

CITY COUNCIL STAFF REPORT

TYPE IV DECISION

DATE: March 5, 2021

FILE NO.: 20-041 ZC

PROJECT NAME: Rogue Fabrication Rezone

APPLICANT: Joseph and Nicole Gambino, JRG Property Management

OWNER: Eastwinds Industrial Park, Inc.

LEGAL DESCRIPTION: 2-4E-15A, 24E15A, Tax Lot 205 (Parcel 1 of 1999-72)

The above-referenced proposal was reviewed as a Type IV zone change. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

PROJECT OVERVIEW:

The applicant, Rogue Fabrication, is requesting a zone change for their 1.69 acre property at the Southeast corner of Industrial Way and Champion Way. The current zoning designation for the site is I-1 (Industrial Park). The applicant is requesting a rezoning of the site to I-2 (Light Industrial). The key difference between these zoning designations are architectural requirements, screening requirements, and setback requirements. I-1 has stricter requirements as these sites are meant to be visible from Highway 26. The applicant states that the site is not visible from Highway 26 and therefore an I-2 designation is more appropriate. Additionally, I-2 zones have fewer expected vehicle trips than I-1 zones based on a reasonable worst-case scenario.



REVIEW CRITERIA:

Zoning District Amendments: 17.26

Quasi-judicial zoning district changes shall be reviewed to:

1. Determine the effects on City facilities and services;
2. To assure consistency with the purposes of this chapter;
3. To assure consistency with the policies of the Comprehensive Plan;
4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

Analyses of these criteria can be found in Findings 13 through 17.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Supplemental Land Use Application
- C. Project Narrative
- D. Legal Description and Tax Assessment
- E. Vicinity Aerial Map
- F. Vicinity Topographical Map
- G. Sandy Zoning Map (Site)
- H. Sandy Zoning Map (City)
- I. Sandy Transportation System Plan: Functional Roadway Classification
- J. Rogue Fabrication Site Plan
- K. Phase 1 Building Perspective
- L. Phase 1 Building Elevations
- M. Phases 2 & 3 Building Perspective
- N. Phases 2 & 3 Building Elevations
- O. Traffic Study

Agency Comments:

- P. City Transportation Engineer (December 15, 2020)
- Q. ODOT (January 7, 2021)
- R. City of Sandy Public Works (January 5, 2021)
- S. Economic Development Manager (January 14, 2021)

Public Comments:

None

Additional Exhibits

- T. Applicant/ODOT correspondence (November 20, 2020)
- U. Pre-App Notes (September 15, 2020)
- V. Planning Commission staff report (January 15, 2021)
- W. Planning Commission draft meeting minutes (January 25, 2021)
- X. Planning Commission slide presentation (January 25, 2021)

FINDINGS OF FACT:

General

1. These findings are based on the applicant's submittals received on October 13, 2020. Staff deemed the application incomplete on November 9, 2020. The applicant submitted additional materials on November 20, 2020. The application was deemed complete on November 24, 2020 with a 120-day deadline of March 24, 2021.
2. This report is based upon the exhibits listed in this document, as well as agency comments.
3. Notification of the proposal for the Planning Commission meeting was mailed to property owners within 500 feet of the subject property on January 5, 2021 with a revision clarifying the meeting time sent on January 8, 2021. A legal notice for the Planning Commission meeting was published in the Sandy Post on January 20, 2021.
4. Notification of the proposal for the City Council meeting was mailed to property owners within 500 feet of the subject property on February 24, 2021. A legal notice for the City Council meeting was published in the Sandy Post on March 3, 2021.
5. An agency comment was received from David Snider, City Economic Development Manager, on January 14, 2021. According to Snider, the proposed zone change will be good for economic growth in the City by providing export manufacturing and job growth.
6. The subject site is approximately 1.69 acres. The site is located at the southeast corner of Industrial Way and Champion Way.
7. The parcel has a Comprehensive Plan Map designation of Industrial and a Zoning Map designation of I-1, Industrial Park.
8. The applicant, JRP Property Management, is requesting a zone change from I-1 (Industrial Park) to I-2 (Light Industrial). According to the applicant, the reason for the requested zone change is to reduce the architectural requirements and setback requirements for future development. I-1 zones have more robust requirements as they are intended to be visible from Highway 26. The applicant states that the subject site is not visible from Highway 26, and therefore an I-2 zoning designation is more appropriate. Additionally, an adjacent property is also zoned I-2.
9. It is important to note that this zone change does not require a Comprehensive Plan Map change as the Comprehensive Plan Map designation will remain Industrial.
10. Planning Commission held a public hearing for this application on January 25, 2021. At that meeting, Planning Commission forwarded to City Council a recommendation of approval for the zone change with conditions with a vote of 7 to 0.

17.26 – Zoning District Amendments

11. Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.
12. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.
13. Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services. Extension of sanitary sewer will be required with future development of the lot. The Public Works Director stated that he had no comment on the proposal, from which we can deduce that the City sees no potential negative impacts on public facilities with this zone change. Additionally, the potential uses on the site, should it be rezoned to I-2, would have relatively similar impacts on sanitary sewer and water facilities as uses permitted in the I-1 zoning district.
14. Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of Chapter 17.26. The purposes of the chapter are as follows:
 - A. Maintain sound, stable, and desirable development within the City. The applicant intends to construct an industrial building which will create living wage jobs and add to Sandy's exporting industries, making it a desirable type of development.
 - B. Permit changes in the zoning district boundaries where appropriate. Staff believes this is an appropriate zone change given the intents on I-1 zoning, I-2 zoning, and the distance of the subject site from Highway 26.
 - C. Ensure zoning changes are consistent with the community's land use policies and goals. See finding 15 for an analysis of land use policies.
 - D. Lessen the influence of private economic interests in the land use decision-making process. While this process has been initiated by and would be beneficial to private interests, so long as the decision-making body (in this case, City Council) makes a decision according to the review criteria, this purpose is met.
15. Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan. The following Comprehensive Plan policies are relevant to this application:
 - A. Goal 1 – Adequate public involvement through noticing affected property owners and holding two public hearings has achieved this goal.
 - B. Goal 2, Policy 7 – This proposal is consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
 - C. Goal 9, Policy 36 – Protect designated Industrial lands for Industrial uses. Because this rezone is not changing the Industrial Comprehensive Plan Map designation, this policy is met.
16. Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

- A. Goal 1: Citizen Involvement. The Planning Commission held a public hearing for this application on January 25, 2021. The City Council also held a public hearing on March 15, 2021. Public notices have been sent for these respective meetings.
 - B. Goal 2: Land Use Planning. Goal 2 requires the ordinance to be coordinated with other affected governmental entities and to be supported by an adequate factual base. The City provided notice of the proposed zone change to the state, as Oregon law requires.
 - C. Goal 9: Economy. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. As the EOA describes, Sandy has a need for smaller employment sites (< five acres). The EOA also describes 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 EOA predicted these types of businesses are most likely to choose to locate in Sandy. The proposed zone change will further the city’s efforts to capitalize on those advantages as explained in the EOA.
 - D. Goal 11: Public Facilities. The City has an existing public facilities plan that includes all properties within the city’s urban growth boundary (UGB), including islands of unincorporated property. The proposed zone change will not undermine or contradict any aspect of the existing public facilities plan. The Public Works Director submitted an email (Exhibit R) stating the Public Works Department doesn’t have any comments regarding the proposed zone change.
 - E. Goal 12: Transportation. The applicant submitted a traffic analysis from Ard Engineering (Exhibit O) and this analysis was reviewed by Replinger & Associates, the City’s Traffic Consultant (Exhibit P). This submittal was also reviewed by the Oregon Department of Transportation (Exhibit Q). This document calculated the development potential of the site based on current and proposed zoning and calculated a trip generation rate based on these assumptions. The analysis estimated at full development of the site, based on current I-1 zoning, the AM peak hour total trip count is 150, the PM peak hour total trip count is 175, and the daily total trip count is 1,760. Based on proposed I-2 zoning, the AM peak hour total trip count is 130, the PM peak hour total trip count is 138, and the daily total trip count is 1,304. Therefore, the proposed zoning of I-2 would likely generate 456 fewer daily trips based on a reasonable worst-case scenario. ODOT reviewed and concurs with this traffic analysis (Exhibit Q).
17. Given that the proposed development conforms with the Sandy Municipal Code and Comprehensive Plan goals, and that multiple conditions have been put in place to ensure that the development meets the intent of the Code and goals, the Planning Commission finds that these criteria have been met.

17.50 – Light Industrial (I-2)

18. According to the intent of Chapter 17.50, this zoning district is meant for light industrial uses that do not depend on high visibility. Such uses are intended to be screened from view from arterial streets and highways.
19. The two streets which mark the location of the site—Industrial Way and Champion Way—are neither arterial streets nor highways. Rather, they are both defined as collector streets.
20. The subject site is approximately 900 feet from Highway 26 (as measured from Google Earth), and this distance is intersected by Champion Way. Additionally, the site is screened from Highway 26 by the Mt. Hood National Forest Headquarters, Fred Meyer, and numerous trees. When driving by the Tractor Supply Store and AMPM there is a small visual window to see this property, but due to distance and other buildings between the highway and the subject site the prominence of this location is not highly visible. Based on limited visibility of the site from Highway 26 the Planning Commission recommends the following conditions are imposed on future development of the site:
 - A. Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping;**
 - B. SandyStyle approved colors on all future buildings on the subject site, including all walls and any metal roofs;**
 - C. Design features consistent with those identified in the submitted elevations (e.g., exposed timbers, gabled roof pitches); and**
 - D. In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.**
21. Manufacturing, assembly, and production uses that do not produce significant levels of noise or odor beyond the boundaries of the site are permitted outright uses. Additionally, incidental retail associated with the primary use of the site is allowed so long as it occupies less than 35 percent of the gross floor area of the building(s). Use of the site shall be determined in a future design review application.
22. All development and design requirements found in this chapter as well as in Chapters 17.80, 17.84, 17.90, 17.92, 17.98 and 15.32, and other chapters identified with future land use submittal shall be determined in a future design review application.

RECOMMENDATION:

Planning Commission recommends that the City Council approve the zone change application with additional conditions as identified in Finding #20.