



City of Sandy

Agenda

Planning Commission Meeting

Meeting Location: Zoom

Meeting Date: Monday, January 25, 2021

Meeting Time: 6:30 PM

Page

1. MEETING FORMAT NOTICE

The Planning Commission will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

- To login to the electronic meeting online using your computer, click this link: <https://us02web.zoom.us/j/87836695271>
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2. ROLL CALL

3. NEW PLANNING COMMISSIONER INTRODUCTIONS

4. CHAIR AND VICE CHAIR APPOINTMENTS

5. APPROVAL OF MINUTES

5.1. Draft Planning Commission Minutes from December 16, 2020

3 - 15

[Planning Commission - 16 Dec 2020 - Minutes - Pdf](#)

6. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS

The Commission welcomes your comments at this time. Please see the instructions below:

- If you are participating online, click the "raise hand" button and wait to be recognized.
- If you are participating via telephone, dial *9 to "raise your hand" and wait to be recognized.

7. DIRECTOR'S REPORT

- 7.1. Director's Report for January 25, 2021 16 - 17
[Director's Report for January 25, 2021 - Pdf](#)

8. PLANNING COMMISSIONER DISCUSSION

9. NEW BUSINESS

- 9.1. 20-041 ZC Rogue Fabrication Zone Change 18 - 160
[20-041 ZC Staff Report](#)
[EXHIBITS A - O \(APPLICANTS SUBMITTALS\)](#)
[EXHIBITS P-R \(AGENCY COMMENTS\)](#)
[EXHIBIT S - \(PUBLIC COMMENT\)](#)
[EXHIBITS T-U \(ADDITIONAL EXHIBITS\)](#)
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[20-040 DR VAR Sandy High School Field House Report](#)
[A Land Use Application SS SIGNATURE - UPDATED](#)
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[C 20-007 SHS FH DR NARRATIVE 20201103](#)
[D 20-007 SHS FIELD HOUSE DR Drawings 20201103](#)
[E Susie Jenkins Public Comment - file #20-040-DR VAR](#)
- 9.3. 20-032 DCA HB2001 Code Amendments 206 - 290
[20-032 DCA HB 2001 Code Amendments](#)
[A 17.30 PC hearing draft](#)
[B 17-34 PC hearing draft](#)
[C 17-60 PC hearing draft](#)
[D 17-74 PC hearing draft](#)
[E 17-82 PC hearing draft](#)
[F 17-98 PC hearing draft](#)
[G 17-100 PC hearing draft](#)
[H HB2001OverviewPublic](#)
[H2 HB2001TechnicalOverview](#)
[H3 HB 2001 HB 2003 Frequently Asked Questions](#)

10. ADJOURN



MINUTES
Planning Commission Meeting
Wednesday, December 16, 2020
Zoom
7:00 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill, Development Services Director, Emily Meharg, Senior Planner, and Shelley Denison, Associate Planner, and Chris Crean, City Attorney

MEDIA PRESENT: None

1. MEETING FORMAT NOTICE

2. Roll Call

Chairman Crosby called the meeting to order at 7:03 p.m.

3. Approval of Minutes

3.1. Draft Planning Commission Minutes for November 23, 2020

Motion: Approve the Planning Commission minutes for November 23, 2020.

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mobley

Yes votes: All Ayes

No votes: None

Abstentions: Commissioner Logan

The motion passed.

4. Requests From the Floor - Citizen Communication on Non- Agenda Items

None

5. COMMISSIONER'S DISCUSSION

Chairman Crosby asked about the new Planning Commissioners. O'Neill gave an

update on the new Planning Commissioners. Commissioner Mayton was reappointed and a new Planning Commissioner, Steven Hook, was appointed. There is still one vacancy. Chairman Crosby expressed sadness over the departure of Commissioners Mobley and Logan from the Planning Commission and thanked them for their service as did the other Commissioners.

6. OLD BUSINESS

6.1. The Views PD (20-028 SUB/VAR/TREE/FSH/PD) Continuance

Chairman Crosby opened the public hearing continuance on File No. 20-028 SUB/TREE/FSH/PD/VAR at 7:12 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made. Chairman Crosby stated he received three emails sent directly by one or more members of the public but didn't open them. Commissioner Carlton received an email from John Andrade and another from someone else. He opened them, but then forwarded them to O'Neill. Commissioner Mayton also received two emails, read the first few lines on the first, and forwarded it to O'Neill, and read the second one after it was sent to all Commissioners. Commissioners Logan, Lesowski, Maclean-Wenzel, and Mobley also received the emails but didn't open them or respond. O'Neill emphasized the need for the public to send emails to planning@cityofsandy.com. City Attorney Crean asked if any commissioners had any conversations with the emailers. None of the commissioners did. Commissioner Logan stated he watched the video 1.5 times, read the minutes, and read all of the material. The applicant's attorney, Robinson, asked if the emails received by the Commissioners were now part of the record. O'Neill confirmed the emails were made part of the record. Robinson also wanted to clarify that there were no conversations between the Commissioners and the emailers. It was confirmed that no conversations took place.

Crosby stated the Planning Commission's role is to make a recommendation to Council and that there will be another public hearing on this proposal before the City Council in the future.

Staff Report:

Associate Planner Denison summarized the staff report and provided an updated presentation related to the Planned Development (PD) request. Denison presented an overview of the proposal, history of the project, and explained the intent of a PD. Denison clarified the requested use types and number of proposed lots. Denison outlined the requested density bonus and "outstanding" design elements as well as the quantifiable deviations the

applicant is requesting as part of the PD process and the two additional special variance requests. Denison mentioned that HB 2001 would allow for duplexes on all of the lots. Denison summarized comments that were received between the November 23 Planning Commission hearing and the December 16 Planning Commission hearing, including both concerns and support for the proposal. Denison clarified that no development is proposed in the Flood Slope Hazard (FSH) overlay.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown referenced additional documents the applicant provided and showed a slideshow presentation. The applicant is proposing a “Welcome to Sandy” sign. Brown showed images associated with the proposed development and explained the PD process. Brown summarized the developer’s vision, what makes this development unique, and why the proposal should be approved. Brown responded to the concerns received from the public.

Mac Even
PO Box 2021
Gresham, OR 97030

Mr. Even introduced himself and provided background on his history as a builder. Even stated he wants to make a long-term investment in the community. Even and Engineer Moore met with approximately a dozen neighbors the morning of December 16, 2020 to discuss the proposal. Even mentioned the apartments are being included to help offset the infrastructure costs and to create inclusionary housing for all income levels to enjoy the same kinds of amenities.

Even stated the apartments on Lot 72 are proposed at 3 stories in height, but he is now proposing to remove 9 units from that building and make it a 2 story building to help preserve views for the neighbors. This would also reduce the number of units to 159, which means he’s no longer asking for a density bonus. Even stated that if they did duplexes instead, they would not be able to include the passive and active recreation areas.

Proponent Testimony:

Chris Anderson
17150 University Ave

Mr. Anderson said he thinks the project is great and appreciates that the

developer is removing one floor from the apartments on Lot 72. Prefers the PD proposal over duplexes. Asked some questions about the proposed HOA.

Cassidy Moore
1912 SW 6th Ave
Portland, OR

Ms. Moore stated she is excited to see growth.

Buzz Ortiz
41525 SE Vista Loop
Sandy, OR 97055

Mr. Ortiz said he supports the project because the alternative is rentals and duplexes.

Lindsey Sawyer
18085 Scenic Street
Sandy, OR 97055

Ms. Sawyer said she owns a property management company in Sandy and is excited for this proposal. Loves profit and rentals as a property manager but wants to see affordable housing too. Thinks having the developer assume park construction and having the park be maintained by an HOA is a good idea. Encourages everyone to think outside of the box.

Opponent Testimony:

Jason Dyami
41625 SE Vista Loop Drive
Sandy, OR 97055

Mr. Dyami expressed concerns about the additional impacts of traffic in the City of Sandy and wastewater treatment concerns. He stated that the FSH Overlay area already can't be built on so wondered if that space is included in the required open space. Wonders if there is a better location for apartments in a different part of town. He asked, why do the apartments need to be behind his house? Hard for him to swallow why current residents of the community need to suffer or lose what they've worked hard for so someone else can gain.

Lisa Hull
18265 SE Vista View Ct.
Sandy, OR 97055

Ms. Hull stated that she attended the informal meeting held by Mac Even on the morning of December 16. Her biggest disappointment is that most of the

people that live in this neighborhood have worked all their lives to afford to live in this neighborhood and enjoy beauty, peace, and quite that it provides. She stated that development will be nice for some people, but it takes the neighborhood down a notch and they've worked all their lives to be where they are today. A lot of the people living on Vista Loop are retired. She said that she learned that the eastern third of Vista Loop will be improved, but she is not sure residents of the new development will only use a third of Vista Loop. Sent a letter about her concerns about traffic safety with the influx of people and wanted to make sure her email was received. Highway 26 is already unsafe at the east end of Vista Loop and therefore suggests lowering the speed limit from 55 mph to 45 mph like on the west side of Sandy. Ms. Hull said there used to be a slip lane like a highway off ramp to exit Highway 26, which felt safer. The recent improvements to the intersection removed the slip lane and made it a hard right without a right turn lane. Parking analysis indicates no on-street parking but wants to know how that is going to be enforced based on the existing issues at the west end of Vista Loop.

John Barmettler
41613 SE Vista Loop
Sandy, OR 97055

Mr. Barmettler voiced that his biggest concern is the apartment buildings, regardless of the number of stories. He stated that he finds it preposterous. Sent emails out and wants everyone to know he's very upset about the whole thing. Concerned about the proposed location of Knapp Street intersecting with Vista Loop, which will point headlights into his bedroom. Doesn't doubt we need housing for people who can't afford high-end living, but the proposed location for apartments is the wrong place. He also stated that justifying the Planned Development (PD) by saying there are multiple housing types is circular logic.

Todd Springer
18519 Ortiz Street
Sandy, OR 97055

Mr. Springer stated that his biggest concern is schools and the size of the classrooms. His grandson had 23 kids in his kindergarten class last year. He would like to see speed controls, such as speed bumps. Mr. Springer is concerned about the safety of his five grandchildren who play in his yard.

Neutral Testimony:

John Andrade
18509 Ortiz Street
Sandy, OR 97055

Mr. Andrade stated that he met with Mac Even the morning of December 16. He is concerned about three-story apartments. For example, police recently responded to apartments on the west end of Vista Loop. Likes the developer's team but wants Planning Commissioners to hear the public's concerns, including that neighbors are used to having less traffic. Wants to hold Mac Even to HOA but knows many HOAs dissolve and ultimately the City and taxpayers absorb costs.

Staff Recap:

Denison reiterated that all letters and emails received are part of the record and Planning Commission has received them. Clarified that the applicant is proposing an HOA and that the applicant has completed a TIA, which was reviewed by a third-party traffic engineer. Speed limit reduction request would be a different application but feels the sidewalk on Highway 26 and the Welcome to Sandy sign should aid in traffic calming. Parking enforcement will be done through the City's current enforcement procedures. The Planning Commission can't take schools into account, but multi-family housing statistically has fewer children than single-family homes. Sounds like Mac Even's meeting with neighbors went well, which is great. Constitution protects property rights and economic viability of land so City can't say "no, you can't develop the land." Concern about apartments is not unique but there's great research on multi-family housing.

O'Neill stated there will be additional vehicles on the highway because of the proposed development but the traffic generated from the new units will have very little impact on the 33,000 vehicles already on Highway 26 (based on 2011 numbers). He stated to contact the Public Works Director or City Manager regarding Wastewater Treatment or speed bumps. The Sandy code enforcement officer will enforce no on-street parking. ODOT would need to review a speed limit reduction request and asked concerned citizens to ask Council to get this started. Classroom size is an Oregon Trail School District (OTSD) issue and people should contact Julia Monteith with concerns. However, additional property taxes and school excise taxes collected with development should help fund additional teachers and classroom expansion. You can't develop within the restricted development area of the FSH, but the remainder of the FSH is an analysis area. Many other developments include lots platted with some FSH area which becomes a code enforcement nightmare. This area is included inside the UGB so the subject property will be developed, whether it's the proposed development or another in the future. O'Neill stated that he hopes Mac Even submits additional details on reduction of the apartment building in the Lower Views from 3-stories to 2-stories, which ultimately means the density bonus is no longer applicable and development doesn't need to be considered outstanding anymore.

Applicant Rebuttal:

Brown emphasized that Mac Even intends to have an HOA and will retain ownership of the apartments himself. Single-family residents that are in the neighborhood will also have eyes on the development if there's a problem. Understands concern about change in the neighborhood, but the only way the road will be improved is with development. If this development isn't approved the alternative probably won't have all the benefits that are being proposed.

Discussion:

Chairman Crosby reiterated the Commission's task is to forward a recommendation to City Council with any adjustments they want to make or concerns they have. Crosby wants the Commission to respond to staff's questions. O'Neill stated that if there are questions the Commission feels they don't need to discuss, that's fine. Logan talked about House Bill (HB) 2001 and wondered how many questions could be considered moot once HB 2001 provisions are adopted and duplexes are allowed where single-family residences are allowed.

Carlton stated the proposed development area is zoned SFR, which won't really exist after HB 2001, though single-family detached homes will still be built. Needed housing refers to all housing needs, not just higher density. Need to listen to Sandy's citizens. Carlton reviewed the UGB expansion analysis and determined there's R-2 and R-3 land available, so every project doesn't need to include R-2- or R-3-like development. The subject PD proposal doesn't provide analysis on effect on urban growth expansion analysis. Carlton also stated that he hasn't seen a memo from City Attorney Crean, which was requested at the last meeting. Section 17.64.30(A) states that the underlying base zone standards apply unless superseded by the PD process, which allows modification of quantifiable standards. Base zone is still SFR. The Commission and Council can make a determination on each modification request, but Section 17.34.10 doesn't include townhomes or multi-family as permitted uses. Smaller lot areas lead to smaller lot widths. Applicant doesn't provide rationale for reduced setbacks. Is block length modification a variance or can that be done as part of the PD process even though it's in Chapter 17.100 and not Chapter 17.34? Carlton states that if property were to develop as SFR, there would still be FSH areas, there wouldn't be mix of housing types, and there might still be some recreation areas still due to odd shaped areas. Doesn't feel proposal is outstanding. Believes the SFR base zone standards should apply and not be modified. O'Neill stated that block length request can be processed through the PD process because it's a dimensional and quantitative standard in the Development Code.

Lesowski stated that he appreciates the preservation of the natural areas and incorporation of rowhouses to separate residential and commercial properties. Loves the public areas and amenities with meandering paths and views of Mt Hood. However, he feels the proposed quantitative modifications are too drastic. SFR would require minimum 7,500 square foot lots; proposal includes 50 lots under 5,000 square feet. A duplex on a 7,500 square foot lot would probably give more outside space and be more functional than 2 separate lots that are 3,400 square feet each with single family homes. He feels the high number of smaller lots push the proposal past decency. Commission is not supposed to be looking at development costs, even though it always comes up in the conversation. Most of the amenities are in the Lower Views and it would have been nice to spread out the amenities to the Upper Views too.

Mayton said he believes the proposed PD is a great concept and would add benefit to the community. His six "Nos" are around lot size and setbacks. Right-turn is also a "No" for him. He drove it three times at 5pm and was nervous. It's a tough right turn to make. Entrance into Vista Loop needs to be changed to make it feel safe for drivers, though he understands the traffic analysis found otherwise. Mayton is not sure about the last four questions but would support the PD with a lot of conditions tacked on, but in its current state he wouldn't be supportive.

Logan stated that he agrees that the concept, mix of uses, and open spaces are all great. He lives in a PD in Sandy and loves it, but his neighborhood doesn't have apartment buildings. Happy to hear Mac Even and Ray Moore met with the neighbors this morning. He stated that he doesn't like the apartment building on Lot 72 but doesn't have a problem with the lot sizes and widths given the amenities proposed. Finds the right turn off the highway to Vista Loop is problematic. Understands the issues with parking on Vista Loop Drive and that maybe code enforcement isn't doing their job or people aren't complaining.

Maclean-Wenzel said that she agrees with Logan. Feels for neighbors and understands it must be hard to have a new development go in next door, but the Commissions job is to review the proposed development and determine if it meets code. HB 2001 will allow duplexes and therefore change is on the horizon. Feels the developer has worked hard to put together a nice plan with lots of amenities. She is happy the developer met with neighbors on the morning of December 16 and likes the proposal to reduce the apartment building to 2 stories on Lot 72. As a PD, she finds the proposal is outstanding

and will look nicer than some of the other subdivisions that have been approved. Her biggest concern is the right turn off Highway 26 at Vista Loop Drive.

Mobley is less concerned about smaller lot sizes and thinks they're more common now. He lives on one. Recognizes that smaller lots could create parking issues but thinks overall the project is well designed. Likes that the design preserves views of Mt Hood. Understands neighbors wouldn't anticipate multi-family housing in a SFR zone. The right turn lane was fixed recently by taking out the slip lane at the intersection of Highway 26 and Vista Loop. Doesn't disagree with the technical analysis but understands the issues people are having with the comfort of making a right turn. Would be in favor of a speed zone analysis on that section of highway. Overall, he is in support of the development proposal.

O'Neill stated there's nothing in the evidence submitted by ODOT, or the developer's traffic engineer, or the City's third party traffic engineer that proves the intersection of Highway 26 and Vista Loop is unsafe. O'Neill believes ODOT should pay for improvements because property owner Picking already made improvements in 2018 as approved by ODOT. He stated that concerned citizens should voice concerns to ODOT. He reiterated that ODOT originally installed the slip lane, then asked a property owner to fix it by removing the slip lane and is now asking the same property owner to pay to fix it again.

Crosby agrees the overall design and appearance of the plan is wonderful, especially the meandering wide sidewalk area. Crosby reiterated the PD intent section. No one has referenced the first two points related to villages, which was a big part of the 2040 Comprehensive Plan. An essential theme in the Comprehensive Plan is village areas, which are compact developments designed to increase reliance on pedestrian mobility and reduce reliance on cars. How does a developer get to apply a PD anywhere? The Comprehensive Plan map includes designated village areas, though they never gained traction in Sandy. Other village areas have a mix of zones. This property is SFR. Crosby questioned the applicability of a PD request on SFR zoned land outside a village. O'Neill responded that last PD approved was in 2008 so no one on staff has processed one. Initially, staff believed PDs could only be applied in areas designated as Villages on the Comprehensive Plan Map but realized that almost all existing PDs in Sandy have been approved in areas that don't have the Village designation. At that time, Attorney Doughman pointed out that intent sections aren't criteria, and that Section 17.64.20 states PDs are allowed in all zones. So, the attorney interpretation was that PDs could be requested in any area. Crosby thanked O'Neill for the explanation and stated he struggles

with the idea that a PD essentially throws away residential zoning. Crosby acknowledged that the HOA is proposed to be professionally run, but that staff included a condition that should the HOA dissolve that maintenance responsibility is assumed by adjacent homeowners. There's a huge area in the north views with one lot that is adjacent so would that lot take on responsibility for the entire open space area if the HOA dissolves? Crosby would like to see a requirement that the HOA cannot be disbanded. O'Neill stated that the intent of the condition is that meandering path areas would need to be maintained by adjacent landowners. City Attorney Crean stated the City can't control HOAs or keep them from dissolving, but the City can try to anticipate downstream effects of an HOA dissolving. He explained that the HOA is responsible for paying taxes on open space too so if the HOA dissolves, eventually they would foreclose and the County would try to sell them to adjacent property owners. Crean acknowledges there's a focus on villages in the PD section but that they aren't limited to those areas. The code allows a PD in all zones; even if the focus is on villages, it's not limited to villages.

Carlton stated he appreciates the reduction of the apartment building by one story but is not sure if that will help maintain neighbors' views or not. Carlton mentioned previous open space areas were deeded to the City so that the City would maintain them instead of relying on an HOA. HOAs generally fail. City Council could ask the developer to dedicate the open space areas.

Applicant Attorney Robinson stated the Commission hasn't closed the record and is creating new conditions. Robinson mentioned there are other ways to maintain areas besides HOAs, for example maintenance agreements that run with the land.

Logan mentioned the City is getting \$472,000 from park fee-in-lieu dedication so wonders if that money could go towards maintaining open space areas if the HOA dissolves. O'Neill stated areas could be maintained but SDCs could not be used to make improvements without revising the SDC methodology. City Attorney Crean brought up a city that keeps an eye on HOAs that go defunct and then buys the property but is not sure it's possible to condition that the property would automatically go to the City if the HOA dissolves. O'Neill stated the City has acquired some land in the past that way.

Crosby requested the public hearing be closed.

Motion: Motion to close the public hearing at 10:20 p.m.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Logan

Yes votes: All Ayes
No votes: None
Abstentions: None

O'Neill stated he has a good idea of Commission's concerns and what they think the developer is doing well. Lesowski asked about process and wants to clarify Commission's points on all the questions. Mayton wants to get to a consensus on the 18 questions. Crosby believes the Commission is leaning towards moving the proposal to City Council but with serious concerns.

- A. Doesn't apply with the removal of nine dwelling units.
- B. Rowhouses allowed in SFR: 5 yes, 2 no
- C. Multi-family allowed in SFR: 4 yes, 3 no
- D. Lot sizes less than 7,500 sq. ft.: 3 yes, 4 no
- E. Minimum average lot widths less than 60 feet: 3 yes, 4 no
- F. Reduce interior side yard setbacks to 5 feet: 3 yes, 4 no
- G. Reduce rear yard setback to 10 feet, or 15 feet: 3 yes, 4 no
- H. Block lengths at 691 feet, 655 feet and 805 feet: 7 yes, 0 no
- I. Meandering walkways instead of traditional right-of-way sidewalks: 7 yes, 0 no
- J. No sidewalk on south side of The Views Drive with Tract E condition: 7 yes, 0 no
- K. No front doors facing Highway 26: 7 yes, 0 no
- L. Two development phases (Lower Views and Upper Views): 7 yes, 0 no
- M. Not require right turn lane at Vista Loop and Highway 26 to be burden of developer: 6 yes, 1 no, but want right-turn lane to be installed by ODOT. Mayton stated he believes the developer has some responsibility to help improve the intersection, regardless of whether they pay for it or not.
- N. Proposed future street layout north of Ortiz proposed by applicant or street stub or pedestrian path connection: pedestrian path connection 7 yes, 0 no
- O. Additional vegetation between the sound wall and sidewalk on Highway 26: 6 yes, 1 no. Mobley stated he thinks additional vegetation could be a maintenance issue.
- P. Alternative maintenance option research (i.e. instead of HOA): 6 yes, 1 no
- Q. Other recommendations: Crosby stated that looking into a maintenance agreement option in lieu of the proposed HOA is his preference. Mayton wants formal documentation on developer's proposal to lower apartment on Lot 72 to two stories instead of three stories. O'Neill also brought up Carlton's request for sight line analysis. Crosby asked if that should be done now or when the apartment comes in for Design Review. Carlton said it would be nice to know now. O'Neill

stated the sight line analysis could determine a maximum height now, though the design of the apartment could be done later. 7 yes, 0 no to condition line of sight analysis.

- R. Recommend approval of PD: City Attorney Crean stated the Commission does not need to make a formal recommendation of approval or denial. Carlton thinks a motion would give Council an idea of Planning Commission support. Mayton states a motion will be difficult because there are some questions where consensus might be yes, but a particular Commissioner strongly disagrees but might be amenable if a condition is included. Crean suggests that the recommendation could be that Council approve or deny the application after full consideration of the Planning Commission's concerns and recommendations.

Motion: Motion to recommend to the City Council that the Council approve or deny the application after full consideration of the Planning Commission's issues, concerns, and recommendations below.

Moved By: Commissioner Mayton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 10:56 p.m.

Mayton expressed his appreciation for Commissioner's Logan and Mobley. O'Neill wanted to make sure there will be a quorum in January. Sounds like there will be one. Denison is still trying to figure out what a "village" is in Sandy and it will be part of the Comprehensive Plan update. Crosby mentioned that the village concept hasn't gained traction because we're not seeing commercial developed. Carlton wants staff and the Planning Commission to think about implications about allowing PDs anywhere and what that means for residential zoning.

7. Adjourn

Motion: To adjourn

Moved By: Commissioner Mobley

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 11:02 p.m.

Handwritten signature of Jerry Crosby in blue ink.

Chair, Jerry Crosby

Handwritten signature of Kelly O'Neill Jr in blue ink.

Planning Director, Kelly O'Neill Jr



Staff Report

Meeting Date: January 25, 2021
From Kelly O'Neill, Development Services Director
SUBJECT: Director's Report for January 25, 2021

BACKGROUND:

The following list highlights some of the main projects of interest in the Planning Division.

- **Single Family Home Development:** Development Services issued 17 single family home permits between October and December and reviewed seven additional single family home permits that are ready for issuance in early January. The subdivisions named Mt. View Ridge and Sandy Woods are almost entirely built and only a few vacant lots remain. Lennar has started to construct houses in Marshall Ridge, and we expect all remaining lots in that subdivision to be completed in 2021. Once again, we are quickly running low on buildable lots for single family homes in Sandy. While Shaylee Meadows (formerly Bailey Meadows) will introduce an additional 100 lots sometime in 2021, based on historical trends that number of lots will be finished with new houses in less than two years from plat recording.
- **Community Center Porte Cochere remodel & ADA upgrades project (20-050 DR):** This project was reviewed by Planning staff and approved in mid-January. Staff and the project architect will work on revisions to the plans and then the project will be sent out for construction bids.
- **38471 Maple Street and 38463 Maple Street (20-046 ADJ and 20-047 ADJ):** The applicant, Lennar, asked for side yard adjustments to create building footprints that have less impact on the retention trees in the rear yards. On December 10, staff approved side yard adjustments for these two lots in Marshall Ridge.
- **Creekside Loop duplex garage setback adjustment (20-049 ADJ):** The final order for this request to adjust setbacks for a garage was issued on December 30. The final decision has been appealed by a nearby property owner and will be heard by the Planning Commission in March.
- **Bull Run Terrace (19-050 CPA/ZC/SUB):** The City Council denied this comprehensive plan change, zone change, and subdivision on December 7, 2020. The City issued the final order on December 29, 2020.
- **The Views Planned Development (20-028):** This project will be discussed by the City Council at their February 16 meeting.
- **Tickle Creek Apartments modifications (20-052 DR/MOD):** The paperwork for this project, formerly called Phase II of the Double Creek Condos project, has

been received. Staff is working on the completeness check for modifications to this 69 unit apartment complex.

- **Downtown Walkability Assessment:** Staff has completed the draft of this assessment. A secondary review is currently being undertaken by senior staff and the department director.
- **Pleasant Street Master Plan (18-022 CPA):** Staff is currently working on a comprehensive review of this plan. Work is ongoing.
- **City of Sandy Comprehensive Plan Update:** Staff is currently in the beginning stages of reviewing this plan update by looking at comprehensive plan updates in similarly sized Oregon cities, reviewing “best practices”, and working with city administration to budget for plan updates in the 2021-2023 financial biennium.

PLANNING COMMISSION STAFF REPORT

TYPE IV DECISION

DATE: January 15, 2020

FILE NO.: 20-041 ZC

PROJECT NAME: Rogue Fabrication Zone Change

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 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
- 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)

Public Comments:

- S. David Snider (January 14, 2021)

Additional Exhibits

- T. Applicant/ODOT correspondence (November 20, 2020)
- U. Pre-App Notes (September 15, 2020)

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 and public testimony.
3. Notification of the proposal 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. One public comment was received from David Snider, resident and 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.
5. The subject site is approximately 1.69 acres. The site is located at the southeast corner of Industrial Way and Champion Way.
6. The parcel has a Comprehensive Plan Map designation of Industrial and a Zoning Map designation of I-1, Industrial Park.
7. 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, adjacent properties are also zoned I-2.

8. It is important to note that this zone change does not require a Comprehensive Plan Map change as the latter designation will remain Industrial.

17.26 – Zoning District Amendments

9. 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.
10. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.
11. 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 proposed zone change should not negatively impact public facilities or create service capacity shortfalls. The potential uses on the site should have relatively similar impacts on sanitary sewer and water facilities as uses permitted in the I-2 zoning district.
12. Section 17.26.40(B)(2) and (3) requires the City to assure consistency with the purposes of this chapter and with the policies of the Comprehensive Plan, including the following:
 - 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 rezoning is not changed the Industrial Comprehensive Plan Map designation, this policy is met.
13. 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 is holding a public hearing for this application on January 25, 2021. The City Council will also hold a public hearing on a date TBD. Public notices have been and will be 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, 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).

- 14. 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, staff finds that these criteria have been met.

17.50 – Light Industrial (I-2)

- 15. According to the intent of this Chapter, 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.
- 16. 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.
- 17. 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 and Fred Meyer. 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 staff 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; 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.

18. 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.

19. All development and design requirements found in this Chapter as well as in Chapters 17.80, 17.84, 17.90, and 17.90 shall be determined in a future design review application.

RECOMMENDATION

Staff recommends the Planning Commission pass a motion to recommend approval of the requested zone change to the City Council with additional conditions as identified in Finding #17.



APPLICANT'S SUBMITTALS

EXHIBIT A

SANDY

General Land Use Application

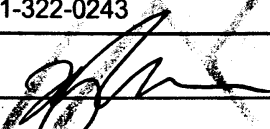
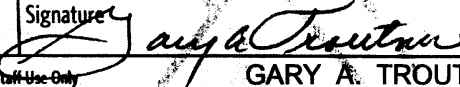
1 page

Name of Project:	Rogue Fabrication
Location or Address:	Southeast corner of Industrial Way and Champion Way. Parcel 1 of Partition plat 1992-72

Map & Tax Lot #	T: 2S	R: 4E	Section: 15A	Tax Lot (s): 24E15A0 - 00205
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Request: Change the zoning from I-1 to I-2 to create an efficient manufacturing space for the Rogue Fabrication business.

I am the (check one) owner lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant (if different than owner) Joseph Gambino (JRG Property Management)	Owner Eastwinds Industrial Park Inc.
Address 42335 SE Marmot Road	Address P.O. Box 489
City/State/Zip Sandy, Oregon 97055	City/State/Zip Fairview, Oregon 97024
Email gambino.joey@gmail.com	Email
Phone 971-322-0243	Phone 503-320-2666
Signature 	Signature  GARY A. TROUTNER

Staff Use Only

Type I Type II Type III Type IV

Yes No Other

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

EXHIBIT B



Supplemental Land Use Application
Form (No. 1)

4 pages

ANNEXATION

ZONE CHANGE

COMPREHENSIVE PLAN AMENDMENT

PROPERTY IDENTIFICATION

TAX LOT NUMBER	TOWNSHIP	RANGE	SECTION
204	2S	4E	NE 1/4 of SECTION 15

EXISTING AND PROPOSED LAND USE DESIGNATIONS

TAX LOT NUMBER (S)	COMPREHENSIVE PLAN		ZONING MAP	
	EXISTING /	PROPOSED	EXISTING /	PROPOSED
205	Light Indust.	Same	I-1	I-2

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

EXHIBIT 13

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



TAX LOT NUMBER	CLACKAMAS COUNTY RECORDING NUMBER	ASSESSED LAND VALUE	SIZE IN ACRES OR SQ. FT.
205	2012-080393	\$273,818	1.69 acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description (s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

vacant land

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property?	none
Number of total dwellings?	none

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%:	1.69 acres
Approximate acreage with slopes 15% to 24.9%:	zero
Approximate acreage with slope in excess of 25%:	zero
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Name of public right-of-way:	Industrial Way and Champion Way
Does the property abut a private road? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Name of abutting private road(s):	NA
Describe any unusual difficulties in accessing the property:	None

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Vacant land to the north, industrial buildings to the east, a parking lot and industrial buildings to the south, and vacant land and a parking lot to the west.

EXHIBIT C

Rogue Fabrication Zone Change Narrative 11-19-20

<u>APPLICANT:</u>	Joseph and Nichole Gambino JRG Property Management representing Rogue Fabrication
<u>APPLICANT'S REPRESENTATIVE:</u>	Ryan O'Brien Planning & Land Design LLC
<u>PROPERTY OWNER:</u>	Eastwinds Industrial Park Inc.
<u>REQUEST:</u>	Rezone From I-1 to I-2
<u>LEGAL DESCRIPTION:</u>	Tax Lot 204, Tax Map 2-4E-15A Parcel 1 of Partition Plat 1999-72
<u>PROPERTY SIZE:</u>	1.69 acres
<u>LAND USE DISTRICT:</u>	I-1 (Industrial Park)
<u>COMPREHENSIVE PLAN DESIGNATION:</u>	Light Industrial

APPLICABLE ZONING CODES

Chapter 17.26.40.B - Criteria for Zone Changes

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

- Goal 1 - Citizen Involvement
- Goal 2 - Land Use
- Goal 3 & 4 - Agricultural and Forest Land
- Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources
- Goal 6 - Air, Water, and Land Resources Quality
- Goal 7 - Natural Disasters and Hazards
- Goal 8 - Parks and Recreation
- Goal 9 - Economy
- Goal 10 - Housing
- Goal 11 - Facilities and Services
- Goal 12 - Transportation
- Goal 13 - Energy Conservation
- Goal 14 - Urbanization

EXHIBITS

- 1 - Vicinity Aerial
- 2 - Vicinity Topography
- 3 - Sandy Zoning Map Up Close
- 4 - Sandy Zoning Map of the Entire City
- 5 - Tax Map
- 6 - Transportation System Plan Map
- 7 - Colored Proposed Site Plan
- 8 - Phases 2 & 3 Building Perspective
- 9 - Phase 1 Building Perspective
- 10 - Phase 1 Building Elevations
- 11 - Phases 2 & 3 Building Elevations
- 12 - Tax Lot 205 Legal Description and Assessed Land Value
- 13 - Supplemental land Use Application Form
- 14 - Ard Engineering Traffic Study

INTRODUCTION and SUMMARY of REQUEST

This application is a request to rezone a 1.69-acre site from I-1 (Industrial Park) to I-2 (Light Industrial). Zone Changes are Type IV applications and required to be review by both the Sandy Planning Commission and City Council. The subject property is Tax Lot 205, Tax Map 2-4E-15A. The property is located at the SE corner of Industrial Way and Champion Way.

I-1 zoning is located north, west, and south of the subject property. I-2 zoning is located to the east. Public streets separate the subject property from existing development to the west and north. A parking lot is located to the south and industrial building to the east. The buildings on the east side are located close to the property line. The subject property is not visible from Highway 26. Therefore, the design requirements in the I-2 zone are acceptable as opposed to the more restrictive design requirements of the I-1 zone which are intended for property easily visible from Highway 26. If this Zone Change is approved, the applicant will purchase the property and submit a Type II Design Review application to the city.

Information in this narrative addresses city codes, provides an explanation of the proposed use of this property, and the history of Rouge Fabrication. Attached are architectural plans, site plans and maps of the surrounding area. The southerly building will be constructed first as the Phase1. Phases 2 and 3 will be built at a later date.

History and Ownership of Rouge Fabrication

Rogue Fabrication is owned by Joseph and Nicole Gambino. The business started in their garage in Hillsboro, where Joseph is from. He graduated from the engineering

program at Oregon Tech before working in industry and starting the business. Nicole is from Gresham and graduated from OSU. Her family has lived around the Gresham and Sandy areas for several generations. Rogue Fabrication (and its owners) moved to Sandy in 2014, and Rogue Fabrication has steadily grown since then.

Rogue Fabrication Operation

Rogue makes a line of tube bending tools and other products that go along with tube bending and fabrication. These tools are used to make hand railings, gates, tractor protection (both equipment and human protection), and motorsports safety and suspension components (like roll cages, chassis, etc). These products are designed, tested, and assembled by Rogue Fabrication. Rogue also sells a range of accessory products like measurement tools, cutting bits, select hardware, and other support goods that belong in metal shops, farms, and ranches. In addition to selling tools and select hardware, Rogue offers tube bending and some metal fabrication service to local customers. They use the same equipment other businesses can buy to do this fabrication work. Rogue plans to schedule hands-on fabrication classes in this new building in Sandy.

Economic Impact

Rogue employs local workers and pays fair wages, their medical insurance, and retirement account contributions. Good living wages with benefits help the local economy and the community. Permit and systems development revenue combined with property taxes will also benefit the City of Sandy. Further income at the state level will be realized through taxation of wages paid to employees. This will increase with business growth and expansion of Rogue at this new location. The range of products and services sold by Rogue Fabrication unquestionably benefit the local rural community. Rogue has many customers already building agricultural products with their tools. Rogue sells many products almost exclusively used for agriculture. Rogue's tools also are widely used by schools.

Philanthropic:

Rogue Fabrication extends generous discounts to all schools (from middle schools to Ivy League colleges). Rogue fabrication donates to charities, and sponsors prizes for educational competitions, like the AWS Welding Competition they have sponsored 2 years in a row. Rogue also has a monthly product giveaway sweepstakes that has organized the donation of over \$3,000 in products to schools across the county during the first 6 months of 2020.

Education Program:

Outlined in late 2019, Rogue Fabrication cooperated with a former Oregon School Teacher to form an education cooperation program. This program will have an educator-only forum for sharing curricular plans related to metal fabrication and communicating about student safety and other scholastic topics. This program also includes suggested equipment for schools, discount schedules on Rogue Fabrication products, and free products for outstanding students selected by their instructors (the products usually include branded merchandise). This program is aimed at keeping fabrication, problem solving, and the harmony of mathematics and engineering at the core of fabrication teaching in the public and private school system. It also rewards students and instructors for success.

Zone Change

The Sandy Comprehensive Plan Map only has one light industrial designation. Either I-1 or I-2 zoning complies with the Sandy Comprehensive Plan Map. The codes for I-1 and I-2 are similar. I-1 appears to be required when closer to Highway 26 and commercial uses. I-2 does not depend on high public street visibility. The subject property is not visible from Highway 26. The major differences are the minimum 10-foot front yard setback in the I-1 zone and 30-foot front yard setback in the I-2 zone, and the more restrictive architectural requirements in the I-1 zone.

SECTION 17.26.00 INTENT of ZONE CHANGES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:

- A. Maintain sound, stable, and desirable development within the City;*
- B. Permit changes in zoning district boundaries where appropriate;*
- C. Ensure zoning changes are consistent with the community's land use policies and goals; and*
- D. Lessen the influence of private economic interests in the land use decision-making process.*

RESPONSE: This narrative demonstrates why this zone change allows Rogue Fabrication to build a sound, stable and desirable manufacturing facility. This zone change is appropriate for the area base on the preponderance of I-2 zoning south of Industrial way and east of Champion way (Exhibits 3 and 4). Exhibits 1 and 2 show the land use pattern in the general area. Most of the I-1 zoning is west of Champion Way

and north of Industrial Way. The primary reason for the I-1 zoning is to provide specific architectural standards for buildings visible from Highway 26. I-1 zoning is not appropriate for the subject property because it is not visible from Highway 26. The Goals and Policies of the Sandy Comprehensive Plan are addressed in this narrative. This zone change is primarily in the public interest as opposed to the private economic interests.

SECTION 17.26.10 ZONE CHANGE BACKGROUND

The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Frequent and piecemeal amendments to the Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. When a zoning district is amended there often must be a corresponding change to the Comprehensive Plan map. There are, however, instances where more than one zoning district matches the Comprehensive Plan designation. In these situations, the zoning district can be amended without a Plan Map Change. Zoning district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. Changes to the Zoning Map are reviewed initially by the Planning Commission with a recommendation forwarded to the City Council. The City Council conducts a public hearing and considers adoption of changes.

RESPONSE: The city has 3 separate Industrial Zones; **I-1, 1-2 and I-3**. The city only has one industrial designation on the Comprehensive Plan Map. Therefore, a Comprehensive Plan Amendment is not required. This zone change is extremely limited in scale and effect. The subject property is already mostly in an I-2 zoned area. Property directly east is zoned I-2. The next small triangle property further east, Tax Lot 212 containing 1.32-acres, is zoned I-1 but it will probably be rezoned I-2 in the future to be compatible with other I-2 zoned property south of Industrial Way and east of Champion Way. This is a logical zone change direction for the city. Zone changes are rare in this section of the city. Therefore, piecemeal zone changes are not occurring. The integrity of the Comprehensive Plan and successful implementation will not be affected. This is especially true since the Comprehensive Plan Map will not be changed. With 3 industrial zone districts, Industrial zone changes are expected and assumed.

Section 17.26.40.B - Criteria for Zones Changes

B. Review Criteria. 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.

COMMENT: Adequate public facilities and services are available. This zone change is consistent with the Zone Change Chapter. The Comprehensive Plan supports this zone change. The following are uses allowed in the **I-1 Industrial Park Zone** and the **I-2 Light Industrial Zone**. A comparison of uses in each zone clearly shows uses allowed in the I-2 zone produces less traffic compared to the I-1 zone. Therefore, no increase in traffic is expected if this zone change application is approved. This is further supported by a traffic report prepared by Mike Ard, Traffic Engineer (See Exhibit 14). This report identifies the most traffic intense uses allowed in both the I-1 and the I-2 zones. The conclusion is that the I-1 zone could produce up to 1,760 vehicle trips per day with 150 to 175 peak hour trips. The I-2 zone could produce 1,304 vehicle trips per day and 130 to 138 peak hour trips. The I-2 zone will produce lower traffic volumes. Therefore, the traffic engineer concluded the following:

*“Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in **no change in trip generation** during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change”.*

The traffic engineer provided a Transportation Planning Rule Analysis with findings showing no further action or traffic studies are necessary for this zone change application. This application needs to be accepted without ODOT comments. The city will send a notice of this application to ODOT for their review and comment. ODOT typically will not comment on land use actions until an application has been submitted to and accepted by a government agency.

17.48.10 PERMITTED USES IN THE INDUSTRIAL PARK (I-1) ZONE

A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:

1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:

a. Brewery, distillery, or winery, with or without pub or tasting room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Athletic club, indoor recreation, or entertainment;
- b. Automotive repair and service;
- c. Commercial day care facility;
- d. Community services;
- e. Education facility (e.g., pre-school, school, college);
- f. Financial institution;
- g. Medical facility (e.g., clinic, hospital, laboratory);
- h. Professional or general business office;
- i. Self-service storage;
- j. Social organization;

3. Retail businesses, including but not limited to:

- a. Automotive fueling station;
- b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental;
- c. Convenience market/store;
- d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
- e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
- f. Grocery store or supermarket;

4. Bus station or terminal;

5. Group care and assisted living;

6. Overnight lodging;

7. Minor public facility;

8. Nursery/greenhouse;

9. Outdoor recreation;

B. Accessory Uses Permitted Outright:

- 1. Use customarily incidental and subordinate to a use permitted outright;
- 2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
- 3. Parking lot or garage (when associated with development).

17.50.10 PERMITTED USES IN THE LIGHT INDUSTRIAL (I-2) ZONE

A. Primary Uses Permitted Outright:

1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:

a. Brewery, distillery, or winery, with or without tasting room or tap room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Automotive repair and service;
- b. Commercial day care facility in conjunction with a permitted use;
- c. Community services;
- d. Indoor recreation/sports arena, excluding athletic club/gym;
- e. Laboratory;
- f. Professional or general business office;
- g. Self-service storage;
- h. Social organization;

3. Retail businesses, limited to the following:

- a. Any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building;
- b. Automotive, trailer, recreation vehicle, and motorcycle, sales and rental;
- c. Eating/drinking establishment, excluding fast-food restaurant, high-turnover sit down restaurant, and drive-up/drive-through uses, and limited to no more than 40 seats;
- d. Meat market, produce market, excluding grocery stores and convenience stores;

4. Bus station or terminal;

5. Group care and assisted living;

6. Minor public facility;

7. Nursery/greenhouse;

8. Outdoor recreation;

9. Park and ride station;

10. Parking lot or garage (when not an accessory use);

11. Public park, plaza, playground or recreation area, and buildings;

- 12. Salvage yards, including processing, storage or sales;**
- 13. Trucking terminal, distribution center, or transit center;**
- 14. Warehousing and distribution facilities for wholesale merchandise;**
- 15. Wholesale lumber or building materials yard;**
- 16. Other uses similar in nature.**

B. Accessory Uses Permitted Outright:

1. A use customarily incidental and subordinate to a use permitted outright;
2. Caretaker quarters;
3. Parking lot or garage (when associated with development).

COMMENT: A traffic analysis is not required because the above information shows traffic generation from permitted uses in the I-2 zone are less compared to the I-1 zone. Secondly, the city only has one Industrial Comprehensive Plan Designation but three Industrial Zoning Designations. Therefore, a Comprehensive Plan Amendment is not required.

Light Industrial I-2 Zone - Chapter 17.50

Manufacturing and incidental retail commercial uses on less than 35% of the of the buildings gross floor area are outright permitted uses. The retail uses will probably be less than 10% to 20% of the floor area for Rogue Fabrication. All manufacturing and storage will be inside the buildings. The buildings have metal siding along the street frontages which is allowed in the I-2 zone. Metal siding will be accented by windows, canopies, and cultured stone veneer along the building foundations and the canopy posts. The architectural perspective shows the appearance of the buildings from the public streets (Exhibits 8 to 11). The buildings are not visible from Arterial Streets and Highways. Industrial Way and Champion Way are collector streets. Highway 26 is a Major Arterial. Therefore, additional building screening is not necessary in accordance with the Intent of the I-2 Zone (Section 17.50.00).

Section 17.90.130 - Design Standards for Development in the I-2 zone

No future connection to streets or adjacent property is required. This was addressed with the Partition Plat 1999-72. Pedestrian access is provided by public street sidewalks. The driveway on Champion Way is located about 10-feet north of the north portion of the existing driveway on the west side of Champion Way. Left turns into both driveways do not conflict because the driveway on the subject property is north of the driveway on the

west side of Champion Way. Both driveways cannot be lined up because it would significantly affect the parking lot plan on the subject property (Exhibit 7).

Metal siding is allowed in the I-2 Zone. Changes in relief are required for 10% of the building. The proposed relief is over 10% with the canopies. The colors are earth tones. Two dormers are proposed on the roof facing Industrial Way. The pitch of the roof is 3:12 in compliance with city code. The roof material will be earth-toned standing seam (concealed fastener) metal. This roofing material is allowed under 17.90.130.D.4. The elevations show no roof mounted mechanical equipment. Entrances are located along public streets. A trash enclosure is proposed in the parking lot.

Sandy TSP

Both Industrial Way and Champion Way are Collector streets. The following is a definition of a Collector Street in the City TSP:

Collector streets provide both access and circulation within and between residential and commercial areas. These roads have a typical capacity between 2,000 and 6,000 ADT. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials), and penetrate residential neighborhoods, distributing trips from the local street system to minor and major arterials. Collectors may provide on-street parking, may incorporate traffic calming measures, and should be spaced approximately one-half mile apart. Bike lanes are required on collectors.

RESPONSE: According to the city TSP Industrial Way will have an “A” to “C” Level of Service in the year 2029 east of 362nd Drive and an “E” Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an “A” to “D” level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

SANDY COMPREHENSIVE PLAN

Goal 1 - Citizen Involvement

This goal is to establish policies for development of a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The surrounding property owners will be notified of the zone change hearings and will have an opportunity to submit written comments or testify at the public hearings.

Goal 2 - Land Use Planning

This goal is to establish policies for a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The applicant will be following the policies of the Comprehensive Plan and the requirements of the Development Code. An adequate factual basis is provided to justify approval of this zone change application.

Interpretation of Comprehensive Plan Map

13. *Plan designations for land use categories are intended to guide zoning.*

RESPONSE: The property is designated Light Industrial on the Comprehensive Plan Map. The 3 industrial zones are possible on land with a Light Industrial Comprehensive Plan designation. Locational characteristics determine which zone is appropriate for specific areas.

Industrial

This designation provides for industrial parks, light industrial and general industrial activities. The intent is to encourage industrial growth and provide for industrial development at appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy, diverse, and stable local economy. Non-industrial uses are not encouraged in industrial areas except for those, not including housing, which serve the needs of the area's work force. Areas may be designated "I" on the Plan Map providing that siting of businesses does not result in significant adverse impacts on residential or sensitive natural resource areas in the following areas:

1. *Areas having a historic commitment to industrial use*
2. *Areas with appropriate access to the regional transportation network*
3. *Areas with sites large enough to accommodate expansion of individual establishments or provide for several establishments within one contiguous area.*

RESPONSE: The subject property is already in an industrial area with no residential development, except for high density residential development to the southwest along the west side of Champion Way.

The industrial plan designation is implemented through the Industrial Park (I-1), Light Industrial (I-2) and General Industrial (I-3) districts.

***The Industrial Park (I-1)** district is intended to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites which will blend harmoniously with their surroundings and adjacent land uses.*

***The Light Industrial (I-2)** district is intended to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.*

***The General Industrial (I-3)** district is intended to provide locations in suitable areas for general manufacturing and warehousing businesses which because of potential land use conflicts require large, isolated sites removed from neighboring residential uses.*

RESPONSE: The I-1 Industrial Park zone is intended to be mixed with commercial uses. The subject property was probably zoned I-1 because it is across the street from commercial uses to the north. Property directly east is zoned I-2. The building and uses on that property are very compatible with commercial uses. The attached zoning map (Exhibit 3) shows a significant amount of I-2 zoning to the east and south. A large portion this I-2 zoning south of Industrial Way and east of 362nd Dive is across the street from land zoned commercial. This shows a precedence of I-2 zoning next to commercial uses in the general area. If commercial uses were proposed for the subject property, I-1 zoning would remain. The proposed Rogue Fabrication use is more compatible with the I-2 zone compared to the I-1 zone. Rogue Fabrication will be very compatible with surrounding commercial uses and other property zoned I-1. All manufacturing on the subject property will be inside the buildings. I-3 zoning would not be compatible with the surrounding area. Only 3 industrial zones are available for the subject property.

Goals 3 & 4 - Agricultural Lands and Forest Lands

There are no farm or forest lands within the Sandy Urban Growth Boundary.

RESPONSE: No response is necessary.

Goal 5 - Open Spaces, Historic Resources, and Natural Areas

This goal is to establish policies for conservation of open space and protection of natural and scenic resources.

RESPONSE: The subject property does not contain any natural or scenic resources. Therefore, no response is necessary.

Goal 6 - Air, Water, and Land Resources

This goal is to establish policies to maintain and improve the quality of the air, water, and land resources of the state.

- 1. Maintain environmental quality by guiding future development and land use activities. Allow activities that will not significantly deteriorate the existing high quality of air, water and land resources.*
- 2. Cooperate with federal, state and regional agencies to meet the air quality standards of the Federal Clean Air Act.*
- 3. Preserve and enhance the City's open space and natural resources to sustain their positive contribution to air quality.*
- 4. Reduce congestion and delay on major streets to lessen localized pollution impacts of automobile travel through methods such as signal timing, access management, intersection improvements, etc.*
- 5. Reduce air pollution by decreasing the need for vehicle trips through:
 - a) Promoting pedestrian, bike, and transit friendly land uses, including mixed use developments that are compatible with existing neighborhoods*
 - b) Implementing the Oregon Transportation Planning Rule*
 - c) Providing opportunities to utilize alternative transportation modes*
 - d) Encourage employers, including the City of Sandy, to implement programs to reduce single occupant trips to and from work**
- 6. Favor the use of the natural drainage system and other non-structural methods to treat, convey and dispose of runoff.*
- 7. Require all development to:
 - a) Comply with applicable local, state, and federal water quality and erosion control standards*
 - b) Implement measures to minimize runoff from the development site during and after construction**
- 9. Require adequate screened and enclosed space for recycling, solid waste storage and compacting within industrial, commercial and high-density housing developments and ensure proper access to these areas.*
- 10. Provide for a zoning designation which will accommodate recycling facilities with standards that will mitigate impacts on adjacent land uses.*

11. *Encourage reductions in the amount of solid waste generated by private and public construction and demolition activities.*

12. *Ensure that new commercial, industrial and community service facility development is landscaped, buffered and designed so adjacent properties are not negatively impacted.*

RESPONSE: Storm water detention and treatment will occur on the subject property when it is developed. Rezoning will not encourage a reduction in air quality. The TSP identifies future plans to reduce traffic congestion. This project is very small with limited traffic volumes. No required off-site street improvements are anticipated to be required as result of the Design Review application. Screened recycle facilities will be provided. Adequate landscaping will be provide as shown by the attached colored site plan (Exhibit 7).

Goal 7 - Natural Hazards

This goal is to establish policies to protect life and property from natural disasters and hazards.

RESPONSE: There are no natural hazards on the subject property.

Goal 8 - Parks and Recreation

This goal is to establish policies to satisfy the recreational needs of the citizens of the state and visitors. Policies pertaining to parks, open space, and recreation planning for the City of Sandy are divided into specific categories which include general policies, parks and recreation, funding, and community design.

RESPONSE: The subject property is not a residential development. Therefore, the Parks and Recreation Goal does not apply. The subject property is not suitable for a public park.

Goal 9 - Economic Development

This goal is to establish policies to diversify and improve the economy of the state.

RESPONSE: Development of this site with a manufacturing facility complies with Goal 9 as identified below.

Industrial District Policies

34. *Encourage a range of job types and skill levels to foster growth in the local labor pool.*

RESPONSE: Phase 1 of this development will create about 15 to 20 new manufacturing employees in the City of Sandy. Phase 2 and 3 will produce an additional 15 to 20 new employees. This will help diversify the type of employment in the City of Sandy.

35. *Promote a diversity of small industries and businesses. Through diversification, the community will retain its economic strength through changes in the market place.*

RESPONSE: Rogue Fabrication is a small business in compliance with the above Policy. Development to this business will create employment diversity.

36. *Protect designated industrial lands for industrial uses. Limit commercial development in industrial areas to uses which are clearly ancillary and subordinate to industrial development.*

RESPONSE: The subject property will be developed as an industrial use which protects the industrial land base. Limited retail commercial sale of the products manufactured by Rogue Fabrication will occur in compliance with the above Policy.

37. *Work with other jurisdictions and agencies such as Clackamas County, Metro, the Port of Portland, the Oregon Economic Development Department and the Oregon Department of Transportation to identify and support expansion of existing industries and attraction of new industries to the community.*

RESPONSE: The City of Sandy is providing this coordination.

38. *Promote performance standards for commercial and industrial developments that reduce demand on municipal water and wastewater service and maintain air quality standards.*

RESPONSE: The City of Sandy has developed these standards.

39. *Plan for a jobs-housing balance in order to provide opportunities for Sandy residents to work locally and reduce the potential for commuting. At each periodic review, the City shall evaluate its jobs-housing balance and determine if plan map amendments are needed to maintain a balance exceeding 1.0 jobs per household.*

RESPONSE: Development of this site will increase the jobs-housing balance in the city of Sandy.

Goal 10 - Housing

This goal is to establish policies to provide for housing needs of the state.

1. *Assure an adequate supply of developable land for low, medium, and high-density housing to meet the 20-year population projections.*
2. *Encourage the private sector to provide adequate housing choices, including affordable housing types.*
3. *Encourage innovations in construction, funding, regulation, and siting of housing in order to provide well designed and energy efficient housing.*
4. *Cooperate and coordinate with the Clackamas County Housing Authority and with the FHA in their efforts to construct low income housing.*
5. *Make information available on current programs and techniques of construction and housing rehabilitation which will enhance the quality of housing in Sandy.*
6. *Provide for a balance between the growth in job opportunities and the growth in housing opportunities.*

RESPONSE: Additional job growth is necessary to keep up with housing construction. Development of this site will help reduce employment trips outside of the city.

Goal 11 - Public Facilities and Services

This goal is to establish policies to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

RESPONSE: All public facilities and services were provided when this industrial area was developed with streets and utilities.

Community Facilities and Services

1. *Establish an ongoing five-year capital improvement program covering all public facilities, services, and utilities.*
2. *Coordinate the siting of public facilities and services with other agencies or districts; such as, the fire district, post office, school districts, etc.*
3. *Consider the needs of emergency service providers in the review of all development. Particular attention should be paid to:*
 - a) *Street and driveway layout and site design features that ensure emergency vehicle access and building identification.*
 - b) *Fire hydrant locations and fire flow.*
 - c) *Security through appropriate lighting and landscape design.*

RESPONSE: The city has a 5-year capital improvement program. Adequate public facility and services are available to serve this development. The site plan (Exhibit 7) shows adequate fire access to the buildings.

Utilities

9. *Require developers to install and extend all public utilities to, and through, the property to serve the needs of the development and surrounding properties in a logical manner.*
10. *Require developers to over-size and design facilities for adjacent development.*
12. *Encourage the utilization of swales and natural ponding areas to satisfy storm drainage retention and detention requirements where possible.*
13. *Require utilities such as telephone, electricity, and cable television to be placed underground in new developments, except where not technically feasible. The city shall work with private utilities to replace existing overhead utilities with underground service.*

RESPONSE: The public utilities are already provided for this development.

Goal 12 - Transportation

This goal is to establish policies to provide and encourage a safe, convenient, and economic transportation system.

RESPONSE: According to the city TSP, Industrial Way will have an "A" to "C" Level of Service in the year 2029 east of 362nd Drive and an "E" Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an "A" to "D" level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

Neighborhood Street System

In order to provide convenient, safe, and equitable access throughout the community, the City of Sandy shall:

1. *Support a pattern of connected streets, sidewalks, and bicycle routes to:
 - a) *provide safe and convenient options for cars, bikes, and pedestrians;*
 - b) *create a logical, recognizable pattern of circulation; and,*
 - c) *spread traffic over local streets so that collector and arterial streets are not overburdened.**
2. *Work with fire district, police, and other emergency service providers to ensure that adequate emergency access is possible on all streets.*
3. *Require connected streets that form pedestrian-scaled blocks, except where it is shown that topography, existing land ownership patterns, or other conditions preclude the creation of blocks.*
4. *Discourage the use of cul-de-sacs and dead-end streets, except where it is shown that topography or other existing conditions make them necessary. If cul-de-sacs or dead-end streets are found necessary, the City shall consider requiring pathways that connect these streets to adjacent through streets.*
5. *Encourage the use of parks and open space corridors as pedestrian and other non-auto oriented linkages within the urban area. Where possible, connect these pathways to a regional system of trails linking public and private open space, parks, and recreational resources within and between jurisdictions.*
6. *Encourage the development of neighborhood parks or other public or private open spaces connecting short cul-de-sac streets or other local streets in order to provide neighborhood focal points.*
7. *Encourage joint use of major power line or utility corridors as pedestrian/ bicycle linkages where feasible.*

RESPONSE: The above policies generally apply to residential developments. However, pedestrian access is proposed along both Champion Way and Industrial Way. When this site is developed, sidewalks will be constructed along both streets. The TSP Map (Exhibit 6) shows both streets are planned to be extended in the future. No parks or pedestrian corridors are located on or adjacent to the subject property.

Pedestrian Friendly Street and Streetscape Design

- 8. *Encourage the planting of street trees in tree-deficient area of the city.*
- 9. *Require buildings, awnings, landscaping, and modifications to the street width and sidewalks in commercial areas to create a sheltered, interesting, and safe environment that works for pedestrians as well as for automobiles.*
- 10. *Encourage the development of sidewalks on both sides of all streets, especially in high pedestrian activity areas such as near schools and in the downtown area.*
- 11. *Develop street, bicycle, and pedestrian facilities that encourage pedestrian friendly streetscapes.*

RESPONSE: The building elevations encourage pedestrian access to the public streets (Exhibits 8 to 11). Street trees will be planted with either I-1 or 1-2 zoning. Additional landscaping will be installed with I-2 zoning as identified below because of the larger required front yard setback even though the required percentage of landscaping is less in the I-2 zone. The Site Plan (Exhibit 7) shows that over 20% of the site will be landscaped.

	<u>I-1 Zoning</u>	<u>I-2 Zoning</u>
Front Yard Setback	10-feet	30-feet
Corner Street Setback	15-feet	15-feet
Required Landscaping	20%	15%

Bicycle Facilities

- 12. *Establish a system of designated bicycle routes and pathways that link neighborhoods, schools, parks, employment centers, and other points of interest.*
- 13. *Establish a logical and coherent transportation network within the city, and provide connections to larger, regional facilities. Bicycle facilities should be constructed in accordance with the design standards of the Oregon Bicycle and Pedestrian Plan or other approved plan.*
- 14. *Make provisions for bicycle facilities in accordance with the bicycle network map. Recognize that this map represents a conceptual plan. Actual bicycle routes will be determined when the proposed street network is more fully developed.*
- 15. *Identify and develop local or collector streets which can provide good parallel bicycle facilities with less vehicular traffic within a short distance of an arterial as the preferred bicycle route.*
- 16. *Encourage the provision of bicycle racks for existing commercial, industrial, civic, and school facilities.*

RESPONSE: Bicycle parking spaces will be provided with this development to encourage bicycle travel.

Transit

17. *Promote local transit service for Sandy.*

RESPONSE: The owners and employees of this development can take advantage of future transit service because of the location next to a major shopping center.

Major Roadway Circulation

20. *Work with property owners and developers to limit the number of accesses onto major roadways. Encourage the use of shared driveways, off-street connections between properties, and access from lower order streets.*

22. *Submit notice of development proposals impacting Highways 26 and 211 to ODOT for review and comment.*

RESPONSE: ODOT will be notified of this zone change application and the future Design Review application. No traffic report is required for this zone change. However, a traffic report may be required for the Design Review application. The proposed parking lot access on Champion Way is the only alternative. A joint access with adjacent property is not possible

Parking

23. *Wherever feasible, encourage the provision of on-street parking on both sides of streets. Cooperation with ODOT will be necessary along Highway 26 and Highway 211.*

24. *Reduce parking requirements for development proposals where existing on-street parking and excess parking from adjacent development is available to meet parking requirements. Consideration should also be given to allowing payment of fees in lieu of required on-site parking. The fees shall be dedicated to the development of public parking lots.*

26. *Encourage shared parking arrangements when parking demands for the sharing uses can be satisfied.*

27. *Require convenient and safe bicycle parking as part of the parking requirement for all new development, except single-family houses.*

RESPONSE: On-street parking is available on both streets because no-parking signs are absent. The posted speed limit is 25 MPH which is conducive to on-street parking. Shared parking is not possible for this property. However, the opportunity may be available in the future for parking space rental depending on the future uses of adjacent property.

Goal 13 - Energy Conservation

This goal is to establish policies to conserve energy.

1. *Promote infill developments to reduce the need to extend services and streets.*

4. *Encourage energy-efficient design.*

RESPONSE: This is an infill development. The building will be developed with energy efficiency.

Goal 14 - Land Use and Urbanization

This goal is to establish policies to provide for an orderly and efficient transition from rural to urban land use.

RESPONSE: This goal does not apply because this rezone will not be transition from rural to urban land use.

Urbanization Policies

1. *Maintain an urban growth boundary with sufficient residential, commercial, industrial, and public use lands necessary to support forecast population and employment for a 20-year horizon. The City will evaluate and update the 20- year land supply at each periodic review plan update.*

2. *Urban growth should be directed in a generally contiguous manner consistent with the city's ability to economically maintain and extend public services and facilities.*

3. *The City of Sandy shall encourage the development of land according to the following priorities:*
 - a) *Vacant, buildable lands or underutilized lands located within developed or developing areas.*

 - b) *Lands contiguous to development areas where services can be easily and economically extended.*

 - c) *Lands which are significantly separated from developing areas by vacant land, or areas which would place an undue burden on the city's infrastructure.*

RESPONSE: This rezone will help the city retain industrial land to support the 20-year employment forecast. Development of the site is located in an area with significant existing development. The subject property is in **Category 3a** above which is the highest priority for development.

Coordination with Clackamas County

7. *The City of Sandy shall have the lead role in designating planned land uses and densities for incorporated and unincorporated lands within the UGB and the URA. The Comprehensive Plan shall constitute the comprehensive plan for all land within the Urban Growth Boundary and Urban Reserve Area.*

8. *The City of Sandy shall have the lead role in coordinating public facility planning (streets, sanitary and storm sewers, water, parks and open space, schools) within the UGB and the URA.*

RESPONSE: The City of Sandy has the lead role with zoning designations in and outside the city limits and coordination of public facilities. The subject property has all the public facilities and services necessary for on-site development. It is a prime candidate for rezoning from I-1 to I-2 to encourage manufacturing jobs in the city. Significant C-2 retail commercial and service business I-1 zoning is already available in the city as shown by the existing zoning map, Exhibit 3. I-1 zoning is more conducive to retail and service uses as opposed to manufacturing. Therefore, the subject property is more suitable for I-2 zoning.

EXHIBIT D

Legal Description of Tax Lot 205, Map 2-4E-15A

Parcel 1, PARTITION PLAT NO. 1999-72, in the City of Sandy, County of Clackamas and State of Oregon.

Estimated Acres: 1.69

Current Year Assessed Value: \$273,818.00

Market Building Value: \$0.00

Market Land Value: \$656,562.00

Market Total Value: \$656,562.00

Sale Price: \$275,000.00

Doc Date: 12/05/2012

Doc Type: S

Tax Code: 046017

Exhibit 12

EXHIBIT E



Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 1



APPLICANT'S SUBMITTALS

EXHIBIT A

SANDY

General Land Use Application

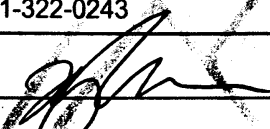
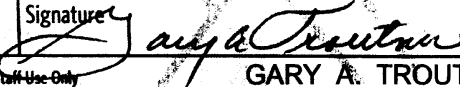
1 page

Name of Project:	Rogue Fabrication
Location or Address:	Southeast corner of Industrial Way and Champion Way. Parcel 1 of Partition plat 1992-72

Map & Tax Lot #	T: 2S	R: 4E	Section: 15A	Tax Lot (s): 24E15A0 - 00205
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Request: Change the zoning from I-1 to I-2 to create an efficient manufacturing space for the Rogue Fabrication business.

I am the (check one) owner lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant (if different than owner) Joseph Gambino (JRG Property Management)	Owner Eastwinds Industrial Park Inc.
Address 42335 SE Marmot Road	Address P.O. Box 489
City/State/Zip Sandy, Oregon 97055	City/State/Zip Fairview, Oregon 97024
Email gambino.joey@gmail.com	Email
Phone 971-322-0243	Phone 503-320-2666
Signature 	Signature  GARY A. TROUTNER

Staff Use Only

Type I Type II Type III Type IV

Yes No Other

Yes, date of next meeting:

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

EXHIBIT B



Supplemental Land Use Application
Form (No. 1)

4 pages

ANNEXATION

ZONE CHANGE

COMPREHENSIVE PLAN AMENDMENT

PROPERTY IDENTIFICATION

TAX LOT NUMBER	TOWNSHIP	RANGE	SECTION
204	2S	4E	NE 1/4 of SECTION 15

EXISTING AND PROPOSED LAND USE DESIGNATIONS

TAX LOT NUMBER (S)	COMPREHENSIVE PLAN		ZONING MAP	
	EXISTING	PROPOSED	EXISTING	PROPOSED
205	Light Indust.	Same	I-1	I-2

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

EXHIBIT 13

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



TAX LOT NUMBER	CLACKAMAS COUNTY RECORDING NUMBER	ASSESSED LAND VALUE	SIZE IN ACRES OR SQ. FT.
205	2012-080393	\$273,818	1.69 acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description (s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

vacant land

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property?	none
Number of total dwellings?	none

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%:	1.69 acres
Approximate acreage with slopes 15% to 24.9%:	zero
Approximate acreage with slope in excess of 25%:	zero
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Name of public right-of-way:	Industrial Way and Champion Way
Does the property abut a private road? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Name of abutting private road(s):	NA
Describe any unusual difficulties in accessing the property:	None

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Vacant land to the north, industrial buildings to the east, a parking lot and industrial buildings to the south, and vacant land and a parking lot to the west.

EXHIBIT C

Rogue Fabrication Zone Change Narrative 11-19-20

<u>APPLICANT:</u>	Joseph and Nichole Gambino JRG Property Management representing Rogue Fabrication
<u>APPLICANT'S REPRESENTATIVE:</u>	Ryan O'Brien Planning & Land Design LLC
<u>PROPERTY OWNER:</u>	Eastwinds Industrial Park Inc.
<u>REQUEST:</u>	Rezone From I-1 to I-2
<u>LEGAL DESCRIPTION:</u>	Tax Lot 204, Tax Map 2-4E-15A Parcel 1 of Partition Plat 1999-72
<u>PROPERTY SIZE:</u>	1.69 acres
<u>LAND USE DISTRICT:</u>	I-1 (Industrial Park)
<u>COMPREHENSIVE PLAN DESIGNATION:</u>	Light Industrial

APPLICABLE ZONING CODES

Chapter 17.26.40.B - Criteria for Zone Changes

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

- Goal 1 - Citizen Involvement
- Goal 2 - Land Use
- Goal 3 & 4 - Agricultural and Forest Land
- Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources
- Goal 6 - Air, Water, and Land Resources Quality
- Goal 7 - Natural Disasters and Hazards
- Goal 8 - Parks and Recreation
- Goal 9 - Economy
- Goal 10 - Housing
- Goal 11 - Facilities and Services
- Goal 12 - Transportation
- Goal 13 - Energy Conservation
- Goal 14 - Urbanization

EXHIBITS

- 1 - Vicinity Aerial
- 2 - Vicinity Topography
- 3 - Sandy Zoning Map Up Close
- 4 - Sandy Zoning Map of the Entire City
- 5 - Tax Map
- 6 - Transportation System Plan Map
- 7 - Colored Proposed Site Plan
- 8 - Phases 2 & 3 Building Perspective
- 9 - Phase 1 Building Perspective
- 10 - Phase 1 Building Elevations
- 11 - Phases 2 & 3 Building Elevations
- 12 - Tax Lot 205 Legal Description and Assessed Land Value
- 13 - Supplemental land Use Application Form
- 14 - Ard Engineering Traffic Study

INTRODUCTION and SUMMARY of REQUEST

This application is a request to rezone a 1.69-acre site from I-1 (Industrial Park) to I-2 (Light Industrial). Zone Changes are Type IV applications and required to be review by both the Sandy Planning Commission and City Council. The subject property is Tax Lot 205, Tax Map 2-4E-15A. The property is located at the SE corner of Industrial Way and Champion Way.

I-1 zoning is located north, west, and south of the subject property. I-2 zoning is located to the east. Public streets separate the subject property from existing development to the west and north. A parking lot is located to the south and industrial building to the east. The buildings on the east side are located close to the property line. The subject property is not visible from Highway 26. Therefore, the design requirements in the I-2 zone are acceptable as opposed to the more restrictive design requirements of the I-1 zone which are intended for property easily visible from Highway 26. If this Zone Change is approved, the applicant will purchase the property and submit a Type II Design Review application to the city.

Information in this narrative addresses city codes, provides an explanation of the proposed use of this property, and the history of Rouge Fabrication. Attached are architectural plans, site plans and maps of the surrounding area. The southerly building will be constructed first as the Phase1. Phases 2 and 3 will be built at a later date.

History and Ownership of Rouge Fabrication

Rogue Fabrication is owned by Joseph and Nicole Gambino. The business started in their garage in Hillsboro, where Joseph is from. He graduated from the engineering

program at Oregon Tech before working in industry and starting the business. Nicole is from Gresham and graduated from OSU. Her family has lived around the Gresham and Sandy areas for several generations. Rogue Fabrication (and its owners) moved to Sandy in 2014, and Rogue Fabrication has steadily grown since then.

Rogue Fabrication Operation

Rogue makes a line of tube bending tools and other products that go along with tube bending and fabrication. These tools are used to make hand railings, gates, tractor protection (both equipment and human protection), and motorsports safety and suspension components (like roll cages, chassis, etc). These products are designed, tested, and assembled by Rogue Fabrication. Rogue also sells a range of accessory products like measurement tools, cutting bits, select hardware, and other support goods that belong in metal shops, farms, and ranches. In addition to selling tools and select hardware, Rogue offers tube bending and some metal fabrication service to local customers. They use the same equipment other businesses can buy to do this fabrication work. Rogue plans to schedule hands-on fabrication classes in this new building in Sandy.

Economic Impact

Rogue employs local workers and pays fair wages, their medical insurance, and retirement account contributions. Good living wages with benefits help the local economy and the community. Permit and systems development revenue combined with property taxes will also benefit the City of Sandy. Further income at the state level will be realized through taxation of wages paid to employees. This will increase with business growth and expansion of Rogue at this new location. The range of products and services sold by Rogue Fabrication unquestionably benefit the local rural community. Rogue has many customers already building agricultural products with their tools. Rogue sells many products almost exclusively used for agriculture. Rogue's tools also are widely used by schools.

Philanthropic:

Rogue Fabrication extends generous discounts to all schools (from middle schools to Ivy League colleges). Rogue fabrication donates to charities, and sponsors prizes for educational competitions, like the AWS Welding Competition they have sponsored 2 years in a row. Rogue also has a monthly product giveaway sweepstakes that has organized the donation of over \$3,000 in products to schools across the county during the first 6 months of 2020.

Education Program:

Outlined in late 2019, Rogue Fabrication cooperated with a former Oregon School Teacher to form an education cooperation program. This program will have an educator-only forum for sharing curricular plans related to metal fabrication and communicating about student safety and other scholastic topics. This program also includes suggested equipment for schools, discount schedules on Rogue Fabrication products, and free products for outstanding students selected by their instructors (the products usually include branded merchandise). This program is aimed at keeping fabrication, problem solving, and the harmony of mathematics and engineering at the core of fabrication teaching in the public and private school system. It also rewards students and instructors for success.

Zone Change

The Sandy Comprehensive Plan Map only has one light industrial designation. Either I-1 or I-2 zoning complies with the Sandy Comprehensive Plan Map. The codes for I-1 and I-2 are similar. I-1 appears to be required when closer to Highway 26 and commercial uses. I-2 does not depend on high public street visibility. The subject property is not visible from Highway 26. The major differences are the minimum 10-foot front yard setback in the I-1 zone and 30-foot front yard setback in the I-2 zone, and the more restrictive architectural requirements in the I-1 zone.

SECTION 17.26.00 INTENT of ZONE CHANGES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:

- A. Maintain sound, stable, and desirable development within the City;*
- B. Permit changes in zoning district boundaries where appropriate;*
- C. Ensure zoning changes are consistent with the community's land use policies and goals; and*
- D. Lessen the influence of private economic interests in the land use decision-making process.*

RESPONSE: This narrative demonstrates why this zone change allows Rogue Fabrication to build a sound, stable and desirable manufacturing facility. This zone change is appropriate for the area base on the preponderance of I-2 zoning south of Industrial way and east of Champion way (Exhibits 3 and 4). Exhibits 1 and 2 show the land use pattern in the general area. Most of the I-1 zoning is west of Champion Way

and north of Industrial Way. The primary reason for the I-1 zoning is to provide specific architectural standards for buildings visible from Highway 26. I-1 zoning is not appropriate for the subject property because it is not visible from Highway 26. The Goals and Policies of the Sandy Comprehensive Plan are addressed in this narrative. This zone change is primarily in the public interest as opposed to the private economic interests.

SECTION 17.26.10 ZONE CHANGE BACKGROUND

The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Frequent and piecemeal amendments to the Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. When a zoning district is amended there often must be a corresponding change to the Comprehensive Plan map. There are, however, instances where more than one zoning district matches the Comprehensive Plan designation. In these situations, the zoning district can be amended without a Plan Map Change. Zoning district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. Changes to the Zoning Map are reviewed initially by the Planning Commission with a recommendation forwarded to the City Council. The City Council conducts a public hearing and considers adoption of changes.

RESPONSE: The city has 3 separate Industrial Zones; **I-1, 1-2 and I-3**. The city only has one industrial designation on the Comprehensive Plan Map. Therefore, a Comprehensive Plan Amendment is not required. This zone change is extremely limited in scale and effect. The subject property is already mostly in an I-2 zoned area. Property directly east is zoned I-2. The next small triangle property further east, Tax Lot 212 containing 1.32-acres, is zoned I-1 but it will probably be rezoned I-2 in the future to be compatible with other I-2 zoned property south of Industrial Way and east of Champion Way. This is a logical zone change direction for the city. Zone changes are rare in this section of the city. Therefore, piecemeal zone changes are not occurring. The integrity of the Comprehensive Plan and successful implementation will not be affected. This is especially true since the Comprehensive Plan Map will not be changed. With 3 industrial zone districts, Industrial zone changes are expected and assumed.

Section 17.26.40.B - Criteria for Zones Changes

B. Review Criteria. 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.

COMMENT: Adequate public facilities and services are available. This zone change is consistent with the Zone Change Chapter. The Comprehensive Plan supports this zone change. The following are uses allowed in the **I-1 Industrial Park Zone** and the **I-2 Light Industrial Zone**. A comparison of uses in each zone clearly shows uses allowed in the I-2 zone produces less traffic compared to the I-1 zone. Therefore, no increase in traffic is expected if this zone change application is approved. This is further supported by a traffic report prepared by Mike Ard, Traffic Engineer (See Exhibit 14). This report identifies the most traffic intense uses allowed in both the I-1 and the I-2 zones. The conclusion is that the I-1 zone could produce up to 1,760 vehicle trips per day with 150 to 175 peak hour trips. The I-2 zone could produce 1,304 vehicle trips per day and 130 to 138 peak hour trips. The I-2 zone will produce lower traffic volumes. Therefore, the traffic engineer concluded the following:

*“Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in **no change in trip generation** during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change”.*

The traffic engineer provided a Transportation Planning Rule Analysis with findings showing no further action or traffic studies are necessary for this zone change application. This application needs to be accepted without ODOT comments. The city will send a notice of this application to ODOT for their review and comment. ODOT typically will not comment on land use actions until an application has been submitted to and accepted by a government agency.

17.48.10 PERMITTED USES IN THE INDUSTRIAL PARK (I-1) ZONE

A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:

1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:

a. Brewery, distillery, or winery, with or without pub or tasting room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Athletic club, indoor recreation, or entertainment;
- b. Automotive repair and service;
- c. Commercial day care facility;
- d. Community services;
- e. Education facility (e.g., pre-school, school, college);
- f. Financial institution;
- g. Medical facility (e.g., clinic, hospital, laboratory);
- h. Professional or general business office;
- i. Self-service storage;
- j. Social organization;

3. Retail businesses, including but not limited to:

- a. Automotive fueling station;
- b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental;
- c. Convenience market/store;
- d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
- e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
- f. Grocery store or supermarket;

4. Bus station or terminal;

5. Group care and assisted living;

6. Overnight lodging;

7. Minor public facility;

8. Nursery/greenhouse;

9. Outdoor recreation;

B. Accessory Uses Permitted Outright:

- 1. Use customarily incidental and subordinate to a use permitted outright;
- 2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
- 3. Parking lot or garage (when associated with development).

17.50.10 PERMITTED USES IN THE LIGHT INDUSTRIAL (I-2) ZONE

A. Primary Uses Permitted Outright:

1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:

a. Brewery, distillery, or winery, with or without tasting room or tap room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Automotive repair and service;
- b. Commercial day care facility in conjunction with a permitted use;
- c. Community services;
- d. Indoor recreation/sports arena, excluding athletic club/gym;
- e. Laboratory;
- f. Professional or general business office;
- g. Self-service storage;
- h. Social organization;

3. Retail businesses, limited to the following:

- a. Any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building;
- b. Automotive, trailer, recreation vehicle, and motorcycle, sales and rental;
- c. Eating/drinking establishment, excluding fast-food restaurant, high-turnover sit down restaurant, and drive-up/drive-through uses, and limited to no more than 40 seats;
- d. Meat market, produce market, excluding grocery stores and convenience stores;

4. Bus station or terminal;

5. Group care and assisted living;

6. Minor public facility;

7. Nursery/greenhouse;

8. Outdoor recreation;

9. Park and ride station;

10. Parking lot or garage (when not an accessory use);

11. Public park, plaza, playground or recreation area, and buildings;

- 12. Salvage yards, including processing, storage or sales;**
- 13. Trucking terminal, distribution center, or transit center;**
- 14. Warehousing and distribution facilities for wholesale merchandise;**
- 15. Wholesale lumber or building materials yard;**
- 16. Other uses similar in nature.**

B. Accessory Uses Permitted Outright:

1. A use customarily incidental and subordinate to a use permitted outright;
2. Caretaker quarters;
3. Parking lot or garage (when associated with development).

COMMENT: A traffic analysis is not required because the above information shows traffic generation from permitted uses in the I-2 zone are less compared to the I-1 zone. Secondly, the city only has one Industrial Comprehensive Plan Designation but three Industrial Zoning Designations. Therefore, a Comprehensive Plan Amendment is not required.

Light Industrial I-2 Zone - Chapter 17.50

Manufacturing and incidental retail commercial uses on less than 35% of the of the buildings gross floor area are outright permitted uses. The retail uses will probably be less than 10% to 20% of the floor area for Rogue Fabrication. All manufacturing and storage will be inside the buildings. The buildings have metal siding along the street frontages which is allowed in the I-2 zone. Metal siding will be accented by windows, canopies, and cultured stone veneer along the building foundations and the canopy posts. The architectural perspective shows the appearance of the buildings from the public streets (Exhibits 8 to 11). The buildings are not visible from Arterial Streets and Highways. Industrial Way and Champion Way are collector streets. Highway 26 is a Major Arterial. Therefore, additional building screening is not necessary in accordance with the Intent of the I-2 Zone (Section 17.50.00).

Section 17.90.130 - Design Standards for Development in the I-2 zone

No future connection to streets or adjacent property is required. This was addressed with the Partition Plat 1999-72. Pedestrian access is provided by public street sidewalks. The driveway on Champion Way is located about 10-feet north of the north portion of the existing driveway on the west side of Champion Way. Left turns into both driveways do not conflict because the driveway on the subject property is north of the driveway on the

west side of Champion Way. Both driveways cannot be lined up because it would significantly affect the parking lot plan on the subject property (Exhibit 7).

Metal siding is allowed in the I-2 Zone. Changes in relief are required for 10% of the building. The proposed relief is over 10% with the canopies. The colors are earth tones. Two dormers are proposed on the roof facing Industrial Way. The pitch of the roof is 3:12 in compliance with city code. The roof material will be earth-toned standing seam (concealed fastener) metal. This roofing material is allowed under 17.90.130.D.4. The elevations show no roof mounted mechanical equipment. Entrances are located along public streets. A trash enclosure is proposed in the parking lot.

Sandy TSP

Both Industrial Way and Champion Way are Collector streets. The following is a definition of a Collector Street in the City TSP:

Collector streets provide both access and circulation within and between residential and commercial areas. These roads have a typical capacity between 2,000 and 6,000 ADT. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials), and penetrate residential neighborhoods, distributing trips from the local street system to minor and major arterials. Collectors may provide on-street parking, may incorporate traffic calming measures, and should be spaced approximately one-half mile apart. Bike lanes are required on collectors.

RESPONSE: According to the city TSP Industrial Way will have an “A” to “C” Level of Service in the year 2029 east of 362nd Drive and an “E” Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an “A” to “D” level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

SANDY COMPREHENSIVE PLAN

Goal 1 - Citizen Involvement

This goal is to establish policies for development of a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The surrounding property owners will be notified of the zone change hearings and will have an opportunity to submit written comments or testify at the public hearings.

Goal 2 - Land Use Planning

This goal is to establish policies for a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The applicant will be following the policies of the Comprehensive Plan and the requirements of the Development Code. An adequate factual basis is provided to justify approval of this zone change application.

Interpretation of Comprehensive Plan Map

13. *Plan designations for land use categories are intended to guide zoning.*

RESPONSE: The property is designated Light Industrial on the Comprehensive Plan Map. The 3 industrial zones are possible on land with a Light Industrial Comprehensive Plan designation. Locational characteristics determine which zone is appropriate for specific areas.

Industrial

This designation provides for industrial parks, light industrial and general industrial activities. The intent is to encourage industrial growth and provide for industrial development at appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy, diverse, and stable local economy. Non-industrial uses are not encouraged in industrial areas except for those, not including housing, which serve the needs of the area's work force. Areas may be designated "I" on the Plan Map providing that siting of businesses does not result in significant adverse impacts on residential or sensitive natural resource areas in the following areas:

1. *Areas having a historic commitment to industrial use*
2. *Areas with appropriate access to the regional transportation network*
3. *Areas with sites large enough to accommodate expansion of individual establishments or provide for several establishments within one contiguous area.*

RESPONSE: The subject property is already in an industrial area with no residential development, except for high density residential development to the southwest along the west side of Champion Way.

The industrial plan designation is implemented through the Industrial Park (I-1), Light Industrial (I-2) and General Industrial (I-3) districts.

The Industrial Park (I-1) district is intended to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites which will blend harmoniously with their surroundings and adjacent land uses.

The Light Industrial (I-2) district is intended to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.

The General Industrial (I-3) district is intended to provide locations in suitable areas for general manufacturing and warehousing businesses which because of potential land use conflicts require large, isolated sites removed from neighboring residential uses.

RESPONSE: The I-1 Industrial Park zone is intended to be mixed with commercial uses. The subject property was probably zoned I-1 because it is across the street from commercial uses to the north. Property directly east is zoned I-2. The building and uses on that property are very compatible with commercial uses. The attached zoning map (Exhibit 3) shows a significant amount of I-2 zoning to the east and south. A large portion this I-2 zoning south of Industrial Way and east of 362nd Dive is across the street from land zoned commercial. This shows a precedence of I-2 zoning next to commercial uses in the general area. If commercial uses were proposed for the subject property, I-1 zoning would remain. The proposed Rogue Fabrication use is more compatible with the I-2 zone compared to the I-1 zone. Rogue Fabrication will be very compatible with surrounding commercial uses and other property zoned I-1. All manufacturing on the subject property will be inside the buildings. I-3 zoning would not be compatible with the surrounding area. Only 3 industrial zones are available for the subject property.

Goals 3 & 4 - Agricultural Lands and Forest Lands

There are no farm or forest lands within the Sandy Urban Growth Boundary.

RESPONSE: No response is necessary.

Goal 5 - Open Spaces, Historic Resources, and Natural Areas

This goal is to establish policies for conservation of open space and protection of natural and scenic resources.

RESPONSE: The subject property does not contain any natural or scenic resources. Therefore, no response is necessary.

Goal 6 - Air, Water, and Land Resources

This goal is to establish policies to maintain and improve the quality of the air, water, and land resources of the state.

- 1. Maintain environmental quality by guiding future development and land use activities. Allow activities that will not significantly deteriorate the existing high quality of air, water and land resources.*
- 2. Cooperate with federal, state and regional agencies to meet the air quality standards of the Federal Clean Air Act.*
- 3. Preserve and enhance the City's open space and natural resources to sustain their positive contribution to air quality.*
- 4. Reduce congestion and delay on major streets to lessen localized pollution impacts of automobile travel through methods such as signal timing, access management, intersection improvements, etc.*
- 5. Reduce air pollution by decreasing the need for vehicle trips through:
 - a) Promoting pedestrian, bike, and transit friendly land uses, including mixed use developments that are compatible with existing neighborhoods*
 - b) Implementing the Oregon Transportation Planning Rule*
 - c) Providing opportunities to utilize alternative transportation modes*
 - d) Encourage employers, including the City of Sandy, to implement programs to reduce single occupant trips to and from work**
- 6. Favor the use of the natural drainage system and other non-structural methods to treat, convey and dispose of runoff.*
- 7. Require all development to:
 - a) Comply with applicable local, state, and federal water quality and erosion control standards*
 - b) Implement measures to minimize runoff from the development site during and after construction**
- 9. Require adequate screened and enclosed space for recycling, solid waste storage and compacting within industrial, commercial and high-density housing developments and ensure proper access to these areas.*
- 10. Provide for a zoning designation which will accommodate recycling facilities with standards that will mitigate impacts on adjacent land uses.*

11. *Encourage reductions in the amount of solid waste generated by private and public construction and demolition activities.*

12. *Ensure that new commercial, industrial and community service facility development is landscaped, buffered and designed so adjacent properties are not negatively impacted.*

RESPONSE: Storm water detention and treatment will occur on the subject property when it is developed. Rezoning will not encourage a reduction in air quality. The TSP identifies future plans to reduce traffic congestion. This project is very small with limited traffic volumes. No required off-site street improvements are anticipated to be required as result of the Design Review application. Screened recycle facilities will be provided. Adequate landscaping will be provide as shown by the attached colored site plan (Exhibit 7).

Goal 7 - Natural Hazards

This goal is to establish policies to protect life and property from natural disasters and hazards.

RESPONSE: There are no natural hazards on the subject property.

Goal 8 - Parks and Recreation

This goal is to establish policies to satisfy the recreational needs of the citizens of the state and visitors. Policies pertaining to parks, open space, and recreation planning for the City of Sandy are divided into specific categories which include general policies, parks and recreation, funding, and community design.

RESPONSE: The subject property is not a residential development. Therefore, the Parks and Recreation Goal does not apply. The subject property is not suitable for a public park.

Goal 9 - Economic Development

This goal is to establish policies to diversify and improve the economy of the state.

RESPONSE: Development of this site with a manufacturing facility complies with Goal 9 as identified below.

Industrial District Policies

34. *Encourage a range of job types and skill levels to foster growth in the local labor pool.*

RESPONSE: Phase 1 of this development will create about 15 to 20 new manufacturing employees in the City of Sandy. Phase 2 and 3 will produce an additional 15 to 20 new employees. This will help diversify the type of employment in the City of Sandy.

35. *Promote a diversity of small industries and businesses. Through diversification, the community will retain its economic strength through changes in the market place.*

RESPONSE: Rogue Fabrication is a small business in compliance with the above Policy. Development to this business will create employment diversity.

36. *Protect designated industrial lands for industrial uses. Limit commercial development in industrial areas to uses which are clearly ancillary and subordinate to industrial development.*

RESPONSE: The subject property will be developed as an industrial use which protects the industrial land base. Limited retail commercial sale of the products manufactured by Rogue Fabrication will occur in compliance with the above Policy.

37. *Work with other jurisdictions and agencies such as Clackamas County, Metro, the Port of Portland, the Oregon Economic Development Department and the Oregon Department of Transportation to identify and support expansion of existing industries and attraction of new industries to the community.*

RESPONSE: The City of Sandy is providing this coordination.

38. *Promote performance standards for commercial and industrial developments that reduce demand on municipal water and wastewater service and maintain air quality standards.*

RESPONSE: The City of Sandy has developed these standards.

39. *Plan for a jobs-housing balance in order to provide opportunities for Sandy residents to work locally and reduce the potential for commuting. At each periodic review, the City shall evaluate its jobs-housing balance and determine if plan map amendments are needed to maintain a balance exceeding 1.0 jobs per household.*

RESPONSE: Development of this site will increase the jobs-housing balance in the city of Sandy.

Goal 10 - Housing

This goal is to establish policies to provide for housing needs of the state.

1. *Assure an adequate supply of developable land for low, medium, and high-density housing to meet the 20-year population projections.*
2. *Encourage the private sector to provide adequate housing choices, including affordable housing types.*
3. *Encourage innovations in construction, funding, regulation, and siting of housing in order to provide well designed and energy efficient housing.*
4. *Cooperate and coordinate with the Clackamas County Housing Authority and with the FHA in their efforts to construct low income housing.*
5. *Make information available on current programs and techniques of construction and housing rehabilitation which will enhance the quality of housing in Sandy.*
6. *Provide for a balance between the growth in job opportunities and the growth in housing opportunities.*

RESPONSE: Additional job growth is necessary to keep up with housing construction. Development of this site will help reduce employment trips outside of the city.

Goal 11 - Public Facilities and Services

This goal is to establish policies to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

RESPONSE: All public facilities and services were provided when this industrial area was developed with streets and utilities.

Community Facilities and Services

1. *Establish an ongoing five-year capital improvement program covering all public facilities, services, and utilities.*
2. *Coordinate the siting of public facilities and services with other agencies or districts; such as, the fire district, post office, school districts, etc.*
3. *Consider the needs of emergency service providers in the review of all development. Particular attention should be paid to:*
 - a) *Street and driveway layout and site design features that ensure emergency vehicle access and building identification.*
 - b) *Fire hydrant locations and fire flow.*
 - c) *Security through appropriate lighting and landscape design.*

RESPONSE: The city has a 5-year capital improvement program. Adequate public facility and services are available to serve this development. The site plan (Exhibit 7) shows adequate fire access to the buildings.

Utilities

9. *Require developers to install and extend all public utilities to, and through, the property to serve the needs of the development and surrounding properties in a logical manner.*
10. *Require developers to over-size and design facilities for adjacent development.*
12. *Encourage the utilization of swales and natural ponding areas to satisfy storm drainage retention and detention requirements where possible.*
13. *Require utilities such as telephone, electricity, and cable television to be placed underground in new developments, except where not technically feasible. The city shall work with private utilities to replace existing overhead utilities with underground service.*

RESPONSE: The public utilities are already provided for this development.

Goal 12 - Transportation

This goal is to establish policies to provide and encourage a safe, convenient, and economic transportation system.

RESPONSE: According to the city TSP, Industrial Way will have an “A” to “C” Level of Service in the year 2029 east of 362nd Drive and an “E” Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an “A” to “D” level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

Neighborhood Street System

In order to provide convenient, safe, and equitable access throughout the community, the City of Sandy shall:

1. *Support a pattern of connected streets, sidewalks, and bicycle routes to:
 - a) *provide safe and convenient options for cars, bikes, and pedestrians;*
 - b) *create a logical, recognizable pattern of circulation; and,*
 - c) *spread traffic over local streets so that collector and arterial streets are not overburdened.**
2. *Work with fire district, police, and other emergency service providers to ensure that adequate emergency access is possible on all streets.*
3. *Require connected streets that form pedestrian-scaled blocks, except where it is shown that topography, existing land ownership patterns, or other conditions preclude the creation of blocks.*
4. *Discourage the use of cul-de-sacs and dead-end streets, except where it is shown that topography or other existing conditions make them necessary. If cul-de-sacs or dead-end streets are found necessary, the City shall consider requiring pathways that connect these streets to adjacent through streets.*
5. *Encourage the use of parks and open space corridors as pedestrian and other non-auto oriented linkages within the urban area. Where possible, connect these pathways to a regional system of trails linking public and private open space, parks, and recreational resources within and between jurisdictions.*
6. *Encourage the development of neighborhood parks or other public or private open spaces connecting short cul-de-sac streets or other local streets in order to provide neighborhood focal points.*
7. *Encourage joint use of major power line or utility corridors as pedestrian/ bicycle linkages where feasible.*

RESPONSE: The above policies generally apply to residential developments. However, pedestrian access is proposed along both Champion Way and Industrial Way. When this site is developed, sidewalks will be constructed along both streets. The TSP Map (Exhibit 6) shows both streets are planned to be extended in the future. No parks or pedestrian corridors are located on or adjacent to the subject property.

Pedestrian Friendly Street and Streetscape Design

- 8. *Encourage the planting of street trees in tree-deficient area of the city.*
- 9. *Require buildings, awnings, landscaping, and modifications to the street width and sidewalks in commercial areas to create a sheltered, interesting, and safe environment that works for pedestrians as well as for automobiles.*
- 10. *Encourage the development of sidewalks on both sides of all streets, especially in high pedestrian activity areas such as near schools and in the downtown area.*
- 11. *Develop street, bicycle, and pedestrian facilities that encourage pedestrian friendly streetscapes.*

RESPONSE: The building elevations encourage pedestrian access to the public streets (Exhibits 8 to 11). Street trees will be planted with either I-1 or 1-2 zoning. Additional landscaping will be installed with I-2 zoning as identified below because of the larger required front yard setback even though the required percentage of landscaping is less in the I-2 zone. The Site Plan (Exhibit 7) shows that over 20% of the site will be landscaped.

	<u>I-1 Zoning</u>	<u>I-2 Zoning</u>
Front Yard Setback	10-feet	30-feet
Corner Street Setback	15-feet	15-feet
Required Landscaping	20%	15%

Bicycle Facilities

- 12. *Establish a system of designated bicycle routes and pathways that link neighborhoods, schools, parks, employment centers, and other points of interest.*
- 13. *Establish a logical and coherent transportation network within the city, and provide connections to larger, regional facilities. Bicycle facilities should be constructed in accordance with the design standards of the Oregon Bicycle and Pedestrian Plan or other approved plan.*
- 14. *Make provisions for bicycle facilities in accordance with the bicycle network map. Recognize that this map represents a conceptual plan. Actual bicycle routes will be determined when the proposed street network is more fully developed.*
- 15. *Identify and develop local or collector streets which can provide good parallel bicycle facilities with less vehicular traffic within a short distance of an arterial as the preferred bicycle route.*
- 16. *Encourage the provision of bicycle racks for existing commercial, industrial, civic, and school facilities.*

RESPONSE: Bicycle parking spaces will be provided with this development to encourage bicycle travel.

Transit

17. *Promote local transit service for Sandy.*

RESPONSE: The owners and employees of this development can take advantage of future transit service because of the location next to a major shopping center.

Major Roadway Circulation

20. *Work with property owners and developers to limit the number of accesses onto major roadways. Encourage the use of shared driveways, off-street connections between properties, and access from lower order streets.*

22. *Submit notice of development proposals impacting Highways 26 and 211 to ODOT for review and comment.*

RESPONSE: ODOT will be notified of this zone change application and the future Design Review application. No traffic report is required for this zone change. However, a traffic report may be required for the Design Review application. The proposed parking lot access on Champion Way is the only alternative. A joint access with adjacent property is not possible

Parking

23. *Wherever feasible, encourage the provision of on-street parking on both sides of streets. Cooperation with ODOT will be necessary along Highway 26 and Highway 211.*

24. *Reduce parking requirements for development proposals where existing on-street parking and excess parking from adjacent development is available to meet parking requirements. Consideration should also be given to allowing payment of fees in lieu of required on-site parking. The fees shall be dedicated to the development of public parking lots.*

26. *Encourage shared parking arrangements when parking demands for the sharing uses can be satisfied.*

27. *Require convenient and safe bicycle parking as part of the parking requirement for all new development, except single-family houses.*

RESPONSE: On-street parking is available on both streets because no-parking signs are absent. The posted speed limit is 25 MPH which is conducive to on-street parking. Shared parking is not possible for this property. However, the opportunity may be available in the future for parking space rental depending on the future uses of adjacent property.

Goal 13 - Energy Conservation

This goal is to establish policies to conserve energy.

1. *Promote infill developments to reduce the need to extend services and streets.*

4. *Encourage energy-efficient design.*

RESPONSE: This is an infill development. The building will be developed with energy efficiency.

Goal 14 - Land Use and Urbanization

This goal is to establish policies to provide for an orderly and efficient transition from rural to urban land use.

RESPONSE: This goal does not apply because this rezone will not be transition from rural to urban land use.

Urbanization Policies

1. *Maintain an urban growth boundary with sufficient residential, commercial, industrial, and public use lands necessary to support forecast population and employment for a 20-year horizon. The City will evaluate and update the 20- year land supply at each periodic review plan update.*

2. *Urban growth should be directed in a generally contiguous manner consistent with the city's ability to economically maintain and extend public services and facilities.*

3. *The City of Sandy shall encourage the development of land according to the following priorities:*
 - a) *Vacant, buildable lands or underutilized lands located within developed or developing areas.*

 - b) *Lands contiguous to development areas where services can be easily and economically extended.*

 - c) *Lands which are significantly separated from developing areas by vacant land, or areas which would place an undue burden on the city's infrastructure.*

RESPONSE: This rezone will help the city retain industrial land to support the 20-year employment forecast. Development of the site is located in an area with significant existing development. The subject property is in **Category 3a** above which is the highest priority for development.

Coordination with Clackamas County

7. *The City of Sandy shall have the lead role in designating planned land uses and densities for incorporated and unincorporated lands within the UGB and the URA. The Comprehensive Plan shall constitute the comprehensive plan for all land within the Urban Growth Boundary and Urban Reserve Area.*

8. *The City of Sandy shall have the lead role in coordinating public facility planning (streets, sanitary and storm sewers, water, parks and open space, schools) within the UGB and the URA.*

RESPONSE: The City of Sandy has the lead role with zoning designations in and outside the city limits and coordination of public facilities. The subject property has all the public facilities and services necessary for on-site development. It is a prime candidate for rezoning from I-1 to I-2 to encourage manufacturing jobs in the city. Significant C-2 retail commercial and service business I-1 zoning is already available in the city as shown by the existing zoning map, Exhibit 3. I-1 zoning is more conducive to retail and service uses as opposed to manufacturing. Therefore, the subject property is more suitable for I-2 zoning.

EXHIBIT D

Legal Description of Tax Lot 205, Map 2-4E-15A

Parcel 1, PARTITION PLAT NO. 1999-72, in the City of Sandy, County of Clackamas and State of Oregon.

Estimated Acres: 1.69

Current Year Assessed Value: \$273,818.00

Market Building Value: \$0.00

Market Land Value: \$656,562.00

Market Total Value: \$656,562.00

Sale Price: \$275,000.00

Doc Date: 12/05/2012

Doc Type: S

Tax Code: 046017

Exhibit 12

EXHIBIT E

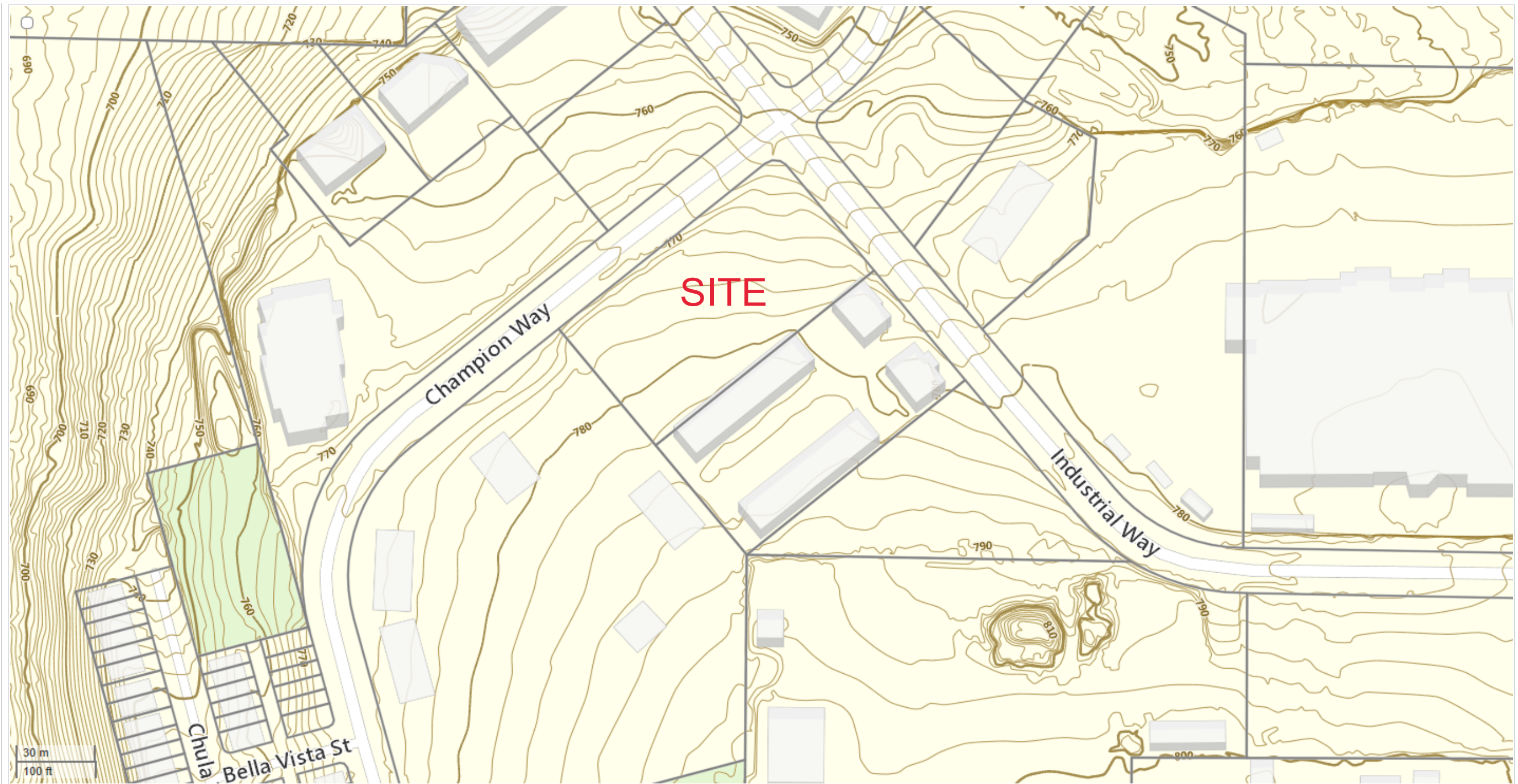


Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 1

EXHIBIT F



Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 2

SANDY ZONING MAP

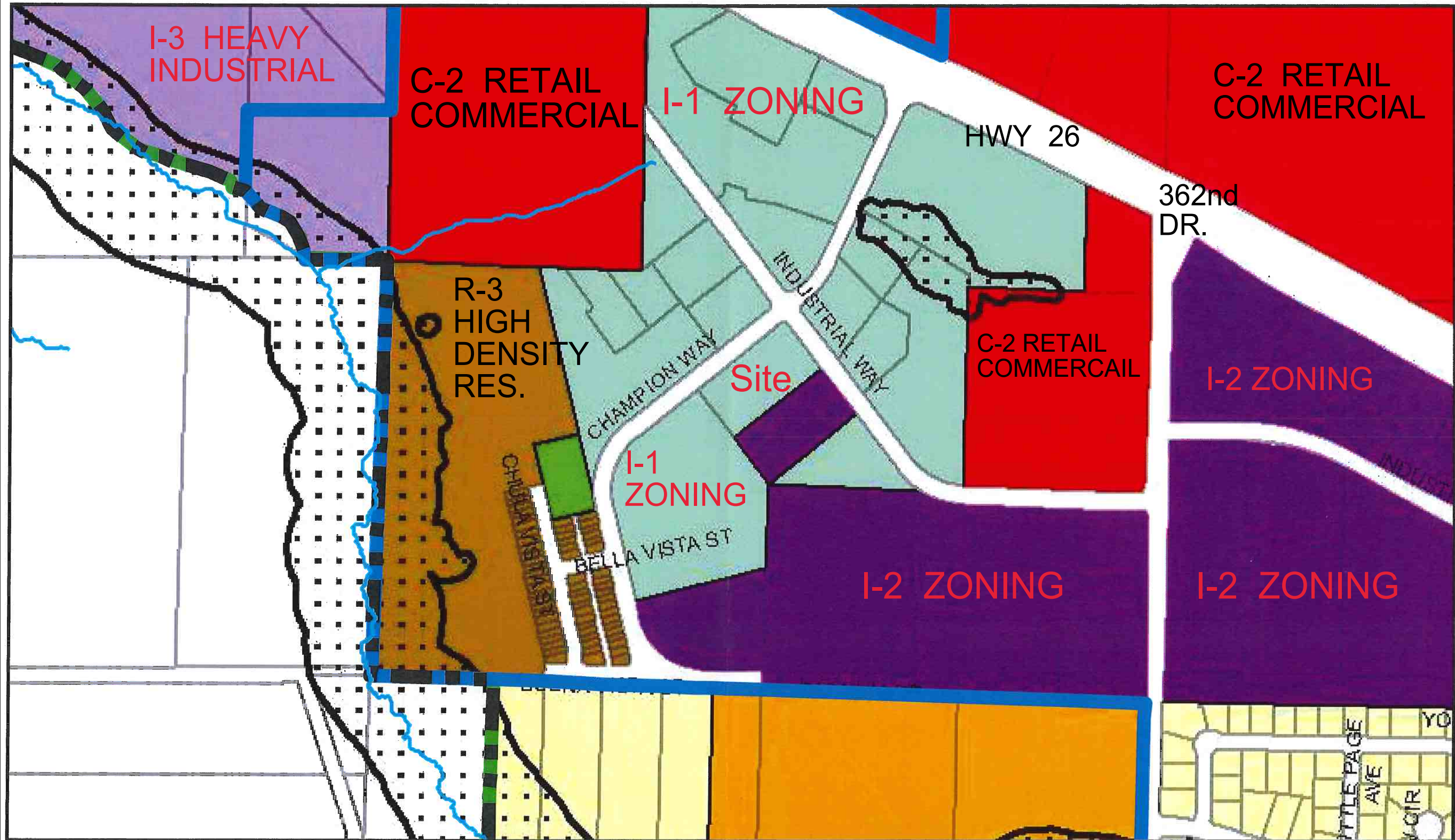


EXHIBIT 3

EXHIBIT H

PLEASE NOTE: Zoning designations for all parcels located outside of the City Limits are conceptual only and non-binding. The conceptual zoning designations are used to promote preferred development patterns, per the 2040 Comprehensive Plan.

**Zoning Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97**

- Streams
- UGB
- City Limits
- Urban Reserve Boundary
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- POS (Parks & Open Space)
- SFR (Single Family Residential)
- R1 (Low Density Residential)
- R2 (Medium Density Residential)
- R3 (High Density Residential)
- C1 (Central Business District)
- C2 (Retail / Commercial)
- C3 (Village Commercial)
- I1 (Industrial Park)
- I2 (Light Industrial)
- I3 (Heavy Industrial)

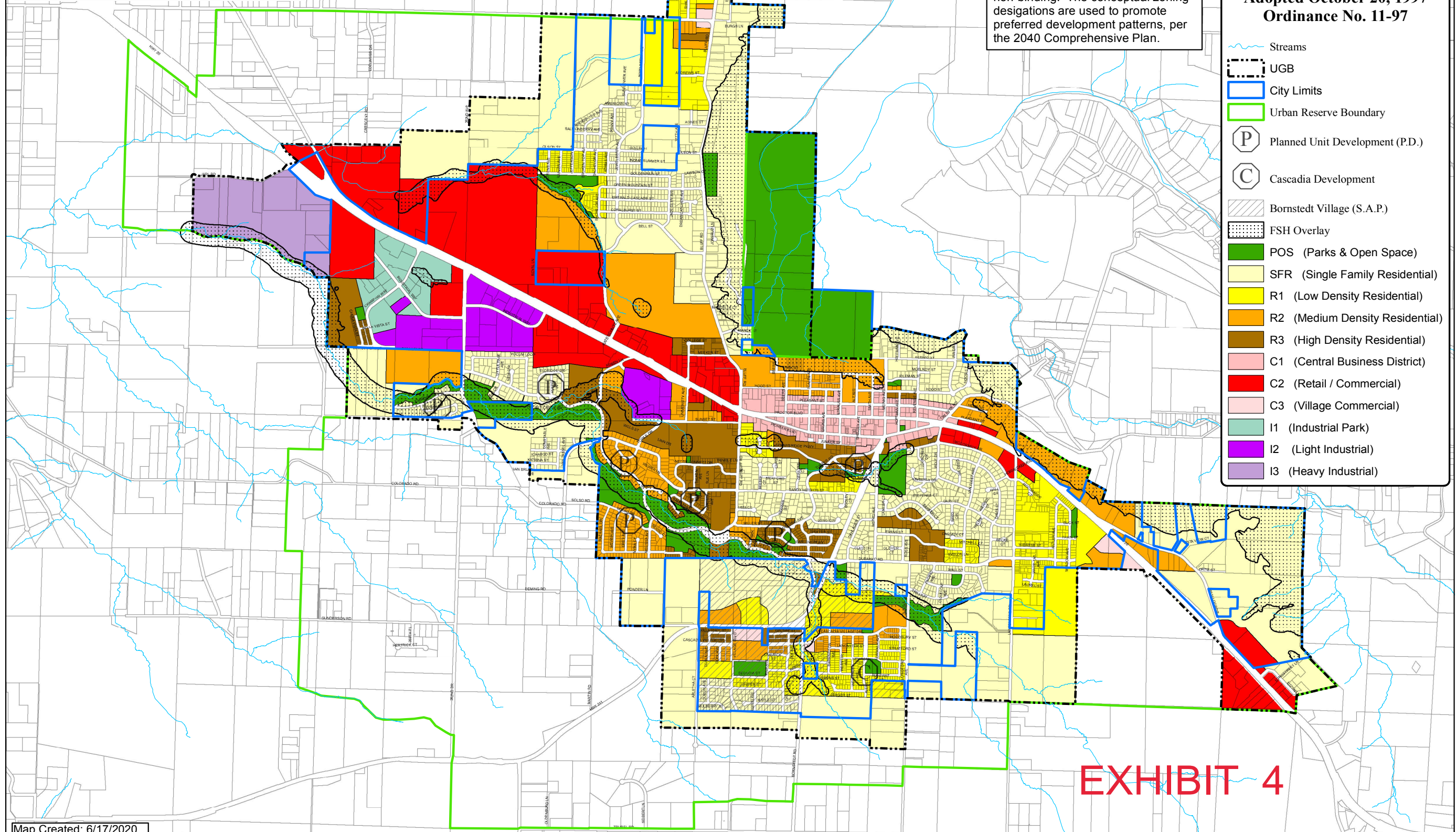


EXHIBIT 4

Map Created: 6/17/2020

EXHIBIT I

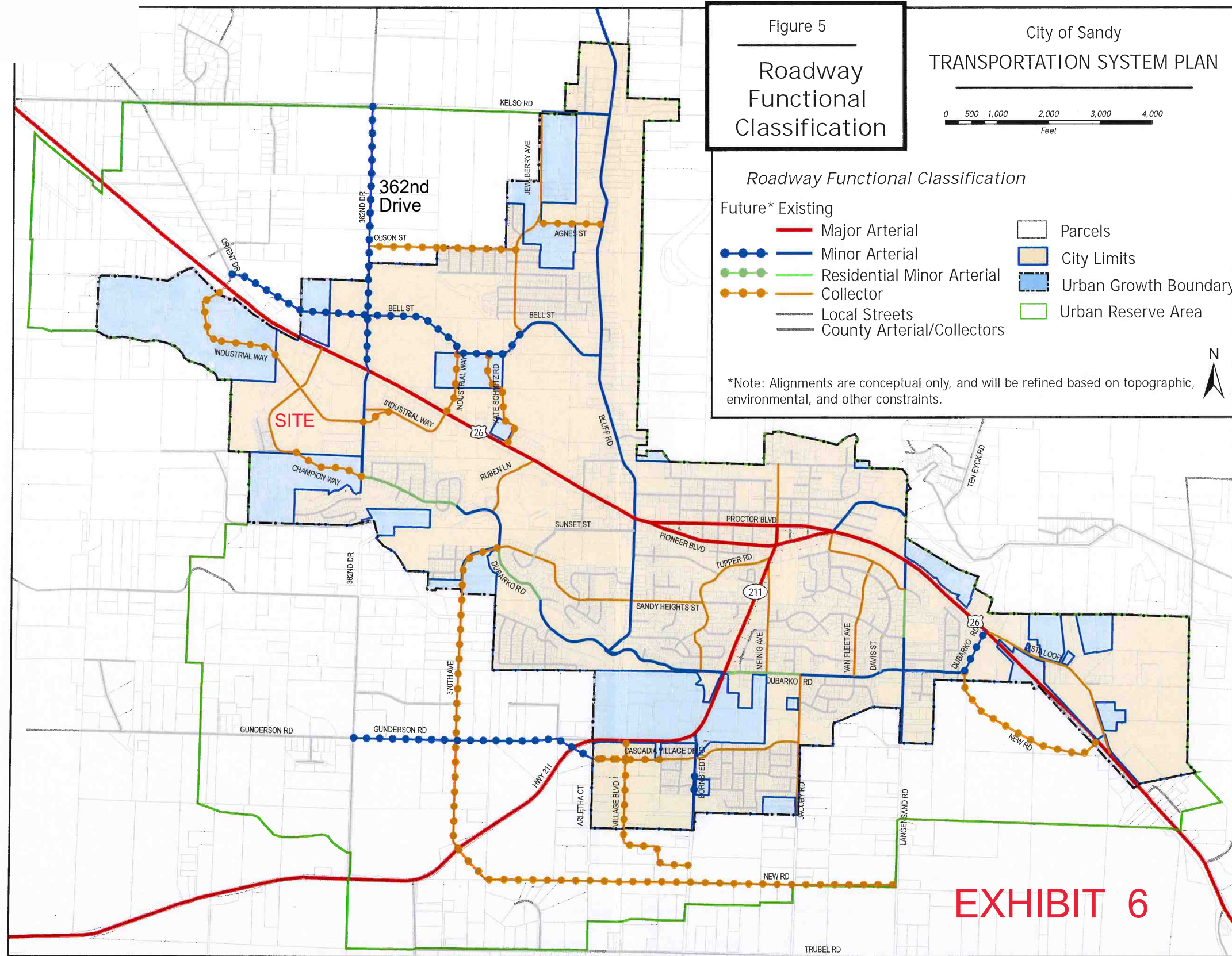
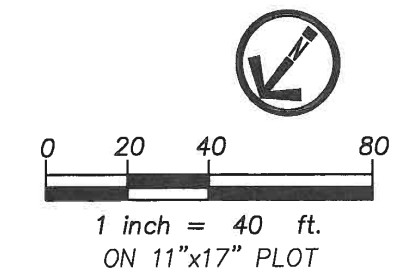


EXHIBIT J

**PROPOSED TUBE BENDING
MANUFACTURING EQUIPMENT & SALES**
PARCEL 1 OF PARTITION PLAT 1999-72



EXISTING ZONING I-1
PROPOSED ZONING I-2

PROPOSED 20%
ADJUSTMENT FOR 24'
FRONT YARD ON
INDUSTRIAL WAY

REQUIRED SETBACKS:
FRONT YARD 30'
(INDUSTRIAL WAY)
STREET SIDE YARD 15'
(CHAMPION WAY)
REAR YARD 0'
INTERIOR SIDE YARD 0'

30 EMPLOYEES PER SHIFT
36 PARKING SPACES PROVIDED

SANITARY MH
RIM = 775.78
IE IN = 770.68
IE OUT = 765.18

10'
PUE

ELECTRIC VAULT
GAS RISER

APPLICANT:
JOEY GAMBINO
42335 SE MARIMOT ROAD,
SANDY, OREGON 97055
OFFICE: (503) 389-5413
CELL: (871) 822-0243

DESIGN REVIEW &
ZONING CHANGE
ROGUE FABRICATION
CHAMPION WAY, SANDY, OREGON
TAX MAP T2S, R4E, SECTION 15A, TAX LOT 205

NO.	DATE	DESCRIPTION

PLANNING & LAND DESIGN, LLC
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

SHEET
OF
AUGUST, 2020

EXHIBIT 7

EXHIBIT K



EXHIBIT N



EXHIBIT O

Technical Memorandum

To: Joey Gambino, Rogue Fabrication

From: Michael Ard, PE

Date: November 18, 2020

Re: Rogue Fabrication Zone Change (20-041 ZC) - Sandy, OR



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

This memorandum is written to provide information related to a proposed zone change for a 1.69-acre property located immediately southeast of Champion Way and southwest of Industrial Way in the City of Sandy, Oregon. The subject property is Tax Lot 24E15A0 – 00205 and is currently zoned I-1 (Industrial Park). Upon approval of the proposed zone change, the property would be rezoned to I-2 (Light Industrial).

The following analysis addresses the potential transportation impacts that can be anticipated following the proposed zone change as well as the requirements of Oregon’s Transportation Planning Rule.

TRIP GENERATION

In order to quantify the potential change in site traffic volumes associated with the proposed annexation and zone change, an estimate of trip generation for the “reasonable worst case development scenario” was developed for both the existing I-1 zoning and the proposed I-2 zoning. The comparison between these two development scenarios shows the maximum potential change in traffic that could result from the proposed zone change.

Under existing conditions, the I-1 zoning allows for site development with a wide variety of uses including manufacturing facilities, athletic clubs, auto repair, day care centers, community services, schools, banks, medical clinics, hospitals, offices, self-storage, social organizations, fuel stations, auto sales and rental, convenience stores, restaurants (including drive-throughs), supermarkets, assisted living facilities, hotels, nurseries, outdoor recreation, warehousing and distribution centers, and wholesale lumber/building materials.

Under the proposed I-2 zoning, a similar range of uses are permitted. However, under the I-2 zoning athletic clubs, schools, banks, medical clinics, hospitals, fuel stations, convenience stores, supermarkets and hotels are not outright permitted uses. The I-2 zoning also permits a few uses which are not permitted in the I-1 zone including indoor recreation/sports (except athletic clubs), laboratories, and salvage yards.

In order to compare the trip generation potential of the site under the existing and proposed zonings, it was necessary to identify the mix of permitted uses that would result in the highest permissible traffic volumes for the respective zoning designations. For the analysis it was assumed that the highest-intensity



development within the site would yield a gross floor area of approximately 25 percent of the gross land area, resulting in 18,500 square feet of building area under both the I-1 and I-2 zoning.

Under the existing I-1 zoning, the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot supermarket. Under the proposed I-2 zoning, the supermarket would not be a permitted use so the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot shopping center. Notably, the trip rates for indoor recreation/sports, laboratories, and salvage yards that are permitted under the I-2 zoning generate far fewer trips than other allowed uses, so all of the uses considered in the I-2 zoning analysis are also permitted under the existing I-1 zoning.

Trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. The trip estimates for each land use category are based on the gross floor areas of the prospective site uses. A summary of the trip generation calculations is provided in the table below. Detailed trip generation calculation worksheets are also included in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Supermarket (10,500 sf)	23	17	40	49	48	97	1122
- Pass-by Trips (36%)	-7	-7	-14	-17	-17	-34	-404
I-1 Zoning Net Site Trips	82	68	150	89	86	175	1760
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Shopping Center (10,500 sf)	6	4	10	19	21	40	396
- Pass-by Trips (34%)	-2	-2	-4	-7	-7	-14	-134
I-2 Zoning Net Trips	70	60	130	69	69	138	1304



Based on the trip generation analysis, the proposed zone change will result in a net reduction in site trips as measured under the reasonable worst-case development scenarios. Following approval of the zone change, 20 fewer trips are projected during the morning peak hour, 37 fewer trips are projected during the evening peak hour, and 456 fewer weekday site trips are anticipated.

It should be noted that the anticipated site use following approval of the requested zone change will consist of a manufacturing facility. Since the parking demands for this facility will be lower than for retail site uses, and since the proposed development would include second-floor office space, the gross floor area of the proposed manufacturing facility will be in excess of that calculated under the reasonable worst case scenario for the allowed retail uses of the site. However, even if manufacturing buildings with a gross floor area as large as 40,000 square feet would generate far fewer site trips than the allowed retail uses analyzed under the reasonable worst-case development scenarios. Accordingly, the proposed use also will not result in an increase in traffic as compared to allowed development under the existing I-1 zoning.

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed annexation and zone change, the City of Sandy must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the potential transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed annexation and zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.



(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Both passenger vehicle trips and truck trips can reasonably be expected under either I-1 or I-2 zoning. The conversion of the subject property to I-2 zoning will not result in additional transportation impacts associated with the types and levels of traffic. Since the surrounding land uses also generate both passenger car and truck trips, the street network in the site vicinity is already designed to accommodate these traffic types and levels.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed annexation and zone change would result in no change in peak hour or daily site trips, since the highest-intensity land uses permitted in the proposed I-2 zoning are also permitted in the existing I-1 zoning. Accordingly, the proposed zone change cannot result in degradation of performance of any existing or planned transportation facilities.

CONCLUSIONS

Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in no change in trip generation during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-537-8511.

Appendix

Trip Generation Calculation Worksheet



Land Use Description: Fast-Food Restaurant with Drive-Through
 ITE Land Use Code: 934
 Independent Variable: Gross Floor Area
 Quantity: 3.000 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 40.19 trips per ksf
 Directional Distribution: 51% Entering 49% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 32.67 trips per ksf
 Directional Distribution: 52% Entering 48% Exiting

Total Weekday Traffic

Trip Rate: 470.95 trips per ksf
 Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3.0 ksf Fast-Food Restaurant w/ Drive Thru

	Entering	Exiting	Total
AM Peak Hour	62	59	121
PM Peak Hour	51	47	98
Weekday	706	706	1412

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Day Care Center
 ITE Land Use Code: 565
 Independent Variable: Gross Floor Area
 Quantity: 5.00 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.00 trips per ksf
 Directional Distribution: 54% Entering 46% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.12 trips per ksf
 Directional Distribution: 49% Entering 51% Exiting

Total Weekday Traffic

Trip Rate: 47.62 trips per ksf
 Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

5.00 ksf Day Care Center

	Entering	Exiting	Total
AM Peak Hour	30	25	55
PM Peak Hour	27	29	56
Weekday	119	119	238

Data Source: *Trip Generation Manual, 10th Edition* , Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Supermarket
ITE Land Use Code: 850
Independent Variable: Gross Floor Area
Quantity: 10.500 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.82 trips per ksf
Directional Distribution: 58% Entering 42% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 9.24 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Total Weekday Traffic

Trip Rate: 106.78 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.500 ksf Supermarket

	Entering	Exiting	Total
AM Peak Hour	23	17	40
PM Peak Hour	49	48	97
Weekday	561	561	1122

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Shopping Center
ITE Land Use Code: 820
Independent Variable: Gross Floor Area
Quantity: 10.5 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.94 trips per ksf
Directional Distribution: 62% Entering 38% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.81 trips per ksf
Directional Distribution: 48% Entering 52% Exiting

Total Weekday Traffic

Trip Rate: 37.75 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.5 ksf Shopping Center

	Entering	Exiting	Total
AM Peak Hour	6	4	10
PM Peak Hour	19	21	40
Weekday	198	198	396

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Manufacturing
ITE Land Use Code: 140
Independent Variable: Gross Floor Area
Quantity: 40.0 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.62 trips per ksf
Directional Distribution: 88% Entering 12% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.67 trips per ksf
Directional Distribution: 13% Entering 87% Exiting

Total Weekday Traffic

Trip Rate: 3.93 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

40.0 ksf Manufacturing

	Entering	Exiting	Total
AM Peak Hour	22	3	25
PM Peak Hour	4	23	27
Weekday	79	79	158

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017



AGENCY COMMENTS

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

EXHIBIT P

December 15, 2020

Mr. Kelly O'Neill
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

**SUBJECT: REVIEW OF TECHNICAL MEMORANDUM – ROGUE FABRICATION
REZONING**

Dear Kelly:

In response to your request, I have reviewed materials submitted in support of the annexation and rezoning of the site owned by Rogue Fabrication located at the intersection of Champion Way and Industrial Way. The Technical Memorandum (TM), dated November 20, 2020, was prepared under the direction of Michael Ard, PE of Ard Engineering.

The TM quantifies the impact of development of the site under current zoning and the proposed zoning for the 1.69-acre parcel. The analyses were conducted for a reasonable worst-case development scenario for two zoning categories. The parcel is currently zoned I-1; the proposed zoning is I-2. As described in the TM, a wide variety of uses are permitted under both zoning categories.

Consistent with usual procedures, the applicant analyzed development scenarios under both zoning categories that seeks to identify and quantify the uses that generate high traffic volumes consistent with the City of Sandy development standards. It is worth noting that industrial uses tend to have low trip generation rates, so the worst-case development scenarios for both I-1 and I-2 zoning tend to include various retail uses.

Lot Coverage and Building Size

The engineer assumed lot coverage of 25 percent for buildings with the remainder of the site devoted to parking, landscaping, required setbacks, and other non-building uses. Building size is calculated to be approximately 18,500 square feet for both the development scenarios. I found this lot coverage assumption to be reasonable.

Mr. Kelly O'Neill
December 15, 2020
Page 2

Worst-Case Development Assumptions

Under the existing, I-1 zoning, the engineer assumed the following uses: a 3000-square foot fast-food restaurant with drive-through; a 5,000-square foot daycare center; and a 10,500-square foot supermarket. For the analysis of the proposed I-2 zoning, the engineer substituted a 10,500-square foot shopping center for the supermarket. A supermarket is not permitted in the I-2 zone. I found the assumptions about high trip-generation uses under the two zoning categories to be reasonable for a worst-case development scenario.

Trips Generated

The engineer properly accounted for pass-by trips for the proposed uses. Under the I-1 zoning, the engineer calculated net site trips totaling 150 AM peak hour trips; 175 PM peak hour trips; and 1760 weekday trips. Under the proposed I-2 zoning, the engineer calculated net site trips totaling 130 AM peak hour trips; 138 PM peak hour trips; and 1304 weekday trips. The proposed zoning produces fewer trips during all analyzed time periods than under the existing zoning. I concur with the engineer's calculations and conclusions about trips.

Transportation Planning Rule Considerations

In addition to the calculation of trips generated under a reasonable worst-case development scenario for both zoning categories, the TM provides a detailed analysis of the individual requirements of the Transportation Planning Rule (TPR.)

The engineer concludes that no changes to the city's street classification designation or standards are warranted by the rezoning and that the proposed rezoning does not have a significant effect on the transportation system and that mitigation is not necessary. He concludes the Transportation Planning Rule is satisfied. I concur with the engineer's conclusions.

Conclusion and Recommendations

I find the TM addresses the city's requirements for assessing the impact of the proposed rezoning including the analysis of the requirements of the Transportation Planning Rule.

Mr. Kelly O'Neill
December 15, 2020
Page 3

The applicant may be required to perform additional analysis of transportation impacts of specific development proposals as specified in Title 17 of the Sandy Development Code as indicated in Section 17.84.50 Street Requirements.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

RogueFabTIS121520

1/8/2021

City of Sandy Mail - Comments on Sandy application 20-041



EXHIBIT Q

Shelley Denison <sdenison@ci.sandy.or.us>

Comments on Sandy application 20-041

DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
To: Shelley Denison <sdenison@ci.sandy.or.us>

Thu, Jan 7, 2021 at 10:21 AM

Hi Shelley,

Thanks for checking in. Since this is a downzone, we concur with the traffic analysis that was prepared with the land use application that concludes that the zone change will result in no significant effort per the Transportation Planning Rule.

Please let me know if you need formal comments.

Marah Danielson, Senior Planner

ODOT Development Review Program

Marah.b.danielson@odot.state.or.us

503.731.8258

From: Shelley Denison <sdenison@ci.sandy.or.us>
Sent: Tuesday, January 5, 2021 11:55 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: Comments on Sandy application 20-041

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

[Quoted text hidden]

This e-mail is a public record of the City of Sandy and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

<https://mail.google.com/mail/u/0?ik=72b2d2374d&view=pt&search=all&permmsgid=msg-f%3A1688253195350471840&simpl=msg-f%3A16882531953...> 1/1

1/8/2021

City of Sandy Mail - 20-041 ZC



EXHIBIT R

Shelley Denison <sdenison@ci.sandy.or.us>

20-041 ZC

MW <mwalker@ci.sandy.or.us>

Tue, Jan 5, 2021 at 3:06 PM

To: Shelley Denison <sdenison@ci.sandy.or.us>

Shelley:

PW doesn't have any comments on this proposed zone change. Let me know if you need anything else.

--

Mike Walker

Director of Public Works

City of Sandy

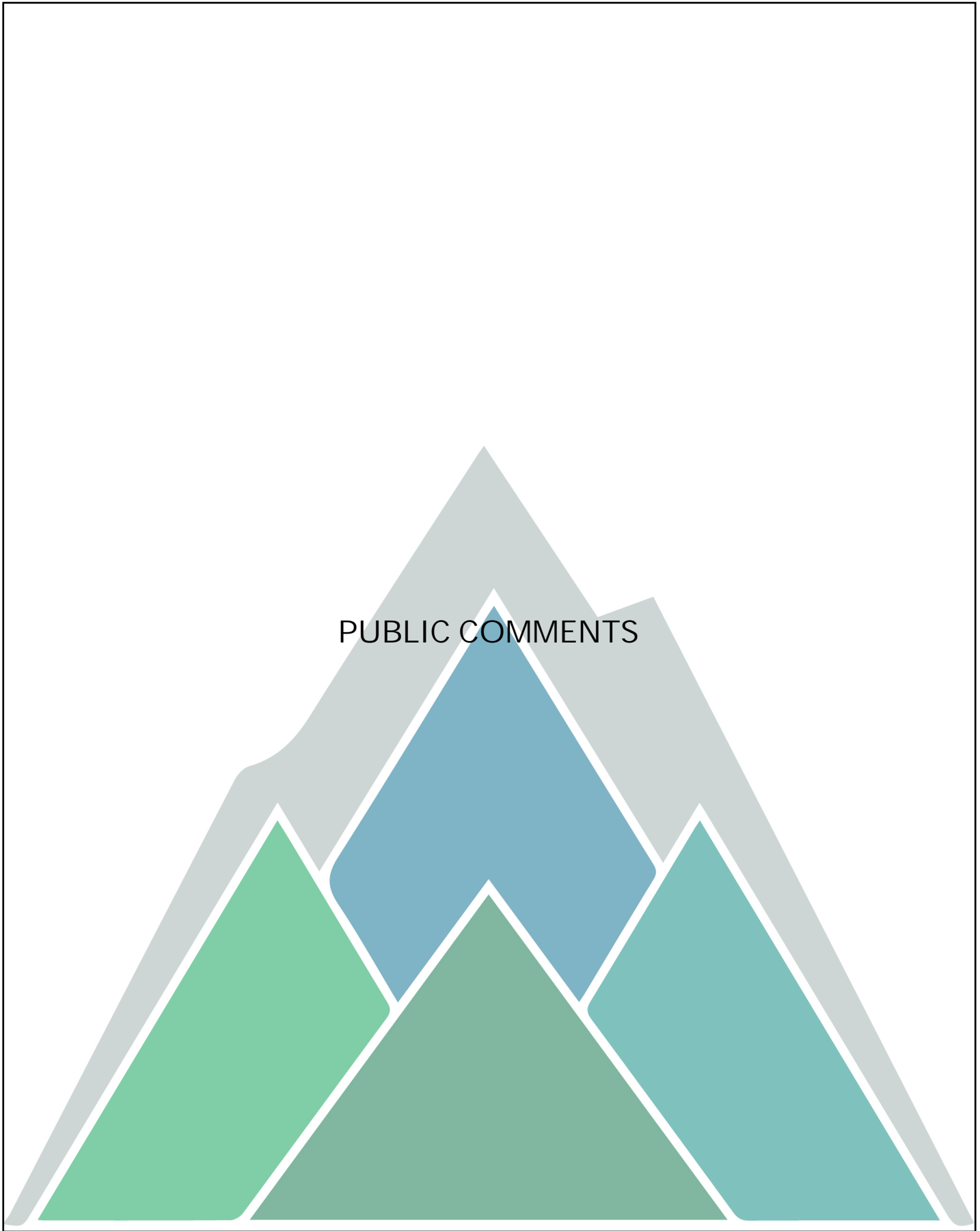
39250 Pioneer Blvd.

Sandy, OR 97055

503-489-2162 V

503-668-8714 F

www.ci.sandy.or.us



PUBLIC COMMENTS

14 January 2021

To: City of Sandy Planning Commissioners
From: David C. Snider
Economic Development Manager, City of Sandy
Re: Letter of support – Rogue Fabrication zone change request

Dear Sandy Planning Commissioners –

I would like to submit a letter in support of the zone change proposed by Rogue Fabrication for the property they have recently purchased at the south corner of Champion Way and Industrial Way in Sandy.

Considering the location of this parcel, the request to change the zoning designation for this light manufacturing business seems in line with the surrounding area. Industrial Way has traditionally been Sandy's area for industrially-zoned businesses, with more than half of the lots in this "district" having an I-2 zoning designation. In addition, the lot in question is adjacent to the industrial business park owned by Pinehurst Land Development LLC, which is currently zoned I-2 and houses multiple industrial tenants. In my view, this proposed change is appropriate for the location and should not result in any significant change in demand for city services for this lot other than adding the basic utility service needs of a small light manufacturer.

Sandy has also traditionally had a limited supply of developable land with traditional industrial zoning designations, and this is particularly true of I-2 zoned land. The requirements for Sandy's industrial park (I-1) zone are virtually identical to its general commercial (C-1) zone requirements, and this designation makes up most of the available industrially zoned land in the city. As Sandy has been a bedroom community for the greater Portland area and has much heavier interest from retail commercial development interests than it does for industrial ones, this has served Sandy's residents well over the years in most aspects.

The current policies and development approach espoused by Oregon's economic development organization (Business Oregon) pay particular attention to "traded sector" companies and work to encourage their establishment and growth. "Traded sector" companies are defined as companies that make goods or services that they export to outside the state of Oregon and include most light manufacturers. One of the primary reasons the State of Oregon focuses so much energy on recruiting and developing them is that they typically create good, living wage jobs for the community. The small amount of developable land available in Sandy to traded sector companies like Rogue Fabrication that require light industrial zoning makes it difficult to attract and encourage new industrial development in this community. As there were virtually no I-2 zoned lots available for development in Sandy at the time they were looking for parcels to purchase and develop, this path was the only real viable option for

Rogue Fabrication (currently operating out of a residential garage in Sandy) to proceed with their expansion and to establish their headquarters in our community.

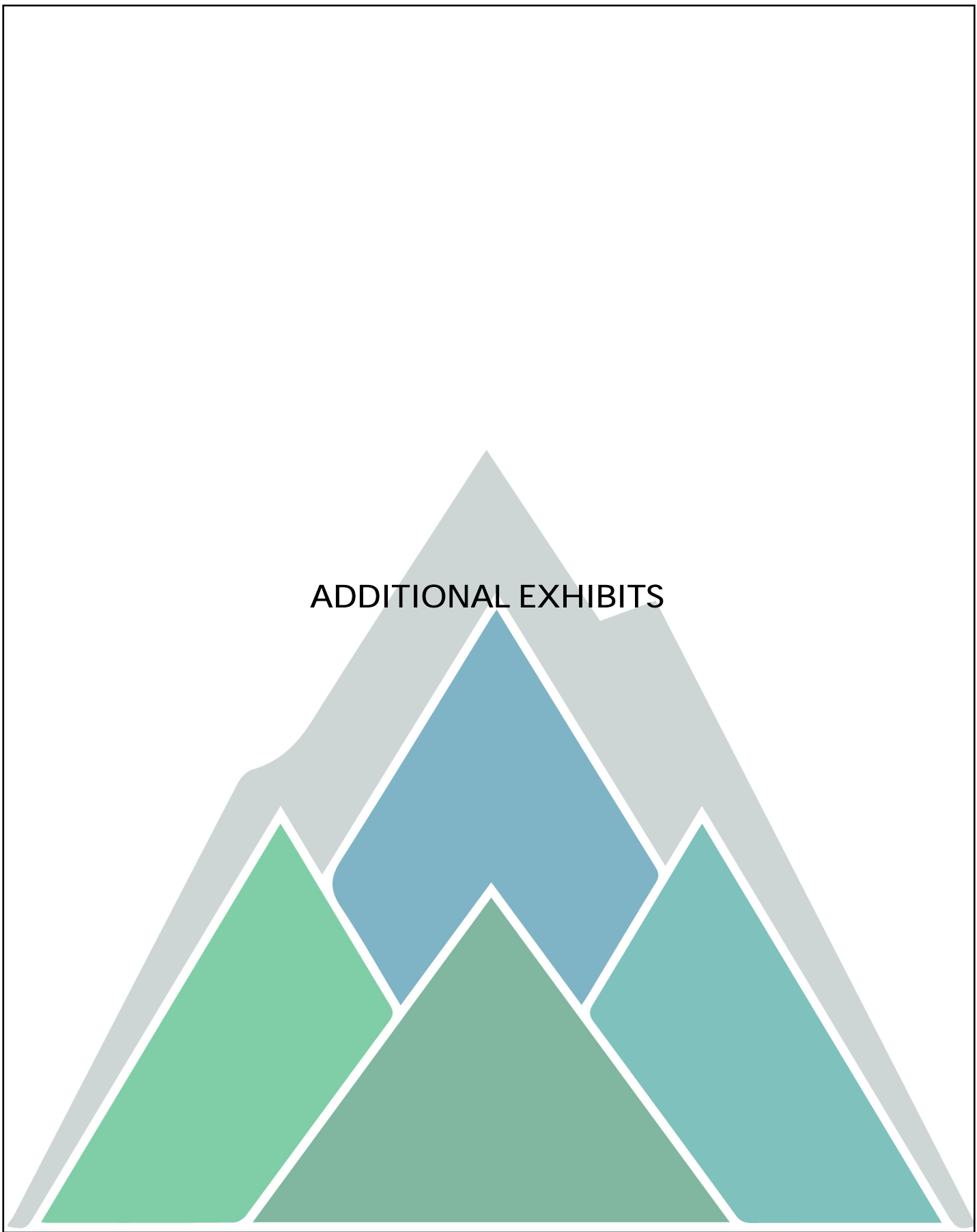
Rogue Fabrication has a strong business model and is showing exceptional growth potential for the future. This is exactly the kind of manufacturer we want to develop and help grow Sandy's industrial base. I strongly encourage the Sandy Planning Commission to consider and approve this zone change, and I thank you for your time.

Sincerely,

David C. Snider



ADDITIONAL EXHIBITS



**EXHIBIT T**

Marisol Martinez <mmartinez@ci.sandy.or.us>

Fwd: Supplemental information for Rouge Fab Zone Change 20-041-ZC

Joey Gambino <gambino.joey@gmail.com>
To: Marisol Martinez <mmartinez@ci.sandy.or.us>

Fri, Nov 20, 2020 at 11:17 AM

This was sent from Ryan O'Brien to Shelly Yesterday. I am only forwarding this in case it is helpful.

Joseph

----- Forwarded message -----

From: **Ryan O'Brien** <ryanobrien1@frontier.com>

Date: Fri, Nov 20, 2020 at 1:20 AM

Subject: Supplemental information for Rouge Fab Zone Change 20-041-ZC

To: <sdenison@ci.sandy.or.us>

Cc: Joey Gambino <gambino.joey@gmail.com>, Nicole Gambino <gambino.nicolec@gmail.com>, Jeff DeBois <jeff@planetreale.com>

Shelley,

Attached is a revised Narrative for the zone change application addressing the attached traffic report prepared by Mike Ard, traffic engineer. Also attached is the legal description for the property and the supplemental land use application from. The traffic report address the Oregon Transportation Planning Rule. We do not plan to contact ODOT. According to our traffic engineer, ODOT will not comment on an application until it is accepted by the city and after the city sends the application to them. With a very large project, ODOT may comment prior to preparation of the the traffic report. Please accept this zone change application as complete. Contact Joey or Nicole if you need additional copies of the application printed and delivered to you. Give me a call if you have any questions or comments about this application.

Ryan O'Brien
Planning & Land Design LLC
1862 NE Estate Drive
Hillsboro, Oregon 97124
503-780-4061 cell
ryanobrien1@frontier.com

5 attachments

Rogue Fab Zone Change Narrative 11-19-20.pdf
361K

12 - Legal Description & Tax Assessment.pdf
69K

13 - Supplemental Land Use Form.pdf
1045K

14 - Rogue Fab Traffic Study.pdf
1542K

Notice of Incomplete Application.pdf
110K

PRE-APPLICATION CONFERENCE NOTES

Project Name: Champion Way Zone Change – Tube Bender

Pre-Application Conference Date: September 15, 2020

Applicant Name: Joseph Gambino

Staff: Emily Meharg, Kelly O’Neill Jr., David Snider, Mike Walker

FIRE DISTRICT COMMENT: “I don’t really have a specific comment for the Champion Way Zone Change Pre-App. Specific comments about fire apparatus access and fire flow requirements will be submitted later if the applicant proceeds with development.”

PLANNING DEPARTMENT REVIEW

Sandy Development Code (SDC): Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.30 Zoning Districts; 17.50 I-2 Light Industrial; 17.66 Adjustments and Variances; 17.74 Accessory Development; 17.80 Additional Setbacks on Collector and Arterial Streets; 17.84 Improvements Required with Development; 17.90 Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; and Chapter 15.30 Dark Sky.

***Caveat:** This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.*

Zone Change Proposal

- Zoning Map Amendment (Industrial Park, I-1 to Light Industrial, I-2). Narrative will need to address review criteria in Section 17.26.40(B).
- Map amendments shall be done separately from the design review.
- Check with ODOT to determine if they will require Transportation Planning Rule (TPR) findings for the zoning map amendment.

I-2 Zoning District and Setbacks

- What are the proposed uses for both buildings? “Manufacturing, assembly, processing, and production” and “warehousing and distribution facilities” are both primary uses permitted outright.
- Minimum required setbacks are as follows:
 - Front: 30 foot minimum, 70 foot maximum from a transit street (Champion Way and Industrial Way are both transit streets).
 - Side or rear: none, unless abutting a more restrictive district; if abutting, the minimum setback is 50 feet.
 - Corner: 15 feet (however; Chapter 17.80 requires a minimum 20 foot setback on collector streets; both Industrial Way and Champion Way are collector streets).
- For corner lots, the front lot line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address (Section 17.10.30). Where are you proposing to place the front doors of the buildings? What is the phasing plan? Are you just proposing Building 1 now? If so, the front lot line will need to be Champion Way in order to meet the front setback requirement.

Design Review

- The Development Code calls for vehicular and pedestrian connections to adjacent properties. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process (Section 17.50.40(C)). Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer (Section 17.90.130(A.4)). The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties (Section 17.90.130(A.6)). The submitted proposal does not detail any interconnections. Please clarify if you are requesting a Design Deviation to eliminate the requirement to provide vehicular/walkway connections between neighboring developments.
- Special attention shall be given to designing a primary building entrance that is both attractive and functional (Section 17.90.130(B.1)).
- Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code (Section 17.90.130(B.2)).
- Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building (Section 17.90.130(B.3)).
- Building facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings (Section 17.90.130(C.1)).
- Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts (Section 17.90.130(C.2)).
- Lap or horizontal siding or walls of brick, masonry, or stone shall be required. Vertical grooved (i.e. T1-11) sheet siding is prohibited (Section 17.90.130(C.3)).
- Buildings must include changes in relief on 10 percent of the facades facing public streets. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale (Section 17.90.130(C.5)).
- Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors (Section 17.90.130(C.6)).
- Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 8 inches wide (Section 17.90.130(C.7)).
- Buildings must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun (Section 17.90.130(C.8)).
- Continuous outdoor arcades are strongly encouraged (Section 17.90.130(C.9)).
- For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
 - Clearly delineated upper and lower facades;
 - A lower façade dominated by large windows and a recessed entry or entries;
 - Smaller, regularly spaced windows in the upper floor;
 - Decorative trim, such as window hoods, surrounding upper floor windows;
 - A decorative cornice near the top of the façade. (Section 17.90.130(C.10)).
- Roof pitch shall be a minimum of 3:12. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing. Visible roof materials must be wood or architectural grade composition shingle, slate, tile, or sheet metal with standing or batten seam. All roof and wall-mounted mechanical, electrical, communications, and service

- equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means. (Sections 17.90.130(D.1-5))
- Buildings require pedestrian access with a primary entrance facing a public street or designated pedestrian way. Primary entrances must be architecturally emphasized and visible from the public right-of-way. Buildings must have an entrance connecting directly between the right-of-way and the building interior; secondary entrances may face parking lots or loading areas. Ground floor units shall face a public street or designated pedestrian way and be visible from the street wherever feasible and shall avoid out-of-direction travel. (Sections 17.90.130(E. 1-4, 6)).
 - Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet (Section 17.90.130(E.5)).
 - Windows that allow views to the interior activity or display areas are encouraged. Windows shall include sills at bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used (Section 17.90.130(F.1)).
 - All new buildings must provide ground floor windows along street frontages.
 - Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - Required windows must have a sill no more than 4 feet above grade.
 - Darkly tinted windows and mirrored windows that block two-way visibility are prohibited for ground floor windows along street facades.
 - Any wall that faces a public right-of-way must contain at least 10 percent of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.
 - Glass curtain windows are not permitted fronting public rights-of-way. (Section 17.90.130(F.2))
 - Upper floor window standards:
 - Glass area dimensions shall not exceed 5 feet by 7 feet.
 - Windows must have trim or molding at least two inches wide around their perimeters.
 - At least half of all the window area in the upper floors must be made up of glass panes with dimensions no greater than 2 feet by 3 feet. Windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged. (Section 17.90.130(F.3))
 - A minimum pedestrian walkway width of 5 feet must be maintained at all times (Section 17.90.130(G.2)). If curbs are used instead of wheel stops, the walkways will need to be at least 7 feet in order to maintain a minimum clearance of 5 feet for pedestrian circulation (Section 17.98.120(F)).
 - All building entrances and exits must be well lit. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. Lighting must be adequate for safety purposes. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare. (Section 17.90.130(H)). The application shall include a Photometric Plan compliant with Chapter 15.30. All lighting shall be full cut-off and shall not exceed 4,125 Kelvins. Outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 foot-candles of light. Photometric Plan will need to show property line, a line 10 feet beyond the property line, and foot candles.
 - Locate windows in a manner that enables tenants to watch over pedestrian, parking, and loading areas, and enables surveillance of interior activity from the public right-of-way (Section 17.90.130(I.1-2)).
 - Buildings require an identification system, which clearly locates buildings and their entries for patrons and emergency services (Section 17.90.130(I)(3)).

- The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited (Section 17.90.130(J.1)).
- All trash collection areas must be located within the structure or behind the building in an enclosure in accordance with the provisions of Design Standards Appendix A (Section 17.90.130(K.1)).
- Section 17.74.20 contains standards related to building features projecting into setback areas. The allowed projection amounts depend on the type of building feature and which yard setback (front, rear, or side).

Improvements, Access, and Utilities

- Frontage improvements along each proposed street frontage (Industrial Way and Champion Way) are required per Public Works standards; improvements will be required with design review. Sidewalks shall be at least 6 feet wide. Right-of-way dedication or a pedestrian easement may be required to accommodate a six-foot sidewalk and five-foot planter section.
- What is the stormwater management plan? Storm water detention and water quality treatment is required for all new impervious surface on the site (standards based on City of Portland SWMM). Stormwater detention and treatment per Section 13.18-13.20 SMC is required for all new impervious surface or any surfacing material change. Submit a detailed stormwater analysis with design review.
- Submit traffic letter.
- Contact Mike Walker regarding SDCs for transportation, water, and sanitary sewer.

Parking, Landscaping, and Screening:

- Light Industrial (I-2) has a requirement to contain a minimum of 15 percent landscaping for the site (Section 17.50.30). Submit a Landscape Plan with design review. Any existing trees on the property shall be retained and trees on adjacent properties that have critical root zones that extend into the subject property shall be protected in accordance with Section 17.92.10(C).
- Planters shall have a minimum width of 5 feet. Where the curb is used as a tire stop for parking, the planter shall be a minimum width of 7.5 feet (Section 17.92.10(D)).
- Per Section 17.98.20(A.11), manufacturing establishments require at least 1 parking space per employee on the largest shift and two bicycle parking spaces. Are you proposing both buildings at this time, or just Building 1? Parking analysis shall be based on what is actually being proposed with this design review application.
- Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent (Section 17.98.10(Q)).
- Parking shall not be located in the required 30' front setback area (Section 17.50.30(B)). Parking areas shall be set back from a lot line adjoining a street the same distance as the required building setback (Section 17.98.50(C)). The parking spaces by the driveway entrance won't work as proposed as they are located within the required building setback. Some of the easternmost parking spaces also might not work due to insufficient room to back out.
- Standard parking spaces shall be 9 feet by 18 feet; compact parking spaces shall be 8 feet by 16 feet; ADA parking shall be 9 feet by 18 feet with an adjacent access aisle meeting ORS 447.233. No more than 40 percent of the parking spaces shall be compact spaces. (Section 17.98.60(B)).
- Double-sided 90 degree parking with two-way traffic requires a 25 foot wide aisle (Section 17.98.60(C)).

- Driveway accesses to arterials and collectors shall be located a minimum of 150 feet from any other access or street intersection (Section 17.98.80(A)).
- Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas (Section 17.98.130(A)).
- All buildings (regardless of use) that are visible from an arterial street (Highway 26) shall be screened from view by a 20-foot minimum depth vegetative buffer as specified in Section 17.50.30(C). If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways. Submit line of sight analysis to determine visibility of the site from Highway 26.
- Landscape and Screening requirements of 17.98.120 need to be met:
 - Screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way (17.98.120(A)). However, the subject property will still need to be screened from arterial streets in accordance with Section 17.50.30(C).
 - Parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers (Section 17.98.120(C)).
 - Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay (Section 17.98.120(D)). Each planter shall contain one major structural tree and ground cover.
 - Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided (Section 17.98.120(F)).

Other

- Per Subsection 17.74.40(B.3) the height of a fence or retaining wall in a front yard shall not exceed 6 ft. for industrial uses.
- Submit garbage and recycling enclosure details with design review application.
- Label building elevations with cardinal directions.
- What is your proposed phasing plan? Will you be constructing building 1 and 2 at this time? If you are only planning to build building 1, then you will need to submit for design review based on that.
- The I-2 design standards contain fewer Sandy Style requirements than I-1. This property is located on the corner of two collector streets and will have high visibility. In order for staff to support a zone change, staff will require additional Sandy Style elements, such as a belly band, on the street facing facades of the building(s) as well as more robust landscaping in the setbacks as conditions of a zone change approval.

Application Process: Type IV Zoning Map Amendment. Type II Design Review (if no deviations or Type III variances are requested), Type II Adjustment to required setback. Design Review will be a separate application.

Projected Fees (subject to change):

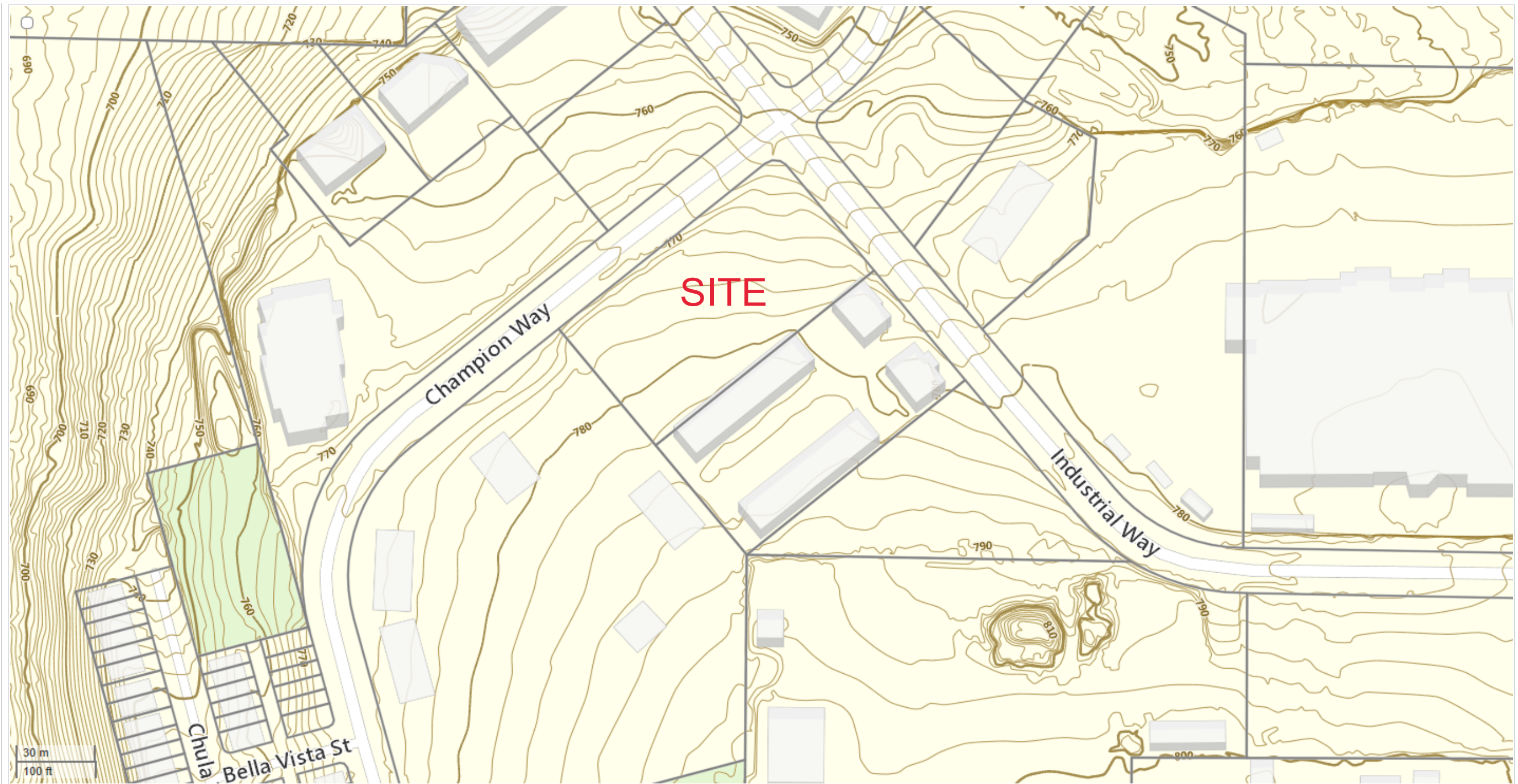
Procedure	Fee
Zone Change	
Zoning Map Amendment	\$2,413
Design Review	
Type II Design Review (if no requested variances)	\$1,540 - \$7,682 (depending on project valuation)
Type III Design Review (if variances are requested)	\$1,756 - \$7,682 (depending on project valuation)
Type I Adjustment (if requested)	\$329 per request
Type II Adjustment (setback)	\$442 per request
Type II Variance (if requested; not of the applicant's making)	\$657 per request
Type III Design Deviation (if requested)	\$442 per request
Type III Variance (if requested)	\$1,099 per request

Next Steps:

- Land Use Submittal Requirements. 2 hard copies and 1 digital copy submitted for completeness check. During completeness check staff will determine how many additional hard copies are necessary.
- Submit the following for the zone change request:
 - signed land use application and applicable fees;
 - supplemental land use application No.1;
 - narrative for applicable code sections including review criteria in Section 17.26.40(B); and,
 - list and two sets of mailing labels for all property owners within 500 feet of the subject property with attached radius map and affidavit (a title company can create this).
- Submit the following for the design review request:
 - signed land use application and applicable fees;
 - narrative for applicable code sections;
 - list and two sets of mailing labels for all property owners within 300 feet of the subject property (if Type II; 500 feet if Type III) with attached radius map and affidavit (a title company can create this);
 - site plan;
 - building elevations detailing proposed materials and colors;
 - landscape and street tree plan;
 - irrigation plan;
 - utility plan;
 - grading and erosion control plan;
 - stormwater report;
 - photometric plan and lighting fixture cut-sheets;
 - line of sight analysis;
 - garbage and recycling enclosure details; and,
 - traffic letter.

- **Completeness.** Staff review for completeness (30 days max. per state law), if determined incomplete then the applicant submits additional information as required within 180-days, staff then reviews for completeness again, if the application is deemed complete then the application is processed within 120-days per state law.
- **Hearings.** The zone change application will be required to have a Planning Commission and City Council hearing. The design review application will be required to have a Planning Commission hearing if deviations/variances are requested. Planning Commission meetings are typically the fourth Monday of the month at 7:00 PM, but sometimes are scheduled on different days. Council hearings are typically on the first and third Mondays of the month at 7:00 PM. The applicant should be prepared to present their case to the Planning Commission and City Council. Staff typically presents the facts and code analysis with their recommendation. Staff recommendations are not necessarily in favor of the applicant's proposal.
- **Approval.** If the application for the zone change is approved, the decision shall become effective 30 days after adoption of the ordinance. If the application for design review is approved, then you submit for building permits following the conditions outlined in the final order. *The final order is the land use decision.*
- **Denial.** If the application for the zone change is denied, then you can file an appeal to LUBA. If the application for the design review is denied, then you can file an appeal to Planning Commission (if Type II) or City Council (if Type III) per their requirements. An appeal cannot be filed until the final order is issued.

EXHIBIT F



Metro
Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 2

SANDY ZONING MAP

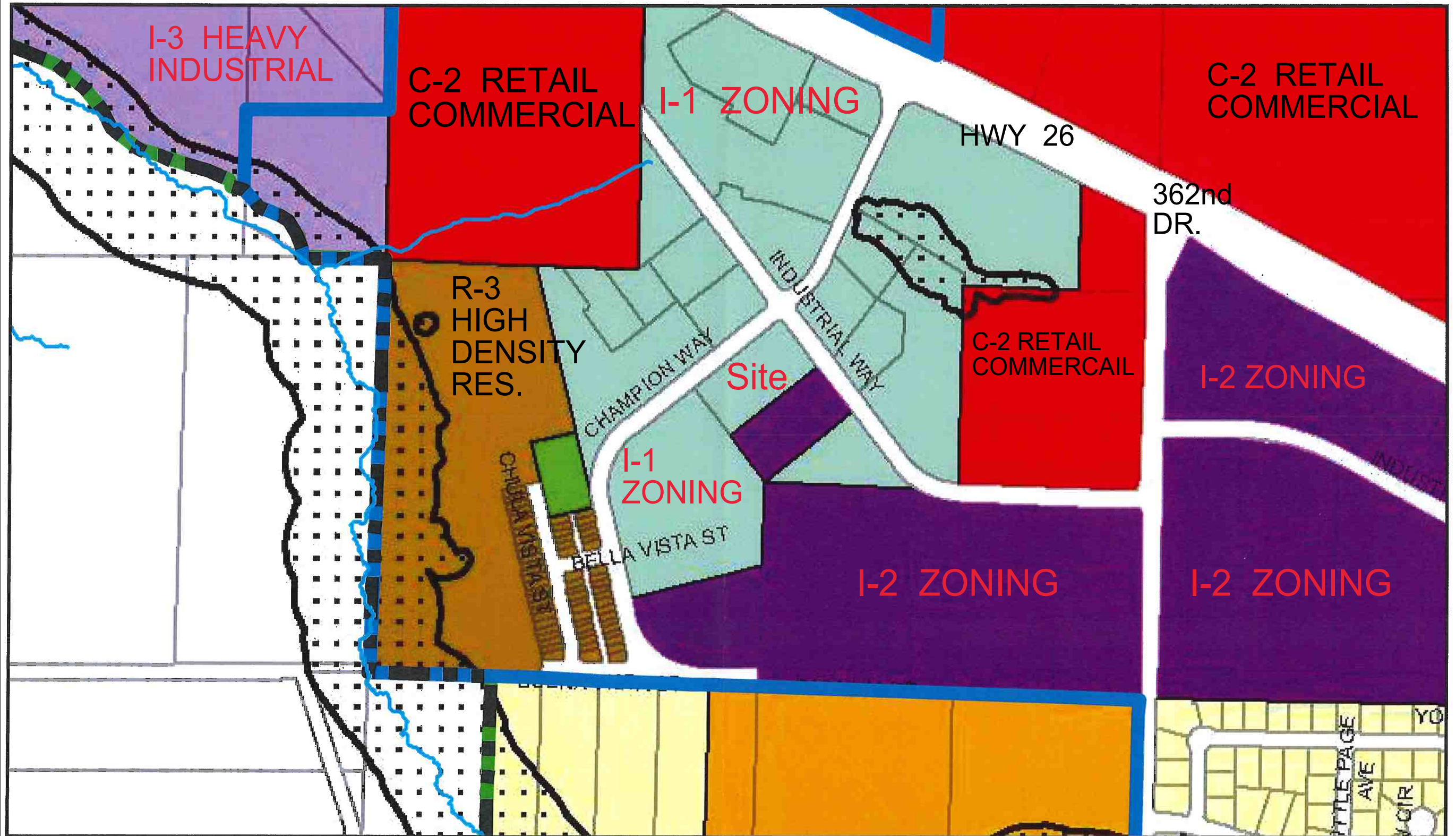


EXHIBIT 3

EXHIBIT H

PLEASE NOTE: Zoning designations for all parcels located outside of the City Limits are conceptual only and non-binding. The conceptual zoning designations are used to promote preferred development patterns, per the 2040 Comprehensive Plan.

**Zoning Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97**

- Streams
- UGB
- City Limits
- Urban Reserve Boundary
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- POS (Parks & Open Space)
- SFR (Single Family Residential)
- R1 (Low Density Residential)
- R2 (Medium Density Residential)
- R3 (High Density Residential)
- C1 (Central Business District)
- C2 (Retail / Commercial)
- C3 (Village Commercial)
- I1 (Industrial Park)
- I2 (Light Industrial)
- I3 (Heavy Industrial)

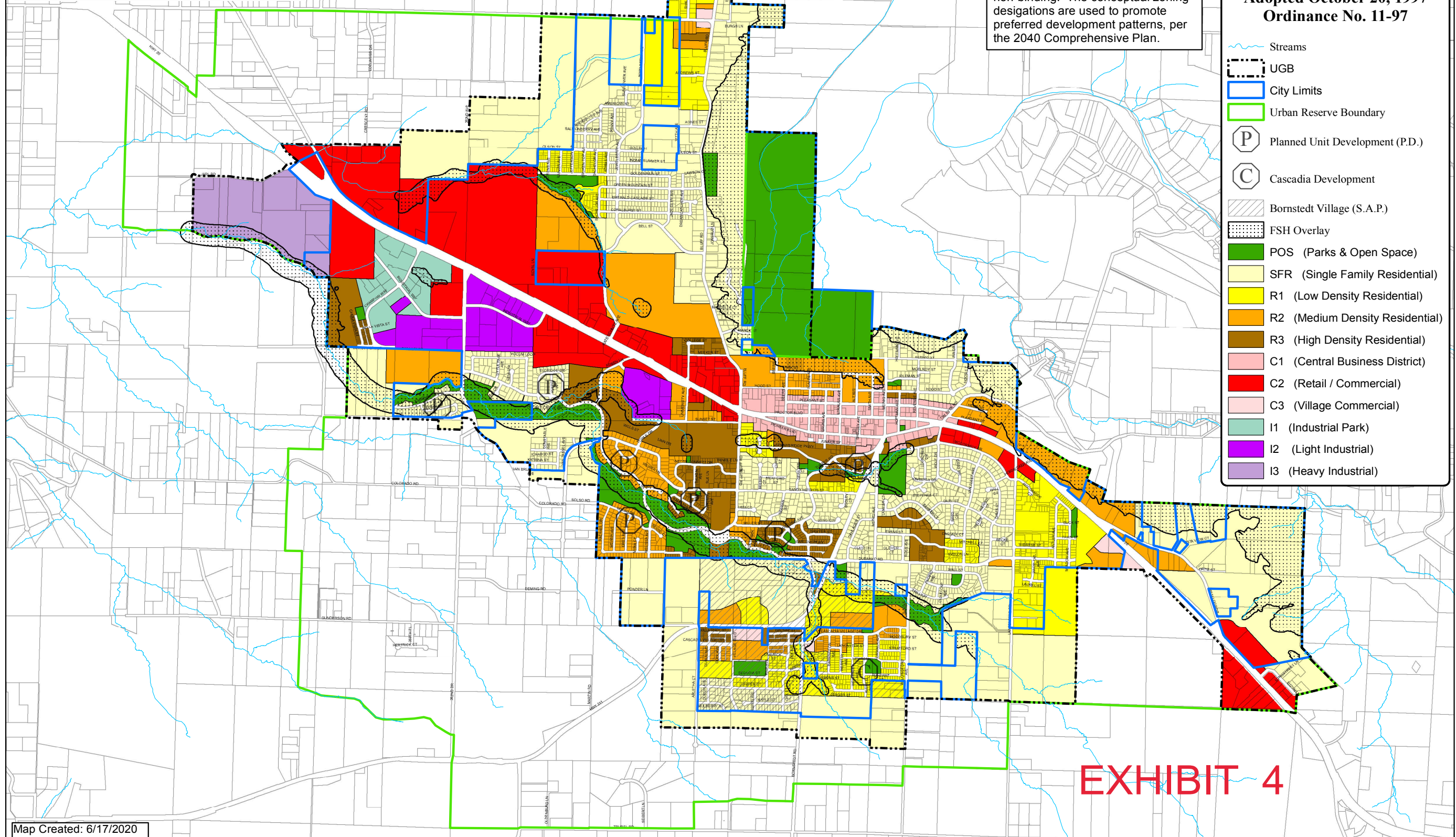


EXHIBIT 4

Map Created: 6/17/2020

EXHIBIT I

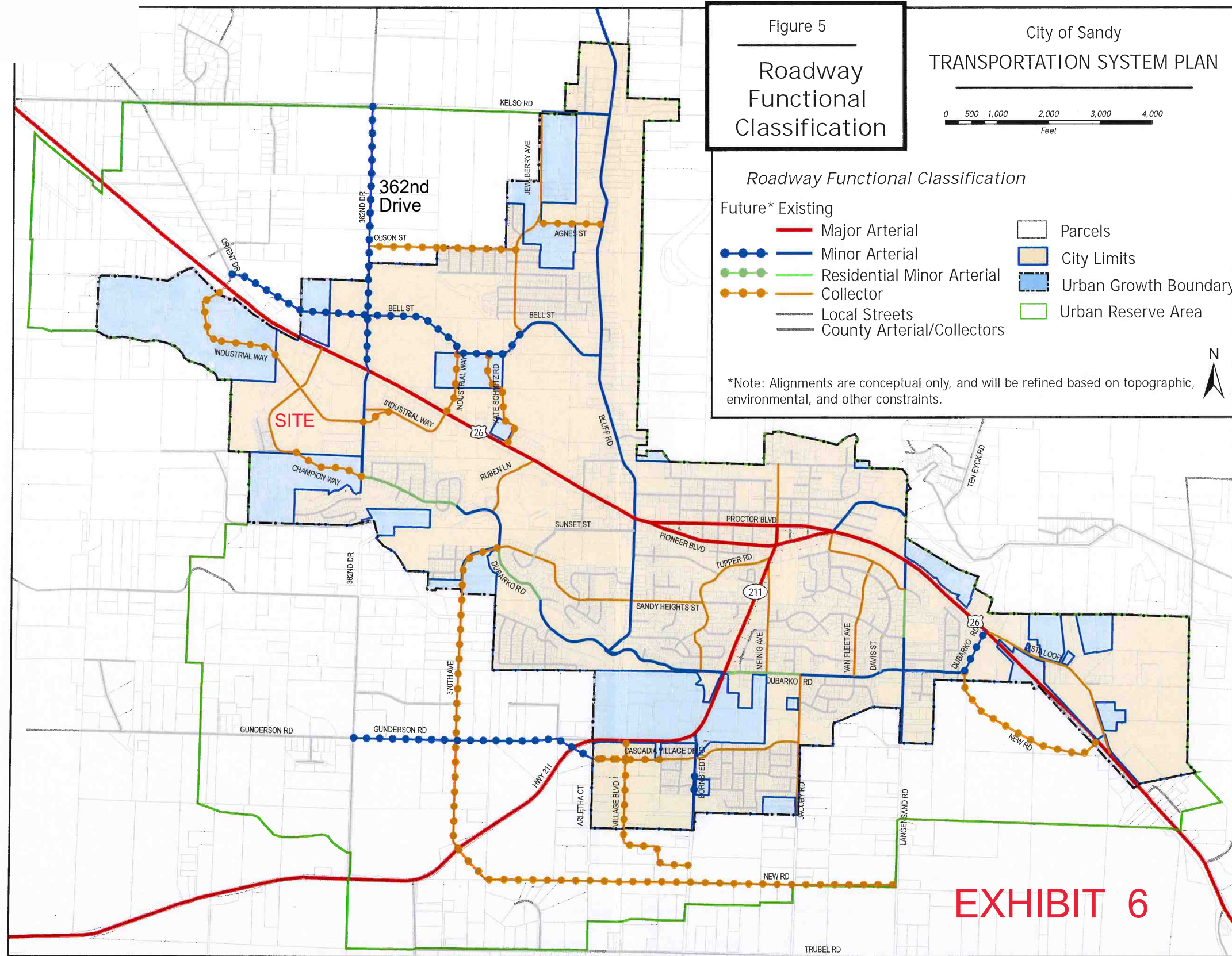


EXHIBIT J

**PROPOSED TUBE BENDING
MANUFACTURING EQUIPMENT & SALES**
PARCEL 1 OF PARTITION PLAT 1999-72



EXISTING ZONING I-1
PROPOSED ZONING I-2

PROPOSED 20%
ADJUSTMENT FOR 24'
FRONT YARD ON
INDUSTRIAL WAY

REQUIRED SETBACKS:
FRONT YARD 30'
(INDUSTRIAL WAY)
STREET SIDE YARD 15'
(CHAMPION WAY)
REAR YARD 0'
INTERIOR SIDE YARD 0'

30 EMPLOYEES PER SHIFT
36 PARKING SPACES PROVIDED

SANITARY MH
RIM = 775.78
IE IN = 770.68
IE OUT = 765.18

10'
PUE

ELECTRIC VAULT
GAS RISER

EXHIBIT 7

APPLICANT:
JOEY GAMBINO
42335 SE MARIMOT ROAD,
SANDY, OREGON 97055
OFFICE: (503) 389-5413
CELL: (871) 822-0243

DESIGN REVIEW &
ZONING CHANGE
ROGUE FABRICATION
CHAMPION WAY, SANDY, OREGON
TAX MAP T2S, R4E, SECTION 15A, TAX LOT 205

NO.	DATE	DESCRIPTION

PLANNING & LAND DESIGN, LLC
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

SHEET
OF
AUGUST, 2020

EXHIBIT K



EXHIBIT N



EXHIBIT O

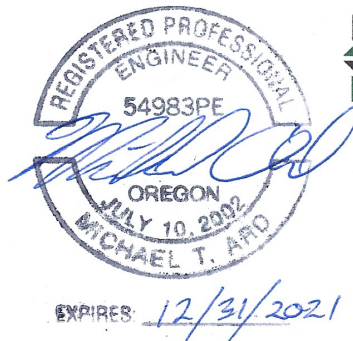
Technical Memorandum

To: Joey Gambino, Rogue Fabrication

From: Michael Ard, PE

Date: November 18, 2020

Re: Rogue Fabrication Zone Change (20-041 ZC) - Sandy, OR



This memorandum is written to provide information related to a proposed zone change for a 1.69-acre property located immediately southeast of Champion Way and southwest of Industrial Way in the City of Sandy, Oregon. The subject property is Tax Lot 24E15A0 – 00205 and is currently zoned I-1 (Industrial Park). Upon approval of the proposed zone change, the property would be rezoned to I-2 (Light Industrial).

The following analysis addresses the potential transportation impacts that can be anticipated following the proposed zone change as well as the requirements of Oregon’s Transportation Planning Rule.

TRIP GENERATION

In order to quantify the potential change in site traffic volumes associated with the proposed annexation and zone change, an estimate of trip generation for the “reasonable worst case development scenario” was developed for both the existing I-1 zoning and the proposed I-2 zoning. The comparison between these two development scenarios shows the maximum potential change in traffic that could result from the proposed zone change.

Under existing conditions, the I-1 zoning allows for site development with a wide variety of uses including manufacturing facilities, athletic clubs, auto repair, day care centers, community services, schools, banks, medical clinics, hospitals, offices, self-storage, social organizations, fuel stations, auto sales and rental, convenience stores, restaurants (including drive-throughs), supermarkets, assisted living facilities, hotels, nurseries, outdoor recreation, warehousing and distribution centers, and wholesale lumber/building materials.

Under the proposed I-2 zoning, a similar range of uses are permitted. However, under the I-2 zoning athletic clubs, schools, banks, medical clinics, hospitals, fuel stations, convenience stores, supermarkets and hotels are not outright permitted uses. The I-2 zoning also permits a few uses which are not permitted in the I-1 zone including indoor recreation/sports (except athletic clubs), laboratories, and salvage yards.

In order to compare the trip generation potential of the site under the existing and proposed zonings, it was necessary to identify the mix of permitted uses that would result in the highest permissible traffic volumes for the respective zoning designations. For the analysis it was assumed that the highest-intensity



development within the site would yield a gross floor area of approximately 25 percent of the gross land area, resulting in 18,500 square feet of building area under both the I-1 and I-2 zoning.

Under the existing I-1 zoning, the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot supermarket. Under the proposed I-2 zoning, the supermarket would not be a permitted use so the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot shopping center. Notably, the trip rates for indoor recreation/sports, laboratories, and salvage yards that are permitted under the I-2 zoning generate far fewer trips than other allowed uses, so all of the uses considered in the I-2 zoning analysis are also permitted under the existing I-1 zoning.

Trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. The trip estimates for each land use category are based on the gross floor areas of the prospective site uses. A summary of the trip generation calculations is provided in the table below. Detailed trip generation calculation worksheets are also included in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Supermarket (10,500 sf)	23	17	40	49	48	97	1122
- Pass-by Trips (36%)	-7	-7	-14	-17	-17	-34	-404
I-1 Zoning Net Site Trips	82	68	150	89	86	175	1760
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Shopping Center (10,500 sf)	6	4	10	19	21	40	396
- Pass-by Trips (34%)	-2	-2	-4	-7	-7	-14	-134
I-2 Zoning Net Trips	70	60	130	69	69	138	1304



Based on the trip generation analysis, the proposed zone change will result in a net reduction in site trips as measured under the reasonable worst-case development scenarios. Following approval of the zone change, 20 fewer trips are projected during the morning peak hour, 37 fewer trips are projected during the evening peak hour, and 456 fewer weekday site trips are anticipated.

It should be noted that the anticipated site use following approval of the requested zone change will consist of a manufacturing facility. Since the parking demands for this facility will be lower than for retail site uses, and since the proposed development would include second-floor office space, the gross floor area of the proposed manufacturing facility will be in excess of that calculated under the reasonable worst case scenario for the allowed retail uses of the site. However, even if manufacturing buildings with a gross floor area as large as 40,000 square feet would generate far fewer site trips than the allowed retail uses analyzed under the reasonable worst-case development scenarios. Accordingly, the proposed use also will not result in an increase in traffic as compared to allowed development under the existing I-1 zoning.

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed annexation and zone change, the City of Sandy must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the potential transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed annexation and zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.



(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Both passenger vehicle trips and truck trips can reasonably be expected under either I-1 or I-2 zoning. The conversion of the subject property to I-2 zoning will not result in additional transportation impacts associated with the types and levels of traffic. Since the surrounding land uses also generate both passenger car and truck trips, the street network in the site vicinity is already designed to accommodate these traffic types and levels.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed annexation and zone change would result in no change in peak hour or daily site trips, since the highest-intensity land uses permitted in the proposed I-2 zoning are also permitted in the existing I-1 zoning. Accordingly, the proposed zone change cannot result in degradation of performance of any existing or planned transportation facilities.

CONCLUSIONS

Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in no change in trip generation during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-537-8511.

Appendix

Trip Generation Calculation Worksheet



Land Use Description: Fast-Food Restaurant with Drive-Through
ITE Land Use Code: 934
Independent Variable: Gross Floor Area
Quantity: 3.000 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 40.19 trips per ksf
Directional Distribution: 51% Entering 49% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 32.67 trips per ksf
Directional Distribution: 52% Entering 48% Exiting

Total Weekday Traffic

Trip Rate: 470.95 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3.0 ksf Fast-Food Restaurant w/ Drive Thru

	Entering	Exiting	Total
AM Peak Hour	62	59	121
PM Peak Hour	51	47	98
Weekday	706	706	1412

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Day Care Center
 ITE Land Use Code: 565
 Independent Variable: Gross Floor Area
 Quantity: 5.00 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.00 trips per ksf
 Directional Distribution: 54% Entering 46% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.12 trips per ksf
 Directional Distribution: 49% Entering 51% Exiting

Total Weekday Traffic

Trip Rate: 47.62 trips per ksf
 Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

5.00 ksf Day Care Center

	Entering	Exiting	Total
AM Peak Hour	30	25	55
PM Peak Hour	27	29	56
Weekday	119	119	238

Data Source: *Trip Generation Manual, 10th Edition* , Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Supermarket
ITE Land Use Code: 850
Independent Variable: Gross Floor Area
Quantity: 10.500 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.82 trips per ksf
Directional Distribution: 58% Entering 42% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 9.24 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Total Weekday Traffic

Trip Rate: 106.78 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.500 ksf Supermarket

	Entering	Exiting	Total
AM Peak Hour	23	17	40
PM Peak Hour	49	48	97
Weekday	561	561	1122

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Shopping Center
ITE Land Use Code: 820
Independent Variable: Gross Floor Area
Quantity: 10.5 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.94 trips per ksf
Directional Distribution: 62% Entering 38% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.81 trips per ksf
Directional Distribution: 48% Entering 52% Exiting

Total Weekday Traffic

Trip Rate: 37.75 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.5 ksf Shopping Center

	Entering	Exiting	Total
AM Peak Hour	6	4	10
PM Peak Hour	19	21	40
Weekday	198	198	396

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Manufacturing
 ITE Land Use Code: 140
 Independent Variable: Gross Floor Area
 Quantity: 40.0 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.62 trips per ksf
 Directional Distribution: 88% Entering 12% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.67 trips per ksf
 Directional Distribution: 13% Entering 87% Exiting

Total Weekday Traffic

Trip Rate: 3.93 trips per ksf
 Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

40.0 ksf Manufacturing

	Entering	Exiting	Total
AM Peak Hour	22	3	25
PM Peak Hour	4	23	27
Weekday	79	79	158

Data Source: *Trip Generation Manual, 10th Edition* , Institute of Transportation Engineers, 2017



AGENCY COMMENTS

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

EXHIBIT P

December 15, 2020

Mr. Kelly O'Neill
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

**SUBJECT: REVIEW OF TECHNICAL MEMORANDUM – ROGUE FABRICATION
REZONING**

Dear Kelly:

In response to your request, I have reviewed materials submitted in support of the annexation and rezoning of the site owned by Rogue Fabrication located at the intersection of Champion Way and Industrial Way. The Technical Memorandum (TM), dated November 20, 2020, was prepared under the direction of Michael Ard, PE of Ard Engineering.

The TM quantifies the impact of development of the site under current zoning and the proposed zoning for the 1.69-acre parcel. The analyses were conducted for a reasonable worst-case development scenario for two zoning categories. The parcel is currently zoned I-1; the proposed zoning is I-2. As described in the TM, a wide variety of uses are permitted under both zoning categories.

Consistent with usual procedures, the applicant analyzed development scenarios under both zoning categories that seeks to identify and quantify the uses that generate high traffic volumes consistent with the City of Sandy development standards. It is worth noting that industrial uses tend to have low trip generation rates, so the worst-case development scenarios for both I-1 and I-2 zoning tend to include various retail uses.

Lot Coverage and Building Size

The engineer assumed lot coverage of 25 percent for buildings with the remainder of the site devoted to parking, landscaping, required setbacks, and other non-building uses. Building size is calculated to be approximately 18,500 square feet for both the development scenarios. I found this lot coverage assumption to be reasonable.

Mr. Kelly O'Neill
December 15, 2020
Page 2

Worst-Case Development Assumptions

Under the existing, I-1 zoning, the engineer assumed the following uses: a 3000-square foot fast-food restaurant with drive-through; a 5,000-square foot daycare center; and a 10,500-square foot supermarket. For the analysis of the proposed I-2 zoning, the engineer substituted a 10,500-square foot shopping center for the supermarket. A supermarket is not permitted in the I-2 zone. I found the assumptions about high trip-generation uses under the two zoning categories to be reasonable for a worst-case development scenario.

Trips Generated

The engineer properly accounted for pass-by trips for the proposed uses. Under the I-1 zoning, the engineer calculated net site trips totaling 150 AM peak hour trips; 175 PM peak hour trips; and 1760 weekday trips. Under the proposed I-2 zoning, the engineer calculated net site trips totaling 130 AM peak hour trips; 138 PM peak hour trips; and 1304 weekday trips. The proposed zoning produces fewer trips during all analyzed time periods than under the existing zoning. I concur with the engineer's calculations and conclusions about trips.

Transportation Planning Rule Considerations

In addition to the calculation of trips generated under a reasonable worst-case development scenario for both zoning categories, the TM provides a detailed analysis of the individual requirements of the Transportation Planning Rule (TPR.)

The engineer concludes that no changes to the city's street classification designation or standards are warranted by the rezoning and that the proposed rezoning does not have a significant effect on the transportation system and that mitigation is not necessary. He concludes the Transportation Planning Rule is satisfied. I concur with the engineer's conclusions.

Conclusion and Recommendations

I find the TM addresses the city's requirements for assessing the impact of the proposed rezoning including the analysis of the requirements of the Transportation Planning Rule.

Mr. Kelly O'Neill
December 15, 2020
Page 3

The applicant may be required to perform additional analysis of transportation impacts of specific development proposals as specified in Title 17 of the Sandy Development Code as indicated in Section 17.84.50 Street Requirements.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

RogueFabTIS121520

1/8/2021

City of Sandy Mail - Comments on Sandy application 20-041



EXHIBIT Q

Shelley Denison <sdenison@ci.sandy.or.us>

Comments on Sandy application 20-041

DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
To: Shelley Denison <sdenison@ci.sandy.or.us>

Thu, Jan 7, 2021 at 10:21 AM

Hi Shelley,

Thanks for checking in. Since this is a downzone, we concur with the traffic analysis that was prepared with the land use application that concludes that the zone change will result in no significant effort per the Transportation Planning Rule.

Please let me know if you need formal comments.

Marah Danielson, Senior Planner

ODOT Development Review Program

Marah.b.danielson@odot.state.or.us

503.731.8258

From: Shelley Denison <sdenison@ci.sandy.or.us>
Sent: Tuesday, January 5, 2021 11:55 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: Comments on Sandy application 20-041

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

[Quoted text hidden]

This e-mail is a public record of the City of Sandy and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

<https://mail.google.com/mail/u/0?ik=72b2d2374d&view=pt&search=all&permmsgid=msg-f%3A1688253195350471840&simpl=msg-f%3A16882531953...> 1/1

1/8/2021

City of Sandy Mail - 20-041 ZC



EXHIBIT R

Shelley Denison <sdenison@ci.sandy.or.us>

20-041 ZC

MW <mwalker@ci.sandy.or.us>

Tue, Jan 5, 2021 at 3:06 PM

To: Shelley Denison <sdenison@ci.sandy.or.us>

Shelley:

PW doesn't have any comments on this proposed zone change. Let me know if you need anything else.

--

Mike Walker

Director of Public Works

City of Sandy

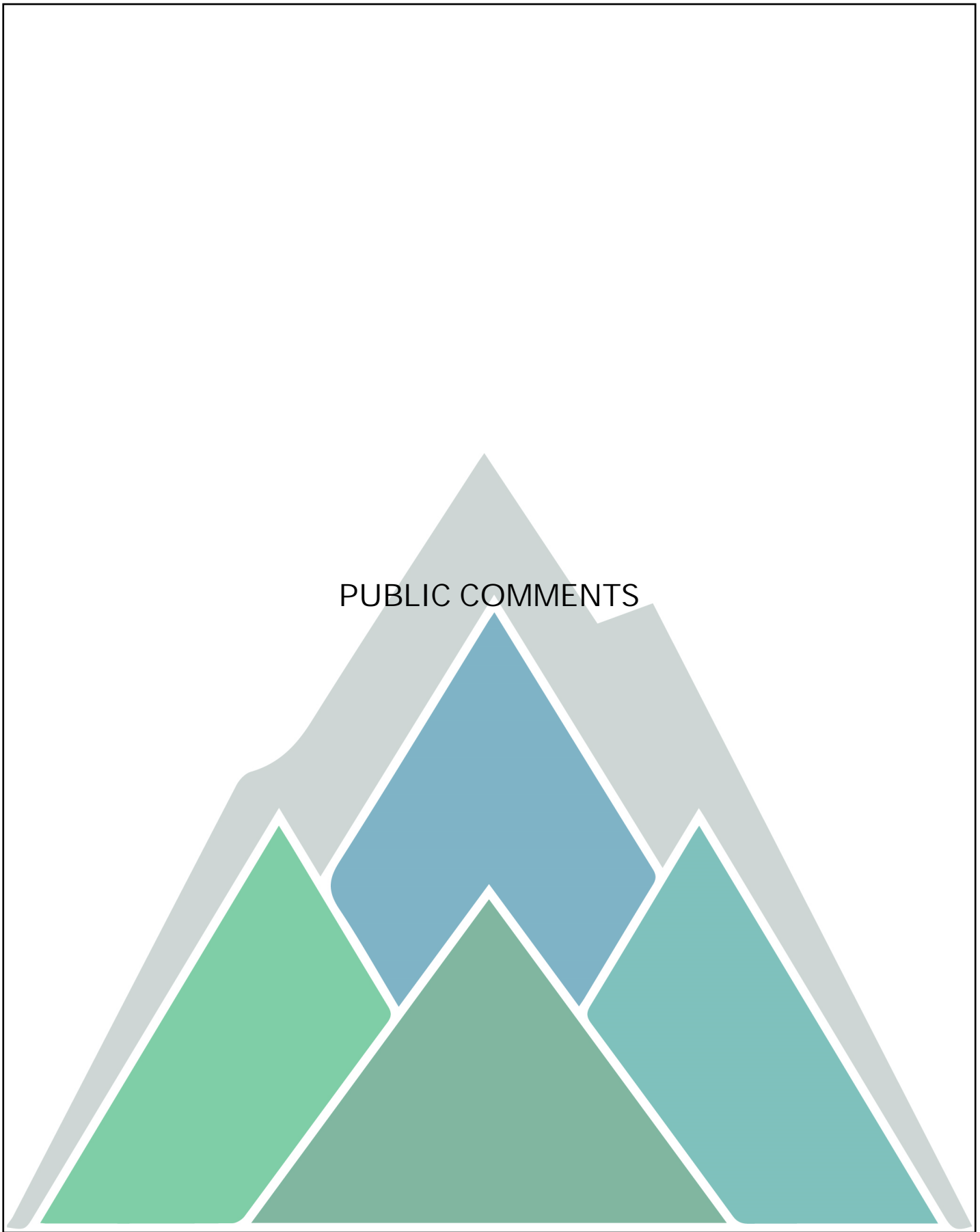
39250 Pioneer Blvd.

Sandy, OR 97055

503-489-2162 V

503-668-8714 F

www.ci.sandy.or.us



PUBLIC COMMENTS

14 January 2021

To: City of Sandy Planning Commissioners
From: David C. Snider
Economic Development Manager, City of Sandy
Re: Letter of support – Rogue Fabrication zone change request

Dear Sandy Planning Commissioners –

I would like to submit a letter in support of the zone change proposed by Rogue Fabrication for the property they have recently purchased at the south corner of Champion Way and Industrial Way in Sandy.

Considering the location of this parcel, the request to change the zoning designation for this light manufacturing business seems in line with the surrounding area. Industrial Way has traditionally been Sandy's area for industrially-zoned businesses, with more than half of the lots in this "district" having an I-2 zoning designation. In addition, the lot in question is adjacent to the industrial business park owned by Pinehurst Land Development LLC, which is currently zoned I-2 and houses multiple industrial tenants. In my view, this proposed change is appropriate for the location and should not result in any significant change in demand for city services for this lot other than adding the basic utility service needs of a small light manufacturer.

Sandy has also traditionally had a limited supply of developable land with traditional industrial zoning designations, and this is particularly true of I-2 zoned land. The requirements for Sandy's industrial park (I-1) zone are virtually identical to its general commercial (C-1) zone requirements, and this designation makes up most of the available industrially zoned land in the city. As Sandy has been a bedroom community for the greater Portland area and has much heavier interest from retail commercial development interests than it does for industrial ones, this has served Sandy's residents well over the years in most aspects.

The current policies and development approach espoused by Oregon's economic development organization (Business Oregon) pay particular attention to "traded sector" companies and work to encourage their establishment and growth. "Traded sector" companies are defined as companies that make goods or services that they export to outside the state of Oregon and include most light manufacturers. One of the primary reasons the State of Oregon focuses so much energy on recruiting and developing them is that they typically create good, living wage jobs for the community. The small amount of developable land available in Sandy to traded sector companies like Rogue Fabrication that require light industrial zoning makes it difficult to attract and encourage new industrial development in this community. As there were virtually no I-2 zoned lots available for development in Sandy at the time they were looking for parcels to purchase and develop, this path was the only real viable option for

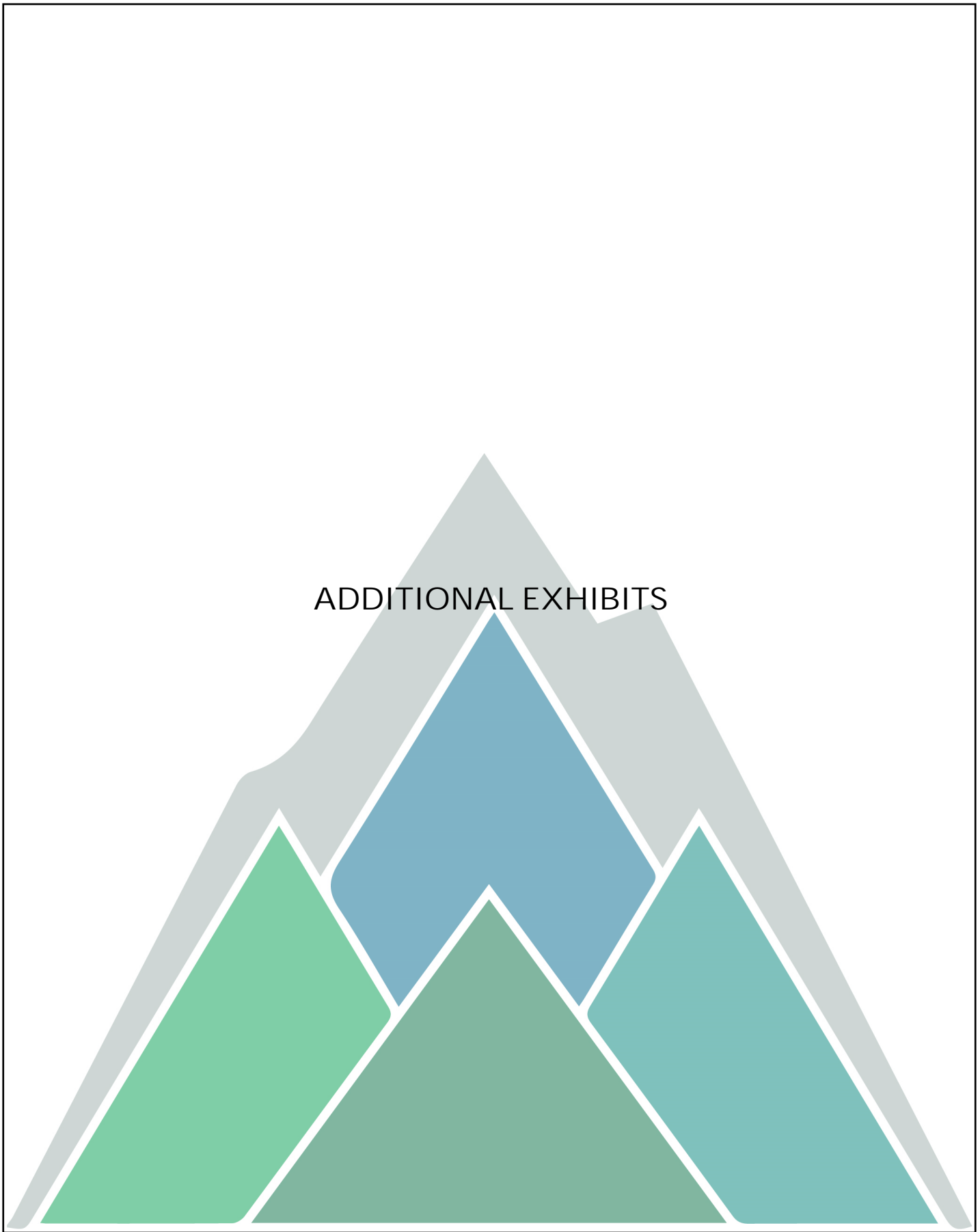
Rogue Fabrication (currently operating out of a residential garage in Sandy) to proceed with their expansion and to establish their headquarters in our community.

Rogue Fabrication has a strong business model and is showing exceptional growth potential for the future. This is exactly the kind of manufacturer we want to develop and help grow Sandy's industrial base. I strongly encourage the Sandy Planning Commission to consider and approve this zone change, and I thank you for your time.

Sincerely,

David C. Snider





ADDITIONAL EXHIBITS

**EXHIBIT T**

Marisol Martinez <mmartinez@ci.sandy.or.us>

Fwd: Supplemental information for Rouge Fab Zone Change 20-041-ZC

Joey Gambino <gambino.joey@gmail.com>
To: Marisol Martinez <mmartinez@ci.sandy.or.us>

Fri, Nov 20, 2020 at 11:17 AM

This was sent from Ryan O'Brien to Shelly Yesterday. I am only forwarding this in case it is helpful.

Joseph

----- Forwarded message -----

From: **Ryan O'Brien** <ryanobrien1@frontier.com>

Date: Fri, Nov 20, 2020 at 1:20 AM

Subject: Supplemental information for Rouge Fab Zone Change 20-041-ZC

To: <sdenison@ci.sandy.or.us>

Cc: Joey Gambino <gambino.joey@gmail.com>, Nicole Gambino <gambino.nicolec@gmail.com>, Jeff DeBois <jeff@planetreale.com>

Shelley,

Attached is a revised Narrative for the zone change application addressing the attached traffic report prepared by Mike Ard, traffic engineer. Also attached is the legal description for the property and the supplemental land use application from. The traffic report address the Oregon Transportation Planning Rule. We do not plan to contact ODOT. According to our traffic engineer, ODOT will not comment on an application until it is accepted by the city and after the city sends the application to them. With a very large project, ODOT may comment prior to preparation of the the traffic report. Please accept this zone change application as complete. Contact Joey or Nicole if you need additional copies of the application printed and delivered to you. Give me a call if you have any questions or comments about this application.

Ryan O'Brien
Planning & Land Design LLC
[1862 NE Estate Drive](http://1862NEEstateDrive.com)
[Hillsboro, Oregon 97124](http://HillsboroOregon97124.com)
503-780-4061 cell
ryanobrien1@frontier.com

5 attachments

Rogue Fab Zone Change Narrative 11-19-20.pdf
361K

12 - Legal Description & Tax Assessment.pdf
69K

13 - Supplemental Land Use Form.pdf
1045K

14 - Rogue Fab Traffic Study.pdf
1542K

Notice of Incomplete Application.pdf
110K

PRE-APPLICATION CONFERENCE NOTES

Project Name: Champion Way Zone Change – Tube Bender

Pre-Application Conference Date: September 15, 2020

Applicant Name: Joseph Gambino

Staff: Emily Meharg, Kelly O’Neill Jr., David Snider, Mike Walker

FIRE DISTRICT COMMENT: “I don’t really have a specific comment for the Champion Way Zone Change Pre-App. Specific comments about fire apparatus access and fire flow requirements will be submitted later if the applicant proceeds with development.”

PLANNING DEPARTMENT REVIEW

Sandy Development Code (SDC): Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.30 Zoning Districts; 17.50 I-2 Light Industrial; 17.66 Adjustments and Variances; 17.74 Accessory Development; 17.80 Additional Setbacks on Collector and Arterial Streets; 17.84 Improvements Required with Development; 17.90 Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; and Chapter 15.30 Dark Sky.

***Caveat:** This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.*

Zone Change Proposal

- Zoning Map Amendment (Industrial Park, I-1 to Light Industrial, I-2). Narrative will need to address review criteria in Section 17.26.40(B).
- Map amendments shall be done separately from the design review.
- Check with ODOT to determine if they will require Transportation Planning Rule (TPR) findings for the zoning map amendment.

I-2 Zoning District and Setbacks

- What are the proposed uses for both buildings? “Manufacturing, assembly, processing, and production” and “warehousing and distribution facilities” are both primary uses permitted outright.
- Minimum required setbacks are as follows:
 - Front: 30 foot minimum, 70 foot maximum from a transit street (Champion Way and Industrial Way are both transit streets).
 - Side or rear: none, unless abutting a more restrictive district; if abutting, the minimum setback is 50 feet.
 - Corner: 15 feet (however; Chapter 17.80 requires a minimum 20 foot setback on collector streets; both Industrial Way and Champion Way are collector streets).
- For corner lots, the front lot line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address (Section 17.10.30). Where are you proposing to place the front doors of the buildings? What is the phasing plan? Are you just proposing Building 1 now? If so, the front lot line will need to be Champion Way in order to meet the front setback requirement.

Design Review

- The Development Code calls for vehicular and pedestrian connections to adjacent properties. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process (Section 17.50.40(C)). Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer (Section 17.90.130(A.4)). The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties (Section 17.90.130(A.6)). The submitted proposal does not detail any interconnections. Please clarify if you are requesting a Design Deviation to eliminate the requirement to provide vehicular/walkway connections between neighboring developments.
- Special attention shall be given to designing a primary building entrance that is both attractive and functional (Section 17.90.130(B.1)).
- Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code (Section 17.90.130(B.2)).
- Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building (Section 17.90.130(B.3)).
- Building facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings (Section 17.90.130(C.1)).
- Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts (Section 17.90.130(C.2)).
- Lap or horizontal siding or walls of brick, masonry, or stone shall be required. Vertical grooved (i.e. T1-11) sheet siding is prohibited (Section 17.90.130(C.3)).
- Buildings must include changes in relief on 10 percent of the facades facing public streets. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale (Section 17.90.130(C.5)).
- Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors (Section 17.90.130(C.6)).
- Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 8 inches wide (Section 17.90.130(C.7)).
- Buildings must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun (Section 17.90.130(C.8)).
- Continuous outdoor arcades are strongly encouraged (Section 17.90.130(C.9)).
- For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
 - Clearly delineated upper and lower facades;
 - A lower façade dominated by large windows and a recessed entry or entries;
 - Smaller, regularly spaced windows in the upper floor;
 - Decorative trim, such as window hoods, surrounding upper floor windows;
 - A decorative cornice near the top of the façade. (Section 17.90.130(C.10)).
- Roof pitch shall be a minimum of 3:12. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing. Visible roof materials must be wood or architectural grade composition shingle, slate, tile, or sheet metal with standing or batten seam. All roof and wall-mounted mechanical, electrical, communications, and service

- equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means. (Sections 17.90.130(D.1-5))
- Buildings require pedestrian access with a primary entrance facing a public street or designated pedestrian way. Primary entrances must be architecturally emphasized and visible from the public right-of-way. Buildings must have an entrance connecting directly between the right-of-way and the building interior; secondary entrances may face parking lots or loading areas. Ground floor units shall face a public street or designated pedestrian way and be visible from the street wherever feasible and shall avoid out-of-direction travel. (Sections 17.90.130(E. 1-4, 6)).
 - Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet (Section 17.90.130(E.5)).
 - Windows that allow views to the interior activity or display areas are encouraged. Windows shall include sills at bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used (Section 17.90.130(F.1)).
 - All new buildings must provide ground floor windows along street frontages.
 - Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - Required windows must have a sill no more than 4 feet above grade.
 - Darkly tinted windows and mirrored windows that block two-way visibility are prohibited for ground floor windows along street facades.
 - Any wall that faces a public right-of-way must contain at least 10 percent of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.
 - Glass curtain windows are not permitted fronting public rights-of-way. (Section 17.90.130(F.2))
 - Upper floor window standards:
 - Glass area dimensions shall not exceed 5 feet by 7 feet.
 - Windows must have trim or molding at least two inches wide around their perimeters.
 - At least half of all the window area in the upper floors must be made up of glass panes with dimensions no greater than 2 feet by 3 feet. Windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged. (Section 17.90.130(F.3))
 - A minimum pedestrian walkway width of 5 feet must be maintained at all times (Section 17.90.130(G.2)). If curbs are used instead of wheel stops, the walkways will need to be at least 7 feet in order to maintain a minimum clearance of 5 feet for pedestrian circulation (Section 17.98.120(F)).
 - All building entrances and exits must be well lit. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. Lighting must be adequate for safety purposes. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare. (Section 17.90.130(H)). The application shall include a Photometric Plan compliant with Chapter 15.30. All lighting shall be full cut-off and shall not exceed 4,125 Kelvins. Outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 foot-candles of light. Photometric Plan will need to show property line, a line 10 feet beyond the property line, and foot candles.
 - Locate windows in a manner that enables tenants to watch over pedestrian, parking, and loading areas, and enables surveillance of interior activity from the public right-of-way (Section 17.90.130(I.1-2)).
 - Buildings require an identification system, which clearly locates buildings and their entries for patrons and emergency services (Section 17.90.130(I)(3)).

- The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited (Section 17.90.130(J.1)).
- All trash collection areas must be located within the structure or behind the building in an enclosure in accordance with the provisions of Design Standards Appendix A (Section 17.90.130(K.1)).
- Section 17.74.20 contains standards related to building features projecting into setback areas. The allowed projection amounts depend on the type of building feature and which yard setback (front, rear, or side).

Improvements, Access, and Utilities

- Frontage improvements along each proposed street frontage (Industrial Way and Champion Way) are required per Public Works standards; improvements will be required with design review. Sidewalks shall be at least 6 feet wide. Right-of-way dedication or a pedestrian easement may be required to accommodate a six-foot sidewalk and five-foot planter section.
- What is the stormwater management plan? Storm water detention and water quality treatment is required for all new impervious surface on the site (standards based on City of Portland SWMM). Stormwater detention and treatment per Section 13.18-13.20 SMC is required for all new impervious surface or any surfacing material change. Submit a detailed stormwater analysis with design review.
- Submit traffic letter.
- Contact Mike Walker regarding SDCs for transportation, water, and sanitary sewer.

Parking, Landscaping, and Screening:

- Light Industrial (I-2) has a requirement to contain a minimum of 15 percent landscaping for the site (Section 17.50.30). Submit a Landscape Plan with design review. Any existing trees on the property shall be retained and trees on adjacent properties that have critical root zones that extend into the subject property shall be protected in accordance with Section 17.92.10(C).
- Planters shall have a minimum width of 5 feet. Where the curb is used as a tire stop for parking, the planter shall be a minimum width of 7.5 feet (Section 17.92.10(D)).
- Per Section 17.98.20(A.11), manufacturing establishments require at least 1 parking space per employee on the largest shift and two bicycle parking spaces. Are you proposing both buildings at this time, or just Building 1? Parking analysis shall be based on what is actually being proposed with this design review application.
- Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent (Section 17.98.10(Q)).
- Parking shall not be located in the required 30' front setback area (Section 17.50.30(B)). Parking areas shall be set back from a lot line adjoining a street the same distance as the required building setback (Section 17.98.50(C)). The parking spaces by the driveway entrance won't work as proposed as they are located within the required building setback. Some of the easternmost parking spaces also might not work due to insufficient room to back out.
- Standard parking spaces shall be 9 feet by 18 feet; compact parking spaces shall be 8 feet by 16 feet; ADA parking shall be 9 feet by 18 feet with an adjacent access aisle meeting ORS 447.233. No more than 40 percent of the parking spaces shall be compact spaces. (Section 17.98.60(B)).
- Double-sided 90 degree parking with two-way traffic requires a 25 foot wide aisle (Section 17.98.60(C)).

- Driveway accesses to arterials and collectors shall be located a minimum of 150 feet from any other access or street intersection (Section 17.98.80(A)).
- Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas (Section 17.98.130(A)).
- All buildings (regardless of use) that are visible from an arterial street (Highway 26) shall be screened from view by a 20-foot minimum depth vegetative buffer as specified in Section 17.50.30(C). If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways. Submit line of sight analysis to determine visibility of the site from Highway 26.
- Landscape and Screening requirements of 17.98.120 need to be met:
 - Screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way (17.98.120(A)). However, the subject property will still need to be screened from arterial streets in accordance with Section 17.50.30(C).
 - Parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers (Section 17.98.120(C)).
 - Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay (Section 17.98.120(D)). Each planter shall contain one major structural tree and ground cover.
 - Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided (Section 17.98.120(F)).

Other

- Per Subsection 17.74.40(B.3) the height of a fence or retaining wall in a front yard shall not exceed 6 ft. for industrial uses.
- Submit garbage and recycling enclosure details with design review application.
- Label building elevations with cardinal directions.
- What is your proposed phasing plan? Will you be constructing building 1 and 2 at this time? If you are only planning to build building 1, then you will need to submit for design review based on that.
- The I-2 design standards contain fewer Sandy Style requirements than I-1. This property is located on the corner of two collector streets and will have high visibility. In order for staff to support a zone change, staff will require additional Sandy Style elements, such as a belly band, on the street facing facades of the building(s) as well as more robust landscaping in the setbacks as conditions of a zone change approval.

Application Process: Type IV Zoning Map Amendment. Type II Design Review (if no deviations or Type III variances are requested), Type II Adjustment to required setback. Design Review will be a separate application.

Projected Fees (subject to change):

Procedure	Fee
Zone Change	
Zoning Map Amendment	\$2,413
Design Review	
Type II Design Review (if no requested variances)	\$1,540 - \$7,682 (depending on project valuation)
Type III Design Review (if variances are requested)	\$1,756 - \$7,682 (depending on project valuation)
Type I Adjustment (if requested)	\$329 per request
Type II Adjustment (setback)	\$442 per request
Type II Variance (if requested; not of the applicant's making)	\$657 per request
Type III Design Deviation (if requested)	\$442 per request
Type III Variance (if requested)	\$1,099 per request

Next Steps:

- Land Use Submittal Requirements. 2 hard copies and 1 digital copy submitted for completeness check. During completeness check staff will determine how many additional hard copies are necessary.
- Submit the following for the zone change request:
 - signed land use application and applicable fees;
 - supplemental land use application No.1;
 - narrative for applicable code sections including review criteria in Section 17.26.40(B); and,
 - list and two sets of mailing labels for all property owners within 500 feet of the subject property with attached radius map and affidavit (a title company can create this).
- Submit the following for the design review request:
 - signed land use application and applicable fees;
 - narrative for applicable code sections;
 - list and two sets of mailing labels for all property owners within 300 feet of the subject property (if Type II; 500 feet if Type III) with attached radius map and affidavit (a title company can create this);
 - site plan;
 - building elevations detailing proposed materials and colors;
 - landscape and street tree plan;
 - irrigation plan;
 - utility plan;
 - grading and erosion control plan;
 - stormwater report;
 - photometric plan and lighting fixture cut-sheets;
 - line of sight analysis;
 - garbage and recycling enclosure details; and,
 - traffic letter.

- **Completeness.** Staff review for completeness (30 days max. per state law), if determined incomplete then the applicant submits additional information as required within 180-days, staff then reviews for completeness again, if the application is deemed complete then the application is processed within 120-days per state law.
- **Hearings.** The zone change application will be required to have a Planning Commission and City Council hearing. The design review application will be required to have a Planning Commission hearing if deviations/variances are requested. Planning Commission meetings are typically the fourth Monday of the month at 7:00 PM, but sometimes are scheduled on different days. Council hearings are typically on the first and third Mondays of the month at 7:00 PM. The applicant should be prepared to present their case to the Planning Commission and City Council. Staff typically presents the facts and code analysis with their recommendation. Staff recommendations are not necessarily in favor of the applicant's proposal.
- **Approval.** If the application for the zone change is approved, the decision shall become effective 30 days after adoption of the ordinance. If the application for design review is approved, then you submit for building permits following the conditions outlined in the final order. *The final order is the land use decision.*
- **Denial.** If the application for the zone change is denied, then you can file an appeal to LUBA. If the application for the design review is denied, then you can file an appeal to Planning Commission (if Type II) or City Council (if Type III) per their requirements. An appeal cannot be filed until the final order is issued.

**PLANNING COMMISSION STAFF REPORT
TYPE III LAND USE DECISION**

DATE: January 15, 2021

FILE NO.: 20-040 DR/VAR

PROJECT NAME: Sandy High School Field House

APPLICANT: Jones Architecture

OWNER: Oregon Trail School District (OTSD)

PROPERTY ADDRESS: 37400 Bell Street

LEGAL DESCRIPTION: T2S R4E Section 11 Tax Lot 4500

The above-referenced proposal was reviewed as a Type III Design Review with three Special Variances. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Supplemental Land Use Application
- C. Narrative
- D. Plan Set (Dated October 6, 2020)
 - Page 1: Cover Sheet
 - Page 2: Site Analysis
 - Page 3: Site & Landscape Plan
 - Page 4: Topo and Site Demo Plan
 - Page 5: Grading & Utility Plan
 - Page 6: Floor & Roof Plans
 - Page 7: Elevations
 - Page 8: Exterior Lighting Levels
 - Page 9: Line of Sight Diagrams – Key Plan of Viewpoints
 - Page 10: Line of Sight Diagram – From Bluff Road
 - Page 11: Line of Sight Diagram – From Bell Street
 - Page 12: Materials & Colors
 - Page 13: Existing Site Survey
 - Page 14: Site Photos
 - Page 15: Concept Photos

- Page 16: Rendering – View 1
- Page 17: Rendering – View 2

Public Comments

E. Susie Jenkins (January 4, 2021)

FINDINGS OF FACT

General

1. These findings are based on the applicant’s original submittal received on October 7, 2020. The application was deemed complete on November 12, 2020 and the 120-day deadline is March 12, 2021.
2. The subject lot with the proposed field house facility is approximately 68.54 acres. The site is located south of Bell Street, west of Bluff Road, and north of Highway 26.
3. The lot has a Plan Map designation of Medium Density Residential and Low Density Residential, and a Zoning Map designation of Medium Density Residential, R-2, and Single Family Residential, SFR. The specific location of the proposed field house has a Plan Map Designation of Low Density Residential and a Zoning Map designation of Single Family Residential, SFR.
4. The applicant proposes to construct a new indoor athletic field house (i.e. batting cage facility) on the Sandy High School campus. The proposed building is a 50-foot by 70-foot pre-engineered steel building to be located over a portion of the existing parking area east of the soccer and baseball/softball fields. Additional site work includes conversion of existing parking spaces to landscaped areas, and construction of pedestrian paths and a crosswalk. In addition, the applicant is requesting the following:
 - Type III Special Variance to Section 17.90.120(B.3.d.4) to exceed 30 percent metal on the building’s façade.
 - Type III Special Variance to Section 17.90.110(C.1) to provide a reduced roof pitch of 4:12 instead of the required 6:12 roof pitch.
 - Type III Special Variance to Section 17.90.110(E.2) to not meet the 30 percent window requirement on the “activated” frontage of the proposed building.
5. Notice of the proposal was mailed to agencies and City departments on November 19, 2020, and to property owners within 500 feet of the site on December 29, 2020. A legal was published in the Sandy Post on January 6, 2021.
6. One written comment was received from the public. Susie Jenkins (Exhibit E) asked why the applicant feels it necessary to not meet the building codes for this project and states: “I would think that the Oregon Trail School District would wish to maintain higher standards to match the excellence of the existing high school. At all times and especially when sports season is upon us, the area of the proposed development will be in the public view for our local citizenry, students, and for visitors who come to support their sports players from outside areas. Why not invest in a building that will meet the codes and continue the sense

of pride in our community. Warehouse style buildings are most appropriate in out of the way areas, not in areas of public enjoyment.”

7. The Planning Commission reviewed the proposal at the January 25, 2021 meeting.

Chapter 17.34 – Single-Family Residential (SFR)

8. The use proposed is an enclosed field house facility associated with the existing ball fields. The proposed improvements are defined as ‘other development customarily incidental to the primary use’ listed as an accessory use permitted outright in Section 17.34.10(B.7).
9. Section 17.34.30 contains the development standards for the SFR zoning district. Per the submitted Grading & Utility Plan (Exhibit D, Page 5), the proposed building will be set back 7.5 feet from the property line to the north and 31.39 feet from the property line to the east. The subject proposal meets all setback requirements of Section 17.34.30(E).
10. Section 17.34.30(I) states that structure height shall not exceed 35 feet. Per the submitted elevations (Exhibit D, Page 7) the proposed building is 22-feet-8-inches in height, in conformance with Section 17.34.30(I).

Chapter 17.66 – Adjustments & Variances

11. Chapter 17.66 contains review procedures for adjustment and variance requests.
12. The applicant is requesting the following three (3) Type III Special Variances:
 - Type III Special Variance to Section 17.90.120(B.3.d.4) to exceed 30 percent metal on the building’s façade.
 - Type III Special Variance to Section 17.90.110(C.1) to provide a reduced roof pitch of 4:12 instead of the required 6:12 roof pitch.
 - Type III Special Variance to Section 17.90.110(E.2) to not meet the 30 percent window requirement on the “activated” frontage of the proposed building.
13. To be granted a Type III Special Variance, the applicant must meet one of the flowing criteria in Section 17.66.80:
 - A. The unique nature of the proposed development is such that:
 1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
 2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.
 - B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.
 - C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

14. METAL SIDING

Section 17.90.120(B.3.d.4) states: “Where metal siding is used, it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling).”

Request: The applicant requests approval to allow metal siding on 100 percent of the surface area of the building elevations.

The intent of Section 17.90.120(B) is “to provide building facades, materials and colors consistent with the Sandy Style.” Section 17.90.120(B.3) states “exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style” and then goes on to list specific requirements related to building materials, including Section 17.90.120(B.3.d.4), which limits the use of metal siding to 30 percent of the surface area of the building elevation. The intent of Section 17.90.120(B.3.d.4) is to limit the use of metal siding such that it is an accent only. The code cites wainscoting and other accent paneling as examples of how metal siding should be used. The applicant is proposing to use a pre-engineered metal building and is therefore requesting a Special Variance to allow 100 percent metal siding. The narrative (Exhibit C) states: “The use of a pre-engineered metal building is cost-effective and therefore makes the project economically viable for the school. The building is located on a portion of the campus that is not visible from the nearby streets and as a result, the use of metal siding on 100% of the building elevations will not have a detrimental effect on the surrounding neighborhood or the visual experience of passersby on the streets.” Staff concurs that the fieldhouse building will not be highly visible from the public right-of-way. However, staff also agrees with the sentiments of Susie Jenkins (Exhibit E) who notes that “the area of the proposed development will be in the public view for our local citizenry, students, and for visitors who come to support their sports players from outside areas.” Thus, while the fieldhouse might not be highly visible from the public right-of-way, it will nonetheless be visible to the public as the Sandy High School facility is frequently visited and used by locals and visitors alike. The applicant could propose a newly constructed building that is not prefabricated metal; thus, staff does not believe this request would meet Special Variance criteria B. The proposal is not a restoration or replacement project due to a natural disaster so would not meet Special Variance criteria C. **To meet Special Variance criteria A, the Planning Commission would need to make a determination that the intent and purpose of the regulations and of the provisions to be waived will not be violated and that granting the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted. Staff recommends the Planning Commission consider the submitted public testimony and the intent of Section 17.90.120(B) in formulating their decision. Staff recommends Planning Commission consider allowing 100 percent metal on the less visible facades (north and east) but not allowing 100 percent metal on the west and south elevations.**

15. ROOF PITCH

Section 17.90.120(C.1) states: “Except as provided in subsections 17.90.120(C)(8), below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:”

Zoning District	Primary Roof Forms (minimum)	Secondary Roof Forms (minimum)
C-2 and I-1	6:12	4:12

Request: The applicant requests a reduced roof pitch of 4:12.

The intent of Section 17.90.120(C) is to provide roof forms and detailing consistent with the Sandy Style. Gabled roofs are one of the primary Sandy Style design elements. The applicant’s narrative (Exhibit C) states: “The proposed building is a pre-engineered metal building with a 4:12 standing seam metal roof. The reduced pitch is significantly more cost-effective and therefore makes the project economically viable for the school. The building is located on a portion of the campus that is not visible from the nearby streets and as a result, the reduction in roof pitch will not have a detrimental effect on the surrounding neighborhood or the visual experience of passersby on the streets.” Staff concurs that the fieldhouse building will not be highly visible from the public right-of-way. However, as noted above, staff also agrees with the sentiments of Susie Jenkins (Exhibit E) who notes that “the area of the proposed development will be in the public view for our local citizenry, students, and for visitors who come to support their sports players from outside areas.” Thus, while the fieldhouse might not be highly visible from the public right-of-way, it will nonetheless be visible to the public as the Sandy High School facility is frequently visited and used by locals and visitors alike. The applicant could propose a newly constructed building that is not prefabricated and has a 6:12 roof pitch; thus, staff does not believe this request would meet Special Variance criteria B. The proposal is not a restoration or replacement project due to a natural disaster so would not meet Special Variance criteria C. **To meet Special Variance criteria A, the Planning Commission would need to make a determination that the intent and purpose of the regulations and of the provisions to be waived will not be violated and that granting the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted. Staff recommends the Planning Commission consider the submitted public testimony and the intent of Section 17.90.120(C) in formulating their decision.**

16. WINDOWS

Section 17.90.120(E.2) states: The ground floor elevation of all new buildings shall contain ground floor display areas, windows, and doorways on the ‘activated’ frontage as follows:

Building Size	Percentage Windows Required
0 - 10,000 sq. ft.	30 percent of elevation
10,000 sq. ft. - 30,000 sq. ft.	25 percent of elevation
Greater than 30,000 sq. ft.	20 percent of elevation

Request: The applicant requests approval to not provide windows on any elevations.

The intent of Section 17.90.120(E) is to promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. The requirement on a building less than 10,000 square feet is to provide 30 percent windows

on the activated frontage. Per Section 17.90.120(D.7), an elevation is considered “activated” when it meets the window transparency requirements in Section 17.90.120(E) and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. The proposed fieldhouse has a primary entrance on the west side of the building which is a gabled end and fronts on a concrete pedestrian area with a bench and is, therefore, the logical activated frontage. The applicant’s narrative (Exhibit C) states: “No windows are proposed for the building due to its use for indoor baseball practice activities. Glazing and windows are not appropriate for this use. The building is not visible from the public streets. A garage door is provided for additional activation on the South elevation.” Staff understands the building will be used for batting practice and that the addition of windows to the building design could result in broken windows due to baseballs and softballs hitting them. Staff is not sure if the applicant has looked into installing shatterproof glass windows on the west elevation to add additional visibility and security in compliance with Section 17.90.120(I). As noted previously, while the fieldhouse might not be highly visible from the public right-of-way, it will nonetheless be visible to the public as the Sandy High School facility is frequently visited and used by locals and visitors alike. The Planning Commission has previously decided that faux or false windows could count towards the required window percentage, though this would only address aesthetic concerns as faux windows would not increase visibility or safety. The applicant could propose a newly constructed building that includes windows, especially on the elevation away from where the batters will be hitting; thus, staff does not believe this request would meet Special Variance criteria B. The proposal is not a restoration or replacement project due to a natural disaster so would not meet Special Variance criteria C. **To meet Special Variance criteria A, the Planning Commission would need to make a determination that the intent and purpose of the regulations and of the provisions to be waived will not be violated and that granting the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted. Staff recommends the Planning Commission consider the submitted public testimony and the intent of Sections 17.90.120(E) and 17.90.120(I) in formulating their decision. Staff recommends that the Planning Commission consider requiring windows on the west elevation.**

17. **Approval of a variance shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place.** The Planning Commission (Type III) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.

Chapter 17.74 – Accessory Development

18. The proposed fieldhouse is accessory to the Sandy High School building. Chapter 17.74 contains provisions related to accessory buildings; however, there are no standards for non-residential accessory structures. The proposed fieldhouse is not located within any of the required setbacks nor does it contain building features that project into the required setbacks.
19. The applicant is not proposing any fences or walls, with the exception of the 4-foot tall stem wall that will be part of the building.

Chapter 17.84 – Improvements Required With Development

20. Section 17.84.20 requires that all public and franchise utility improvements be installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.
21. Section 17.84.60 requires all development sites to be provided with public water, sanitary sewer, broadband (fiber), and storm drainage. The fieldhouse facility is proposed to be located in the existing parking lot. The submitted Grading & Utility Plan (Exhibit D, Page 5) includes a calculation of existing and proposed impervious surface. Approximately 7,516 square feet of existing pavement will be removed. The proposed building area is 3,497 square feet and the new proposed paving is 3,981 square feet for a total new impervious area of 7,478 square feet. Thus, there will be a net decrease of 38 square feet of impervious area. The Grading & Utility Plan details that the proposed building gutters and downspouts will connect to a new storm drain line that will be sized to collect the roof water from the building.
22. Section 17.84.80 requires utilities to be placed underground. **All utilities shall be installed underground, with the exception of those listed in Section 17.84.80(E). All utilities shall be installed to City standards.**

Chapter 17.90 – Design Standards

23. The proposal is subject to all the requirements for Design Review as stated in Section 17.90.00.
24. Section 17.90.70 specifies that **design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval.**
25. Section 17.90.120 contains design standards for non-residential uses in residential zones. Section 17.90.120(A) contains standards related to site layout and access. The subject site gains access from Bluff Road and Bell Street. Parking for the fieldhouse facility is already provided to the south and west of the proposed facility. There are proposed walkways from the proposed structure to the parking area as well as a proposed painted crosswalk connecting west to the ballfields and internal walkway network.
26. Section 17.90.120(B) contains provisions specifying building façade articulation, pedestrian shelters, construction materials, and colors. Section 17.90.120(B.1) requires that buildings visible from an abutting public street are to be articulated, varied, and provide visual interest. The proposed building is 70 feet in length by 50 feet in width with no proposed wall articulation. The applicant submitted line of sight diagrams (Exhibit D, Pages 9-11) that demonstrate the building will not be visible from the public right-of-way and, therefore, building articulation not required.
27. Section 17.90.120(B.2) requires that buildings incorporate pedestrian shelters over primary building entrances. The pedestrian shelters must extend at least 5 feet over the pedestrian area. Shelters designed with gables are preferred over flat shelters and must comply with the roof pitch standards in Section 17.90.120(C). The primary building entrance is on the west

side of the building with a secondary door on the south side of the building. The building is proposed to have 5 foot deep pedestrian shelters over the two entrances. The narrative (Exhibit C) states that the shelters will utilize single sloped roofs in lieu of gables, due to the very simple shape of the proposed building. Staff visited the site and noticed that most of the other accessory buildings by the ball fields have gabled roofs over the entries. The development code per Section 17.90.120(B.3.a) requires architectural unity. **The applicant shall update the south and west elevations to detail gabled roof forms over the two building entrances; the gabled roofs shall be designed in compliance with Section 17.90.120(C) and shall extend at least 5 feet over the pedestrian area.**

28. Section 17.90.120(B.3.a) requires architecturally unified buildings. Architectural unity means buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Per the submitted narrative (Exhibit C), the intention is for the proposed building to be a background building since it is accessory in its use, and not to compete with the significance of the primary high school structure's architecture. The building will incorporate a gable roof similar to the nearby toilet room structure. The roof will be standing seam metal like the other structures on campus. The building will utilize metal siding on all of the exterior walls. The color of the metal is tied to the dark colored masonry, storefront and awnings on the primary high school structure.
29. Section 17.90.120(B.3.b) requires strong base materials on those sides of the building visible from an abutting public street. Per the submitted narrative (Exhibit C) and line of sight diagrams (Exhibit D, Pages 9-11), the proposed building is not visible from the abutting streets and therefore the strong base material requirement does not apply.
30. Section 17.90.120(B.3.d) states that siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. The applicant is proposing to use metal siding on all of the exterior walls. Section 17.90.120(B.3.d.4) states: "Where metal siding is used, it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements." The applicant is requesting a Special Variance to exceed the 30 percent maximum metal allowed by Section 17.90.120(B.3.d.4), which is reviewed in Chapter 17.66 of this document.
31. Section 17.90.120(B.3.e) requires building elevations facing a public street to incorporate at least three (3) Sandy Style features. The applicant provided line of sight diagrams (Exhibit D, Pages 9-11) that demonstrate the building will not be visible from a public right-of-way and therefore this requirement does not apply.
32. Section 17.90.120(B.4) requires exterior building colors to include warm earth tones that conform to the Color Palette in Chapter 17.90, Appendix C. The submitted materials sheet (Exhibit D, Page 12) details Weathered Copper from Taylor Products for both the metal roof and metal siding color. The approved City of Sandy metal roof color palette is based on colors

from Metallion Industries; however, the code states that proposed metal roof colors are required to match colors on the palette but do not need to be manufactured by Metallion Industries. Weathered Copper is an approved color on the City's color palette from Metallion Industries; however, that palette is only for roofs. **The applicant shall update the materials sheet to detail a wall color in compliance with the City's Color Palette in Chapter 17.90, Appendix C. The proposed wall color shall match or complement the other buildings on the high school site.**

33. Section 17.90.120(C.1) requires gable roofs on new buildings with a span of 50 feet or less. The proposed structure has a gabled roof with a roof span of 50 feet. The gable end is proposed to face west towards the ball fields. Section 17.90.120(C.1) also requires that pitched roofs contain a minimum roof pitch of 6:12. The applicant is proposing a 4:12 roof pitch. The applicant is requesting a Special Variance to Section 17.90.120(C.1) to provide a 4:12 roof pitch instead of the required 6:12 roof pitch. The special variance request is reviewed in Chapter 17.66 of this document.
34. Section 17.90.120(C.4) requires pitched roofs visible from an abutting public street to provide a secondary roof form. Per the submitted line of sight diagrams (Exhibit D, Pages 9-11), the proposed building is not visible from an abutting street and therefore the secondary roof form requirement does not apply.
35. Section 17.90.120(C.5) requires visible roof materials to be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D of the Development Code. The applicant is proposing to use Weathered Copper, which is an approved roof color in Appendix D.
36. Section 17.90.120(C.6) requires all roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, to be screened from view from all adjacent public rights-of-way and civic spaces by parapets, walls or by other approved means. Per the submitted elevations (Exhibit D, Page 7) and renderings (Exhibit D, Pages 16-17), the applicant is not proposing any roof or wall-mounted equipment.
37. Section 17.90.120(D) contains standards related to building orientation and entrances. The intent of providing adequate building orientation and entrances is to maintain and enhance streetscapes as public spaces, emphasizing pedestrian-scale and character. The proposed structure is oriented with the primary doors facing the ball fields. The floor plan (Exhibit D, Page 6) details a bench directly south of the primary entrance. Both entrances open onto a pedestrian walkway that connects to the existing internal walkway network on the Sandy High School site.
38. Section 17.90.120(D.7) requires buildings to provide at least one (1) elevation where the pedestrian environment is "activated." An elevation is "activated" when it meets the window transparency requirements in Subsection 17.90.120(E) and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. The proposed fieldhouse has a pedestrian entrance on the west façade and a secondary entrance on the south façade. The applicant is requesting a Special Variance to

not meet the window requirements of Section 17.90.120(E), which is reviewed in Chapter 17.66 of this document.

39. Section 17.90.120(E) contains standards for construction and placement of windows. A building less than 10,000 square feet is required to provide 30 percent windows on the activated frontage. The applicant is not proposing any windows on the structure and is requesting a Special Variance to Section 17.90.120(E.2) to not provide windows on the activated frontage, which is reviewed in Chapter 17.66 of this document.
40. Section 17.90.120(F) contains additional landscaping and streetscape design standards for parcels along Highway 26 and all other adjacent rights-of-way. This site is not adjacent to Highway 26 or any other rights-of-way, so staff did not review this code section in respect to the proposal.
41. Section 17.90.120(G) contains requirements related to civic space. The civic space requirement was already reviewed with construction of the Sandy High School. The applicant is proposing a bench to the south of the primary entrance on the west façade.
42. Section 17.90.120(H) contains standards related to lighting. Lighting is reviewed in Chapter 15.30 of this document.
43. Section 17.90.120(I) contains standards related to safety and security and requires window placement that enables visibility between the building interior and exterior pedestrian and parking areas. The applicant is requesting a Special Variance to not provide windows, which is reviewed in Chapter 17.66 of this document.
44. Section 17.90.120(I.3) contains standards related to addressing and requires street address numbers measuring a minimum of six (6) inches high, which clearly locate buildings and their entries for patrons and emergency services. **The applicant shall request and pay for a new address assignment.**
45. Section 17.90.120(J) contains standards related to exterior storage. Per the submitted plan set (Exhibit D), the applicant is not proposing any external storage.

Chapter 17.92 – Landscaping And Screening

46. Chapter 17.92 contains standards for landscaping and screening. As part of File No. 10-004 CUP, the Planning Commission found the overall Sandy High School site shall provide a minimum of 20 percent landscaping. Per the Site & Landscape Plan (Exhibit D, Page 3), the applicant is proposing to remove one existing landscape planter in the parking lot and replace it with a new landscape planter. In addition, the applicant is proposing to expand an existing landscape planter and install a new landscape planter to the north of two new parking spaces. The proposal will not result in a net loss of landscaping.
47. Section 17.92.40 requires all landscaping to be irrigated either with a manual or automatic system. **The applicant shall submit details on the proposed irrigation system as required by Section 17.92.40, and the property owner shall be responsible for**

maintaining landscaping. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.

48. Section 17.92.50 specifies the types and sizes of plant materials for landscaping areas. All proposed trees shall be at least 1.5 inches in caliper and all proposed shrubs shall be a minimum of 1 gallon in size or 2 feet in height. The applicant is proposing four (4) black tupelo trees and one (1) western redbud tree. **The trees shall be planted per the City of Sandy standard planting detail. If the trees are staked, the ties shall be loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year).** The supplemental design review application (Exhibit B) includes the species, size, and quantity of the two proposed trees as well as a proposed shrub (20 Bearberry cotoneasters at 1 gallon size). The Site & Landscape Plan (Exhibit D, Page 3) indicates the applicant will be planting groundcover in the landscape planters, as required; however, neither the plan nor the supplemental design review application specify the type of groundcover. It's possible the applicant is intending to plant the cotoneaster as a groundcover; however, it is unclear how the area between plants will be covered (i.e. with sod, wood chips, mulch, etc.). **The applicant shall update the Planting Palette to include a proposed groundcover plant or shall clarify the material that will be used to cover the area between the shrubs (i.e. sod, wood chips, mulch, etc.).**
49. Section 17.92.60 requires areas disturbed by grading or construction to be replanted. The area around the proposed building will be impacted during construction, especially during the excavation of the building and pathways. **All landscaped areas impacted during construction shall be restored and replanted.**
50. Section 17.92.110 requires that any outdoor storage shall be entirely screened by a sight obscuring fence or vegetative materials. This includes trash and recycling areas. The plan does not indicate any outdoor storage or outdoor equipment areas requiring screening.
51. Section 17.92.130 details performance bond standards as they associate to required landscaping. The applicant has the option to defer the installation of landscaping for weather-related reasons. Staff recommends the applicant utilize this option rather than install trees and landscaping during the dry summer months. **If the applicant chooses to postpone landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of landscaping shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.**

Chapter 17.98 – Parking, Loading, And Access Requirements

52. Section 17.98.20 contains off-street parking requirements. The submitted narrative (Exhibit C) includes an analysis detailing the proposed change in parking spaces. The proposal includes removal of 12 existing parking spaces and addition of 4 new parking spaces. Per Section 17.98.20(A.9), a high school requires 6 parking spaces per classroom plus 1 per employee on the largest shift. Per the narrative, there are 71 classrooms and 124 employees on the largest shift resulting in a minimum parking requirement of 550 (71 x 6 plus 124 x 1). The analysis states there are 757 existing spaces. After subtracting the 12 spaces proposed

for removal and adding the 4 spaces proposed for addition, there will be 749 parking spaces in compliance with the requirements of Section 17.98.20. The proposed development will not affect the number of ADA parking spaces or bike parking spaces. However, it is likely that students may ride bicycles to the fieldhouse. **The applicant shall update the plan set to detail one bicycle rack that accommodates two bicycles near one of the two fieldhouse entrances.**

53. Section 17.98.60 contains specifications for parking lot design and size of parking spaces. Standard parking spaces shall be at least 9 feet by 18 feet and compact spaces shall be at least 8 feet by 16 feet. The applicant proposes two new standard parking spaces to the southeast of the proposed field house that are 9 feet by 18 feet, and two compact parking spaces west of the field house that are 8 feet wide in compliance with the code.
54. Section 17.98.120(D) requires landscape planters with a structural tree and groundcover at each end of every parking bay. The minimum landscape planter size for a single bay is 5 feet by 17 feet and the minimum planter size for a double bay is 5 feet by 34 feet. The parking lot is proposed to contain black tupelo and western redbud trees, but a groundcover is not specified. **The applicant shall update the Planting Palette to include a proposed groundcover plant or shall clarify the material that will be used to cover the area between the shrubs (i.e., sod, wood chips, mulch, etc.).** The Site & Landscape Plan (Exhibit D, Page 3) details a structural tree at the ends of each parking bay with the exception of the newly proposed compact parking spaces to the west of the building. **The applicant shall update the Landscape Plan to detail one structural tree to the north of the proposed compact parking spaces to the west of the building.** The landscape planter on the west side of the middle parking aisle is less than 5 feet by 17 feet. The narrative (Exhibit C) states it is not possible to provide a 5 foot by 17 foot landscape planter in that location due to the turning radius requirements for the parking lot. Instead, the applicant is proposing to plant a smaller western redbud in that area, and an additional structural tree in the eastern half of the planter for a total of three (3) trees in the double bay planter.
55. Section 17.98.130 requires parking areas to be paved. **Parking areas shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.**

Chapter 17.102 – Urban Forestry

56. Chapter 17.102 contains urban forestry requirements. The subject property is 68.54 acres and is therefore subject to the provisions of Chapter 17.102. The applicant is not proposing any tree removal with this application. **If the proposed excavation is anticipated to impact existing trees on the subject property or on adjacent properties, the applicant shall consult with an ISA Certified Arborist and follow their recommendations to minimize negative impact to the trees. Any future tree removal shall require additional permit approvals and if a permit is not obtained prior to removal of a tree, this violation may be subject to a fine per occurrence as specified in Section 17.06.80.**

Chapter 15.30 – Dark Sky Ordinance

57. Chapter 15.30 contains the City of Sandy’s Dark Sky Ordinance. The applicant submitted exterior lighting levels (Exhibit D, Page 8) that detail the locations of two proposed exterior

lights and foot candle readings 10 feet beyond the property line. The foot candle readings 10 feet beyond the property line do not exceed 0.25 foot-candles in compliance with Chapter 15.30. The applicant also submitted specifications on the proposed Tolbod 155 wall lights (Exhibit D, Page 12). **All exterior lighting shall be in compliance with Chapter 15.30, shall be full cut-off, and shall not exceed 4,125 Kelvins.**

Chapter 15.44 – Erosion Control Regulations

58. **All erosion control and grading shall comply with Section 15.44 of the Municipal Code. All on-site earthwork activities including any retaining wall construction shall follow the requirements of the most current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.**
59. **Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. All erosion control and grading shall comply with Section 15.44 of the Municipal Code.**

RECOMMENDATION

Staff recommends the Planning Commission approve the application to construct a fieldhouse on the subject property with conditions of approval. With respect to the requested Special Variances, staff recommends the following:

- **FOR ALL THREE SPECIAL VARIANCE REQUESTS:** To meet Special Variance criteria A, the Planning Commission would need to make a determination that the intent and purpose of the regulations and of the provisions to be waived will not be violated and that granting the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.
- **PERCENT METAL:** Staff recommends the Planning Commission consider the submitted public testimony and the intent of Section 17.90.120(B) in formulating their decision. Staff recommends Planning Commission consider allowing 100 percent metal on the less visible facades (north and east) but not allowing 100 percent metal on the west and south elevations.
- **ROOF PITCH:** Staff recommends the Planning Commission consider the submitted public testimony and the intent of Section 17.90.120(C) in formulating their decision.
- **PERCENT WINDOWS:** Staff recommends the Planning Commission consider the submitted public testimony and the intent of Sections 17.90.120(E) and 17.90.120(I) in formulating their decision. Staff recommends that the Planning Commission consider requiring windows on the west elevation.

DRAFT CONDITIONS OF APPROVAL

A. Prior to any onsite grading or earthwork the applicant shall complete the following:

1. Request and pay for a new address assignment.
2. Submit and obtain a grading and erosion control permit and request and obtain an approved inspection of installed devices prior to any onsite grading. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction. All erosion control and grading shall comply with Section 15.44 of the Municipal Code.

B. Prior to construction or issuance of a building permit, the applicant shall complete the following and receive necessary approvals as described below.

1. Submit all pertinent permit applications along with all required submittal documents for review and approval. Contact building@cityofsandy.com for submittal requirements.
 - a. A utility plan detailing all proposed utility extensions.
 - b. Update the Planting Palette to include a proposed groundcover plant or clarify the material that will be used to cover the area between the shrubs (i.e. sod, wood chips, mulch, etc.).
 - c. Update the Landscape Plan to detail one structural tree to the north of the proposed compact parking spaces to the west of the building.
 - d. Update the materials sheet to detail a wall color in compliance with the City's Color Palette in Chapter 17.90, Appendix C. The proposed wall color shall match or complement the other buildings on the Sandy High School site.
 - e. Update the plan set to detail one bicycle rack that accommodates two bicycles near one of the two fieldhouse entrances.
 - f. Update the south and west elevations to detail gabled roof forms over the two building entrances; the gabled roofs shall be designed in compliance with Section 17.90.120(C) and shall extend at least 5 feet over the pedestrian area.
 - g. Submit details on the proposed irrigation system.

C. Prior to occupancy (temporary or final) of the building, the applicant shall obtain final approval on all permits and the following or provide financial assurance for their completion:

1. All public and franchise utility improvements including parking lot curbing, storm drainage, landscaping, irrigation and lighting shall be installed in compliance with City standards or financially guaranteed in accordance with the provisions of Chapter 17.84. All franchise utilities shall be installed underground with the exception of those listed in Section 17.84.80 (E).
2. Complete all site improvements including, but not limited to, the following:
 - Installation of new concrete walkways.
 - Installation of the proposed structure.
 - Installation of new landscaping and curbs to protect landscaping.
 - Restoration of landscaping impacted during construction.
 - Installation of lighting that meets the Dark Sky Ordinance.

D. General Conditions of Approval

1. Design review approval shall be void after two (2) years from the date of the Final Order, unless the applicant has submitted plans for building permit approval as specified in Section 17.90.70. Approval of a variance shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place.
2. All exposed soils shall be seeded or covered with other erosion control device(s) and shall be in compliance with Section 15.44.
3. All utilities shall be installed underground, with the exception of those listed in Section 17.84.80(E). All utilities shall be installed to City standards.
4. As required by Section 17.92.140, the property owner shall be responsible for maintaining landscaping. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary water, weeding, pruning, and replacing.
5. The trees shall be planted per the City of Sandy standard planting detail. If the trees are staked, the ties shall be loose twine so as not to damage the trunk; the twine shall be removed after one growing season (or a maximum of 1 year).
6. If the proposed excavation is anticipated to impact existing trees on the subject property or on adjacent properties, the applicant shall consult with an ISA Certified Arborist and follow their recommendations to minimize negative impact to the trees. Any future tree removal shall require additional permit approvals and if a permit is not obtained prior to removal of a tree, this violation may be subject to a fine per occurrence as specified in Section 17.06.80.
7. If the applicant chooses to postpone landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the landscaping, assuring installation within 6 months. The cost of landscaping shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.

8. Parking areas shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.
9. All exterior lighting shall be in compliance with Chapter 15.30, shall be full cut-off, and shall not exceed 4,125 Kelvins.
10. All on-site earthwork activities including any retaining wall construction shall follow the requirements of the most current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. The earthwork activities shall be observed and documented under the supervision of a geotechnical engineer.
11. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties without a proper collection system.
12. Successors-in-interest of the applicant shall comply with site development requirements prior to issuance of building permits.
13. Land use approval does not connote approval of public improvement plans submitted with the land use application. Plan details shall be reviewed during the construction plan submittal phase.
14. Approval of this use may be revoked if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site. Any use of the site may be prohibited until such time as all required improvements are completed.
15. Any conditions or regulations required by Clackamas County, Fire District No. 72, or state or federal agencies are hereby made a part of this permit and any violation of these conditions and/or regulations or conditions of this approval will result in the review of this permit and/or revocation.



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
 39250 Pioneer Blvd.
 Sandy OR 97055
 503-668-4886

Name of Project _____

Location or Address _____

Map & Tax Lot Number T_____, R_____, Section_____; Tax Lot(s)_____

Plan Designation _____ Zoning Designation _____ Acres _____

Request:

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant	Owner
Address	Address
City/State/Zip	City/State/Zip
Phone	Phone
Email	Email
Signature	Signature

If signed by Agent, owner's written authorization must be attached.

File No.	Date	Rec. No.	Fee \$
Type of Review (circle one): Type I Type II Type III Type IV			



**SUPPLEMENTAL APPLICATION
DESIGN REVIEW / CONDITIONAL USE PERMIT**

(Please print or type the information below)

**Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886**

Name of Project _____

Location or Address _____

Type of Business _____

Products Manufactured _____

Hours of Operation _____

No. of Employees per Shift _____

Total Site Size _____ Total Bldg. Square Footage _____

Project Summary

USES WITHIN BUILDING (SQUARE FOOTAGE)

Offices: _____ Shop: _____ Storage: _____

Kitchen: _____ Laundry: _____ Rest Rooms: _____

Other: _____

OCCUPANCY & CONSTRUCTION TYPE

(List all occupancies by square footage)

UBC Occupancy Rating: _____

UBC Type of Construction: _____

Will fire sprinklers be installed in the building? [] Yes [] No

SITE ANALYSIS DATA		
Type	Lot Coverage (Square Feet)	Lot Coverage (Percent of Site)
Buildings		
Parking Lots and Driveways		
Private Walks & Pedestrian Ways		
Landscaping – Improved Area		
Landscaping – Natural areas		
Storm Water Detention, Retention & Bioswale Areas		
Other (describe)		
Other (describe)		

CONSTRUCTION MATERIAL DETAILS

Color & Type of Siding Materials:

Color & Type of Trim Materials:

Color & Type of Roof Materials:

Color & Type of Exterior Doors:

Color & Type of Exterior Stairs, Balconies & Railings:

Trash & Recycling Enclosure (describe type, colors, height):

Type of Lighting Fixtures (describe):

Pole: _____

Wall-Mounted: _____

Fencing (height and type):

Mailboxes (location and type):

Private Pedestrian Walkways (type of surfacing):

Recreational Amenities (describe type and location):

Other Site Elements (describe):

ZONING SUMMARY
20-007 SANDY HIGH SCHOOL FIELD HOUSE

APPLICABLE CODES: CITY OF SANDY TITLE 17 DEVELOPMENT CODE
SITE ADDRESS: 34700 BELL STREET, SANDY, OR 97055
TAX LOT NUMBER: 2S 4E S11, TAX LOT 4500
BASE ZONE: SFR (SINGLE FAMILY RESIDENTIAL)
PLAN DISTRICT: N/A
SITE AREA: 11,307 SF (Includes parking lot improvements)
PROPOSED BUILDING AREA: 3,500 SF

BASE ZONE REGULATIONS

MAX HEIGHT: 35 ft
PROPOSED HEIGHT: 22'-8"

PROPOSED USES: SCHOOL

SETBACK REQUIREMENTS

FRONT 10'
BACK: 20'
SIDE: 7.5'
CORNER: 10'

17.90.120 GENERAL COMMERCIAL AND INDUSTRIAL (C-2 and I-1) AND NONRESIDENTIAL USES IN RESIDENTIAL ZONES DESIGN STANDARDS

- A. Site Layout and Access.
 - 5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas
 - 7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).
 - 11. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.

Response: The campus has an existing internal walkway system that connects to the public street. The proposed building will be connected to the campus internal walkway system by a painted pedestrian crosswalk.

- B. Building Facades, Materials, and Colors
 - 1. Articulation
 - a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes of no more than 40 lineal feet long

Response: The building will not be visible from abutting streets. See line-of-sight diagrams. This criterion does not apply.

- 2. Pedestrian Shelters
 - a. Pedestrian shelters shall be provided over the building's primary entrance(s) and all pedestrian areas (i.e., sidewalks, and civic spaces) abutting the subject building, where pedestrians are likely to use these facilities.

- b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required to protect pedestrians from the rain and sun.
- c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.
- d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.120(C). Dome or bubble shaped awnings are not permitted

Response: Pedestrian shelters 5'-0" deep will be provided over the two entrances. The shelters will utilize single sloped roofs in lieu of gables, due to the very simple shape of the proposed building.

3. Building Materials.

- a. Buildings on the same site shall be architecturally unified. Architectural unity means buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations
- b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from an abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.
- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. Stucco, synthetic stucco, or metal are only permitted as specified below. Vinyl, plastic or similar siding is not permitted.
 - 4) Where metal siding is used it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements

Response: The building will utilize metal siding on all of the exterior walls. A variance request has been included in this application. The building is not visible from the abutting streets and therefore the strong base requirement does not apply. See line-of-site diagrams.

Update: The intention is for the proposed building to be a background building since it is accessory in its use, and not to compete with the significance of the primary high school structure's architecture. The building will incorporate a gable roof similar to the nearby toilet room structure. The roof will be standing seam metal like the other structures on campus. The building will utilize metal siding on all of the exterior walls. A variance request for the metal siding has been included in this application. The color of the metal is tied to the dark colored masonry, storefront and awnings on the primary high school structure. The building is not visible from the abutting streets and therefore the strong base requirement does not apply. See line-of-site diagrams.

4. Colors.

- a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to Color Palette in Appendix C.
- b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent (1%) of the surface area of any elevation. Such color shall not be used as primary wall colors.
- c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

Response: The colors will conform to the Color Palette.

C. Roof Pitch

1. Pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following: 6:1
4. Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.
5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.

Response: The roof is proposed to have a 4:1 pitch. A variance request is included in this application. The is not visible from an abutting street and therefore the secondary roof form requirement does not apply. See line-of-sight diagrams. The roof material will be metal standing seam similar to other buildings on campus and will conform to the Color Palette.

D. Building Orientation and Entrances

7. Buildings shall provide at least one (1) elevation where the pedestrian environment is "activated". An elevation is "activated" when it meets the window transparency requirements in subsection 17.90.120(E), below, and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space.

Response. The building has two public entrances with pedestrian shelters that extend 5' over the adjacent sidewalk. No windows are proposed for the building due to its use for indoor baseball practice activities. Glazing and windows are not appropriate for this use. The building is not visible from the public streets. A garage door is provided for additional activation on the South elevation. See Item E below.

E. Windows

2. Ground Floor Windows. The ground floor elevation of all new buildings shall contain display areas, windows and doorways along street frontages and where the building abuts a civic space as follows: Lots with multiple street frontages are required to meet this standard on only two frontages. Building Size Percentage: Windows Required 0 -10,000 sq. ft./40 percent of ground floor elevation

Response. The building does not abut a civic space. This criterion does not apply.

G. Civic Space

Response. Per the pre-application meeting, the civic requirements will not be evaluated since the high school campus already contains civic space.

17.92.10 LANDSCAPING GENERAL PROVISIONS

17.102 URBAN FORESTRY

Response. No trees will be removed. These criteria do not apply.

17.92.30 REQUIRED TREE PLANTINGS

Response. Per the pre-application meeting, (1) structural tree and groundcover are required in the landscape planters at the end of each parking bay. The trees and groundcover are provided.

Update: Per Incompleteness Letter and reviewer correspondence, the center landscape bay does not provide the required 5' x 17' rectangle on the north side. It is not possible to provide the

rectangle due to turning radius requirements for the parking lot. The required landscaped area is 170 SF. The total area of the landscape planter is 301 SF. An additional tree has been added for a total of (3) structural trees in this planter. The intention of the code has been met.

Per Incompleteness Letter, an additional landscape area 5' x 17' with a structural tree and landscaping has been added at the north end of the eastern parking spaces.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. Off-street Parking

8. High School: 6 spaces per classroom plus 1 space per employee on the largest shift.

Response. As outlined below, 550 parking spaces are required. There are 757 existing parking spaces. A net loss of 8 spaces will occur with this proposal. 749 spaces will remain.

15.30 DARK SKIES ORDINANCE

Light trespass shall not exceed 0.25 foot-candles 10' beyond the property line. Exterior lights shall be full cut-off and not exceed 4,125 Kelvins.

Response. The proposed light fixtures are full cut-off and do not exceed 4,125 Kelvins. The light level 10' beyond the property line will not exceed 0.25 foot-candles.

Update: Per Incompleteness Letter, the Lighting Diagram has been updated to reflect the lighting level 10' beyond the north property line.

PARKING & LOADING REGULATIONS

VEHICLE PARKING MIN SPACES REQUIRED:

6 PER CLASSROOM
1 PER EMPLOYEE ON LARGEST SHIFT
71 CLASSROOMS X 6 = 426
124 EMPLOYEES X 1 = 124
550 SPACES REQUIRED

VEHICLE PARKING SPACES PROVIDED:

EXISTING SPACES = 757
PROPOSED SPACES TO BE REMOVED = 12
PROPOSED NEW SPACES = 4
TOTAL SPACES = 749

ACCESSIBLE SPACES:

NO CHANGE TO EXISTING

BIKE PARKING:

NO CHANGE TO EXISTING

VARIANCE REQUESTS

1. 17.90.120 B. BUILDING MATERIALS

- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. Stucco, synthetic stucco, or metal are only permitted as specified below. Vinyl, plastic or similar siding is not permitted.
 - 4) Where metal siding is used it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements

Request: The proposed building is a pre-engineered metal building with metal siding on 100% of the surface area of the building elevations in lieu of 30%. The use of a pre-engineered metal building is cost-effective and therefore makes the project economically viable for the school. The building is located on a portion of the campus that is not visible from the nearby streets and as a result, the use of metal siding on 100% of the building elevations will not have a detrimental effect on the surrounding neighborhood or the visual experience of passersby on the streets.

The proposed metal siding is of high quality and will conform to the Color Palette.

2. 17.90.120 C. ROOF PITCH

1. Pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following: 6:1.

Request: The proposed building is a pre-engineered metal building with a 4:12 standing seam metal roof. The reduced pitch is significantly more cost-effective and therefore makes the project economically viable for the school. The building is located on a portion of the campus that is not visible from the nearby streets and as a result, the reduction in roof pitch will not have a detrimental effect on the surrounding neighborhood or the visual experience of passersby on the streets.

The proposed standing seam metal roofing material is of high quality and will conform to the Color Palette.

SANDY HIGH SCHOOL FIELD HOUSE
DESIGN REVIEW APPLICATION

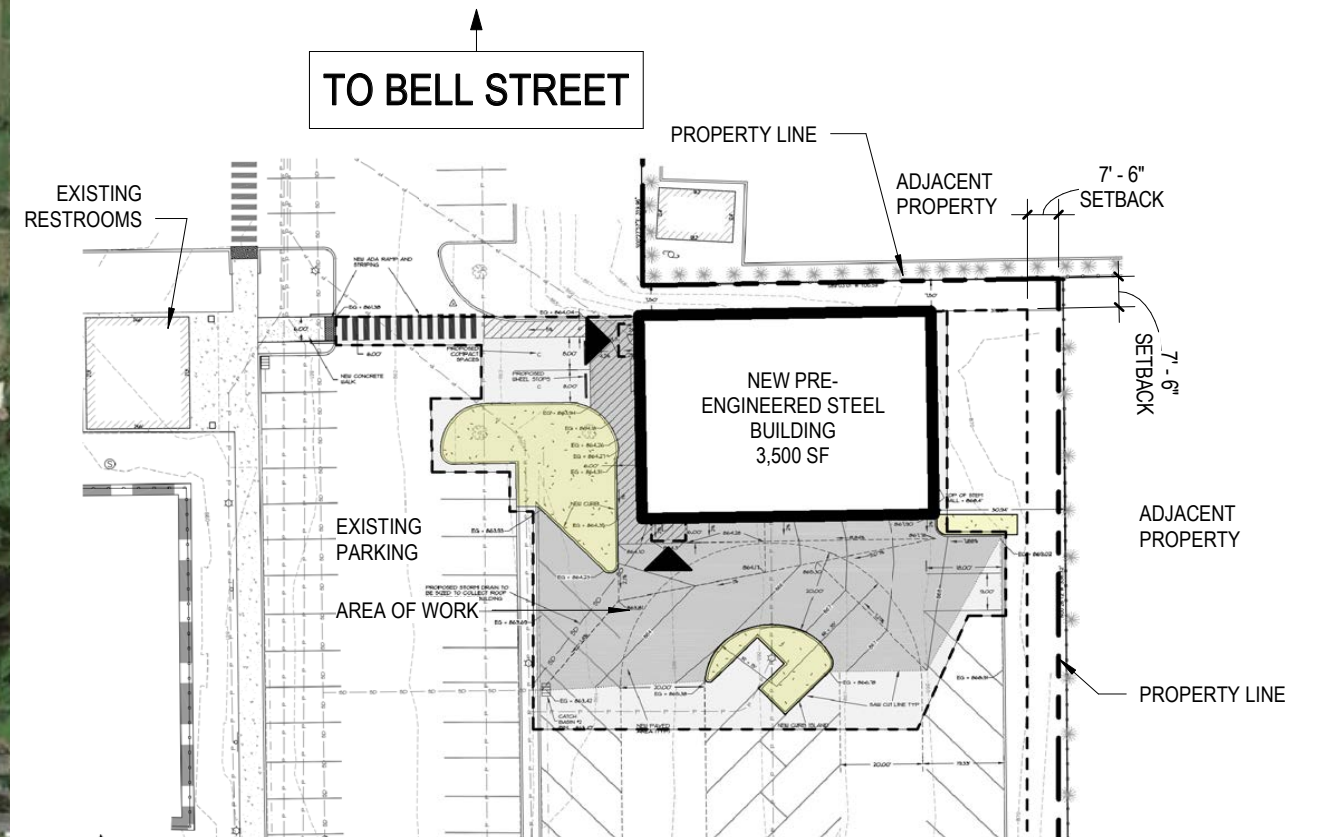


SHS FIELD HOUSE **OCTOBER 6, 2020**
JONES ARCHITECTURE

SITE ANALYSIS



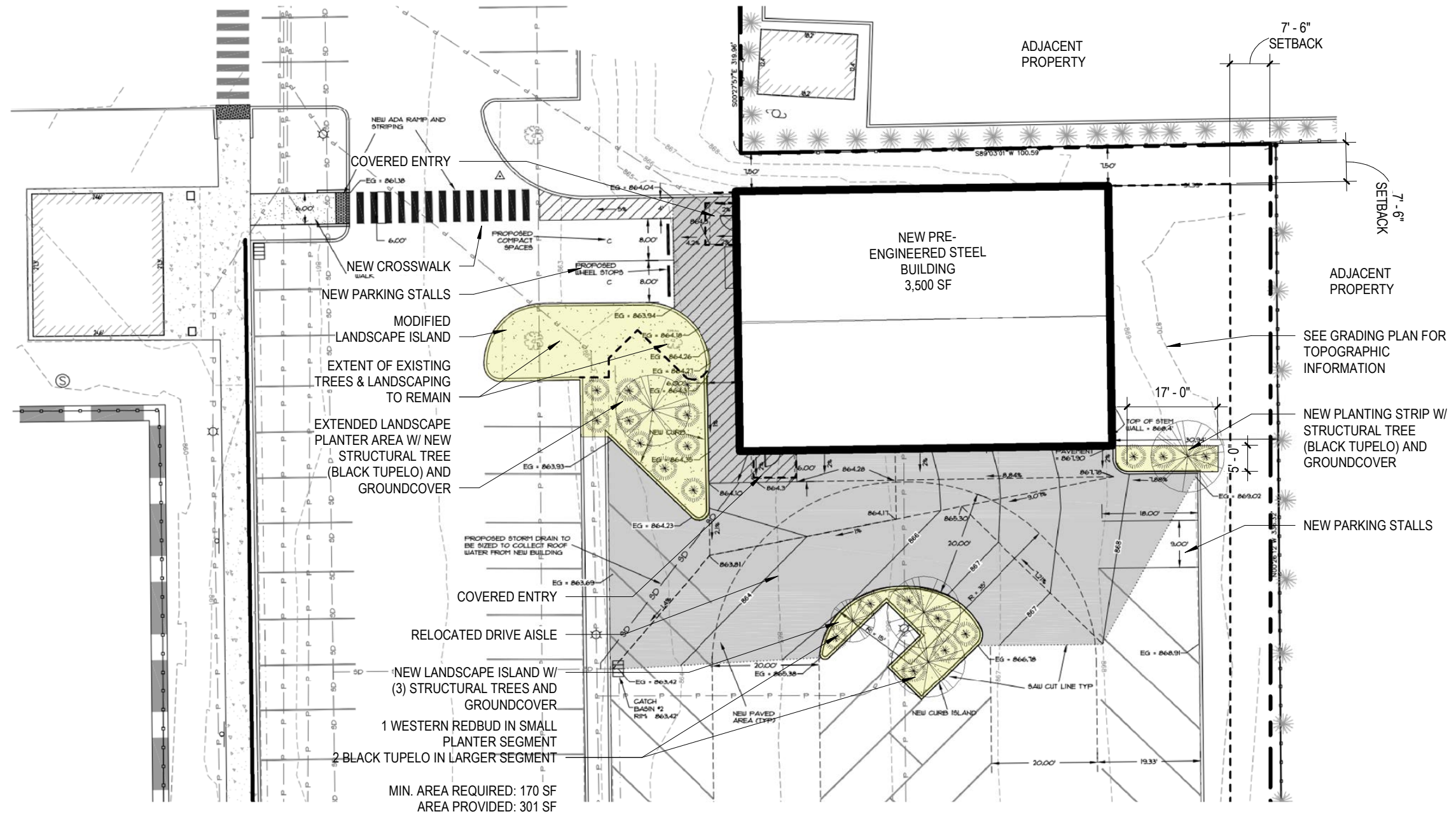
OVERALL CAMPUS PLAN AND VICINITY
NTS



PROJECT SITE
1" = 40'



SITE & LANDSCAPE PLAN

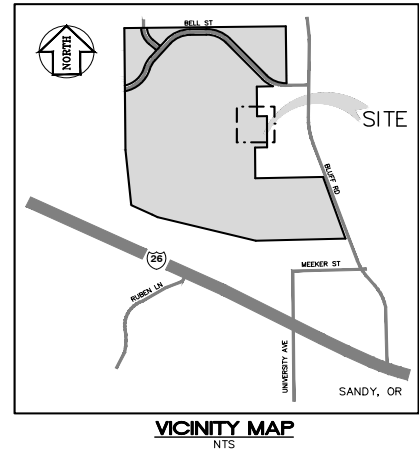
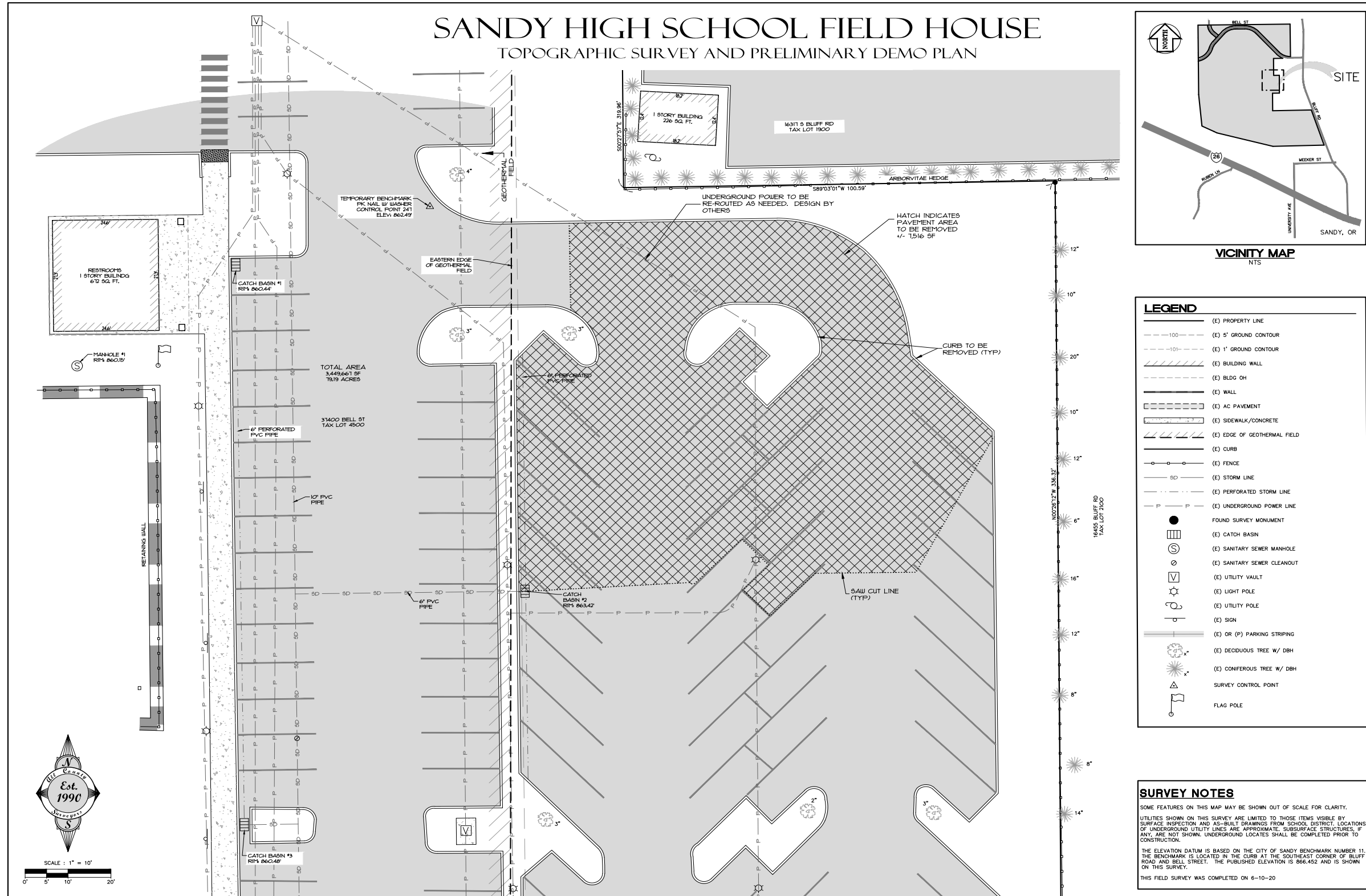


SITE PLAN
1" = 20'



TOPO AND SITE DEMO PLAN

SANDY HIGH SCHOOL FIELD HOUSE TOPOGRAPHIC SURVEY AND PRELIMINARY DEMO PLAN



LEGEND	
(E) PROPERTY LINE	(E) 5' GROUND CONTOUR
(E) 10' GROUND CONTOUR	(E) 1' GROUND CONTOUR
(E) BUILDING WALL	(E) BLDG OH
(E) WALL	(E) AC PAVEMENT
(E) SIDEWALK/CONCRETE	(E) EDGE OF GEOTHERMAL FIELD
(E) CURB	(E) FENCE
(E) STORM LINE	(E) PERFORATED STORM LINE
(E) UNDERGROUND POWER LINE	FOUND SURVEY MONUMENT
(E) CATCH BASIN	(E) SANITARY SEWER MANHOLE
(E) SANITARY SEWER CLEANOUT	(E) UTILITY VAULT
(E) LIGHT POLE	(E) UTILITY POLE
(E) SIGN	(E) OR (P) PARKING STRIPING
(E) DECIDUOUS TREE W/ DBH	(E) CONIFEROUS TREE W/ DBH
SURVEY CONTROL POINT	FLAG POLE

SURVEY NOTES

SOME FEATURES ON THIS MAP MAY BE SHOWN OUT OF SCALE FOR CLARITY.

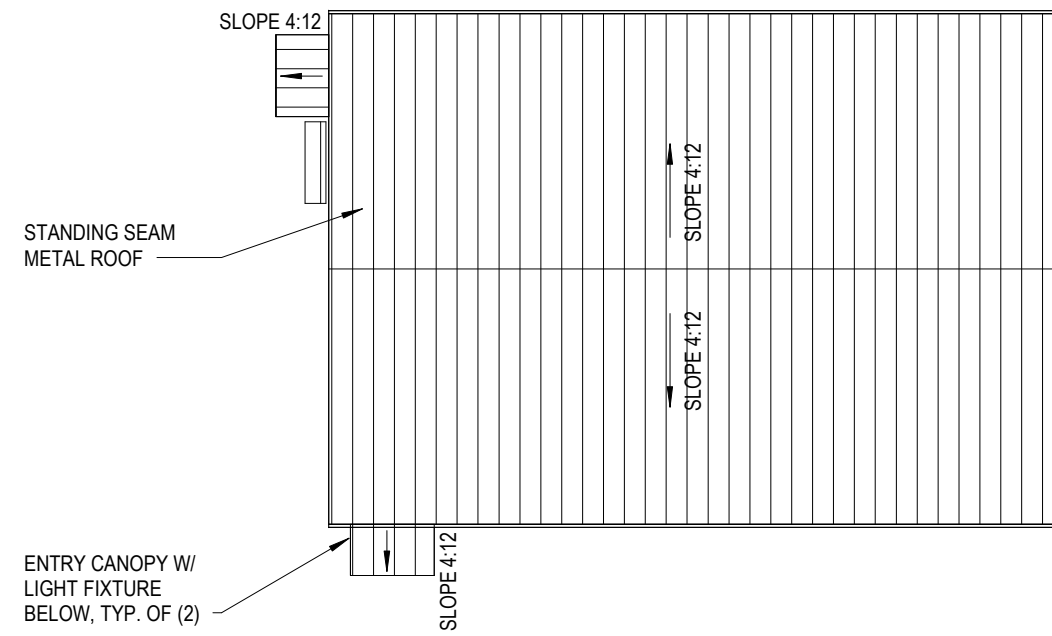
UTILITIES SHOWN ON THIS SURVEY ARE LIMITED TO THOSE ITEMS VISIBLE BY SURFACE INSPECTION AND AS-BUILT DRAWINGS FROM SCHOOL DISTRICT. LOCATIONS OF UNDERGROUND UTILITY LINES ARE APPROXIMATE. SUBSURFACE STRUCTURES, IF ANY, ARE NOT SHOWN. UNDERGROUND LOCATES SHALL BE COMPLETED PRIOR TO CONSTRUCTION.

THE ELEVATION DATUM IS BASED ON THE CITY OF SANDY BENCHMARK NUMBER 11. THE BENCHMARK IS LOCATED IN THE CURB AT THE SOUTHEAST CORNER OF BLUFF ROAD AND BELL STREET. THE PUBLISHED ELEVATION IS 866.452 AND IS SHOWN ON THIS SURVEY.

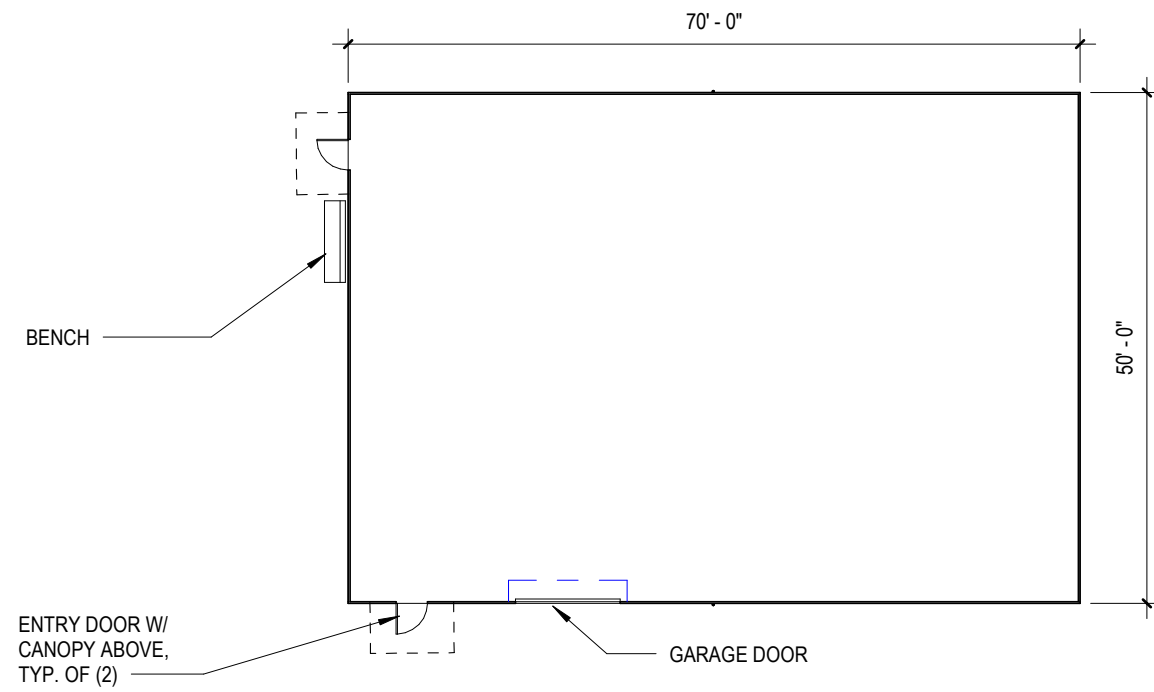
THIS FIELD SURVEY WAS COMPLETED ON 6-10-20

DATE	NO.	REVISION	BY	SHEET
				01
				2
DESIGNED: RLM	DRAWN: JTD	CHECKED: DLH	APPROVED: RLM	
REGISTERED PROFESSIONAL LAND SURVEYOR	DATE: 10-4-20	FILE: 20-098 - PLANNING.DWG	SCALE: 1"=10'	
RAV L. MOORE				
SECTION: 11	RANGE: 25	LEGAL: 4E		
PROJECT: SANDY HIGH SCHOOL FIELD HOUSE TOPOGRAPHIC SURVEY AND PRELIMINARY DEMO PLAN				LOCATION: BELL STREET, SANDY, OREGON
CLIENT: SANDY PIONEER CLASSICAL BRIDGE BALLIE 304 NE HOOD AVE GRESHAM OR 97030 PHONE: 503-380-0309				

FLOOR & ROOF PLANS



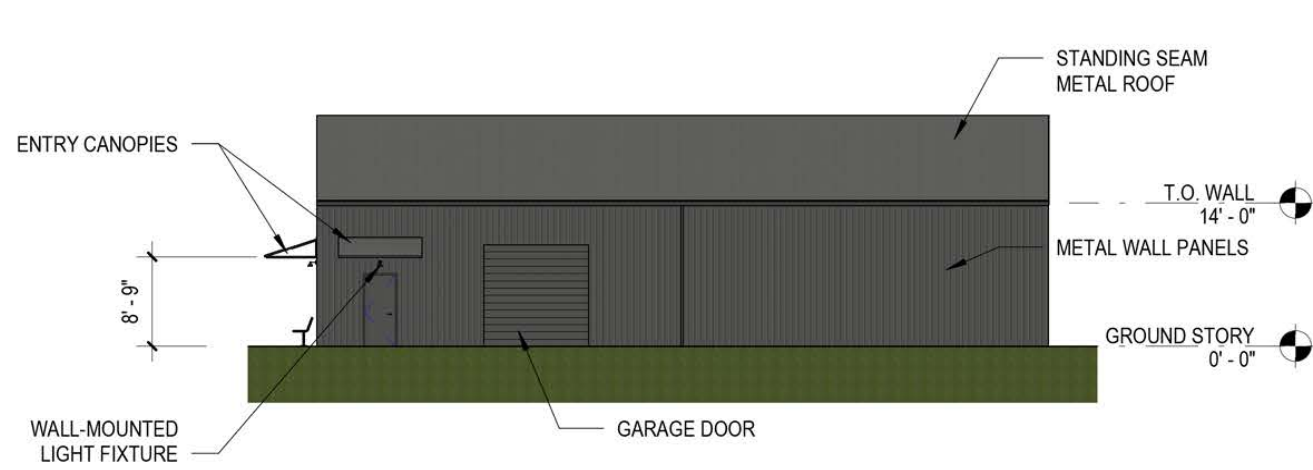
ROOF PLAN
1/16" = 1'-0"



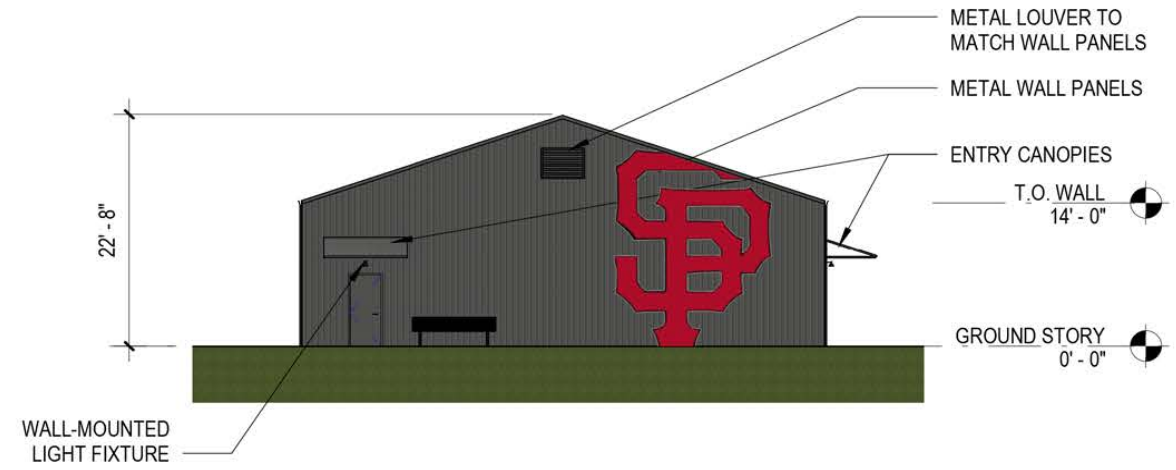
FLOOR PLAN
1/16" = 1'-0"



ELEVATIONS



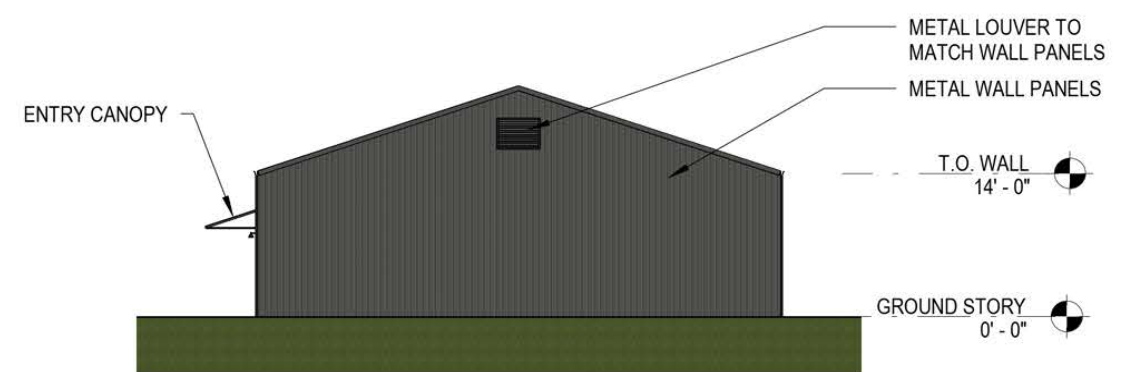
SOUTH ELEVATION
1/16" = 1'-0"



WEST ELEVATION
1/16" = 1'-0"

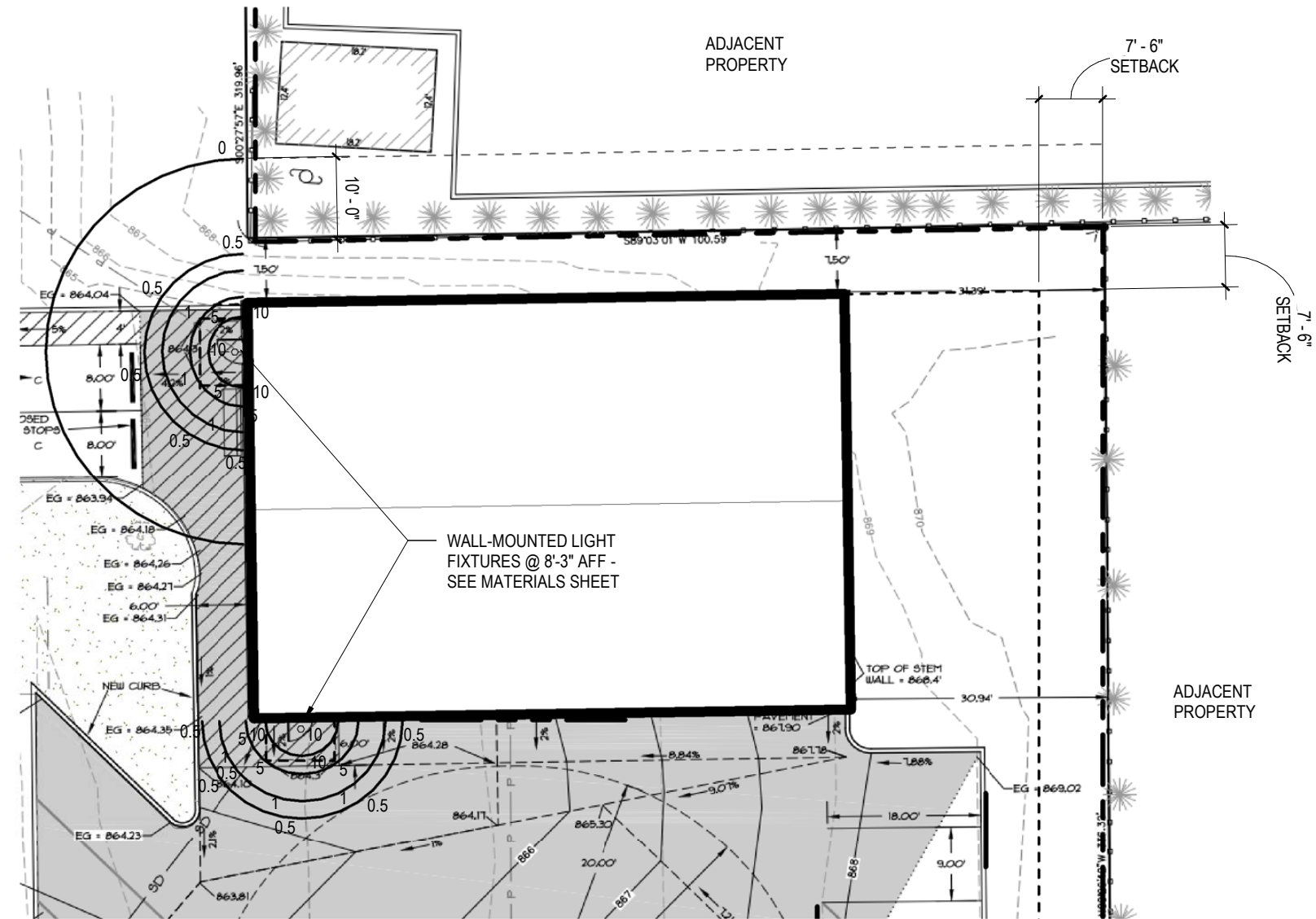


NORTH ELEVATION
1/16" = 1'-0"



EAST ELEVATION
1/16" = 1'-0"

EXTERIOR LIGHTING LEVELS

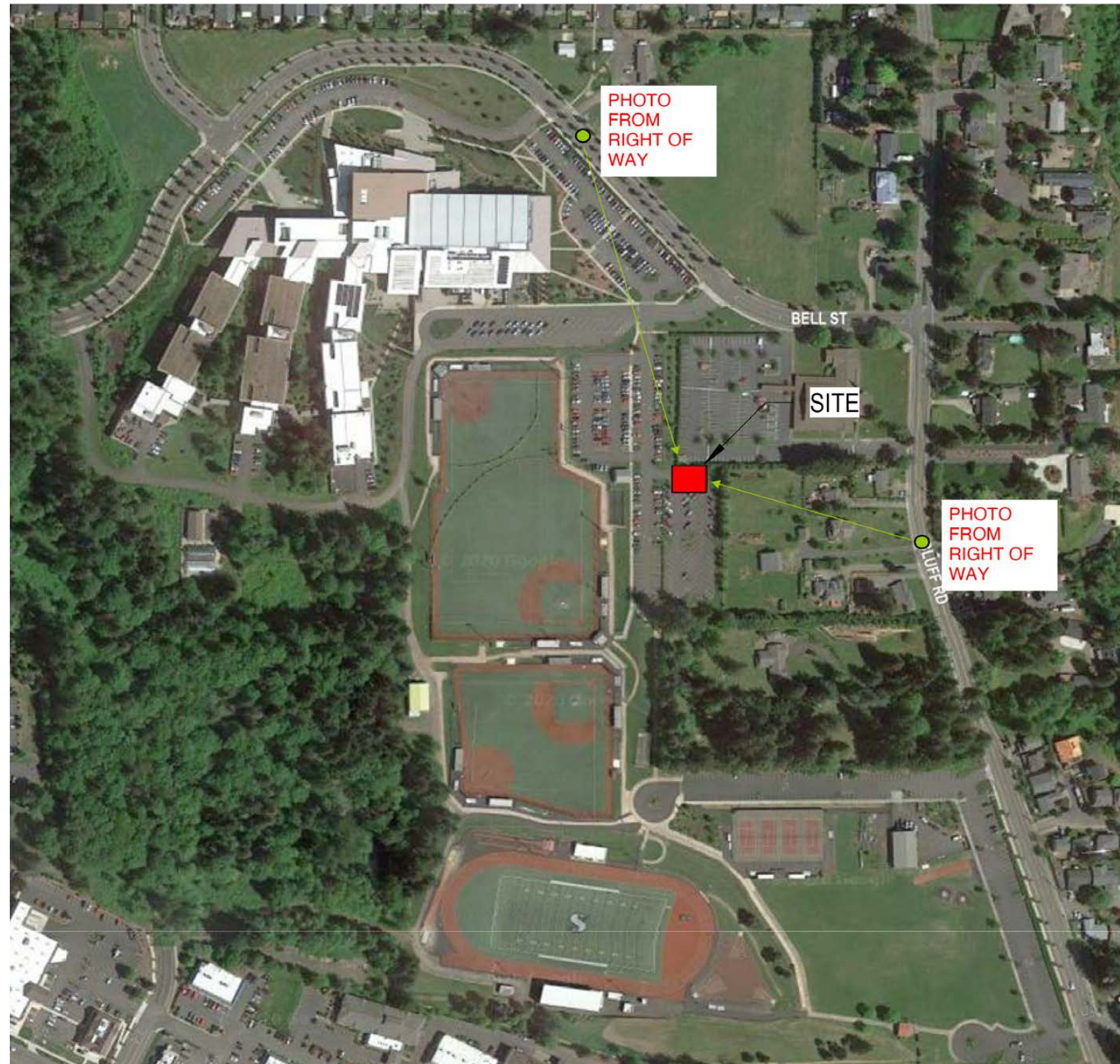


LIGHTING LEVEL PLAN
1/16" = 1'-0"



LINE-OF-SITE DIAGRAMS

KEY PLAN OF VIEW POINTS



LINE-OF-SIGHT DIAGRAM

FROM BLUFF ROAD



Image capture: Jul 2019 © 2020 Google United States Terms Report a problem

SHS FIELD HOUSE OCTOBER 6, 2020
JONES ARCHITECTURE

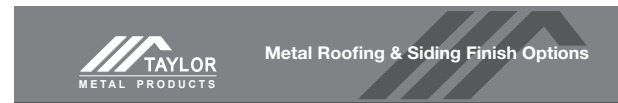
LINE-OF-SIGHT DIAGRAM

FROM BELL STREET



SHS FIELD HOUSE OCTOBER 6, 2020
JONES ARCHITECTURE

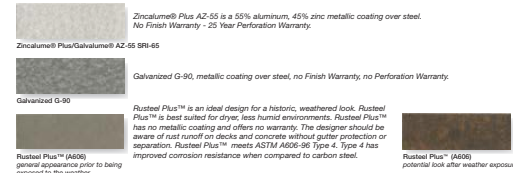
MATERIALS & COLORS



Standard ARMORTECH™ Coatings 40-Year Limited Warranty



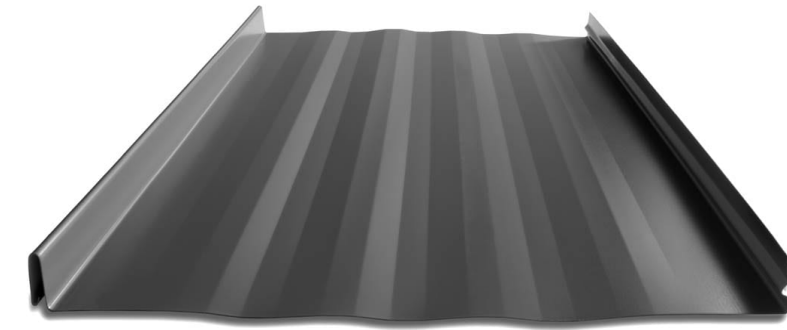
Weathering Material No Finish Warranty (These materials will change appearance)



In partnership with:



METAL WALL PANEL



METAL ROOF PANEL



ENTRY CANOPY



WALL-MOUNTED LIGHT FIXTURE

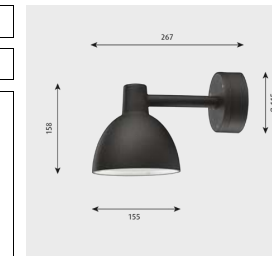
Toldbod 155 Wall

The light is directed 100% downwards, and the shade has a matt white painted inside which emits a soft, diffused, comfortable light. The fixture fulfills full cut-off criteria.

Project name:

Project type:

Notes:



Finish

Aluminum coloured with textured surface or black with textured surface, powder coated.

Mounting

Terminal block: 1x2x2.5mm². Cable entries: 2x bottom + 3x rear entries for Ø 10-14.5mm cable. Looping: Approved, max. 3x 1.5mm².

Class

Ingress protection IP44. Electric shock protection 1 w. ground, 005.

Light source & energy class

A+ - E | 1x40W E14

Materials

Fixture head: Chilled casting aluminum. Shade: Laser cut acrylic satin. Wall box: Die cast aluminum. Arm: Chilled casting aluminum.

Sizes and weights

Width x Height x Length (mm) | 155 x 158 x 267 Max 1.4 kg

Specification notes

The innovation of light sources is ongoing. Consequently we only inform about the max. wattages. On www.louispuulsen.com we update a list of recommendable light sources.

louispuulsen

louispuulsen.com

Design to Shape Light

SHS FIELD HOUSE **OCTOBER 6, 2020**

JONES ARCHITECTURE

SITE PHOTOS
SHS CAMPUS



SHS FIELD HOUSE **OCTOBER 6, 2020**
JONES ARCHITECTURE

CONTEXT PHOTOS

SHS CAMPUS



SHS FIELD HOUSE OCTOBER 6, 2020
JONES ARCHITECTURE

RENDERING
VIEW 1



SHS FIELD HOUSE **OCTOBER 6, 2020**
JONES ARCHITECTURE

RENDERING
VIEW 2



SHS FIELD HOUSE **OCTOBER 6, 2020**
JONES ARCHITECTURE

1/4/2021

City of Sandy Mail - file #20-040-DR/VAR

EXHIBIT E



Emily Meharg <emeharg@ci.sandy.or.us>

file #20-040-DR/VAR

Susie Jenkins <rain4jenkins@gmail.com>

Sat, Jan 2, 2021 at 10:43 AM

To: emeharg@ci.sandy.or.us, planning@ci.sandy.or.us

Dear Emily, Kelly, Staff and Planning Commissioners,

I know that the City of Sandy website is in the process of being updated. I imagine that is why I was not able to find information on this development. My question is why does Jones Architecture feel it necessary to NOT meet the building codes for this project?

I would think that the Oregon Trail School District would wish to maintain higher standards to match the excellence of the existing high school.

At all times and especially when sports season is upon us, the area of the proposed development will be in the public view for our local citizenry, students, and for visitors who come to support their sports players from outside areas. Why not invest in a building that will meet the codes and continue the sense of pride in our community. Warehouse style buildings are most appropriate in out of the way areas, not in areas of public enjoyment.

Thank you for your time and consideration,

Susie Jenkins
[37708 Coralburst Street](#)
Sandy, OR 97055



Staff Report

Meeting Date: January 25, 2021

From Emily Meharg, Senior Planner

SUBJECT: 20-032 DCA HB 2001 Code Amendments

BACKGROUND:

File No. 20-032 DCA amends Chapters 17.30, 17.34, 17.60, 17.74, 17.82, 17.98, and 17.100 of the Development Code, which contain the procedures for zoning districts, single-family residential (SFR), flood and slope hazard (FSH) overlay district, accessory development, transit streets, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with House Bill (HB) 2001. HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

Chapter 17.30 Zoning Districts

- Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- Added “duplex” as a primary use permitted outright.
- Removed “duplex” as a minor conditional use.
- Amended references to “single detached dwelling” for minimum lot area and minimum average lot width to read “single detached dwelling or duplex.”
- Clarified requirement related to sanitary sewer connection.

Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District

- Added “or duplex” after all references to single-family dwellings.

Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- Updated off-street parking standard to be “no minimum.”
- Deleted text related to occupancy limitations.
- Increased maximum square footage of an ADU to 800 square feet.
- Revised design standards and additional requirements to be clear and objective.

Chapter 17.82 Special Setbacks on Transit Streets

- Exempted single-family residences, duplexes, or single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

Chapter 17.98 Parking, Loading, and Access Requirements

- Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling, and exempted ADUs, multi-family, and conversion of a single-family residence to a duplex from the on-street parking standard.

Chapter 17.100 Land Divisions

- Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

It has recently come to staff's attention that the definition of "accessory dwelling unit" in Chapter 17.10 may limit ADUs to lots with single-family residences. The current definition of an ADU is: "A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling." HB 2001 requires medium sized cities like Sandy to allow a duplex wherever single-family residences are allowed; however, it does not require a City to allow both a duplex and an ADU. If the Commission wants to allow both a duplex and an ADU on the same lot, the definition of an ADU will likely need to be updated to include reference to a duplex (and potentially even multi-family residential, if so desired). Either way, the definition should be clarified.

RECOMMENDATION:

The Commission's role in this process will be to review the proposed code amendments and forward a recommendation to the City Council.

LIST OF ATTACHMENTS/EXHIBITS:

ATTACHMENTS:

Chapter 17.30 Code Modifications
Chapter 17.34 Code Modifications
Chapter 17.60 Code Modifications
Chapter 17.74 Code Modifications
Chapter 17.82 Code Modifications

Chapter 17.98 Code Modifications
Chapter 17.100 Code Modifications
DLCD Documents

CHAPTER 17.30 - ZONING DISTRICTS**17.30.00 ZONING DISTRICT DESIGNATIONS**

For the purposes of this title, the city is divided into districts designated as follows:

DISTRICT	SYMBOL
Parks and Open Space	POS
Residential	
Single Family Residential	SFR
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Commercial	
Central Business District	C-1
General Commercial	C-2
Village Commercial	C-3
Industrial	
Industrial Park	I-1
Light Industrial	I-2
General Industrial	I-3
Overlay Districts	
Planned Development	PD
Cultural & Historic Resource	CHR
Flood Slope Hazard	FSH
Specific Area Plan Overlay	SAP

17.30.10 ZONING MAP

The Zoning Map is incorporated herein and is deemed as much a part of this Code as if fully set forth. If a conflict appears between the Zoning Map and the written portion of this Code, the written portion shall control. The map and each amendment shall remain on file in the Planning Director's Office.

The boundaries of all districts are established as shown on the Zoning Map, which is made a part of this Code. All notations and references and other matters shown shall be and are hereby made part of this Code.

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas

The allowable range of housing units on a piece of property is calculated by multiplying the net site area (NSA) in acres by the minimum and maximum number of dwelling units allowed in that zone.

For example: A site (NSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 30 units and allows a maximum of 58 units. (NSA x 3 units/acre = 30 units minimum) (NSA x 5.8 units/acre = 58 units maximum)

B. Minimum and Maximum Dwelling Units for Sites with Restricted Areas

1. Unrestricted Site Area: To calculate unrestricted site area (USA): subtract all restricted development areas (RDA) as defined by Section 17.60.20(A) from the net site area (NSA), if applicable.

$$\text{NSA} - \text{RDA} = \text{USA}$$

2. Minimum Required Dwelling Units: The minimum number of dwelling units required for the site is calculated using the following formula:

USA (in acres) x Minimum Density (Units per Acre) of Zoning District = Minimum Number of Dwelling Units Required.

3. Maximum Allowed Dwelling Units: The maximum number of dwelling units allowed on a site is the lesser of the results of these two formulas:

a. NSA (in acres) x Maximum Density of Zoning District (units/acre)

b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)

For example: suppose a site in a zone with a maximum density of eight (8) units per acre has 6 acres of unrestricted site area (USA= 6) and two acres of restricted development area (RDA=2), for a total net site area of 8 acres (NSA= 8). Then NSA (8) x 8 units/acre = 64 and USA (6) x 8 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 64 (the lesser of the two results).

- C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying zoning district.

- D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater

than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

For example: A calculation of 3.7 units is rounded down to 3 units. A calculation of 4.2 units is rounded down to 4 units and a calculation of 4.5 units is rounded up to 5 units.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e. duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

EXHIBIT B

CHAPTER 17.34 SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;
- ~~3.~~ Duplex.

B. Accessory Uses Permitted Outright:

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
3. Family day care, as defined in Chapter 17.10 subject to any conditions imposed on the residential dwellings in the zone;
4. Home business subject to the provisions in Chapter 17.74;
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
6. Minor utility facility;
7. Other development customarily incidental to the primary use.

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Single detached or attached zero lot line dwelling;
- ~~3.~~ Duplex;
4. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- ~~5.~~ Other uses similar in nature.

B. Conditional Uses:

1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

17.34 - 1

Revised by Ordinance 2013-11 effective 12/18/13

4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling or duplex - Other permitted uses	7,500 square ft. No minimum
B. Minimum Average Lot Width Single detached dwelling or duplex	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.90
D. Minimum Average Lot Depth	No minimum
E. Setbacks (Main Building) Front yard Rear yard Side yard (interior) Corner Lot	10 ft. minimum 20 ft. minimum 7.5 ft. minimum 10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.150) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

17.34.40 MINIMUM REQUIREMENTS

- A. Must connect to municipal water.
- B. Must connect to municipal sewer if service is currently within ~~3200~~ 3200 feet of the site. ~~Sites~~ [Parcels](#) more than 3200 feet from a municipal sewer, may ~~be approved to connect to a new or existing on-site sewage~~ ~~an alternative~~ disposal system provided all of the following are satisfied:
 1. An ~~on-site sewage disposal county septic~~ permit [or permit modification](#) is secured from [Clackamas County](#) and a copy is provided to the city;
 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not

¹ Must comply with clear vision requirements of Chapter 17.74.

Commented [EM1]: Sean's comment:
I see these as public facilities requirements, but it is unclear to me how they would be applied. The primary applicable rule language is OAR 660-046-0120(7)

"A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the same exceptions to Duplexes."

My primary questions is how connections to water and sewer and frontage/access will be applied. For example, if someone came in wanting to convert their SFD to a duplex, are the requirements here the same that apply to SFD or would they be more restrictive (e.g. requiring two separate connections for water sewer, more frontage/access, etc.)?

Commented [EM2R1]: Kelly or Mike will need to elaborate but my understanding is that these standards are the minimum for whatever is proposed and don't think they treat duplexes any differently than SFR.

limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- C. The location of any real improvements to the property must provide for a future street network to be developed.
 - D. Must have frontage or approved access to public streets.

Commented [EM3]: Mike's comment: "An applicant might not be able to satisfy a. through d. They might be able to satisfy d. but not a. This could get messy since you can have a legal lot of record that is smaller than 1 acre that cannot obtain a new or modified on-site sewage disposal permit under DEQ or Clackamas County regulations."

Commented [EM4]: Check with Mike to see if this can be deleted. Mike says to check with David D. ("I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.? Might check with our legal team though.")

17.34.50 ADDITIONAL REQUIREMENTS

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.
- D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

17.34 - 3

Revised by Ordinance 2013-11 effective 12/18/13

**CHAPTER 17.60
FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT**

17.60.00 INTENT

This chapter is intended to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP). This chapter is also intended to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.60.10 INTERPRETATION AND MAPPING

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

- A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department and areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study (FIS) for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs). This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.
 - 1. The FIS and FIRMs are hereby adopted by reference and declared to be a part of Section 17.60 and are on file at the City of Sandy.

Revised by Ordinance No. 2019-01 effective 1/07/19

B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

C. Interpretation

All provisions of the FSH overlay code shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

D. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site- specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. Area of Special Flood Hazard boundaries and elevations as determined by the January 18, 2019 FIS for Clackamas County and Incorporated Areas.
3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:

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1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
3. Required setback areas as defined in Section 17.60.30.

B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:

1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
2. Removal of refuse and permitted fill.
3. Planting of native vegetation species included on a list maintained by the Director.
4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
6. Construction or expansion of public facilities or private roads necessary to support permitted development.
7. Construction or expansion of a single-family residence or duplex on a lot-of-record, under the following prescribed conditions:
 - a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
 - b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.
 - c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.
 - d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20%; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20%.
 - e) The option of an adjustment under Section 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.
 - f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.
8. Replacement of a single-family or duplex dwelling constructed over substantially the same footprint as the original dwelling.
9. Repair or stabilization of unstable slopes.
10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:
 - a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.

- b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
 - c) Reduce the steepness of the bank along reaches that have been highly eroded.
 - d) Reduce the velocity of water carried by the stream.
 - e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.
- 11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.
 - 12. Appurtenant structures as permitted under Section 17.60.70(J).

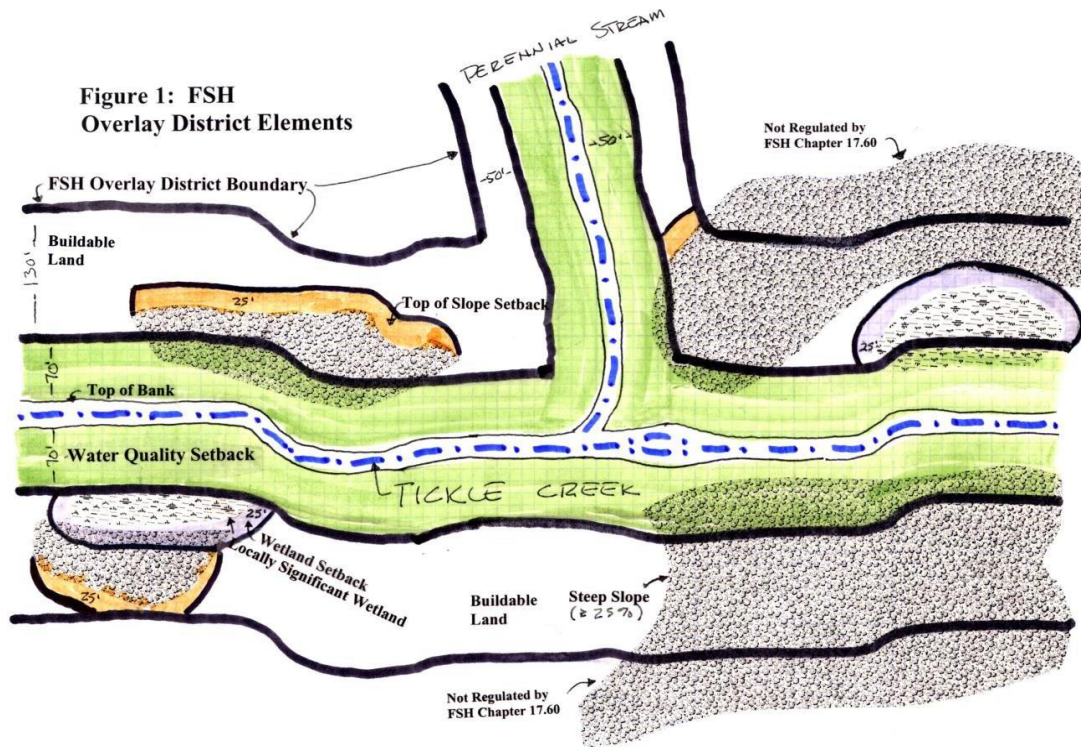
C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

17.60.30 REQUIRED SETBACK AREAS

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to and upland from the protected feature.

- A. Required Setbacks. The required special setback(s) shall be:
- 1. 80 feet from the top of bank of Tickle Creek;
 - 2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
 - 3. 25 feet around the edge of any mapped locally significant wetland; and
 - 4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

**Figure 1: FSH
Overlay District Elements**



- B. **Minimize Impacts.** Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.
- C. **Exceptions, Intent.** Exception 1 below recognizes that existing hillside, stormwater detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public streets in existing rights-of-way. Exception 2 recognizes that “No Name Creek” east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.
1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.
 - a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.
 2. The required setback for “No Name Creek” east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a “stream bank restoration plan” that meets the standards of Section 17.60.20.B.10.

17.60.40 REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed by the Director to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

- A. Type I Procedure. The following uses shall be reviewed under a Type I procedure:
1. Planting of native plant species identified on the Native Plant list on file with the Director.
 2. Removal of permitted fill.
 3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.
 4. Appurtenant structures as permitted under Section 17.60.70(J).
- B. Type II Procedure. The following uses shall be reviewed under a Type II review procedure:
1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.
 2. Construction or expansion of trails.
 3. Construction, expansion or replacement of a new single-family residence or duplex within a restricted development area or floodway on a lot of record.
 4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
 5. Stream bank restoration plans.
 6. Exemption of Type II development applications from one or more required reports.
 7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
 8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.
- C. Type III Procedure. The Planning Commission shall review all other public and private development requests under a Type III procedure.
- D. Establishment of Development Permit. A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically the following information is required:

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1. Proposed elevation in relation to mean sea level of the lowest floor (including basement of all structures).
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria detailed in Section 17.60.70(F) below.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.60.50 SPECIAL REPORTS

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one or more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

- A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.
- B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

- C. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

17.60.60 APPROVAL STANDARDS AND CONDITIONS

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.
 2. Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.
 3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.
 4. Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.
 5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.
 6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
- B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:
1. The permit requirements of Chapter 17.60 have been satisfied;
 2. All other required state and federal permits have been obtained; and,
 3. The site is reasonably safe from flooding.

- C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- D. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the Area of Special Flood Hazard.

- A. Residential and Non-residential Structures. No new residential structures (including manufactured dwellings) with the exception of 17.60.40(B)(3), non-residential structures or critical facilities shall be permitted in the Area of Special Flood Hazard.
- B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.
- C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.
 - 1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Facilities and roads located within a floodway may be permitted only where a registered professional engineer certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Utilities necessary to serve permitted development, or a single family home or duplex on a legally-approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
 - 2. Water supply and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to floodwaters, streams and wetlands.
 - 3. On-site septic systems, waste disposal systems, and private wells shall be prohibited within the FSH overlay district.
- D. Structural Elevation Report. An application for any substantially improved structure, nonresidential structure or manufactured dwelling within the area of special flood hazard shall include the elevation, referenced to mean sea level, of the lowest floor, of the bottom of the lowest horizontal structural member (for manufactured dwellings), or the elevation to which the structure will be flood-proofed. The elevation of the

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lowest floor, and any basement area and the elevation of the service facilities/mechanical equipment shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation certificate.

- E. Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)). Improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence or duplex per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Materials used shall be resistant to flood damage;
 3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
 4. The lowest floor (including basement) shall be elevated at least one foot above the base flood level;
 5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Existing Non-Residential Structures. Improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a) above;
 2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered

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professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Director for verification.

G. Recreational Vehicles. Recreational Vehicles within the floodplain shall comply with one of the following:

1. Be located on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use; or
3. Meet the elevation and anchoring requirements for manufactured homes dwellings and permit requirements of NFIP Regulations.

H. Anchoring. All new construction and substantial improvements (including manufactured dwellings) shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

I. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
3. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. Appurtenant Structures (Detached Garages and Storage Structures).

Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;
6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);
7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and
8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards of Chapter 17.60.

17.60.80 NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

- A. Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCDC prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- D. Obtain and maintain the following for public inspection and make available as needed:
 - 1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 17.60.70(F).
 - 3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

17.60.90 WATER QUALITY TREATMENT FACILITIES

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

- A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.
- B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

17.60.100 DENSITY TRANSFER PROVISIONS

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Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.
- B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.
- C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.
- D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.110 ADJUSTMENTS

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

- A. Adjustment Option. One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.
- B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:
 - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
 - 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
 - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
 - 4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of restricted development area except for a private drive that reduces the disturbance to restricted development areas.

5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.
6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise restricted development areas.

17.60.120 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.

EXHIBIT D

CHAPTER 17.74 ACCESSORY DEVELOPMENT ADDITIONAL PROVISIONS AND PROCEDURES

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10 RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

Accessory Structure Size	Interior Side Yard Setback	Rear Yard Setback
Up to 120 sq. ft., Up to 10 ft. tall	1 foot	1 foot
Up to 120 sq. ft., Up to 12 ft. tall	3 feet	3 feet
Larger than 120 sq. ft up to 200 sq. ft. and up to 12 ft. in height	3 feet	3 feet
Larger than 200 sq. ft. or taller than 12 ft. in height	5 feet minimum or same as primary structure whichever is greater	15 feet minimum or same as primary structure whichever is greater

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Figure 17.74.10-A: Interior Lot

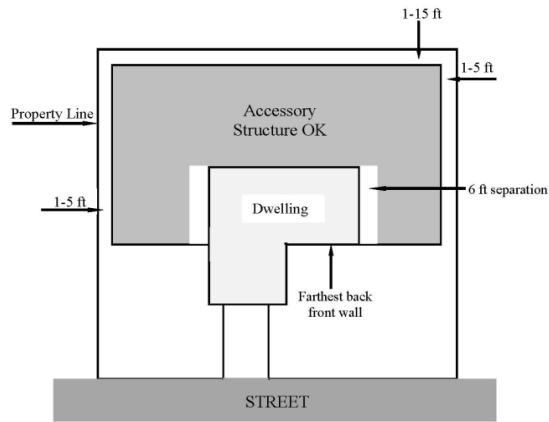
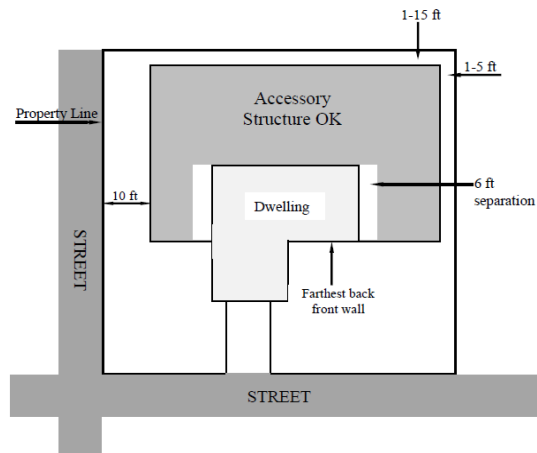


Figure 17.74.10-B: Corner Lot



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B. General Standards.

1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - a. Both lots are under the exact same ownership; and
 - b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
 - c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages ¹	5 ft.	2 ½ ft.	5 ft.
Awnings	5 ft.	2 ½ ft.	5 ft.
Chimneys	5 ft.	2 ½ ft.	5 ft.
Decks (unroofed) - ground level 30" in height or less	5 ft.	2 ½ ft.	Footnote ²
Decks (unroofed) - ground level more than 30" in height or second story (building permit required)	5 ft.	2 ½ ft.	Footnote ³
Eaves	5 ft.	2 ½ ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2 ½ ft.	5 ft.
Planters	5 ft.	2 ½ ft.	5 ft.
Porches (roofed)	5 ft.	2 ½ ft.	Footnote ³
Windows (bow or bay)	5 ft.	2 ½ ft.	5 ft.

¹ Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

- B. Vertical Projections. Height limitations shall not apply to the following:
1. Fire and parapet walls
 2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
 3. Smokestacks
 4. Steeples
 5. Windmills
 6. Other similar structures

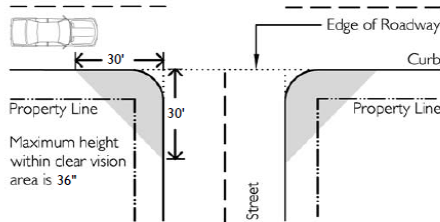
17.74.30 VISION CLEARANCE AREA

- A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the “vision clearance area” between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.
- B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

Functional Street Classification	Measurement along curb line
Intersection of a street and an alley	20 feet
Intersection of a street and another street	30 feet

Figure 17.74.20 – Vision Clearance Measurement



- C. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenance.
 2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.

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3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

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D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Commented [EM1]: Gender neutral

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.

1. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

F. Fences in excess of 6 ft. in height require a building permit.

17.74.50 DECKS

A. Decks may encroach into required yard areas as specified in 17.74.20 above.

B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

A. Temporary Uses. Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

C. Portable Outdoor Storage Unit. Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

17.74.70 ACCESSORY DWELLING UNITS

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Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and ~~the disabled people~~ [with disabilities](#).
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- ~~Foster better housing maintenance and neighborhood stability.~~
- ~~Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.~~
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-800 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.08 No minimum
Landscaping	Same as underlying zoning district

~~C. Occupancy Limitations:~~

- ~~1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.~~
- ~~2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit~~

C. Design Standards.

1. The accessory dwelling unit shall ~~remain subordinate~~ [be accessory](#) to the ~~principal primary~~ residence.
2. ~~The~~ ADU shall [have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk](#) ~~be adequate provisions for ingress and egress, but separation is not required.~~ [The pedestrian walkway shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian walkway shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.](#)
3. ~~Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal primary residence.~~

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- ~~4.3~~ An ADU may be either stick-built or a modular dwelling unit in compliance with Section 17.90.140, but may not be a single wide manufactured dwelling unit.
- ~~5.4~~ Detached ADUs shall ~~be architecturally consistent with the principal primary dwelling unit~~ provide at least three design standards consistent with Section 17.90.150 on the street-facing façade(s) and shall provide at least X percent windows on the ground floor elevation of the street facing façade(s).
- ~~6.~~ ~~Attached ADUs shall have the appearance of a single family dwelling.~~
- ~~7.5~~ Primary entrances shall not be in front of the ~~principal primary unit~~ residence.

D.E. Permit Issuance.

- 1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
- 2. Required permit information shall be limited to that for single-family dwellings.
- 3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
- 4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

E.F. Additional Requirements.

- ~~1.~~ ~~Adequate provisions shall be made for drainage.~~ The ADU shall connect to municipal water and ~~sewage waste~~ sanitary sewer if the primary dwelling is connected to the municipal water and sewer system. Parcels more than 300 feet from a municipal sewer, may connect to a new or existing on-site sewage disposal system provided all of the following are satisfied:
 - ~~a.~~ An on-site sewage disposal permit or permit modification is secured from Clackamas County and a copy is provided to the city;
 - ~~b.~~ The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
 - ~~c.~~ The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 - ~~d.~~ Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- ~~1.2~~ The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.
- ~~2.~~ ~~ADUs may not be developed for sale and may only be rented.~~
- 3. Illegal ADUs may be legalized if they conform, or are brought into conformance with the Sandy Municipal Code and the Oregon Structural Specialty Code, basic zoning, building, plumbing, mechanical and electrical codes.
- ~~4.~~ ~~ADU requirements shall be recorded as a deed restriction against the property.~~
- ~~5.4~~ Periodic review of ADUs shall be conducted by the city-City to evaluate and reconsider existing densities.

Commented [EM2]: Check with Mike to see if this can be deleted. Mike says to check with David D. ("I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.? Might check with our legal team though.")

Commented [EM3]: Mike's comment: "What about allowing ADUs to connect to the primary dwelling's water and /or sewer system, (i.e. no separate water meter or sewer connection) if permitted by the Oregon State Specialty Code? The primary dwelling owner or the developer can decide if they want a separate water meter and sewer connection. In a Homeowner-developed ADU I assume they would choose the former and a Developer would choose the latter."

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the

appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations.

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city.
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.
7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - 1) Investigate the complaints;
 - 2) Prepare a report to the Planning Commission; and,
 - 3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a) Generation of excessive traffic;
 - b) Monopoly of on-street parking spaces;
 - c) Frequent deliveries and pickups by motor freight;
 - d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e) Smoke, fumes, or odors in excess of those created by normal residential use;
 - f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a) Approve the use as it exists;
 - b) Require the use to be terminated;
 - c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS

A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as

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food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.
3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.

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10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.
3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

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Fire Safety

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

Health and Sanitation

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
26. Sites containing more than one food cart shall provide a restroom facility on-site.
27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
 - a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
 - b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
 - c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.

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2. Requirements for properties containing one or more food carts:
 - a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.
3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

2. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.
3. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

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**CHAPTER 17.82
SPECIAL SETBACKS ON TRANSIT STREETS**

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

~~D.~~E.Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Sections 17.82.20(B and C).

EXHIBIT F

CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations is to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests/visitors, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

- A. Provision and Maintenance. The provision of required off-street parking for vehicles and bicycles and loading facilities for vehicles is a continuous obligation. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.
- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10 (D.), (E.) and (F.) does not apply to commercial uses in the Central Business District (C-1).
- E. Increased Intensity. When increased intensity requires no more than four (4) vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.
- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.

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- H. Inoperative Motor Vehicles. In all residential zoning districts, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.
- I. Truck Parking. In all residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming on the premises where such use is conducted.
- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
1. Location and dimension of required parking spaces as specified in Section 17.98.200.
 2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 3. Location and design of parking courts (if applicable).
- N. Location of Required Parking.
1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes shall be provided on the development site of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.
 2. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.
- O. Unassigned Parking in Residential Districts.
1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.
 2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

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P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. **Off Street Parking Requirements**. Off street parking shall conform to the following standards:

1. Commercial uses in the Central Business District (C-1) are exempt from off street parking requirements. Residential uses in the Central Business District (C-1) have to provide off street parking per this section but may get a reduction per Section 17.98.30 (B.).
2. All square footage measurements are gross square feet of total floor area.
3. 24 lineal inches of bench shall be considered 1 seat.
4. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections 8 – 11 below.
5. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 8 – 11 below.
6. In addition to requirements for residential off-street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.
7. Uses that rely on square footage for determining parking requirements may reduce the overall square footage of the use by deducting bathrooms, mechanical rooms, and other auxiliary rooms as approved by the Director.

8.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached/Attached	2 per dwelling unit	Exempt
Duplexes	2 per dwelling unit	Exempt
Manufactured Home Park	2 per dwelling, plus 1 visitor space for each 10 vehicle spaces	Exempt
Multi-Family Dwellings	1.5 per studio unit or 1-bedroom unit 2.0 per 2-bedroom unit or greater	1 per dwelling unit
Congregate Housing, Retirement Homes, Intermediate Care Facilities, Group Care Facilities, and Halfway Houses	1 per each 3 residents, plus 1 per 2 employees	5% or 2 whichever is greater

9.

Community Service, Institutional and Semi-Public Uses	Number of Parking Spaces	Number of Bicycle Spaces
Administrative Services	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater

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Community Recreation Buildings, Library, or Museum	1 per 250 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Church, Chapel, Auditorium, or Fraternal Lodge without eating and drinking facilities	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	5% or 2 whichever is greater
Hospitals	1 per examine room or bed, and 1 per 4 seats in waiting room or chapel, plus 1 per 2 employees	5% or 2 whichever is greater
Commercial Daycare	2 for the facility, plus 1 per employee on the largest shift	2
School – Preschool/Kindergarten	2 per classroom, plus 1 per 2 employees	2
School – Elementary or Middle School/Junior High	2 per classroom, plus 1 per 2 employees	5% or 2 whichever is greater
School – Senior High, Vocational or College	6 per classroom, plus 1 per employee on the largest shift	5% or 2 whichever is greater

10.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Retail Sales, General or Personal Services, Professional Offices, Shopping Centers, Grocery Stores, Convenience Stores	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Retail Sales of Bulky Merchandise (examples: furniture or motor vehicles)	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, plus 1 per 2 employees	5% or 2 whichever is greater
Funerals and Interment Services: Crematory and Undertaking <i>Interring and Cemeteries are exempt</i>	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	2
Fuel Sales (without store)	1 per employee on the largest shift	2
Medical or Dental Office or Clinic	1 per examine room or bed, and 1 per 4 seats in waiting room, plus 1 per 2 employees	5% or 2 whichever is greater
Participant Sports or Recreation: Indoor or Outdoor; Spectator Sports; Theater or similar use	1 per 4 fixed seats or 1 space per 4 participants based on projected participant capacity, plus 1 per 2 employees	5% or 2 whichever is greater
Campground or RV Park	1 per designated space, plus 1 visitor space for each 8 designated spaces, plus 1 per 2 employees	Exempt
Hotel or Motel	1 per guest room or suite, plus 1	2

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	per 2 employees	
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11.

Industrial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Sales, Storage, Rental, Services and Repairs of: Agricultural and Animals Automotive/Equipment Fleet Storage Light Equipment Non-operating vehicles, boats and recreational vehicles Building Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Sales, Storage, Rental, and Repairs of: Heavy Equipment, or Farm Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Storage, Distribution, Warehousing, or Manufacturing establishment; trucking freight terminal	1 per employee on the largest shift	2

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.

1. Any existing or proposed use in the C-2, C-3, or I-1 Zoning Districts subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10 percent by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping provided such landscaping does not exceed 25 percent of the total area dedicated for transit oriented purposes.
2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.
3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Residential uses in the Central Business District and Village Commercial District Reduction.

Required off-street parking for residential uses in the C-1 and C-3 Zoning District may be reduced by 25 percent.

17.98.40 SHARED USE OF PARKING FACILITIES

- A. Except for single family dwellings (both attached and detached) and duplexes, required parking facilities may be located on an adjacent parcel of land or separated only by an alley or local street, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve or a shared parking agreement that can only be released by the Director is recorded in the deed records of Clackamas County.

- B. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.
- C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument recorded in the deed records of Clackamas County establishing such joint use.

17.98.50 SETBACKS

- A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and duplexes, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

- A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.
- B. Size of Space.
 - 1. A standard parking space shall be 9 feet by 18 feet.
 - 2. A compact parking space shall be 8 feet by 16 feet.
 - 3. Accessible parking spaces shall be 9 feet by 18 feet and include an adjacent access aisle meeting ORS 447.233. Access aisles may be shared by adjacent spaces. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 - 4. Parallel parking spaces shall be a length of 22 feet.
 - 5. No more than 40 percent of the parking stalls shall be compact spaces.

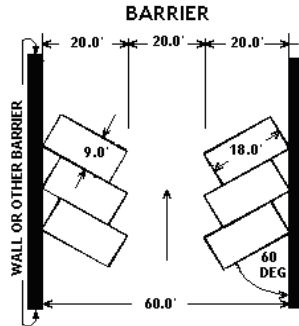
C. Aisle Width.

Parking Aisle	Single Sided One-Way	Single Sided Two-Way	Double Sided One-Way	Double Sided Two-Way
90 degree	20 feet	22 feet	25 feet	25 feet
60 degree	20 feet	20 feet	20 feet	20 feet

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45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall be based on a traffic impact analysis and parking

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and circulation plan and consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

- C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. At the Director’s discretion development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner signs an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder’s Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling or duplex shall have a minimum width of 10 feet. The driveway approach within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.)
- ~~C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. The driveway approach in the public right of way shall not exceed 24 feet in width as measured in section B above. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete.~~
- ~~D.C.~~ Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width, but such clearance may be reduced in parking structures as approved by the Director.

Commented [ES1]: This is in conflict with OAR 660-046-0110(3) –

“Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.”

You could address this by either adding duplexes to 17.98.100(B) or constructing this standard to relate to the number of parking spaces provided (since they are the same, they wouldn’t affect duplexes differently – and would control scenarios where people elect to provide more parking spaces)

~~F~~D. No driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway.

~~F~~E. The nearest edge of a driveway approach shall be located a minimum of 15 feet from the point of curvature or tangency of the curb return on any street.

~~G~~E. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B above shall not exceed fifty percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.

Acronyms on the next page:

PT = point of tangency

PC = point of curvature

PRC = point of reverse curvature

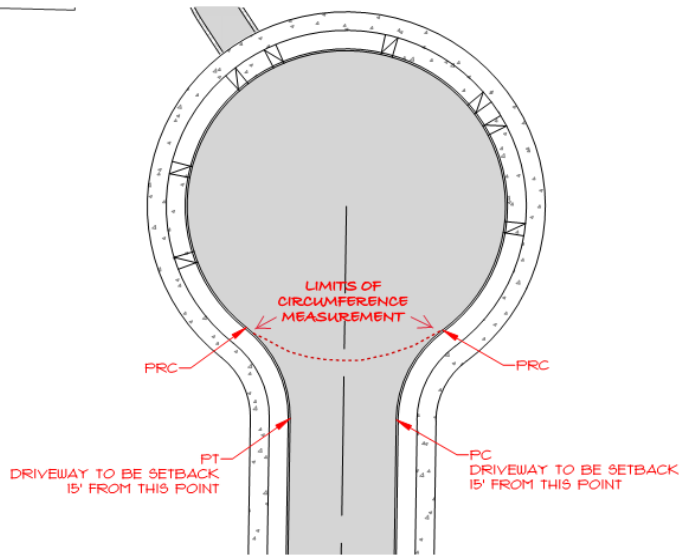
~~H~~G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

~~H~~H. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

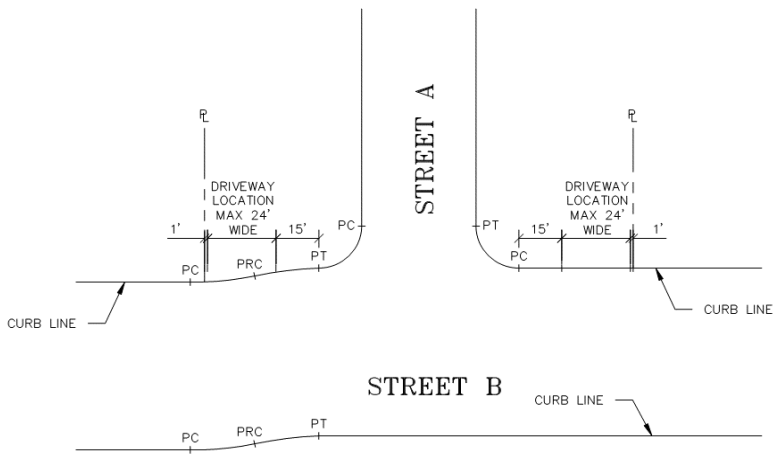
CUL-DE-SAC EXHIBIT

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DRIVEWAY LOCATION EXHIBIT



17.98.110 VISION CLEARANCE

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- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

17.98.120 LANDSCAPING AND SCREENING

- A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5 feet depth of buffer plantings adjacent to the right-of-way.
- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.
- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.
- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. No vehicle may project over a property line or into a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for pedestrian circulation is required.

17.98.130 PAVING

- A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

- B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

17.98.150 LIGHTING

The Dark Sky Ordinance in Chapter 15 of the municipal code applies to all lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

A. Location.

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the primary structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If bicycle parking is covered, vertical clearance of 7 feet shall be provided.
2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

C. Security.

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks.

- 3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely.
 - 4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.
- D. **Signing.** Where bicycle facilities are not directly visible from the public right-of-way, primary structure entry, or civic space then directional signs shall be provided to direct bicyclists to the bicycle parking facility.
- E. **Exemptions.** Temporary uses and other uses identified in Section 17.98.20 as not requiring bicycle parking are exempt from Section 17.98.160.

17.98.170 CARPOOL AND VANPOOL PARKING

New industrial, commercial, and community service uses with more than 100 employees shall meet the following minimum requirements for carpool and vanpool parking.

- A. **Number and Marking.** At least 10 percent of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only".
- B. **Location.** Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.180 SCHOOL DESIGN REQUIREMENTS

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 50 students.

17.98.190 OFF-STREET LOADING FACILITIES

- A. All commercial and industrial uses that anticipate loading and unloading of products/materials shall provide an off-street area for loading/unloading of products/materials.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 300 feet of each ~~dwelling~~ single family residence or duplex except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling. Accessory dwelling units, multi-family developments, and conversions of single-family homes to duplexes are exempt from this standard.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).
3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.
4. Parallel residential on-street parking spaces shall be a minimum of 22 feet in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces shall be set back a minimum of 15 feet from the point of tangency or curvature at an intersection and may not be located within 10 feet of a fire hydrant.
6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:
 - a. No more than ten (10) parking spaces shall be provided in a parking court, except parking courts that utilize backing movements into the right-of-way in which case the parking court shall be limited to two (2) parking spaces;
 - b. Parking spaces within a parking court shall be nine (9) feet wide and 18 feet in depth. In no instance shall a vehicle or any appurtenances parked in a parking court protrude into the public right-of-way;
 - c. Notwithstanding Section 17.98.70, vehicles parked in a parking court on a local street as defined in the Transportation System Plan are permitted to back onto the public right-of-way from the parking court so long as the parking court is limited to two (2) parking spaces;
 - d. A parking court shall be located within 300 feet of the dwellings requiring parking in accordance with the requirements of Section 17.98.10(M);
 - e. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block face;
 - f. A parking court shall be paved in compliance with the standards of this chapter and constructed to the grading and drainage standards in 17.98.140;
 - g. A parking court adjacent to a public right-of-way, shall be privately owned and maintained;
 - h. If a parking court is adjacent to a private drive, it shall be privately owned and maintained. For any parking court there shall be a legal recorded document which includes:
 - A legal description of the parking court;
 - Ownership of the parking court;
 - Use rights; and

Commented [ES2]: As discussed via email previously, this section will require reworking to ensure it is in compliance with Division 046. The primary thing here is: ensure whatever standard applies to duplexes - at a minimum - is not more restrictive than what applies to a single-family detached dwellings.

Interpreting this standard to require one space for "each dwelling unit" would be in conflict with HB 2001, because it would require one space for single-family detached dwellings and two spaces for duplexes.

- A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;
- i. A parking court shall be used solely for the parking of operable passenger vehicles.

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**CHAPTER 17.100
LAND DIVISION**

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, fiber (broadband), water supply, sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plat and conditions, the Director shall have the authority to approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:
 - 1. Existing streets are stubbed to the property boundaries and are linked by the land division.

2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the City and shall be accompanied by:
1. Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;
 4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;

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7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access, are classified as Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with City staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. A preapplication conference is required.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;
 6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;

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8. Location and size of sanitary sewer, water and stormwater drainage facilities proposed to serve the property to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 5. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
 6. The plan preserves the potential for future redivision of the parcels, if applicable.
- E. Conditions. The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative partition plan as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the City.
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the City. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 7. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with City staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. The preapplication conference provides the opportunity to discuss the

conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.

- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.
 15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.

18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Chapter 17.12 and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
 5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 6. All proposed improvements meet City standards.
 7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivision shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within two (2) years following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request, grant an extension of the tentative plat approval for up to one (1) additional year. The one year extension by the Director is the maximum extension that may be granted for a subdivision.
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.
- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be

shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.

2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land that is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.
 9. Certification by the City Engineer or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the City, the plat and supplemental information shall be reviewed by the City Engineer and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.

1. The City Engineer may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and City representatives may enter the subdivision property for this purpose.
 2. If the City Engineer or Director determines that full conformance has not been made, they shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the City Engineer shall indicate approval of the final plat. After the plat has been approved by all city and county officials, a digital copy of the plat and a digital copy of any recorded documents shall be delivered to the Director within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the City shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within 30 days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.

- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement.:
 - 1.
- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties that have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Local streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

G. Exemptions.

1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
2. Standards for street connections do not apply to freeways and other highways with full access control.
3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.
- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets provide direct access to abutting property and connect to collector streets. Local streets shall be spaced no less than 8 and no more than 10 streets per mile, except as the city may otherwise approve through an adjustment or variance pursuant to Chapter 17.66. Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard for local streets shall not apply to outright permitted development within the C-1 zone.
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.

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- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of ~~two-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
2. The construction of a local street is determined to be unnecessary.

B. Design

1. A shared private drive constructed to city standards shall not serve more than ~~two-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.
2. A shared access easement and maintenance agreement shall be established between the ~~two units~~ lots served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. Such easements shall be recorded in the Deed Records of Clackamas County.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.

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Revised by Ordinance No. 2020-024 (effective 09/21/2020)

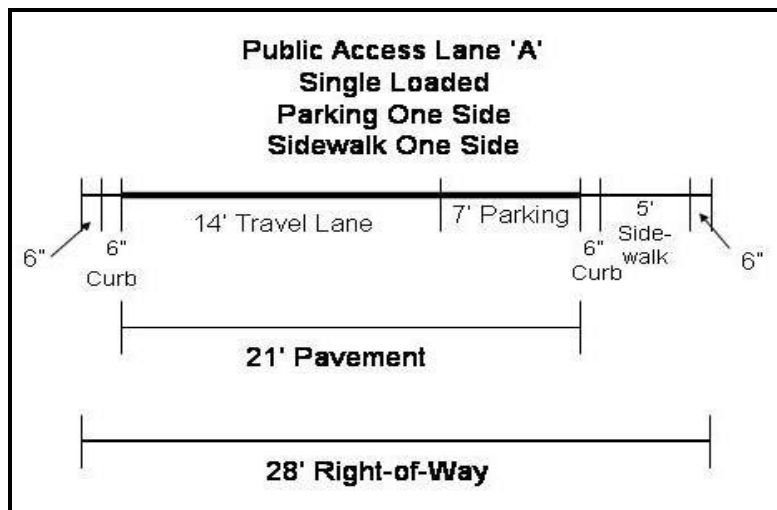
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting may be required in public access lanes for traffic and pedestrian safety.

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)

- a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane that abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane 'A'

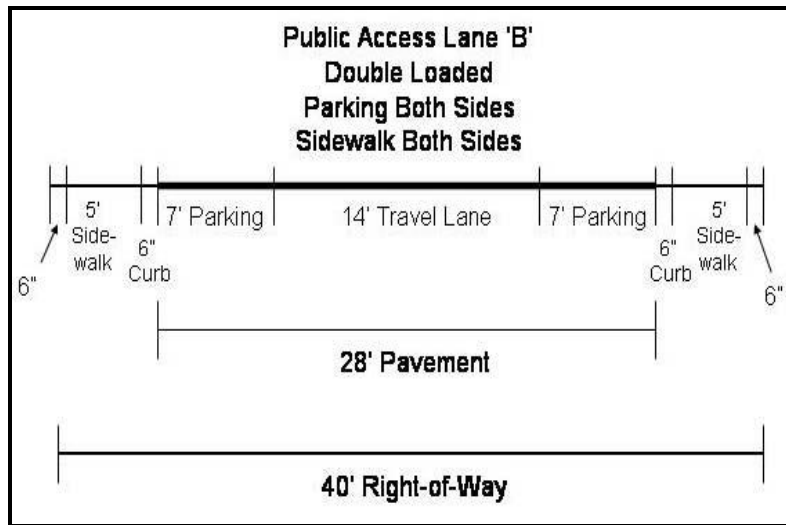


2. Public Access Lane Option 'B' (Figure 17.100 - B).

- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

- c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on both sides of a public access lane 'B' as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane 'B'



17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special

crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.

- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

The City Engineer shall specify the type and location of traffic control signs, street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the Oregon Standard Specifications. All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve or fronts on an arterial street. Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel that is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

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Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- E. Lots shall not take access from major arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit traffic conflicts on such streets. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with American Water Works Association and the Oregon Standard Specifications standards of the Fire District, the City, and the Oregon Health Authority Drinking Water Services section.

If the City requires the subdivider to install water lines in excess of eight inches, the City may participate in the oversizing costs. Any oversizing agreements shall be approved by the City manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100 - 17

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical, fiber, cable, and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the City, consistent with the standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

- A. Lot, street and perimeter monumentation
- B. Mailbox delivery units
- C. Sanitary sewers
- D. Stormwater drainage facilities
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic control devices and signs
- K. Underground communication lines, including broadband (fiber), telephone, and cable.
Franchise agreements will dictate whether telephone and cable lines are required.
- L. Underground power lines
- M. Water distribution lines and fire hydrants
- N. Fiber (broadband)

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at their own option shall conform to the standards of Chapter 17.84 and improvement standards and specifications adopted by the City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the City is notified. If work is discontinued for any reason it shall not resume until the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. As-constructed plans in both digital and hard copy formats shall be filed with the City Engineer upon completion of the improvements.

17.100.330 OPTIONS FOR IMPROVEMENTS

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

- A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor. The City shall keep the subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final subdivision plat for certification by the County Surveyor and then to the County Clerk for recording; or
- B. Agree to Install Improvement. The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance bond equal to 110 percent of the value of the guaranteed improvements shall be required. Performance bonds shall be issued by a surety registered to do business in Oregon. The value of the guaranteed improvements may include engineering, construction management, legal and other related expenses necessary to complete the work. The

agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or

- C. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. The performance bond described in section B above shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 percent of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 2. Supply certification by a bank or other reputable lending institution that an irrevocable letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision, has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
- D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

Ethan Stuckmayer, Senior Housing Planner, ethan.stuckmayer@state.or.us (503) 934-0619



Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.





KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)

Updated Nov. 6, 2019

House Bill 2001 (HB 2001) provides \$3.5 million to DLCD for technical assistance to local governments to:

- 1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or
- 2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

DLCD Required Rulemaking: Who is affected:	Middle Housing Requirements		Infrastructure Deficiency Process
	Medium Cities	Large Cities	Medium & Large Cities
Significant dates:	DLCD Rules and model code adoption December 31, 2020	DLCD Rules and model code adoption December 31, 2020	DLCD Rules adoption [no date specified in bill] Target: July 2020
Local Government Deadlines:	Local Government Adoption of model code or alternative June 30, 2021	Local Government Adoption of model code or alternative June 30, 2022	Medium Cities Extension Requests due by December 31, 2020 Large Cities Extension Requests due by June 30, 2021
Effect of missed deadline:	Model code applies directly	Model code applies directly	No extension granted

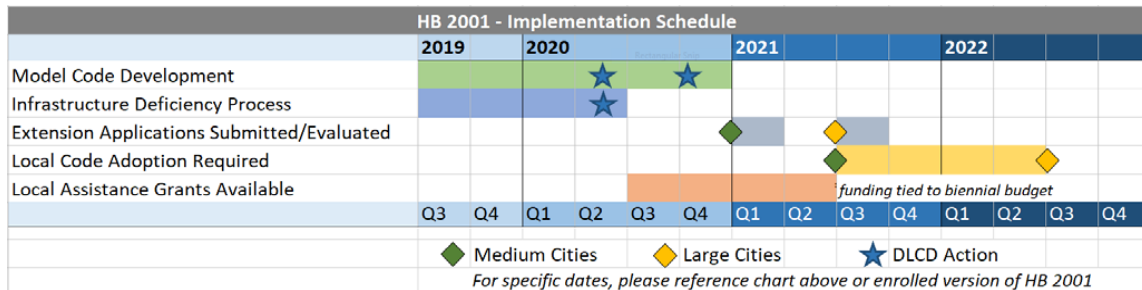
Medium Cities

All Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.	
Middle Housing Requirement	Duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

Large Cities

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.	
Middle Housing Requirement	Duplexes (as above) AND triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of detached single family dwellings.”

Flexibility *Medium and Large Cities “may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay.”*



Other Provisions in HB 2001

- ✓ A local government may request an extension of time to adopt the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development, along with a plan of actions to remedy the deficiencies in those services.
- ✓ The applications for time extensions based on infrastructure deficiency will be reviewed by DLCD and approved or denied.
- ✓ Housing Needs Analyses, in conjunction with a UGB decision, may not assume more than a three percent increase in housing units produced as a result of the adoption of middle housing regulations unless the local government can show that higher increases have been achieved to date.
- ✓ The bill amends requirements relating to accessory dwelling units (ADUs). The bill states, “Reasonable local regulations relating to siting and design’ [for ADUs] does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.” However, such regulations may be applied if the ADU is used for vacation occupancy.
- ✓ Changes the annual housing production survey required by passage of HB 4006 in 2018. Adds requirement to report on ADUs and units of middle housing, both for market rate housing and for regulated affordable units.
- ✓ Directs the Building Codes Division to develop standards to facilitate conversions of single-family dwellings into no more than four residential dwelling units.
- ✓ Prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood.
- ✓ The bill also notes that the department shall prioritize technical assistance to cities or counties with limited planning staff, or that commit to implementation earlier than the date required by the act.

This fact sheet is intended to summarize key elements of HB 2001. It is not intended to replace a detailed review of the legislation. For specific bill language, please review the enrolled version of the HB 2001:
<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

“HB 2001 is focused on increasing the supply of ‘middle housing’ in Oregon cities – not by limiting construction of single family homes, but by allowing development of duplexes, triplexes, and quadplexes. Through technical assistance and resources for local governments, DLCD joins the effort to help create housing opportunities for all Oregonians.”

- Jim Rue, DLCD Director

For more information visit our website at <http://www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx>

DLCD Staff Contacts:

With questions about local implementation –
[Contact your Regional Representative](#)

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HB 2001 and HB 2003 Frequently Asked Questions

Updated on March 25, 2020

House Bill 2001

Requirements for Duplexes

Which jurisdictions will be required to allow duplexes?

All Oregon cities with a population of 10,000 or more, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000. A list is here:

<https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be allowed?

Duplexes must be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

What is meant by “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings”?

A local government that allows single-family dwellings in a residentially zoned lot or parcel must also allow for the development of a duplex. The local government may regulate the siting and design of the duplex so long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules by the Land Conservation and Development Commission.

How will these requirements affect the development standards in my city/county?

Currently, the Department of Land Conservation and Development is only developing rules for duplex requirements. Once administrative rules are adopted, cities outside Portland Metro with populations between 10,000 and 25,000 (referred to as “Medium Cities”) will be required to adopt compliant development codes by June 30, 2021. Final guidance will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by August 2020.

Requirements for other middle housing types

Which jurisdictions will be required to permit other middle housing types (i.e. triplexes, quadplexes, townhouses, and cottage clusters)?

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000 (referred to as “Large Cities”). A list of these jurisdictions is here: <
https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be permitted?

Middle housing types listed in HB 2001 other than duplexes must be allowed “in areas zoned for residential use that allow for the development of detached single family dwellings.”

What is meant by “in areas zoned for residential use that allow for the development of detached single-family dwellings”?

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. The exact interpretation of “in areas” is pending development through rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

What is meant by “Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay”?

The intent of HB 2001 is make the development of middle housing types equally as feasible as single-family dwellings. As such, standards, approval criteria, or processes that impose additional burden on the development of middle housing types above the burden placed upon single family dwellings in the same zone are considered unreasonable - and therefore not in compliance with the intent of HB 2001.

How will local governments know their regulations would not be determined to result in “unreasonable cost or delay”?

The administrative rules and model code adopted through this rulemaking process by the Land Conservation and Development Commission will provide a set of development standards that are considered to be reasonable. Additionally, the rules will define certain parameters for development regulations which will provide jurisdictions with clear guidance as to what is considered unreasonable cost or delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How will these requirements affect development standards related to:

- Density**
- Dimensional Standards (e.g. setbacks, lot coverage, height)**
- Design and Solar Access**
- Infrastructure and Public Facilities**
- Parking**

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. Once administrative rules are adopted, these cities will be required to adopt a development code compliant with the

HB 2001 law and rules by June 30, 2022. More definitive guidance on how the bill will affect development standards for large cities will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by mid-November of 2020.

Infrastructure-Based Time Extension Request (IBTER)

What if infrastructure is unable to accommodate middle housing types?

A local government may request an extension of time to enact the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development in a specific geographic area. In order for this extension request to be approved by the Department, the local government must also provide a plan of actions to remedy the infrastructure deficiency.

When must an Infrastructure-Based Time Extension Request be submitted?

A “Medium City” must submit an extension request by December 31, 2020. A “Large City” must submit an extension request by June 30, 2021.

What is considered “significantly deficient” infrastructure?

HB 2001 states that local governments may request an infrastructure-based time extension if infrastructure is currently significantly deficient, or is expected to be by December 31, 2023. Of course, the level of deficiency is dependent upon the infrastructure system. The Rulemaking Advisory Committee and the DLCD project team are working with technical experts to determine this criteria. The exact interpretation of this section of the bill is currently under development in rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How much development/redevelopment can be anticipated or assumed for an extension request?

HB 2001 provides at least some guidance as to how much redevelopment a jurisdiction could reasonably anticipate as a result of adopting middle housing development standards. The bill states that a local government may not assume an increase in residential capacity above achieved density by more than 3% for the purposes of accommodating needed housing over a 20-year planning period. For the purposes of calculating if existing infrastructure can accommodate this growth by December 31, 2023, draft administrative rules currently under development have simplified this redevelopment rate to a growth rate of 1% in infill development situations and 3% in greenfield development situations.

How long of an extension can be granted?

A local government is expected to make good faith action to remedy an infrastructure deficiency in a timely manner. The proposed length of the initial time extension is five years, with the opportunity for a one-time additional five year extension.

How does a jurisdiction prepare an IBTER for an area where they do not have ownership or authority over a type of infrastructure such as a State highway or service provider district?

Parameters for ensuring coordination between local governments and service providers is currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Requirements for Accessory Dwelling Units (ADUs)

How will HB 2001 change how ADUs are regulated?

The new law prohibits jurisdictions from requiring owner-occupancy or off-street parking for ADUs. However, such regulations may be applied if the ADU is used for vacation occupancy.

What is the difference between an ADU and a duplex?

There may be rare situations where a proposed development could meet the definition of both a duplex and a single-family dwelling with an internal ADU. In these situations, the property owner will be allowed to elect which definition they wish to apply to their proposed development. The property owner is not allowed to define their proposed development as both or change their election.

Will HB 2001 require jurisdictions to allow both an ADU and duplex on a single lot?

We are currently exploring this legal question as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

What is the Model Code? How will it be applied?

If a jurisdiction does not adopt a compliant development code by the statutory deadline outlined in the bill, then a model ordinance developed by the Land Conservation and Development Commission (LCDC) will apply directly. Currently, there are two model ordinances under development – one applicable to “Medium” cities and another applicable to “Large” Cities.

What is the difference between the Model Code and Administrative Rules?

The purpose of the Model Code is three-fold. Firstly, it provides an ordinance that can apply directly in the event a jurisdiction does not adopt an ordinance that complies with HB 2001. Secondly, local governments can choose to adopt the model code “wholesale” and be assured that the standards are HB 2001-compliant. Thirdly, it defines standards

for minimum compliance to provide guidance to jurisdictions that seek to develop their own middle housing standards.

The administrative rules outline the process and criteria by which the Department of Land Conservation and Development will evaluate middle housing ordinances adopted by local jurisdictions to determine whether they comply with the intent of HB 2001.

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2001?

The required timeline for compliance with HB 2001 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

How will existing and future Codes, Covenants, and Restrictions (CC&Rs) be affected by HB 2001?

HB 2001 prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood. However, existing CC&Rs will remain in place.

What is meant by “clear and objective” standards? Will discretionary review processes for middle housing be allowed under HB 2001?

[OAR 660-008-0015](#) establishes that local governments may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Local governments may adopt and apply an optional alternative approval process based on approval criteria regulating appearance or aesthetics that are not clear and objective if the applicant retains the option of proceeding under the approval process that is clear and objective, the alternative process complies with applicable statewide land use planning goals and rules, and the alternative approval process authorizes a density at or above the density level authorized in the zone under the clear and objective approval process.

In other words, local governments will be able to adopt and apply a discretionary review process for middle housing, but all middle housing development applications must have the option of a clear and objective review path that does not have the effect of unreasonable cost or delay.

How will HB 2001 affect the Urban Growth Boundary (UGB) expansion process?

At periodic review or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government must demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

HB 2001 allows jurisdictions to adopt density expectations assumed to result from the provision of middle housing, but this expectation may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.

For jurisdictions located outside of a metropolitan service district (i.e. Metro), a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

How will HB 2001 affect historic properties and districts?

Parameters for historic properties and districts in the model code and administrative rules are currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Will HB 2001 affect the application of System Development Charges (SDCs), property tax exemptions/freezes, or construction taxes?

As part of the comprehensive plan and development code amendment process, HB 2001 requires local governments to consider ordinances and policies to increase the affordability of middle housing including:

1. Waiving or deferring system development charges
2. Adopting or amending criteria for property tax exemptions or freezes
3. Assessing a construction tax

House Bill 2003

Regional Housing Needs Analysis (RHNA)

What is the Regional Housing Needs Analysis?

The Regional Housing Needs Analysis (RHNA; pronounced “ree-na”) is a statewide needs analysis by region to analyze and quantify the housing shortage and future needs in our state. The methodology for this analysis is currently under development by Oregon Housing and Community Services. HB 2003 requires that this analysis determine housing needs of a region and of each city and Metro for a 20-year period. Additionally, the RNHA will include analysis related to the equitable distribution of publicly supported housing within a region and a housing shortage analysis for each city and Metro.

This is a feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration related to how this analysis might continue to be conducted in the future. HB 2003 requires that the methodology be completed and run by September 1, 2020, with a report due to the Oregon Legislature by March 1, 2021.

What data will be used in this analysis? Will it provide an accurate assessment of regional housing needs?

There is limited availability of statewide data sets that can provide sufficient level of detail to conduct the required analysis. To ensure the analysis provides as accurate of an assessment of regional housing needs as practical, the RHNA will utilize Census American Community Survey Public Use Microdata Sample (PUMS) 5-year data, and the shortage analysis will utilize Census Comprehensive Housing Affordability Strategy (CHAS) data.

Will there be opportunities to include qualitative data in the RHNA? Or is it solely quantitative?

Given the timeline and resource constraints associated with conducting a robust qualitative methodology, the RHNA as required by HB 2003 will be conducted using quantitative data. Recommendations in the legislative report due March 1, 2021 will include considerations of how to improve the process, which may include the incorporation of a qualitative component.

How are the regions defined?

Census American Community Survey Public Use Microdata Sample (PUMS) divides Oregon counties into discrete geographies. While it is possible to combine PUMS regions, it is not advisable to break these regions into smaller subregions. Unfortunately, this means that regional boundaries are limited by the boundaries utilized by PUMS data.

While final regions have not yet been defined, it is clear that boundaries in this first iteration of the RHNA may not fully correspond to what may be perceived as a regional housing market. The legislative report due March 1, 2021 will discuss the limitations of this approach and provide recommendations on creating regions that better reflect regional housing markets throughout the state.

What does “affordability” mean in context of the RHNA?

HB 2003 requires that the analysis must classify housing by “Affordability” which is housing that is affordable to households with:

1. Very low income - income at or below 50 percent of the area median income
2. Low income - income above 50 percent and at or below 80 percent of the area median income
3. Moderate income - income above 80 percent and at or below 120 percent of the area median income
4. High income – income above 120 percent of the area median income

“Area median income” is defined in the bill as the median income for households established by the United States Department of Housing and Urban Development. OHCS defines affordability as a household spending no more than 30% of their gross income on housing costs.

How will this analysis be used?

The purpose of the RHNA as prescribed in HB 2003 is to conduct a one-time feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration. The analysis will summarize the findings of the regional housing needs analysis, estimate of housing stock, housing shortage analysis and estimate of housing necessary to accommodate growth.

The legislative report provided by the Department of Land Conservation and Development will evaluate the methodology and assessment produced by Oregon Housing and Community Services. You can read about the specific requirements of this report in [Section 2](#) of the bill.

Housing Needs Analysis (HNA)

Which jurisdictions are required to conduct a Housing Needs Analysis?

HB 2003 requires adoption of a statewide schedule for cities with a population greater than 10,000 to update a local Housing Needs Analysis (HNA).

When will they need to complete a Housing Needs Analysis?

Cities within Metro will be required to update HNAs every six years, cities outside Metro must update every eight years. You can find a completed Housing Needs Analysis Update Schedule here: <

https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf>

Housing Production Strategy (HPS)

What is a Housing Production Strategy? Which jurisdictions are required to produce a Housing Production Strategy?

HB 2003 requires cities with a population greater than 10,000 to prepare and adopt a housing production strategy, in accordance with rules adopted by DLCD. A Housing Production Strategy (HPS) is an extension of a Housing Needs Analysis and must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA.

When will they need to produce a Housing Production Strategy?

A city is required to adopt a Housing Production Strategy within one year of the adoption of their six or eight year Housing Needs Analysis.

What strategies will a jurisdiction need to incorporate in their HPS?

A housing production strategy (HPS) must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA. This may include:

1. The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable.

2. The creation of financial and regulatory incentives for development of needed housing, including creating incentives for needed housing at higher densities or that is affordable.
3. The development of a plan to access resources available at local, regional, state and national levels to increase the availability and affordability of needed housing.

Currently, the Department of Land Conservation and Development is developing rules that will provide further guidance on specific actions that a jurisdiction can incorporate into Housing Production Strategies they develop and adopt.

Will there be enforcement for jurisdictions to implement strategies identified in their HPS?

Section 6 of [HB 2003](#) establishes Land Conservation and Development Commission (LDCD) enforcement authority to ensure Housing Production Strategy implementation and progress. Specific parameters for enforcement is currently under development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2003?

The required timeline for compliance with HB 2003 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Implementation

Rulemaking

What rules will be adopted for HB 2001 and HB 2003?

In response to HB 2001 and HB 2003, the Land Conservation and Development Commission has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. These include administrative rules for the following elements of HB 2001 and HB 2003:

- Infrastructure Based Time Extension Request
- Middle Housing in "Medium" Cities
- Middle Housing in "Large" Cities
- Housing Production Strategy

To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process. You can find out more information about committee meetings on the [Housing Rulemaking](#) page.

When will Administrative Rules be adopted?

Each set of Administrative Rules has its own timeline for adoption based on statutory deadlines and priorities of LCDC. They are listed below.

Infrastructure Based Time Extension Request – To provide local governments sufficient time to develop an IBTER, LCDC aims to adopt administrative rules by early August 2020.

Middle Housing in “Medium” Cities – The statutory required adoption date for administrative rules is December 31, 2020, but to provide local governments sufficient time to develop and adopt middle housing code, LCDC aims to adopt a model code and administrative rules by early August 2020.

Middle Housing in “Large” Cities – The statutory required adoption date for administrative rules is December 31, 2020. The anticipated date of LCDC rule adoption is November 12-13, 2020.

Housing Production Strategy – There is no statutory deadline for Housing Production Strategy rule adoption. The anticipated date of LCDC rule adoption is November 12-13, 2020.

How do I provide comments to DLCD, the Land Conservation and Development Commission, the Rulemaking Advisory Committee, or the Technical Advisory Committee during the rulemaking process?

You are welcome to submit comments electronically or in-person during the rulemaking process. If you would like to submit comments electronically, please submit them to housing.dlcd@state.or.us. If you would like to attend a Rulemaking or Technical Advisory Committee meeting and submit comments in-person, please visit the [Housing Rulemaking](#) page for additional information on time and location of these meetings.