



# City of Sandy

## Agenda

### Planning Commission Meeting

**Meeting Location:** City Hall- Council Chambers, 39250 Pioneer Blvd., Sandy, Oregon 97055

**Meeting Date:** Monday, October 29, 2018

**Meeting Time:** 6:59 PM

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<b>1. ROLL CALL</b>	
<b>2. APPROVAL OF MINUTES</b>	
2.1. <a href="#">PC Minutes -9-24-18 - Draft Minutes</a>	3 - 7
<b>3. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS</b>	
<b>4. NEW BUSINESS</b>	
4.1. 18-036 VAR	8 - 43
<p>Staff recommends the Planning Commission hold a public hearing to take public testimony regarding the proposal. Staff recommends the Planning Commission <b>approve</b> the variance request with modifications as recommended in this report.</p> <ul style="list-style-type: none"><li>• <b>Future development of the property shall require approval of a Land Use Application in accordance with applicable regulations.</b></li><li>• <b>The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.</b></li><li>• <b>Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.</b></li><li>• <b>The applicant shall follow all recommendations outlined in the septic system report (Exhibit D).</b></li><li>• <b>The applicant shall sign and record a Waiver of Remonstrance for</b></li></ul>	

participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) of the SMC) any public water or sewer lines or broadband (fiber) conduit constructed in public rights-of-way or easements adjacent to the property in the future. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed restriction, pay all recording costs and deliver the recorded document to the City.

- Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). Specific requirements for connection will be codified in a deed restriction.

[18-036 VAR 15585 Orient Drive Special Variance - Pdf](#)

**5. ITEMS FROM COMMISSION AND STAFF**

**6. ADJOURN**

**Sandy Planning Commission  
Regular Meeting  
Monday, September 24, 2018**

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

**1. ROLL CALL**

Commissioner Carlton – Present  
Commissioner Lesowski – Present  
Commissioner MacLean Wenzel – Present  
Commissioner Logan – Absent  
Commissioner Mobley – Present  
Commissioner Abrams – Present (arrived at 7:06 pm)  
Chairman Crosby – Present

Advisor Daisy Meade - Present

Others present: Planning & Building Director Kelly O'Neill Jr., Associate Planner Emily Meharg, Planning Assistant Rebecca Casey

**2. APPROVAL OF MINUTES – July 30, 2018**

**Motion:** To approve minutes for July 30, 2018

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

**APPROVAL OF MINUTES – August 27, 2018**

**Motion:** To approve minutes for August 27, 2018

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Abrams and Chairman Crosby

No votes: None

Abstentions: Commissioner Mobley

The motion passed.

**3. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS  
None**

**OLD BUSINESS**

**4. PUBLIC HEARING – Bloom Annexation (18-026 ANN)** Chairman Crosby opened the public hearing on File No. 18-026 ANN (Bloom Annexation) at 7:08 p.m. Crosby noted that this is a quasi-judicial public hearing. He 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. With no declarations noted, Crosby went over the public hearing procedures for a quasi-judicial public hearing and called for the staff report.

**Staff Report:**

Planning and Building Director Kelly O'Neill Jr. said staff has been working with the applicant and ODOT and said the applicant is in the process of putting together the Transportation Planning Rule (TPR) findings. O'Neill explained that since the last meeting the applicant requested an

extension of an additional 245 days, which is the most they can request by the Oregon Revised Statutes (ORS). O'Neill said staff will re-notice all the parties and agencies that were sent notice originally when the application is ready to move forward for another hearing. O'Neill recommended that the Planning Commission make a motion to approve the continuance of file 18-026 ANN not to extend beyond May 27, 2019.

**Motion:** To approve a continuance of file 18-026 ANN (Bloom Annexation) not to extend beyond May 27, 2019 or 245 days.

Moved by: Commissioner Maclean-Wenzel

Seconded by: Commissioner Mobley

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, Abrams and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

### **NEW BUSINESS**

**5. PUBLIC HEARING – Development Code Modifications to Chapters 17.22, 17.28, 17.80, 17.82, and 17.102 (18-039 DCA)** Chairman Crosby opened the public hearing on File No. 18-039 DCA (Development Code Modifications to Chapters 17.22, 17.28, 17.80, 17.82, and 17.102) at 7:11 p.m. Crosby noted that this is a legislative public hearing. He 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. With no declarations noted, he went over the public hearing procedures for a legislative public hearing and called for the staff report.

### **Staff Report:**

#### **CHAPTER 17.22 - Notices**

Associate Planner Emily Meharg started with the staff report and explained the reason for the proposed changes to the five chapters in the Development Code of Title 17 of the Sandy Municipal Code. Planning & Building Director Kelly O'Neill Jr. followed and explained that City Attorney David Doughman reviewed all the code changes before the Planning Commission and if the Commission decides at the end of the presentation to move forward with a recommendation on all five chapters tonight it would go to City Council as one Ordinance. He also explained that even if three or four of the Code chapters were recommended for approval tonight they could still send to City Council as one Ordinance and then revisit the chapters that were not recommended for approval at a later date.

Associate Planner Emily Meharg started on Chapter 17.22 (Notices) and explained the only change is extending the distance from 200 feet to 300 feet for a Type II Quasi-Judicial Notice and from 300 feet to 500 feet for a Type III Quasi-Judicial Notice.

Commissioner Carlton said he would like the wording to state “under the discretion of the director” under 17.22.10 (Type II Notices) as it states this in Section 17.22.20 (J).

Commissioner Lesowski asked for clarification on striking out “at least 45 days” under Section 17.22.30 (Type IV Legislative Hearing Notice). O'Neill explained the City is following the Oregon Administrative Rules (OAR) and cited their code section so as state requirements are modified it will remain correct in the City's code.

Carlton also asked that when speaking of “days” it is noted to say either “work days” or “calendar days” to be consistent. Staff agreed to be consistent.

#### **CHAPTER 17.28 - Appeals**

Associate Planner Emily Meharg explained that the primary proposed change in Chapter 17.28 (Appeals) is increasing the Type III Appeal period from 10 calendar days to 12 calendar days which the Type I and II appeal already states. The Commission agreed with staff's corrections.

**CHAPTER 17.80 - Additional Setbacks on Collector and Arterial Streets**

Associate Planner Emily Meharg explained that staff removed the list of street names on Minor Arterials, Collector Streets and Residential Minor Arterial Streets and instead proposes to make reference to the Sandy Transportation System Plan (TSP). She explained this is done because the list tends to change, and this will ensure the most updated accurate information for the TSP is referenced in this chapter. Meharg said they are also asking to exempt the Central Business District from the regulations to allow zero setback in the C-1 zoning area. The Planning Commission recommended approval of these changes.

**CHAPTER 17.82 – Special Setbacks on Transit Streets**

Meharg explained that this chapter has been a “nightmare” for staff to administer. She explained this chapter was also created before Chapter 17.90 (Design Standards) existed and once that section was created it was supposed to “take over” regarding the commercial activities. Meharg explained they removed all the references to commercial structures and uses and then focused on the building orientation for residences.

O'Neill explained that this is an important chapter as residents get upset about the orientation of their house and the location of their front door and on-street parking. O'Neill also said he would like the Commission to make a quick resolve of this and then look at this Chapter more in depth going into the future as there is too much confusion as currently written.

Commissioner Lesowski stated that as long as this code change helps make staff's time easier and better he is behind it, but he would ultimately like to see a work session for a more detailed solution to this chapter.

**CHAPTER 17.102 – Urban Forestry**

Meharg explained that staff is trying to make this chapter more internally consistent and believes a bigger dialogue should happen at a work session in the near future. Meharg said staff recommends the retention trees are located in tracts or conservation easements as it was done in the Marshall Ridge Subdivision.

Meharg showed the Planning Commission pictures of failed situations (i.e. Zion Meadows, Next Adventure, City Townhomes, Birdsong Subdivision, Mt.View Ridge)

Commissioner Maclean-Wenzel asked staff if the new homeowners are given any paperwork on how to care for these trees on their property. Meharg stated that staff does not at this time give the homeowner the directions for tree care, but when they purchase the house the tree protection covenant is part of the paperwork they receive from their loan officer. O'Neill also explained that the mitigation trees need to be watered for three years and during that time if the house sells, the City is unaware of the new ownership and is not able to educate the new owners on how to care for these trees.

Commissioner Lesowski agreed with staff about putting the trees in tracts and not in homeowner's backyards and Commissioner Carlton suggested planting seedlings instead.

O'Neill said he would like the City to collect the money from the builders and then staff can take over planting of the mitigation trees and ensure their maintenance over the first three years after tree planting so the builders and homeowners would not be penalized anymore for a lack of maintenance.

The Commission and staff discussed the different changes to this chapter including changing the regulation of tree removal on properties from 10,000 sq. ft. to a half acre, and defining a tree as 6 inches DBH or greater instead of 11 inches.

Commissioner Carlton also suggested changing the wording from “trunk” to “stem” since the trunk refers to only the base or bottom section of the tree. He explained the difference and O’Neill said staff would make that change.

Commissioner Carlton also asked if Section 17.102.30 A.1 should refer to the UGB and not just the city limits. O’Neill stated that staff will need to seek advice from City Attorney David Doughman about making that change.

Staff continued through the chapter line by line explaining the changes such as changing homeowner notifications from 300 to 500 feet, charging for third-party reviews to determine compliance with Chapter 17.102, and extending the expiration of tree removal permits from one year to two years.

It also was recommended by Planning Commission that all retention trees should be saved in a tree preservation tract or conservation easement. Carlton asked what happens when the property being developed is completely void of trees and there are plans to develop it. O’Neill said the City does not have a section in the municipal code that addresses this and at this time the developer would be “off the hook”. Carlton followed up and asked if the development does not meet the minimum tree retention standards because of natural past history, does the city want to require them to maintain some minimum level of tree planting beyond street trees? O’Neill said he thinks that is a good idea and it is something that has not been evaluated before.

Meharg then explained the updated tree protection measures staff is requesting. She stated staff wants to see chain link fence protection and signs that say, “Tree Protection Zone”.

**Motion:** To Close Public Hearing at 10:30 p.m.

Moved by: Commissioner Carlton

Seconded by: Commissioner Maclean-Wenzel

No votes: None

Abstentions: None

The motion passed.

**Motion:** To forward staff’s report with the code revisions to City Council with the Commissions notations.

Moved by: Commissioner Lesowski

Seconded by: Commissioner Abrams

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, Abrams and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

## **6. ITEMS FROM COMMISSION AND STAFF**

Planning and Building Director Kelly O’Neill Jr. stated that there will be a Planning Commission meeting next month on October 29 and so far the only thing on the agenda is a special variance for utility connections for a potential gas station (Space Age Fuel) at Orient Drive and Hwy 26.

## **7. ADJOURNMENT**

**Motion:** To adjourn

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes  
No votes: None  
Abstentions: None  
The motion passed.

Chair Crosby adjourned the meeting at 10:34 p.m.

\_\_\_\_\_  
Chairman Jerry Crosby

Attest:

\_\_\_\_\_  
Kelly O'Neill Jr., Planning & Building  
Director

Date signed: \_\_\_\_\_

DRAFT



## Staff Report

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**Meeting Date:** October 29, 2018

**From** Emily Meharg, Associate Planner

**SUBJECT:** 18-036 VAR 15585 Orient Drive Special Variance

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### **Background:**

JLP Development, LLC submitted an application for a special variance to allow future development at 15585 Orient Drive without connecting to public water and broadband fiber service. Development of property typically triggers connection to public utilities including public water, public sanitary sewer, public broadband fiber, and public storm drainage per Sections 17.84.20(A.2) and 17.84.60(A) of the Sandy Development Code. The existing broadband fiber, public water, sanitary sewer, and stormwater mainlines are located approximately 2,400 feet east of the subject property in the HWY 26 right-of-way (Exhibit I). The applicant proposes to use a private well for water service, an onsite (private) septic system and drain field for sanitary sewer service, and to handle on-site stormwater. Section 17.84.60(F) contains provisions to allow private on-site sanitary sewer and storm drainage facilities in city limits without the requirement for a variance; however, the code does not allow an exception for public water and broadband fiber. Thus, the applicant is requesting a special variance to not connect to public water and broadband fiber at this time.

### **Recommendation:**

Staff recommends the Planning Commission hold a public hearing to take public testimony regarding the proposal. Staff recommends the Planning Commission **approve** the variance request with modifications as recommended in this report.

- **Future development of the property shall require approval of a Land Use Application in accordance with applicable regulations.**
- **The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.**
- **Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.**



- The applicant shall follow all recommendations outlined in the septic system report (Exhibit D).
- The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) of the SMC) any public water or sewer lines or broadband (fiber) conduit constructed in public rights-of-way or easements adjacent to the property in the future. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed restriction, pay all recording costs and deliver the recorded document to the City.
- Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). Specific requirements for connection will be codified in a deed restriction.

**Code Analysis:**

See attached

**Budgetary Impact:**

none

**STAFF REPORT  
TYPE III LAND USE PROPOSAL**

**REPORT DATE:** October 22, 2018

**SUBJECT:** File No. 18-036 VAR 15585 Orient Drive Special Variance

**AGENDA DATE:** October 29, 2018

**Application Submitted:** August 7, 2018  
**Application Complete:** August 29, 2018  
**120-Day Deadline:** December 27, 2018

**DEPARTMENT:** Planning Division

**STAFF CONTACT:** Emily Meharg, Associate Planner

**EXHIBITS:**

**Applicant's Submittals:**

- A. Land Use Application
- B. Narrative
- C. Vicinity Map
- D. Septic Report (Environmental Management Systems, Inc.)
- E. Preliminary Site Plan

**Agency Comments:**

- F. Public Works Director (September 25, 2018)
- G. SandyNet Assistant Director (September 25, 2018)

**Public Comments:**

- H. James & Jerry Schilling (October 6, 2018)

**Additional Documents Submitted by Staff**

- I. 15585 Orient Drive Special Variance Vicinity Map

**I. BACKGROUND**

**A. PROCEEDING**

Type III Special Variance

**B. FACTUAL INFORMATION**

- 1. APPLICANT: JLP Development, LLC (Jim Pliska)
- 2. OWNER: Jerry Schilling
- 3. PROJECT NAME: 15585 Orient Drive Special Variance
- 4. SITUS ADDRESSES: 15585 Orient Drive

5. LEGAL DESCRIPTION: T2S R4E Section 10 Tax Lot 4500
6. PROPERTY LOCATION: North of Highway 26, south of Crescent Road, west of Orient Drive
7. PROPERTY SIZE: 2.5 acres
8. COMPREHENSIVE PLAN DESIGNATION: Commercial
9. ZONING DISTRICT DESIGNATION: General Commercial, C-2
10. RESPONSE FROM GOVERNMENTAL AGENCIES, UTILITY PROVIDERS, CITY DEPARTMENTS AND THE GENERAL PUBLIC
  - a. Public Works Director – (Exhibit F)
  - b. SandyNet Assistant Director – (Exhibit G)

**C. PUBLIC COMMENTS**

One public comment was received prior to publishing this staff report. James and Jerry Schilling (Exhibit H) own the subject property and are in favor of the proposed development and would like the Planning Commission to approve the variance request.

- D. APPLICABLE CRITERIA:** Sandy Development Code Chapters: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.44 General Commercial (C-2); 17.66 Adjustments and Variances; 17.84 Improvements Required with Development.

**E. EXPLANATION OF PROPOSED IMPROVEMENTS**

JLP Development, LLC submitted an application for a special variance to allow future development at 15585 Orient Drive without connecting to public water and broadband fiber service. Development of property typically triggers connection to public utilities including public water, public sanitary sewer, public broadband fiber, and public storm drainage per Sections 17.84.20(A.2) and 17.84.60(A) of the Sandy Development Code. The existing broadband fiber, public water, sanitary sewer, and stormwater mainlines are located approximately 2,400 feet east of the subject property in the HWY 26 right-of-way (Exhibit D). The applicant proposes to use a private well for water service, an onsite (private) septic system and drain field for sanitary sewer service, and to handle on-site stormwater. Section 17.84.60(F) contains provisions to allow private on-site sanitary sewer and storm drainage facilities in city limits without the requirement for a variance; however, the code does not allow an exception for public water and broadband fiber. Thus, the applicant is requesting a special variance to not connect to public water and broadband fiber at this time.

**F. PROPERTY BACKGROUND**

The subject parcel was annexed into City limits on February 15, 2018. The applicant submitted a preliminary site plan that shows future development of the site with a Space Age gas station. However, this application (File No. 18-036 VAR) is specifically for a variance request to waive the requirement to connect to public water and broadband (fiber) due to the

current 2,400 +/- foot distance between the subject property and the nearest public water and broadband service. The applicant is not applying for development of the property with this application. **Future development of the property shall require approval of a Land Use Application in accordance with applicable regulations.**

#### **G. PROCEDURAL CONSIDERATIONS**

Staff has determined with input from the City Attorney the proposed application to not connect to public water and broadband requires a special variance. Review of the variance requires a public hearing before the Sandy Planning Commission. Notification of this proposal was mailed to property owners within 300 feet of the subject property and to affected agencies on September 25, 2018. A legal notice was published in the Sandy Post on October 10, 2018.

## **II. ANALYSIS OF CODE COMPLIANCE**

### **CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

This chapter provides general information regarding improvements required in association with development, and it clarifies the timing, extent, and standards for public and private improvements.

#### **17.84.20 TIMING OF IMPROVEMENTS**

- A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
  - 1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
  - 2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

***RESPONSE:** The applicant proposes to use a private well for water service, an onsite (private) septic system with drain field for sanitary sewer service, and to handle stormwater on site. Section 17.84.60(F) contains provisions to allow private on-site sanitary sewer and storm drainage facilities without the requirement for a variance; however, the code does not allow an exception for public water and broadband fiber. As shown on the vicinity map (Exhibit I), the existing broadband fiber, public water, sanitary sewer, and stormwater mainlines are located approximately 2,400 feet east of the subject property around the intersection of Champion Way and HWY 26. The applicant requests a special variance to not connect to public water and broadband fiber at this time.*

#### **17.84.60 PUBLIC FACILITY EXTENSIONS**

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.

- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City's facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
  - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
  - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
  - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

**RESPONSE:** *Section 17.84.60(F) allows for on-site sewage disposal systems as long as all the conditions listed in 17.84.60(F.1-3) exist. Per the Public Works Director (Exhibit F), the site is located in the City Limits at the west edge of the Urban Growth Boundary. There are only two or three parcels in the UGB north and west of the applicant's site. These parcels are also lower in elevation than the applicant's site so it is reasonable to assume that extension of a public facility through the site is not currently necessary for the future orderly development of adjacent properties; thus Criterion 1 is met. The site is under one ownership and no partition or land division is proposed; thus Criterion 2 is met. To satisfy Criterion 3, **the applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services. Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County. The septic system report submitted by EMS (Exhibit D) concludes that the existing septic system is in good condition and that commercial development on the site is feasible. The applicant shall follow all recommendations outlined in the septic system report (Exhibit D). The public water line nearest the site is located across Highway 26 approximately 2,400 feet to the east. The applicant requests a special variance to waive the requirement to connect to public water and broadband fiber at this time. Per the Public Works Director (Exhibit F) and SandyNet Assistant Director (Exhibit G), if a variance is granted the following conditions should be attached to the final order:***

- ***The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) of the SMC) any public water or sewer lines or broadband (fiber) conduit constructed in public rights-of-way or easements adjacent to the property in the future. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed***

*restriction, pay all recording costs and deliver the recorded document to the City.*

- *Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). Specific requirements for connection will be codified in a deed restriction.*
- *The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.*

## **CHAPTER 17.66 – ADJUSTMENTS AND VARIANCES**

### **17.66.60 VARIANCES**

Variations are a means of requesting a complete waiver or major adjustment to certain development standards. They may be requested for a specific lot or as part of a land division application. The Type II variance process is generally reserved for major adjustments on individual lots, while variations to development standards proposed as part of a land division are processed as a Type III application (requiring a public hearing).

**RESPONSE:** *The applicant requests a special variance to Sections 17.84.20(A.2) and 17.84.60(A) to waive the requirement to connect to public water and broadband fiber at this time.*

### **17.66.80 TYPE III SPECIAL VARIANCES**

The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

One of the following sets of criteria shall be applied as appropriate.

- 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.

**RESPONSE:** *The closest water mainlines, sanitary sewer mainlines, stormwater mainlines, and broadband fiber are located approximately 2,400 feet east of the subject property around the intersection of Champion Way and HWY 26 (Exhibit I). The applicant's narrative (Exhibit B) states that it is not practical or reasonable for the applicant to extend public utilities to the site given the distance the public utilities are currently located from the site and that the variance request meets Criteria A and B. In relation to Criteria A.1, the narrative states that the intent of providing public utilities is not specifically stated in the code, but that one can "assume the reasons for this requirement is [sic] to ensure that development sites are provided with modernized public services and these services can be extended to adjoining properties further upstream." One of the primary reasons for connecting to a sanitary sewer system is to remove nitrates from the water table and reduce the risk of contaminating surface water and groundwater. Manmade nitrate contamination originates mainly from agricultural operations including farm runoff and fertilizer usage, septic system failure and improper discharge of industrial and food processing waste and wastewater but can also come from munitions and fireworks operations. Since they are very soluble and do not bind to soils, nitrates have a high potential to migrate to ground water. Long exposure to high levels of nitrates in drinking water has been shown to cause serious health problems in infants and the older population, especially those who drink formula made with well water or untreated municipal water. The narrative also states that "the site is currently provided with water service by an onsite well with sufficient volume to serve the proposed development." On a property that obtains its water from a well and disposes of sewage in a septic tank and drain field, a failing septic system would be particularly problematic. In relation to Criteria A.2, the narrative states "approval of a Special Variance to allow use of these private facilities rather than requiring connections to public water and broadband fiber system will not be detrimental to the public welfare or injurious to property in the area of the subject property." In relation to Criterion B, the narrative states: "Approval of a Special Variance to allow the property to develop without connecting to public water and broadband fiber service is the minimum variance needed to allow the property to develop and permit compliance with building requirements to provide water service to the development. Without approval of this variance development of the subject property for commercial purposes would not be practical at this time."*

*Staff recognize that the closest utilities are approximately 2,400 feet from the subject property and that it would not be feasible for the applicant to connect to public utilities at this time for the development of a 2.5 acre site. The applicant proposes to use a private well for water service, an onsite (private) septic system for sanitary sewer service, and to handle stormwater on site. Per the Public Works Director (Exhibit F), **the applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services. Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.** The septic system report submitted by EMS (Exhibit D) concludes that the existing septic system is in good condition and that commercial development on the site is feasible. **The applicant shall follow all recommendations outlined in the septic system report (Exhibit D).** Section 17.84.60(F) contains provisions to allow private on-site sanitary sewer and storm drainage facilities without the requirement for a variance; however, the code does not allow an exception for*

*public water and broadband fiber. Staff agree that connecting to public water and broadband would not be practical at this time. Per the submitted narrative (Exhibit B), “the applicant does not object to establishing these connections when facilities are available at the site.” Per the Public Works Director (Exhibit F) and SandyNet Assistant Director (Exhibit G), if a variance is granted the following conditions should be attached to the decision and order:*

- *The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) of the SMC) any public water or sewer lines or broadband (fiber) conduit constructed in public rights-of-way or easements adjacent to the property in the future. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed restriction, pay all recording costs and deliver the recorded document to the City.*
- *Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). Specific requirements for connection will be codified in a deed restriction.*

*With the above conditions, Criteria A and B are met.*

*Recommendation: Staff recommends the Planning Commission approve the applicant’s request for a variance to not connect to public water and broadband fiber at this time. The applicant shall follow all recommendations outlined in the septic system report (Exhibit D). The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver, pay all recording costs and deliver the recorded document to the City. Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services. Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.*

### **III.SUMMARY AND CONCLUSION**

JLP Development, LLC submitted an application for a special variance to allow future development at 15585 Orient Drive without connecting to public water and broadband fiber service. Development of property typically triggers connection to public utilities including public water, public sanitary sewer, public broadband fiber, and public storm drainage per Sections 17.84.20(A.2) and 17.84.60(A) of the Sandy Development Code. The existing broadband fiber, public water, sanitary sewer, and stormwater mainlines are located approximately 2,400 feet east of the subject property. The applicant proposes to use a private well for water service, an onsite (private) septic



system for sanitary sewer service, and to handle stormwater on site. Section 17.84.60(F) contains provisions to allow private on-site sanitary sewer and storm drainage facilities without the requirement for a variance; however, the code does not allow an exception for public water and broadband fiber. Thus, the applicant requests a special variance to waive the requirement to connect to public water and broadband fiber at this time.

#### **IV. RECOMMENDATION**

Staff recommends the Planning Commission hold a public hearing to take public testimony regarding the proposal. Staff recommends the Planning Commission **approve** the variance request with modifications as recommended in this report.

- **Future development of the property shall require approval of a Land Use Application in accordance with applicable regulations.**
- **The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.**
- **Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.**
- **The applicant shall follow all recommendations outlined in the septic system report (Exhibit D).**
- **The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service and/or broadband (fiber) service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) of the SMC) any public water or sewer lines or broadband (fiber) conduit constructed in public rights-of-way or easements adjacent to the property in the future. The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed restriction, pay all recording costs and deliver the recorded document to the City.**
- **Should public water, sewer service, and/or broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines or broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) of the Sandy Municipal Code (SMC). Specific requirements for connection will be codified in a deed restriction.**



# LAND USE APPLICATION FORM

(Please print or type the information below)

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

## EXHIBIT A

Name of Project JLP Development LLC

Location or Address 15585 SE Orient Dr, Boring, OR



Map & Tax Lot Number T 2S, R 4E, Section 10; Tax Lot(s) 4500

Plan Designation C-2 Zoning Designation Commercial Acres 2.29

Request:

Type III Special Variance for public utilities services

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 JLP Development LLC	Owner JLP Development LLC
Address PO Box 1429	Address PO Box 1429
City/State/Zip Clackamas, OR 97015	City/State/Zip Clackamas, OR 97015
Phone (503) 212-3900	Phone (503) 212-3900
Email jimpliska@spaceagefuel.com	Email jimpliska@spaceagefuel.com
Signature 	Signature 

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

File No. <u>18-036VAR</u>	Date <u>8/7/18</u>	Rec. No.	Fee \$ <u>1070.00</u>
Type of Review (circle one): Type I <u>Type II</u> Type III Type IV			

24E 10 04 500

# EXHIBIT B

## PROJECT NARRATIVE for

**JLP Development, LLC Special Variance  
(15585 SE Orient Dr., Boring, OR)**



**July 2018**

## **I. General Project Description**

The applicant, JLP Development, LLC requests approval for a Type III Special Variance per Section 17.66.80 to Sections 17.84.20(A)(2) and 17.84.60(A) of the Sandy Development Code. The subject property is located at 15585 SE Orient Drive, Boring, OR (24E10 tax lot 4500). The applicant is interested in developing the property with an automobile fueling station and convenience store. Sections 17.84.20(A)(2) and 17.84.60(A) require development sites to be connected to public water, sanitary sewer, broadband fiber, and storm drainage. Section 17.84.60(F) allows an exception to this requirement for private onsite sanitary sewer and storm drainage facilities.

The subject property is located at the intersection of Highway 26 and SE Orient Drive. It is bordered by Highway 26 along its entire southern boundary and SE Orient Drive along its eastern and northern boundaries. SE Crescent Road, a gravel surfaced public right-of-way, borders the property along its western boundary.

The property contains approximately 2.29 acres and a 4 bedroom, 2 bath single family residence built in 1948 is on the site. Access to the residence is currently provided from SE Crescent Road. The residence is currently served by an onsite septic system and a 48 gpm domestic well for water. These facilities will be upgraded as needed to serve the proposed development. The site is zoned C-2, General Commercial which permits the proposed automobile fueling station and convenience store outright but requires approval of a design review application. A separate Design Review application will be submitted following approval of the current application.

## **II. Application Approval Requests**

The applicant requests the following approvals with this application:

- Type III Special Variance to Sections 17.84.20(A)(2) and 17.84.60(A).

## **III. Items Submitted With This Application**

- Land Use Application
- Project Narrative
- Mailing labels and property owner list within 300 ft.
- Vicinity Map showing the location of existing public services.
- Letter and Report from Environmental Managements Systems, Inc.
- Preliminary Development Plan

## **IV. Review of Applicable Approval Criteria**

Development applications are required to meet development standards set forth in the Sandy Development Code, codified as Title 17 of the Municipal Code. The following section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response identifying how the proposal complies with this standard written in *italics*.

### **17.66.80 TYPE III SPECIAL VARIANCES**

The Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

*Response: The applicant is requesting a Special Variance to Sections 17.84.20(A)(2) and 17.84.60(A) requiring development projects to connect to public water and broadband fiber service.*

*Section 17.84.20(A)(2) contains the following language:*

- A. *All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:*
  2. *Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.*

*Section 17.84.60(A) contains the following language:*

- A. *All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.*

*As noted above, the applicant intends utilizing onsite water and sanitary sewer service and also addressing stormwater detention onsite. Also noted above, both sanitary sewer service and stormwater are considered provided by the requirements of Section 17.84.60(F) and the applicant is not required to make connections to these public facilities.*

One of the following sets of criteria shall be applied as appropriate.

- 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

*Response: The intent and purpose of Sections 17.84.20(A)(2) and 17.84.60(A) requiring development projects to connect to public sanitary sewer, water, storm drainage, and broadband fiber service is not specifically stated in the code. One would assume the reasons for this requirement is to ensure that development sites are provided with modernized public services and these services can be extended to adjoining properties further upstream. Section 17.84.60(F) allows an exception to this requirement for private on-site sanitary sewer and storm drainage facilities. Public water, sanitary sewer, and broadband fiber service is currently located at the intersection of Champion Way and Highway 26*

*about 1,500 feet from the subject property.* Given these distances it is not practical or reasonable for the property owner to be required to extend these services to the site. The applicant does not object to establishing these connections when facilities are available at the site. The site is currently provided with water service by an onsite well with sufficient volume to serve the proposed development. The applicant will need to determine how to provide internet service to the site. The significant distance the subject property is located from available public water and fiber service poses a unique circumstance such that the intent and purpose of these regulations will not be violated by granting a Special Variance to these sections.

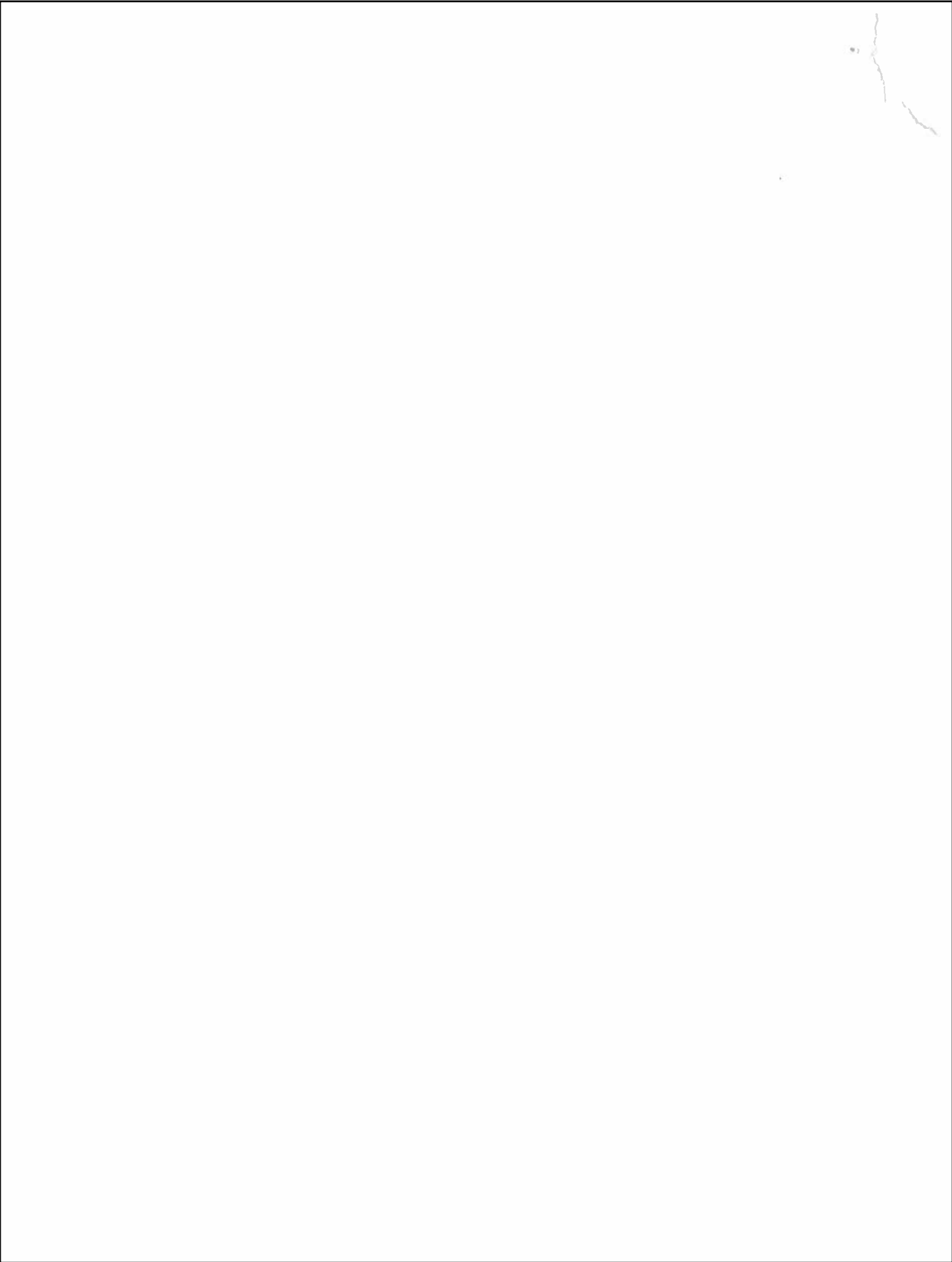
2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.  
**Response:** *The subject property is located in an area of low density residential development and is bordered by public rights-of-way on all four sides. As noted above, development of the site will be served by an onsite well for water service and an onsite septic system for sanitary sewer service. Stormwater will be handled onsite and discharged to an appropriate location as is required by City code. This type of stormwater design is similar to that of many properties in the City which lack available underground public storm facilities. The owner will need to explore options for internet service in order to serve the property with this service. With these improvements, the subject property will be generally self contained so that approval of a Special Variance to allow use of these private facilities rather than requiring connections to public water and broadband fiber system will not be detrimental to the public welfare or injurious to property in the area of the subject property.*

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.  
**Response:** *Approval of a Special Variance to allow the property to develop without connecting to public water and broadband fiber service is the minimum variance needed to allow the property to develop and permit compliance with building requirements to provide water service to the development. Without approval of this variance development of the subject property for commercial purposes would not be practical at this time.*
- 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.  
**Response:** *The proposed development is being requested to allow for the restoration or replacement of nonconforming development and this section is not applicable to the proposed development and this Special Variance request.*



## V. Conclusion

The applicant, JLP Development, LLC requests a Special Variance to Sections 17.84.20(A)(2) and 17.84.60(A) that require development projects to connect to public water and broadband fiber service. Given the distance the subject property is located from these services, it is not economically practical for the property owner to make these connections at this time. The subject property is already served by an onsite well with sufficient capacity to serve the proposed development. The applicant will need to explore options to provide internet service to the site. Given these facts and as reviewed above, the proposal complies with the Special Variance criteria contained in Section 17.66.80 and can be approved.



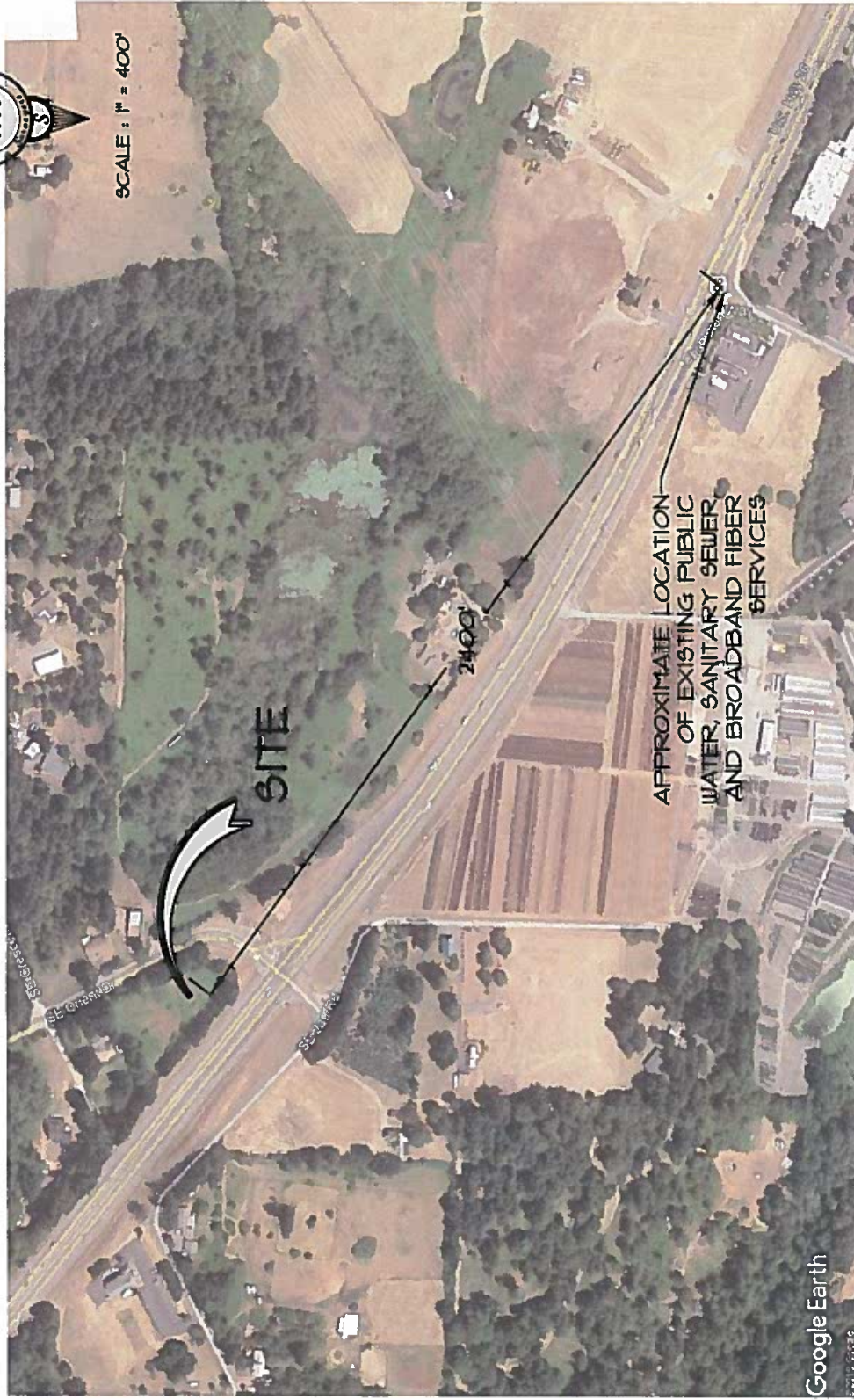


# EXHIBIT C

## VICINITY MAP



SCALE: 1" = 400'



18-126 Planning.dwg  
DATE OF PLOT: 08-02-18



ENVIRONMENTAL  
MANAGEMENT  
SYSTEMS, INC.

## EXHIBIT D

OR: 503-353-9691  
OREGON COAST: 503-322-2700  
FAX: 503-353-9695  
WA: 360-735-1109

www.envmgtsys.com  
4080 SE International Way  
Suite B112  
Milwaukie, OR 97222

April 24<sup>th</sup>, 2018  
Report # 18-0066

Jim Schilling  
21094 S Meadow Ridge Ct.  
Oregon City, OR 97045

REGARDING: Preliminary Site Evaluation, 15585 SE Orient Drive, Boring, OR. T: 2S, R:  
4E, SEC: 10, TL: 4500, Ac.: 2.29

Dear Mr. Schilling,

As requested, Environmental Management Systems Inc. (EMS) has performed the following services and provides this report for your use.

### PROJECT DESCRIPTION:

The subject property is developed with a new single-family residence and an unused septic system designed to treat 450 gallons of waste water per day. The home has recently been renovated and the septic system is unused. The property has recently been rezoned as C-2 commercial zoning, and the client's goal is to sell the property for commercial use. On April 11<sup>th</sup>, 0218, EMS conducted a preliminary site evaluation and inspection of the existing septic system to identify the potential to increase flow capacity and potential uses for the site.

### SUMMARY:

The existing system on site is designed to treat 450 gallons per day of residential strength wastewater. The system has never been used and appears to be in good condition. A site plan identifying the location of the existing system, including five distribution boxes and 380 linear feet of drainlines is attached at the end of this report. The site has potential to increase flows up to 1140 gallons per day with the addition of secondary treatment (sand filter or ATT), or 1890 gallons per day with the addition of secondary treatment and 250-linear feet of drain lines. An increase in flow would require a new septic tank with capacity of 2X the daily flow. A letter summarizing potential commercial uses for the property is enclosed.

**METHODS:** The following methods were used in this phase:

Observation  Measurement  Staking  Soil Evaluation   
Sampling  Inspection  Laser Elevations  Total Station   
Gov Records  Interview  Aerial Photo  Soil Survey   
Geologic Maps  Wetland Inventories  LIDAR  other (specify)

**LIMITATIONS:** This is a preliminary report only, using hand measurements and observations. More extensive work and investigation will be needed to fully develop the required level of detail for permit and construction approvals.

**FINDINGS:**

**Existing Uses for the Property.**

The site is currently developed with a 4-bedroom single family residence and a garage. Both structures are in the western part of the site near SE Crescent Rd. The remaining approximately 2 acres to the east is undeveloped but appears natural grades have been altered.

**Availability of Public Sewer & Water**

Public sewer and water are not available. A domestic water well is on site. The nearest sewer line is approximately 1500 feet away to the east.

**Current Utilities on Site**

Electricity, internet, phone service is available.

**Topography / Geology / Site Stability**

The site is relatively flat with slopes across the entire site averaging less than 10 percent. The landform is terraced, with the existing drainfield area sitting approximately 4 feet above the grade of the house and to the east with 2% northeastern slope. The eastern 2 acres appear to be have been graded to two somewhat level terraces, with mounds of soil scraped to the property's edges. Based on review of Oregon HazVu: Statewide Geohazards Viewer (<https://gis.dogami.oregon.gov/maps/hazvu/>), the site is not located in high landslide hazard area. Landslide hazard is moderate in some areas of the property. No indicators of instability such as crooked or bent trees and poles or cracked foundation was observed.

**Vegetation**

Vegetation on site is a mix of native trees and ornamental landscape plants including Douglas-fir, cherry, grasses, shrubs, and herbaceous perennials. Much of the undeveloped western part of the site had been invaded by Himalayan blackberry but was recently mowed.

**Soils**

The soil mapped on site by USDA Natural Resource Conservation Service (NRCS) is 15B – Cazadero silty clay loam, 0-7 percent slopes. Cazadero is typically found on terraces with a parent material of old alluvium. This is described as well drained with depth to restrictive feature or water table being more than 80 inches. Soil notes from Clackamas County's site evaluation indicate silty clay loam or gravelly clay loam without redoximorphic features down to 64 inches. The gravel may be weathered cobbles or floodplain deposits. During the EMS site evaluation, soil observed was consistent with the Clackamas County evaluation. Many large cobbles (>6" diameter) were encountered when locating the existing drainfield.

### **Wetlands / Surface Water**

No wetlands are mapped on the site by the National Wetland Inventory (US Fish & Wildlife) or by the Sandy Local Wetland Inventory (Sri/Shapiro/AGCO Inc.). No wetlands were observed during the site evaluation. Surface water was present in some areas of the site in the form of small puddles, but no perennial streams, ponds, or drainageways were observed. A perennial stream runs northwest of the site from east to west and appears to be a tributary of Tickle Creek. This creek is over 200 feet away from the existing drainfield, on the other side of SE Crescent Rd.

### **Zoning**

The site has recently been rezoned from Rural Residential Farm Forest 5-Acre (RRFF-5) to Community Commercial (C-2) Commercial Zoning. Primary permitted uses include but are not limited to:

- Assembly facilities – auditoriums, churches, community centers, convention centers, etc.
- Bed and breakfast residences and inns
- Civic and cultural facilities
- Daycare facilities
- Farmers markets
- Financial Institutions – banks, credit unions, loan companies, etc.
- Hotels and motels
- Offices
- Parks
- Retail establishments
- Service stations
- Food and beverage establishments
- Maintenance and repair services – automobiles, bicycles, all-terrain vehicles, light trucks, appliances, etc.
- Personal and convenience services – salons, barbershops, laundries, tailors, etc.
- Studios – art, photography, dance, etc.

### **Existing Septic System**

The existing septic system is sized to treat 450 gallons per day of wastewater. It is a standard system consisting of one 1000-gallon concrete septic tank that pumps to five 70-80-foot long EZ-Flow drain lines (380 linear feet total). Distribution boxes were uncovered and staked during the site evaluation. The existing system was installed as a major repair in 2015 to replace the old system, which may have been just a cesspool or seepage pit. No old drainfield was identified in the permit records or observed on site.

### **Potential for Increased Flow**

The site has potential to increase wastewater flows to up to 1890 gallons per day with the addition of pretreatment (sand filter or ATT) and 250 linear feet of drainline. The location of four potential drainlines 50-70 feet long in the approved drainfield area is shown on the attached site plan. Drainlines must be spaced at least 10 feet apart on center. Setbacks that

must be maintained include: 10 feet from property lines, 25 feet from the 4-foot retaining wall, and 100 feet from the well. Alternatively, this area may be reserved as repair area, should the system fail in to the future. The addition of a secondary treatment without additional drainlines would increase flows by approximately two thirds, to 1140 gallons per day. A new septic tank with a capacity of at least 2X daily flows will be required for increased flows.

**CONCLUSIONS:**

1. The existing system has never been used and appears to be in good condition. Five distribution boxes were uncovered during the site evaluation. A total of 380 linear feet of easy flow drainlines are identified in the permit documents.
2. Commercial development at the site is feasible. The existing system is able to support any business that produces less than 450 gallons per day of wastewater, such as an office or retail establishment.
3. The site has potential to upgrade to a system that can treat up to:
  - a. 1140 gallons per day of wastewater - with the addition of pretreatment, or
  - b. 1890 gallons per day of wastewater – with the addition of pretreatment and 250 linear feet of drainline
4. Any change in use or increase in projected flow of the existing system will require an Authorized Notice submitted to the DEQ agent (Clackamas County Septic and Onsite Wastewater Program). All establishments listed under Zoning above are potentially feasible, and projected flows will depend on the estimated use of the facilities (i.e. number of daily customers). OAR 340-071-0220 Table 2 should be consulted to estimate gallons per day of wastewater flows. For establishments that aren't found in the table, consult Clackamas County Onsite Wastewater program. A letter summarizing potential business for the site is attached at the end of this report.

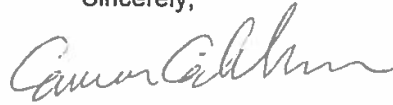
**RECOMMENDATIONS:** The following additional steps or services appear to be needed:

1. Onsite Wastewater Treatment System Design – Yes, if increase flows require upgrading the system
2. Stormwater Treatment System Design – Yes. New establishments will create impervious surface, and runoff will need to be properly managed. Runoff should be diverted away from the septic system.
3. Erosion Control Plan – Yes, as applicable with future development
4. Civil Engineering – Yes, as applicable with future development
5. Topographic Survey – Yes, as applicable with future development
6. Hydrogeological Studies – Not indicated
7. Environmental Site Assessment – Not indicated
8. Environmental / Natural Resources Assessment – Not indicated
9. Geologic Hazard Study – Not indicated

**DISCLOSURE:** The information and statements in this report are true and accurate to the best of our knowledge. Neither Environmental Management Systems, Inc., nor the undersigned have any economic interests in the project.

To carry out the above listed recommendations, contact us for an Agreement for Professional Services. Thank you for your business, and we look forward to assisting you to achieve your development objectives. If you have any questions, please contact Steve Greenslate or me at 503-353-9691.

Sincerely,



Emma Eichhorn, BS, EHST  
ENVIRONMENTAL MANAGEMENT SYSTEMS, Inc.

**Enclosed:**

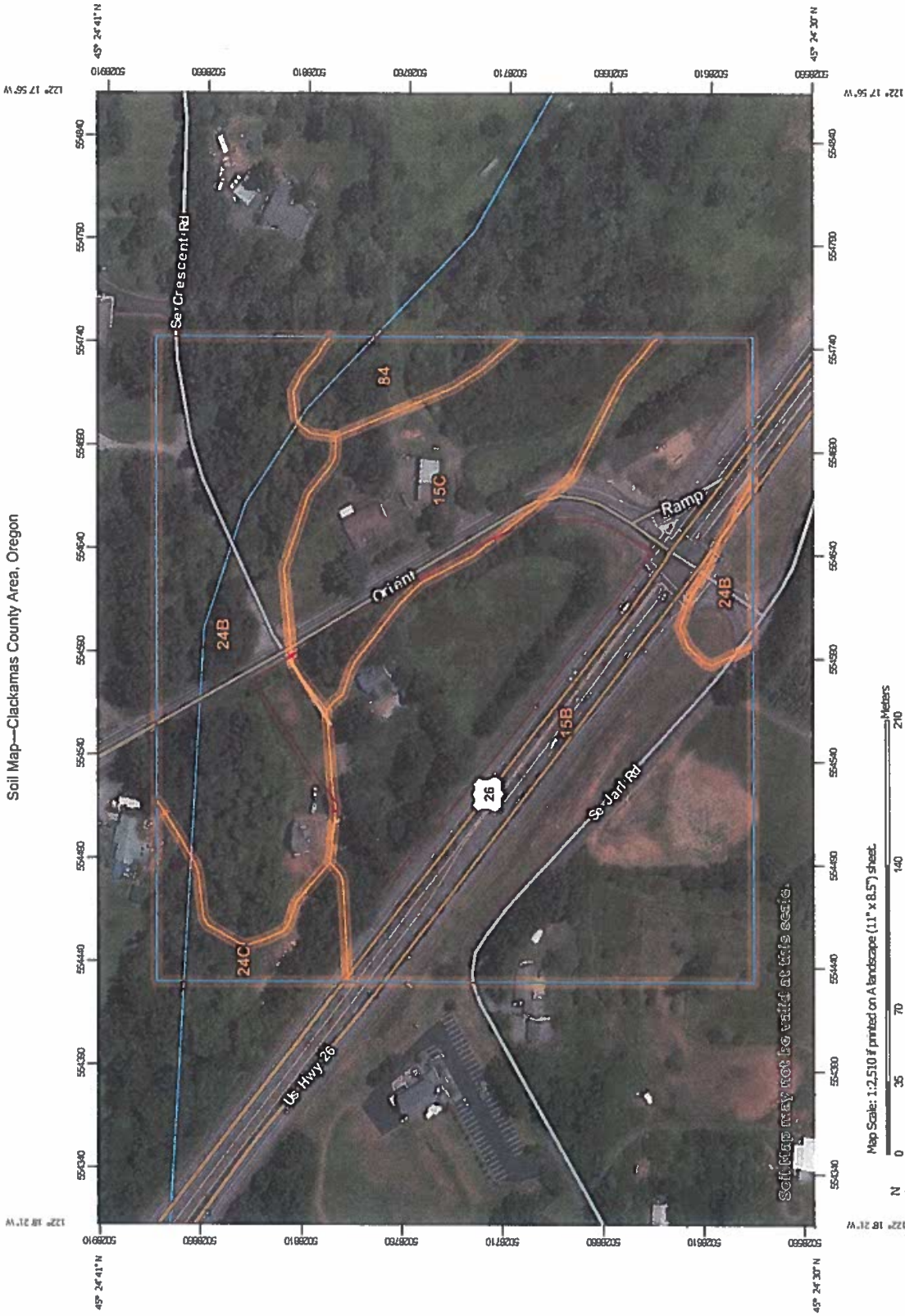
Conceptual Site Plan  
Tax Lot Map  
NRCS Soil Map  
LIDAR Map  
Letter to potential buyer







Soil Map—Clackamas County Area, Oregon



Soil map may not be valid at this scale.

Map Scale: 1:2,510 (printed on A landscape (11" x 8.5") sheet).



Map projection: Web Mercator Corner coordinates: WGS84 Edge bcs: UTM Zone 10N WGS84

Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

4/24/2018  
Page 1 of 3

## Clackamas County Area, Oregon

### 15B—Cazadero silty clay loam, 0 to 7 percent slopes

#### Map Unit Setting

*National map unit symbol:* 223c

*Elevation:* 300 to 900 feet

*Mean annual precipitation:* 48 to 85 inches

*Mean annual air temperature:* 50 to 52 degrees F

*Frost-free period:* 140 to 200 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Cazadero and similar soils:* 85 percent

*Minor components:* 2 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Cazadero

##### Setting

*Landform:* Terraces

*Landform position (three-dimensional):* Tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Parent material:* Old mixed alluvium

##### Typical profile

*H1 - 0 to 21 inches:* silty clay loam

*H2 - 21 to 75 inches:* clay

##### Properties and qualities

*Slope:* 0 to 7 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):*  
Moderately high (0.20 to 0.57 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Moderate (about 8.0 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 2e

*Hydrologic Soil Group:* C

*Forage suitability group:* Well drained < 15% Slopes  
(G002XY002OR)

*Hydric soil rating:* No

Map Unit Description: Cazadero silty clay loam, 0 to 7 percent slopes--Clackamas County Area, Oregon

---

### Minor Components

#### Borges

*Percent of map unit:* 2 percent

*Landform:* Hillslopes, depressions on terraces

*Landform position (two-dimensional):* Footslope

*Landform position (three-dimensional):* Base slope, tread

*Down-slope shape:* Linear

*Across-slope shape:* Linear

*Hydric soil rating:* Yes

### Data Source Information

Soil Survey Area: Clackamas County Area, Oregon

Survey Area Data: Version 12, Sep 19, 2017

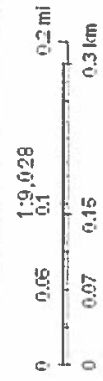
# Schilling, Jim - 15585 SE Orient Drive, Boring, OR



April 24, 2018

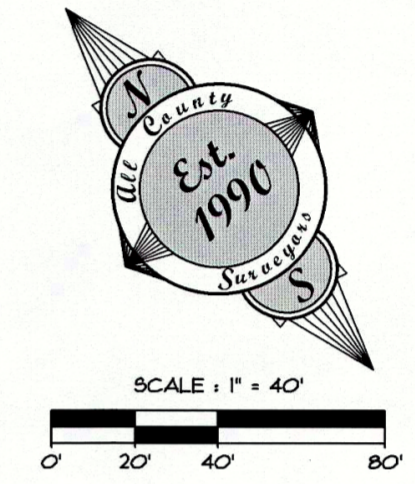
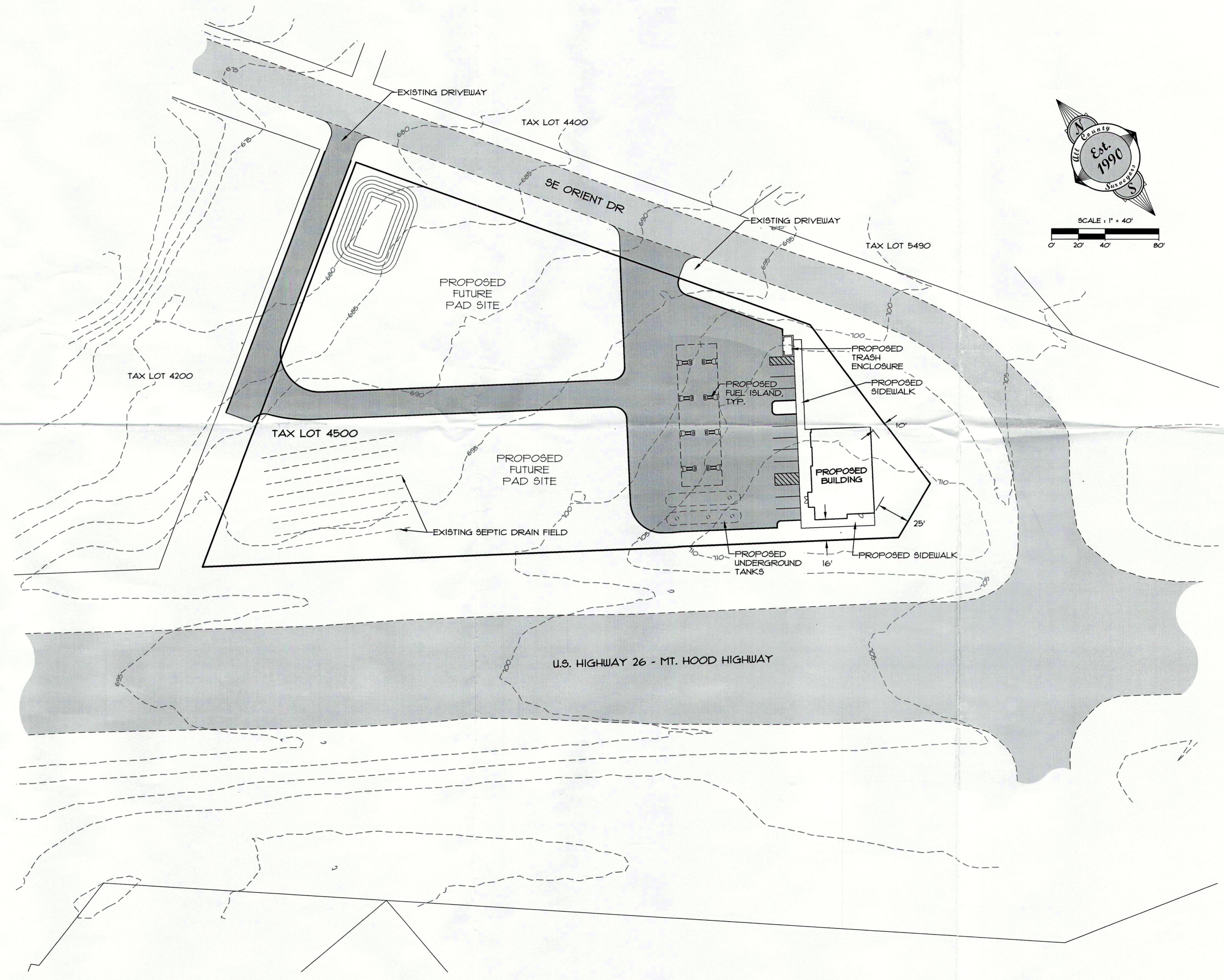
- High Hazard Zone
- Moderate Hazard Zone
- Bare Earth Lidar Hillshade

7590



100

# SPACE AGE GAS STATION - ORIENT DRIVE



DATE	NO.	REVISION	BY

SCALE	VERT. 1" = 10'	HORIZ. 1" = 40'	DATE: 07-17-18	FILE: 18-26 Planning.dwg
LEGAL	TWP. 25	RANGE 4E	SECTION 10	RENEWAL DATE: 07/23/2018

**PRELIMINARY**

**SPACE AGE GAS STATION  
PRELIMINARY SITE PLAN**

15585 SE ORIENT DR. BORING, 97009

**Surveyors & Planners, Inc.**  
 Surveying, Planning and  
 Civil Engineering

P.O. Box 950  
 Boring, OR 97009  
 Phone: (503) 668-4730  
 Fax: (503) 668-4730

DATE OF PLOT: 07-17-18

CLIENT:  
 SPACE AGE  
 JIM FLISKA  
 (503) 212-3900

SHEET  
 OF 1  
 SK-1

## EXHIBIT F

### MEMORANDUM

TO: EMILY MEHARG, ASSOCIATE PLANNER  
FROM: MIKE WALKER, PUBLIC WORKS DIRECTOR  
RE: FILE 18-036 VAR  
DATE: SEPTEMBER 25, 2018

The applicant is seeking a variance from the requirements of section 17.84.60(A) Sandy Municipal Code (SMC). This code section requires that all "development sites be provided with public water, sanitary sewer, broadband (fiber), and storm drainage."

Section 17.84.60(F) allows for on-site sewage disposal systems as long as all the following conditions exist:

- "1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work."

The site is located in the City Limits at the west edge of the Urban Growth Boundary. There are only two or three parcels in the UGB north and west of the applicant's site. These parcels are also lower in elevation than the applicant's site so it is reasonable to assume that extension of a public facility through the site is not currently necessary for the future orderly development of adjacent properties.

The site is under one ownership and no partition or land division is proposed.

To satisfy 17.84.60(F)3 the applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.

Stormwater from any future development on the site shall be detained and treated to comply with City standards and discharged to the existing roadside drainage system operated by Clackamas County.

The public water line nearest the site is located across Hwy 26 approximately 2,400 feet distant. This is the code requirement that the applicant seeks relief from through the variance process.

If a variance is granted the following conditions should be attached to the decision and order:

1. The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of water and/or sewer service to the site. The applicant shall also sign a deed restriction obligating the property owner to connect to or extend (per 17.84.60(D) SMC) any public water or sewer lines constructed in public rights-of-way or easements adjacent to the property in the future.

The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver and deed restriction, pay all recording costs and deliver the recorded documents to the City.

2. Should public water and sewer service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any public water or sewer lines on or adjacent to immediately adjacent parcels per 17.84.60(D) SMC.

3. The applicant shall obtain approval for an on-site sewage disposal system (including a replacement system) from Clackamas County Water Environment Services.

Please let me know if you have any questions or need more information.



10/1/2018

and Comments for 18-036 VAR



## EXHIBIT G

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

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### Broadband Comments for 18-036 VAR

1 message

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Greg Brewster <gbrewster@ci.sandy.or.us>

Fri, Sep 28, 2018 at 9:43 AM

To: "Kelly O'Neill Jr." <koneill@ci.sandy.or.us>, Emily Meharg <emeharg@ci.sandy.or.us>

Cc: Joe Knapp <jknapp@ci.sandy.or.us>

Kelly & Emily,

The following are SandyNet's comments for variance 18-036:

1. The applicant shall sign and record a Waiver of Remonstrance for participation in any future Local Improvement District proposed for extension of broadband service to the site.

The applicant shall furnish a legal description and sketch for the parcel affected by the Waiver, pay all recording costs and deliver the recorded document to the City.

2. Should public broadband service be extended to, through or adjacent to the site by other development or the Local Improvement District process the applicant shall be obligated to extend and/or connect to any broadband conduit on or adjacent to immediately adjacent parcels per 17.84.60(D) SMC.

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Gregory Brewster

Assistant Director/Systems Developer  
City of Sandy/SandyNet  
SandyNet 503-668-2923  
Desk Phone: 503-489-0937

10/8/2018

City of Sandy Mail - 18-036 VAR 15585 Orient DR



**EXHIBIT H**

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

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**18-036 VAR 15585 Orient DR**

1 message

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**jim schilling** <jimschilling1@me.com>

Sat, Oct 6, 2018 at 11:26 AM

To: [planning@ci.sandy.or.us](mailto:planning@ci.sandy.or.us)

Cc: Jerry Schilling <jwestern@frontier.com>, Jim Schilling <jimschilling1@me.com>, Emily Meharg <emeharg@ci.sandy.or.us>

File # 18-036 VAR 15585 Orient Dr

On behalf of Jerry Schilling and James Schilling co-owners of the property at 15585 Orient Dr we are in favor of the proposed development before the planning commission.

Over the last 5 years as owners of the subject property we were highly involved and supportive of the Urban Growth Boundary Expansion process and revisions, having attended numerous hearings and meetings and providing input throughout the process.

Shortly after the UGB finalization a couple of years ago, we immediately began the Successful year long process of Annexation into the city with the intention of developing the property. The Annexation allowed to and resulted in the City of Sandy re-drawing the new city limits towards the Western end of town. This also included Highway 26 and Orient Drive, therefore providing expansion access to much of the newly designated C-2 Commercial development properties identified in the UGB.

We look forward to the Variance approvals by the City of Sandy's Planning Commission and development of the property by Mr. Pliska and his company JLP Developments LLC.

Sincerely,

James & Jerry Schilling

Attachment: Map showing New city limits encompassing our property

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 **Orient (dragged).pdf**  
1919K

