities and services. Development of the site will require extension of water, sanitary sewer service and streets regardless of the type of development. Based on the 10 acre site, the current R-2 zoning of the subject property would amount to a density range of 80 to 140. The proposed SFR zoning would decrease the density range to 20 to 60. The proposed zone change could decrease the maximum number of units permitted within the current density range by 80. As such, the Council determines the proposed zone change will reduce impacts on City facilities and services.
12. Section 17.26.40(B)(2) requires review to "assure consistency with the purposes of this chapter". As discussed previously, the Portland Boundary Commission approved annexation of the subject property based on review of conformance with State policies as well as the City's Comprehensive Plan. Specifically, the Commission found the annexation was in conformance with Statewide Planning Goal 2 "Land Use Planning", Goal 11 "Public Facilities and Services", Goal 12 "Transportation" and Goal 14 "Urbanization". The Council finds the proposal is consistent with the purposes of this chapter.
13. Section 17.26.40(B)(3) requires review to "assure consistency with the policies of the Comprehensive Plan". The Council reviewed relevant policies in the Comprehensive including Goal 2, Policies 2 and 11 and Goal 10, Policy 11 and finds the proposal to be consistent with these and other relevant policies.
14. Section 17.26.40(B)(4) requires review to "assure consistency with any other applicable policies and standards adopted by the City Council." In order to comply with the requirements of Section 17.26.40(B)(4), the proposal must also meet the intent of applicable Statewide Planning Goals.

Based on the proposal and the location of the subject property, the Council determines the following Statewide Planning Goals apply to the proposal: 1, 2, 5, 10 and 12. The Council finds the proposal is consistent with this criterion.

Statewide Planning Goals

15. The application was reviewed through a Type IV process including two public hearings. A notice of the proposal was sent on to all persons within 300 feet of the subject site. The Planning Commission reviewed the application at a public hearing on May 27, 2008 and the City Council a second hearing on June 16, 2008. Because the public was given the opportunity to review and comment on the application, the Council finds the proposal meets the intent of Goal 1.
16. The City's Comprehensive Plan guides land use with the City's Urban Growth Boundary. The City's Zoning Ordinance enforces the Comprehensive Plan. The Planning Commission and City Council reviewed the application for conformance with the Comprehensive Plan in review of Chapter 17.24, and Zoning Ordinance in review of Chapter 17.26. For these reasons, the Council finds the proposal meets the intent of Goal 2.
17. The subject proposal does not contain any known Goal 5 resources and therefore Goal 5 is not applicable to the site.
18. Goal 10 requires cities to provide a land inventory, future needs and planning and zoning to meet the identified needs. The Goal also calls for cities to provide different types of housing. As analyzed in review of Chapter 17.24, the Council finds the proposal will increase the supply of land designated low density. The Council also finds the proposal will not create a deficit of land designated medium density residential. Because the proposal does not substantially detract from the supply of land designated medium density residential, the Council finds the application meets the intent of Goal 10.
19. The City's Transportation System Plan does not identify a public street on the subject property and the subject site has access to an improved public street (Vista Loop Dr.). Development of the site will require additional public access to the public street. The applicant does not propose any development with this application. Future development of the site will require a separate traffic analysis that will be reviewed for conformance with City standards. The applicant submitted a Trip Generation Letter (Exhibit D) by Lancaster Engineering. This letter provides trip generation estimates showing the difference in vehicle trips between current and proposed zoning. The letter concludes that the zone change would result in a reduction in vehicle trips. Because the number of vehicle trips will decrease with the change to SFR, the Council determines the proposal will not have a significant affect on the local street network and therefore complies with requirements of Goal 12 and the Transportation Planning Rule.

CITY OF SANDY
39250 PIONEER BLVD.
SANDY, OREGON 97055

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