



# PLANNING COMMISSION MEETING

Monday, January 13, 2025 at 6:30 PM  
Sandy City Hall and via Zoom

## AGENDA

---

---

### TO ATTEND THE MEETING IN-PERSON:

Come to Sandy City Hall (lower parking lot entrance) - 39250 Pioneer Blvd., Sandy, OR 97055

### TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/83438401019>

Or by phone: (253) 215-8782; Meeting ID: 834 3840 1019

### ROLL CALL

### APPROVAL OF MINUTES

1. Approval of Minutes for November 25, 2024

### 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.

### DIRECTOR'S REPORT

2. Director's Report for January 2025

### COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

3. Planning Commission Chair Appointments for 2025

### NEW BUSINESS

4. Land Use Training
5. 2025-2027 Planning Commission Goals Discussion

### ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

**Sandy Planning Commission  
Regular Meeting  
Monday, November 25, 2024**

Chair Wegener called the meeting to order at 6:31 p.m.

**1. MEETING FORMAT NOTICE: Instructions for electronic meeting**

**2. ROLL CALL**

Commissioner Crosby – Present  
Commissioner Poulin – Present  
Commissioner Ramseyer – Present  
Commissioner Vincent – Excused  
Commissioner Myhrum – Absent  
Vice Chair Lee – Present  
Chair Wegener – Present

Others present: Development Services Director Kelly O'Neill Jr., Executive Assistant Rebecca Markham, Senior Planner Patrick Depa, City Attorney Josh Soper

**3. APPROVAL OF MINUTES – August 26, 2024**

Chair Wegener asked for any edits to the draft minutes. With no requested edits, Wegener declared the minutes approved.

**4. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS:**

None

**5. DIRECTOR'S REPORT**

Development Services Director Kelly O'Neill Jr. told the Commissioners that there won't be a Planning Commission meeting in December but is considering a January meeting to determine chair appointments as well as to discuss goals for the next biennium.

O'Neill updated the Commission on the new Chipotle restaurant, the Sandy Marketplace redesign, Tollgate Inn's new covered structure, and progress on the new Cascade Creek Apartments. He also gave brief updates on Sandy Woods II, Bornstedt Views, Tickle Creek Condos, and the two subdivisions being built on Vista Loop Drive.

O'Neill also gave a brief update on the recent code enforcement cases and reminded the Commissioners that if they'd like to have monthly updates on these cases, to let him know.

O'Neill thanked Commissioner Vincent and Myhrum for their time on the Commission, congratulated Commissioner Ramseyer on her election to the City Council, and congratulated Commissioner Lee on her reappointment to the Planning Commission.

Lastly, O'Neill mentioned they had nine people apply for the four open Planning Commission positions and said it was the most impressive applicant pool since he started working at the City of Sandy. The recommendation for approval on the four chosen applicants will go before the City Council on December 2.

## 6. CITY COUNCIL LIAISON REPORT

City Council Liaison Chris Mayton gave his congratulations and thanks to Commissioner Lee and Commissioner Ramseyer. He stated that he looks forward to working with Commissioner Ramseyer in the future.

## 7. NEW BUSINESS:

### 7.1. Sandy Transit Operation Center Re-Zoning (File No. 24-055 VAR)

Chair Wegener opened the public hearing on File No. 24-055 VAR at 6:45 p.m. Wegener 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. Commissioner Crosby mentioned that he explained the application to a coworker who received the notice in the mail and didn't understand what it was about.

#### **Staff Report:**

Senior Planner Patrick Depa completed a presentation that included background information, a vicinity map, history of past approvals, zoning information on the site and surrounding sites, and the review criteria from Chapter 17.26. Depa also explained the connection with the 2020 Transit Master Plan, specifically Policy # 3, Action 3.1 that clearly spells out the need for the expansion.

#### **Applicant:**

Andi Howell, Transit Director  
16610 Champion Way  
Sandy, OR 97055

Director Howell thanked the Commissioners and Chair for their time on this application and explained the reason for the requested zone change. She said the potential new building would be located away from the street and public view, hence their request to change the zone from I-1 to I-2 giving more flexibility on the design standards and requirements. She explained that the building will also provide extra office space, storage, and allow for more transit department growth.

#### **Public Testimony in support:**

None

#### **Public Testimony against:**

None

#### **Public Testimony neutral:**

None

#### **Staff Recap:**

Depa said the zone change request from I-1 to I-2 was more appropriate for the intended use and the I-2 zone change is similar to other properties on the south side of Champion Way.

O'Neill followed up and made it clear that he doesn't want the City of Sandy treated any differently than other applicants with similar projects and requests. He also explained that the building that will eventually be built would be internal to the site and out of the way of public view. The I-2 zoning district won't require as robust "Sandy Style" design requirements as the I-1 zoning would require. He also clarified that if a building is built closer to the property line and in the public view, the conditions would require a more robust design.

O'Neill also reminded the Commission that they are only making a recommendation on the zone change and not regarding any future buildings. Lastly, O'Neill explained that they will need to work closely with the city attorney to discuss a transfer of ERU's if the new building eventually moves forward. He said that the City will need to follow the same standards in the moratorium and consent decree as a private developer.

**Discussion:**

Commissioner Lee asked Director Howell if they plan to hire an "in-house" maintenance mechanic in association with the new building. Howell confirmed they are considering that as an option since third party diesel mechanics are expensive and difficult to find. She also stated that the new position would be in the new maintenance building and would serve the entire City fleet.

**Motion:** Motion to close the public hearing at 7:21 p.m.

Moved By: Commissioner Crosby

Seconded By: Commissioner Lee

Yes votes: All Ayes

No votes: None

Abstentions: None

**Motion:** Move that the findings as presented in the staff report dated November 15, 2024, shall be adopted, including the conditions in finding #20, and the Planning Commission recommends approving File No. 24-055 ZC to City Council to amend the Zoning Map from Industrial Park (I-1) to Light Industrial (I-2).

Moved By: Commissioner Ramseyer

Seconded By: Commissioner Crosby

Yes votes: All Ayes

No votes: None

Abstentions: None

**8. ADJOURNMENT**

Chair Wegener adjourned the meeting at 7:22 p.m.

\_\_\_\_\_  
Chair Darren Wegener

Attest:

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

\_\_\_\_\_  
Kelly O'Neill Jr.,  
Development Services Director



# STAFF REPORT

## Planning Commission

**Meeting Type:** Planning Commission  
**Meeting Date:** January 13, 2025  
**From:** Kelly O’Neill Jr., Development Services Director  
**Subject:** Director’s Report for January 2025

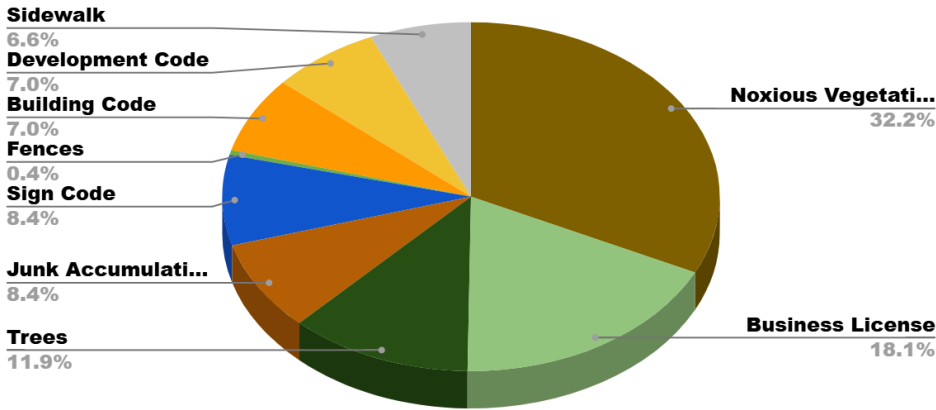
**Next Meeting:**

February 18 at 6:00 PM – Joint Work Session with City Council on Mass Timber

**Code Enforcement Year End Report for 2024:**

Code Enforcement for Development Services closed 451 cases in 2024.

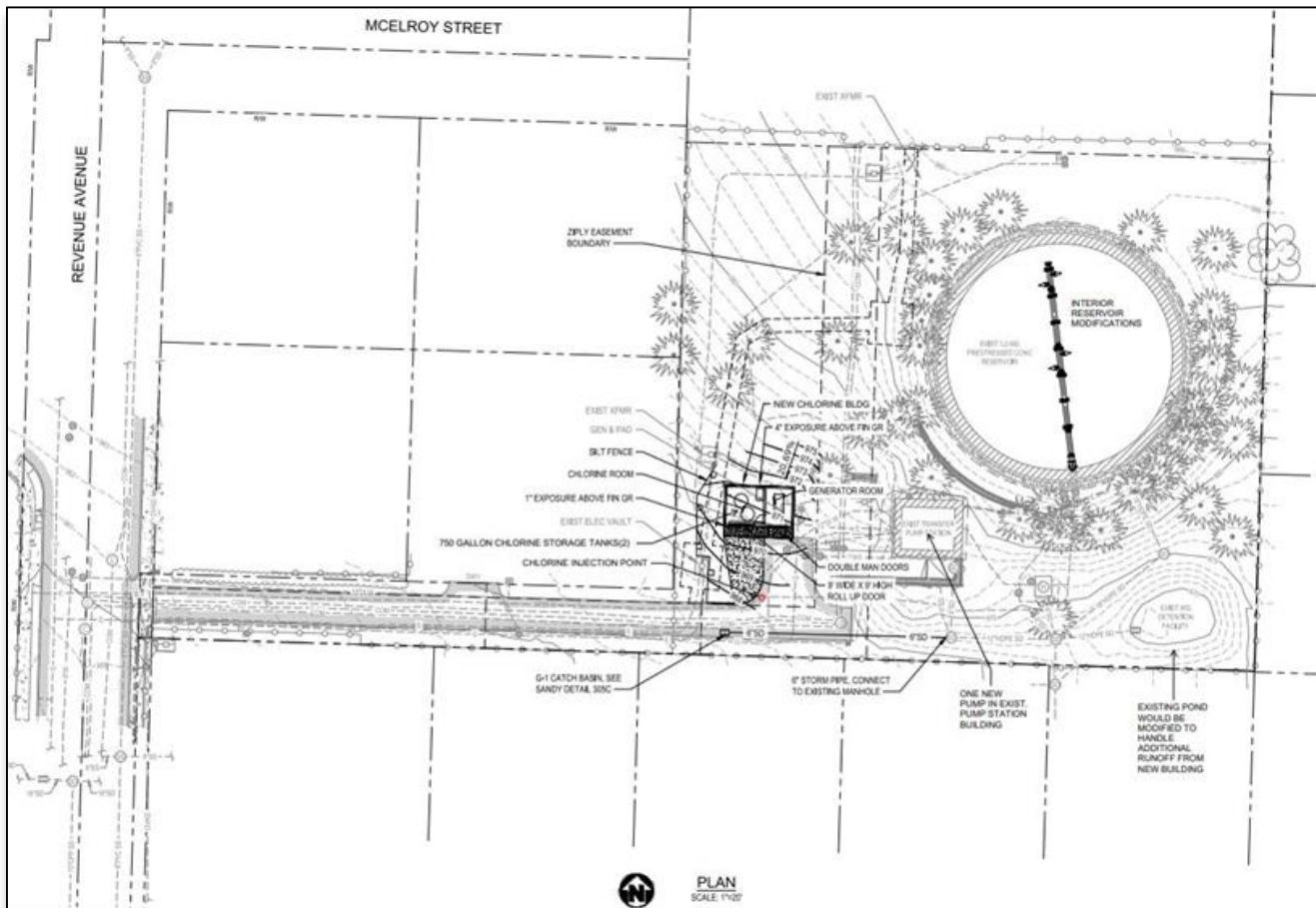
**2024 Code Enforcement Closed Cases**



- 144 Citations were issued with a total penalty amount of \$172,300.
  - (\$110,000 for house on Goldenrain Street)
  - (\$22,000 for house on Dubarko Road)
- Liens were placed on 7 properties with a total penalty of \$151,646.
- 4 accounts were sent to collection with a total penalty of \$3,300.

**Disinfection Building and Pump Station Upgrade Pre-App:** The City Public Works Department is proposing to upgrade their existing water reservoir and pump station facility located at 17160 Revenue Avenue. The upgrades consist of adding a new four hundred (400) square foot structure to house two new chlorine tanks that require adding new pumps as well as upgrading the existing pumps. The City will also be modifying the input to the existing water reservoir tank in addition to upgrading outdated equipment. The review of the pump station will follow the minor modification

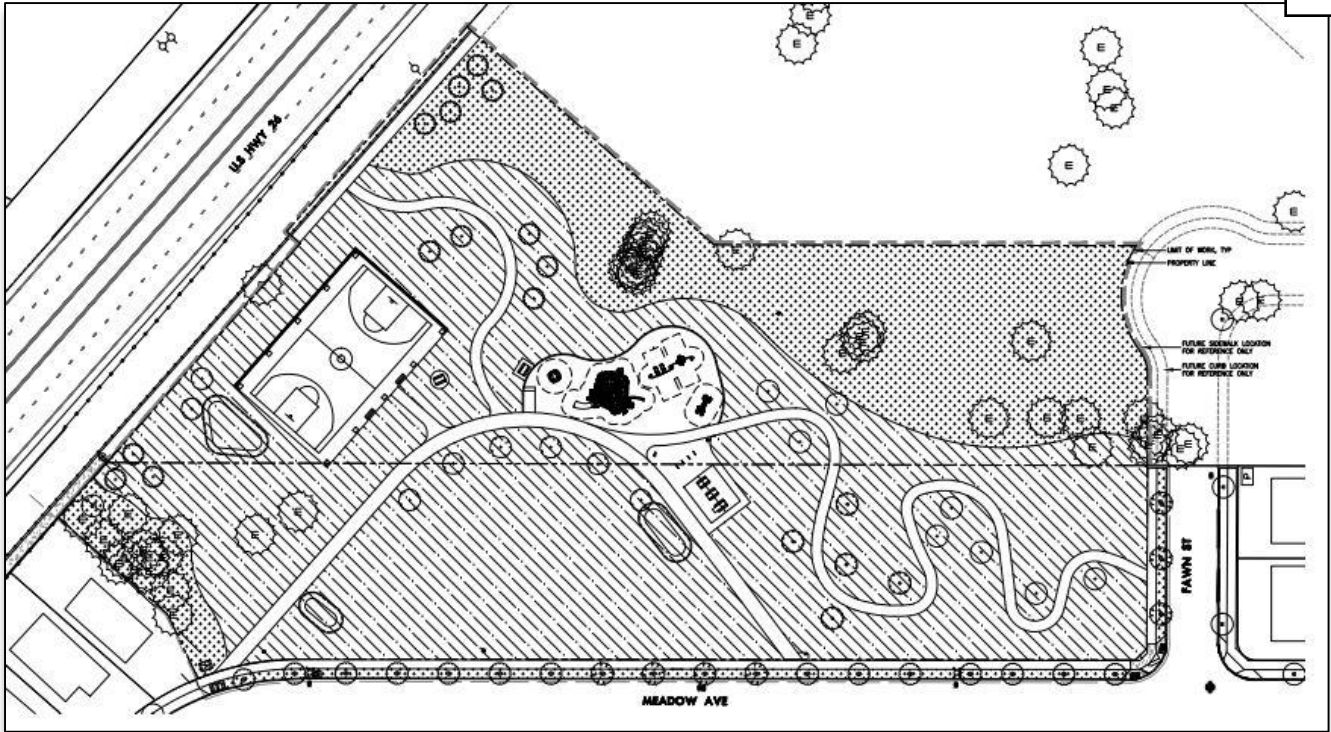
process to the existing conditional use permit that was approved in 2012. The Planning Division will be holding a pre-application meeting with Public Works and their consultant in mid-January.



**Deer Pointe Park Review:** The Planning Division conducted a pre-application meeting to compile information for further review of a new park that will be called Deer Pointe Park. Deer Pointe Park is currently described and categorized as an “Undeveloped Park” in Sandy’s 2022 Parks and Trails Master Plan. The existing Deer Pointe Park can be described as 1.41-acres of undeveloped park consisting of open space and a few areas of tree stands. The undeveloped park described in the 2022 Parks and Trails Master Plan refers to Map/Tax Lot 25E18CC 13400 only.

On June 23, 2023, Bull Run Terrace, a mixed-use development, fulfilled their final order and completed a 1.75-acre parkland dedication (Deed No. 2023-021503) to the City. The total park area then grew to approximately 3.16 acres. The Deer Pointe Park concept as submitted by the Parks and Recreation Department consists of developing the entire site.

The park will border the eastside of Meadow Avenue and northside of Fawn Street that travels east and west before it turns south in the Bull Run Terrace subdivision. The site will be a focal point for the current Deer Pointe neighborhood residents and future development just east of the park site. The concept provides standard neighborhood park amenities including an accessible looped path, playground, multi-use field, picnic shelters and tables, and a sports court.





# STAFF REPORT

## Planning Commission

---

**Meeting Type:** Planning Commission  
**Meeting Date:** January 13, 2025  
**From:** Kelly O'Neill Jr. Development Services Director  
**Subject:** Planning Commission Chair Appointments for 2025

---

### DECISION TO BE MADE:

- Appoint the Planning Commission Chair for 2025
- Appoint the Planning Commission Vice Chair for 2025

### BACKGROUND / CONTEXT:

In accordance with Section 2.16.070 of Title 2, at the first meeting of each calendar year, the Planning Commission shall elect a Chair and Vice Chair by majority vote from those commissioners. The Chair and Vice Chair shall serve one-year terms. Commissioners shall not serve as the Chair or Vice Chair for more than two consecutive calendar years. The 2024 appointments were Commissioner Wegener as the Chair and Commissioner Lee as the Vice Chair. Chair Wegener did not serve as Chair prior to 2024, while Commissioner Lee has served as Vice Chair for at least the last two consecutive years.

The Chair assists with setting the Commission agenda, setting time limitations for applicants and the public at hearings, presides over meetings and work sessions, reviews final orders, and coordinates with fellow commissioners. The Vice Chair assumes the Chair responsibilities when the Chair is absent.

### RECOMMENDATION:

At the January 13, 2025, Planning Commission meeting, appoint a Chair and Vice Chair for the calendar year of 2025.

### SUGGESTED MOTION LANGUAGE:

"I move to appoint Commissioner \_\_\_\_\_ as the Chair and Commissioner \_\_\_\_\_ as the Vice Chair of the Sandy Planning Commission for the calendar year of 2025."





# STAFF REPORT

Item # 4.

---

**Meeting Type:** Planning Commission  
**Meeting Date:** January 13, 2025  
**From:** Josh Soper, City Attorney  
**Subject:** Land Use Training

---

## **PURPOSE / OBJECTIVE:**

Training from the City Attorney's Office on land use issues.

## **BACKGROUND / CONTEXT:**

Staff periodically requests that the City Attorney's Office provide a training on land use issues for the benefit of the Planning Commission. This will be a refresher for some members of the Commission and will provide a good baseline in land use law for new members.

## **KEY CONSIDERATIONS / ANALYSIS:**

During the presentation, the City Attorney will provide a brief overview of land use basics, including the history and purpose of Oregon land use law, the role of the State and of cities, and the types of land use decisions you may be asked to make.

The presentation will also cover important issues that frequently arise in this context, including bias, ex parte contacts, and conflicts of interests, and how to avoid and address them when necessary. It will also touch on related Government Ethics and Public Meetings issues.

Commissioners will learn about requirements relating to holding public hearings, issues commonly associated with hearings, and how to understand criteria and draft findings. The training will lay out the appeals process, including what to expect if the City's decision is appealed to LUBA.

Finally, the presentation will cover the 120-Day and Fixed Goalpost Rules associated with land use law, along with "clear and objective" requirements, common constitutional issues, and recent legislation.

The presentation will end with a Q&A opportunity, and in the attached presentation materials you will find additional resources in the event you'd like to dig deeper into this subject.

## **LIST OF ATTACHMENTS / EXHIBITS:**

Presentation

# Land Use Training

Presented to the City of Sandy Planning Commission  
by Josh Soper  
BEERY ELSNER & HAMMOND, LLP  
January 13, 2025

# Agenda

- **Brief Overview of Land Use Basics**
  - History and Purpose of Oregon Land Use Law
  - Role of State and Cities
  - Types of Land Use Decisions
- **Important Issues**
  - Bias, Ex Parte Contacts, and Conflicts of Interest
  - Other Government Ethics Issues
  - Public Meetings Issues
  - Hearing Requirements and Issues
  - Criteria and Findings
  - Appeals
  - 120-Day and Fixed Goalpost Rules
  - Clear and Objective Requirements
  - Constitutional Issues
  - Recent Legislation (SB 1537)
- **Questions and resources**

# History and Purpose of Oregon Land Use

- Over 50 years of land use law in Oregon
  - Originated with Senate Bill 100, adopted in 1973
  - Concerned at that time primarily with protecting farm and forest lands; preventing sprawl
- Purpose is to manage land uses to achieve a variety of competing and complimentary goals
  - Livability
  - Economic development
  - Protecting resources
  - Efficient and orderly uses of land

# Role of State and Cities

- State:
  - 19 Statewide Planning Goals
  - State statutes and administrative rules
  - DLCDC, governed by LCDC
  - LUBA
- Cities:
  - Comprehensive Plans – maps, policy, vision
  - Ordinances - implementing comp plan
  - Review development applications for compliance

# Types of Land Use Decisions

There are two primary types of land use decisions you will encounter:

- Legislative
- Quasi-Judicial

# Legislative Decisions

- Legislative decisions typically involve the adoption of more generally applicable policies, standards, etc., that apply to a variety of factual situations, and a broad class of people.
- Examples include amending the comprehensive plan, a zone change that applies broadly to large areas, or changes to the text of the development code to include or delete specific uses in a zoning classification.
- Because a legislative decision is the expression of City policy, the City is not required to reach a decision on a legislative proposal and may table the issue or decline to review it altogether.
- Bias and ex parte requirements do not apply.

# Quasi-Judicial Decisions

## Definition:

- The application involves only a single property or small group of properties.
- A decision on the application is based on pre-existing criteria.
- The city is required to make a decision.

Most decisions you encounter will be quasi-judicial. As “judicial” suggests—the city decision-maker will be effectively acting as a judge to determine an application’s compliance with applicable requirements. Because of that, additional requirements apply.



# Bias

Bias exists if the decision was the product of positive or negative bias rather than an independent review of the facts and law.

*Rosenzweig v. City of McMinnville*, 64 Or LUBA 402 (2011).

The standard is whether the decision-maker prejudged the application and did not reach a decision based on the evidence in the record and the applicable criteria. *Halvorson Mason Corp. v. City of Depoe Bay*, 39 Or LUBA 702 (2001).

## Bias – Example

*Halvorson Mason Corp v. City of Depot Bay*, 39 Or LUBA 702 (2001).

- Facts: Prior to decision, city councilor sent letter to mayor and other councilors concluding that applicant did not have the right to use the structure for the proposed use.
- LUBA: Biased. The city councilor formed an opinion regarding the legality of the real estate sales office prior to receiving evidence during the course of the city council proceedings. . . It is clear [the councilor] prejudged the application and was incapable of rendering an impartial decision based on the application, evidence and argument submitted during the city's proceedings on the application.

## Bias - Example

### *Woodard v. Cottage Grove*, 54 Or LUBA 176 (2007)

- Facts: City councilor signed letter to the editor encouraging project opponent to leave town. Also requested police logs regarding project's opponent and included them in the record.
- LUBA: Biased. "The role of the local government decision maker is not to develop evidence to be considered in deciding a quasi-judicial application, but to impartially consider the evidence that the participants and city planning staff submit . . . in the course of the public proceedings.

## Bias - Example

*Friends of Jacksonville v. City of Jacksonville*, 42 Or LUBA 137 (2002).

- Facts: City councilor was member of church that applied for conditional use permit. Expressed concerns about conditions imposed on church, but ultimately voted to approve permit.
- LUBA: Not biased. Where the decision maker has expressed concern about the proposed conditions of approval but nevertheless declares that she is able to render a decision based on the facts and law before her, that decision maker has not impermissibly prejudged the application.

## Bias - Example

*Nicita v. Oregon City*, 74 Or LUBA 176 (2016).

- Facts: Petitioner challenged city decision to approve plan amendment, zone change, and master plan.
- LUBA: A city commissioner's reference to "banana" as an acronym for "build absolutely nothing anywhere near anything" does not demonstrate that the city commissioner was biased against opponents.

# Ex Parte Contacts

Definition: Communication or information received outside of the record on a matter that is pending before the city. Can include site visits.

ORS 227.180(3): A decision is not invalid if the decision-maker receiving the contact discloses the **substance** of the communication on the record and allows an opportunity for parties to respond. Tip: Err on the side of over-disclosure.

## Exceptions:

- Communication with staff.
- Communication before application is submitted or after final decision (more on this later).

# Conflicts of Interest

- Actual vs. Potential:
  - Actual: The decision will result in a “private pecuniary benefit or detriment.”
  - Potential: The decision may result in a “private pecuniary benefit or detriment.”
- Includes relatives, household, businesses.
- Must disclose both. For actual, must recuse oneself.  
Recommendation: Leave the room.
- Can overlap with bias.
- In addition to appeal issues, can result in personal liability for the official (fines, plus up to 2x financial gain).
- Call OGEC

# Other Government Ethics Issues

- Use of Position or Office (ORS 244.040(1))
  - Prohibits every public official from using or attempting to use their position to obtain a financial benefit, if the opportunity for the financial benefit would not otherwise be available but for the position held by the public official.
  - Examples: Using public resources to conduct private business
  - Sometimes overlaps with conflict of interest
- Gifts (ORS 244.025)
  - A “gift” is anything of economic value (including discounts or forgiveness of debt) not offered to the general public
  - Does giver have a legislative or administrative interest in the decisions or votes of the public official?
    - Refers to an economic interest distinct from the general public in the decision or vote of a public official
  - If so, maximum \$50 total per calendar year.
- Includes relatives, household, businesses.
- Can result in personal liability for the official (fines, plus up to 2x financial gain).
- Call OGEC



# Public Meetings Issues

- The Planning Commission and City Council are both subject to Oregon Public Meetings Law (ORS 192.620 et seq.).
- All meetings must be publicly noticed and open to the public.
- Applies to meetings where decisions or deliberations on matters of official business occur.
- Includes electronic communication.
- Also includes so-called “serial meetings,” where a quorum isn’t directly involved in the meeting at the same time or the same place (HB 2805 (2023)):
  - Non-contemporaneous electronic communications (e.g. e-mail, social media)
  - Through an intermediary

# Hearing Requirements

## Quasi-Judicial Hearings:

- Notice requirements
- Staff typically provides a script to open the hearing which meets other requirements (“raise-it-or-waive-it,” identifying criteria).
- At the “initial evidentiary hearing,” anyone can ask for time to present additional argument or evidence. Record must be held open or continuance granted.
- Applicant gets seven days after record closes to submit final written argument. Applicant can waive seven-day period.

# Hearing Issues

- Presiding Officer has inherent authority to maintain order and decorum
  - Reasonable rules for conduct of meeting
  - Order and length of public testimony (may be specified by ordinance or other rules)
- Disturbances
  - Provide a warning
  - If behavior continues, ask to leave the meeting
  - If they do not leave, they can be treated as a trespasser
  - Tip: Call a recess

## Criteria and Findings

- Criteria: Approval or denial must be based on standards and criteria adopted by ordinance.
- Findings: Decision must be accompanied by a statement explaining the relevant criteria, facts relied upon, and justification for the decision based on the criteria.
  - Decision must be based on substantial evidence in the record
  - Resolve conflicts in the evidence
  - Tip: Limit all decision-maker discussion to criteria and evidence

# Appeals

- Local Appeals
  - Applications are generally divided into categories in the code (Type I, Type II, etc.) which will define the initial decision maker and the appeal body
  - Appeals can be “de novo” (a completely new hearing process) or “on the record” (no new evidence; decision based on record from initial decision maker)
- Further appeals
  - LUBA
  - Oregon Court of Appeals, etc.
- Remand
  - Be mindful that appeals may result in remand, so you may be making a new decision on the same application again in the future. Consider implications for bias and ex parte contacts with conduct after making a decision.

# 120-Day Rule

- Final decision (including all local appeals) must be made within 120 days after the application is deemed complete.
- Failure to meet this deadline:
  - Requires the City to refund at least 50% of fees/deposits (or unexpended portion)
  - Allows the applicant to file a write of mandamus in Circuit Court, where the application will be approved unless City can show approval would violate code.
- Can be extended **in writing** up to 245 days (or 335 days if the parties are undertaking mediation).
  - Tip: Have blank extension forms at hearings.

# Fixed Goalpost Rule

- Decision must be based on the standards and criteria applicable at the time the application was first submitted.
- HB 4063 (2024) modified this long-standing requirement to allow housing developers to opt in to standards in criteria that went into effect after the application was submitted.
  - Aligns with many cities' existing practices
  - Completeness review and 120 day clock start over

## Clear and Objective Requirements

- All “standards, conditions and procedures regulating the development of housing” must be clear and objective.
- If they aren’t clear and objective, they cannot be applied.
- An alternative, discretionary path can be provided as long as a clear and objective path is available.
- Simple in concept; very challenging to accomplish in reality.



# Constitutional Issues

- A “taking” is a governmental appropriation of private property. Under the state and federal constitutions, the government must provide “just compensation.”
- Can be the result of regulations that limit the use of property.
- More commonly, can be the result of exactions, meaning conditions of approval that require transfer of private property (e.g. road dedications, construction of improvements). These must meet two requirements:
  - Nexus: The relationship between the exaction and the underlying regulation of the property.
  - Rough proportionality: The exaction is related in nature and extent to the impact of the proposed development.

## Recent Legislation – SB 1537 (2024)

- Among other changes, creates a process for “mandatory adjustments” starting January 1, 2025.
- Cities will be required to allow up to 10 adjustments to certain specified land use regulations in applications for development of housing.
- Unclear how “ten” is counted.
- Long list of qualifying regulation types includes side or rear setbacks (max 10%), minimum lot sizes (max 10%), parking minimums, façade materials, color, or pattern, roof forms or materials, requirements for balconies or porches, etc.

# Questions?

- Additional resources:
  - Oregonlandusetraining.info
  - An Introductory Guide to Land Use Planning for Small Cities and Counties in Oregon (a bit dated, but still valuable)
  - OGEC Guide for Public Officials (for conflicts of interest and other ethics issues)

OGEC Contact Information:  
Office is open M-F, 8am-5pm  
(503) 378-5105  
mail@ogec.oregon.gov

Josh Soper  
Beery Elsner & Hammond, LLP  
1804 NE 45<sup>th</sup> Ave  
Portland, OR 97213  
[josh.soper@behlaw.com](mailto:josh.soper@behlaw.com)  
[www.behlawn.com](http://www.behlawn.com)



# STAFF REPORT

## Planning Commission

---

**Meeting Type:** Planning Commission  
**Meeting Date:** January 13, 2025  
**From:** Kelly O'Neill Jr., Development Services Director  
**Subject:** 2025-2027 Planning Commission Goals Discussion

---

### PURPOSE / OBJECTIVE:

Discuss past accomplishments, future goals as identified by staff, and seek input from the Planning Commission on goals/actions to target for the remainder of the current budget and biennial budget 2025-2027.

### BACKGROUND / CONTEXT:

The City of Sandy budget process is completed every two-years and goal setting is accomplished by staff and the City Council at the same time. The Development Services Department (Building Division and Planning Division) completed some large projects in the current biennium, 2023-2025. Here are some of the projects the Development Services Department completed in the current biennium:

- Modified fees to increase cost recovery for the Building and Planning Divisions.
- Implemented electronic plan review in accordance with House Bill 2415.
- Created a handout for childcare facilities and a webpage for plumbing permits.
- Completed a request for proposals process to identify a consultant to assist the Building Official with electronic plan review.
- Completed Envision Sandy 2050, adopting the first Comprehensive Plan since 1997.
- Completed the clear and objective audit of the Sandy Development Code.
- Completed the Transportation Systems Plan (TSP) and adopted a revised SDC methodology.
- Adopted a revised violation schedule for the Sandy Municipal Code.
- Created the Code Enforcement Specialist position and coordinated roles/responsibilities with the Sandy Police Department.
- Worked with developers and Public Works to plat two subdivisions. Inspected and approved occupancy for numerous development projects.
- Processed several large development projects and pre-application meetings.
- Helped complete the final round of the covered structures program.
- Helped establish Moratorium 2.0 and Moratorium 3.0, administered the ERU allocation program for projects that are already approved, and completed detailed communication with property owners and the development community.

## KEY CONSIDERATIONS / ANALYSIS:

The Development Services Department staff has a lot of considerations every biennium. Besides the day-to-day work that is completed, department staff identifies goals every two years.

Here are some goals that staff has compiled for 2025-2027, divided by division:

### Building Division:

- Look for opportunities to increase cost recovery for the Building Division.
- Create a post disaster response program for conducting rapid assessments of damaged buildings and essential facilities.
- Adopt an addressing code to standardize and codify our processes.
- Adopt a property maintenance code to assist code enforcement.
- Create a handout for opening new food and beverage establishments.

### Planning Division:

- Complete the Housing Production Strategy in accordance with House Bill 2003.
- Work closely with the Planning Commission to identify priority projects in the Envision Sandy 2050 Comprehensive Plan.
- Continue to modify the Sandy Municipal Code, including the development code and municipal code chapters that improve code enforcement practices. Such as, but not limited to:
  - Chapter 8.36 – Outdoor Burning
  - Chapter 15.32 – Sign Code
  - Chapter 17.06 – Enforcement
  - Chapter 17.74 – Fences, Retaining Walls, Temporary Uses, and Temporary Structures
  - Chapter 17.76 – Major Utility Siting Standards
  - Chapter 17.90 – Accessory Structures in commercial zoning districts
  - Chapter 17.94 – Drive-Up Uses
  - Chapter 17.102 – Urban Forestry
- Apply for a Safe Routes to School Grant with the Oregon Department of Transportation.
- Determine next steps on the Pleasant Street Master Plan.
- Create an ERU allocation program for the 190 ERUs that will be released by the EPA/DEQ when additional sanitary sewer treatment projects are completed.
- Continue to work on alternative sanitary sewer treatment options for commercial/industrial business growth.
- Work with developers to plat subdivisions, construct apartments, and successfully open several new commercial facilities while navigating the constraints of the moratorium.
- Administer Urban Renewal grant programs and projects to support and revitalize the city's commercial districts.

Envision Sandy 2050 which was the first comprehensive plan adopted since 1997 has 39 goals, each with multiple policies. Staff has identified 21 policies with proposed actions. The 21 policies are divided into six thematic areas, including economic development, housing choice and production, transportation planning, fire and natural hazard resiliency, water conservation, and wetland and urban forestry protections. **Bold red text** has been added defining actions that could be further explored in 2025-2027. Some of the following actions are consistent with Department goals that are identified earlier in this staff report.

## Economic Development:

- Policy 3.5 Improve the physical characteristics of Downtown Sandy to reflect its history and character through installation of wayfinding signage, gateway elements, public art, lighting, street furniture, and other treatments.
- Policy 33.3 Attract businesses offering jobs that pay higher than Clackamas County's average wage, to provide opportunities for people to live and work in Sandy, focusing on industries such as metals fabrication, outdoor tools manufacturing, and related professional services.
- Policy 34.4 Encourage and support a variety of retail, restaurant, lodging, and recreational services to draw visitors and enhance community well-being for residents through strategic investments in hospitality, place-based tourism, and community development.
- Policy 35.4 Encourage collaboration between businesses and innovators in specialty food and beverage industries to strengthen Sandy's food storage and processing sector.

**Action #1: Administer Urban Renewal grant programs and projects to support and revitalize the city's commercial districts.**

**Action #2: Work with the Planning Commission, the City Council, and the Sandy Urban Renewal Agency to identify physical improvements that should be funded in Downtown Sandy.**

## Housing Choice and Production:

- Policy 31.3 As required by State policy, work with the State of Oregon to develop strategies that encourage the production of housing without negatively impacting infrastructure in Sandy.
- Policy 37.4 Allow for development of a range of housing types both for ownership and rental, that allow people to live and work in Sandy.
- Policy 37.5 As required by State legislation, identify barriers to private sector housing development for a range of housing types, including affordable housing, and develop policies to reduce development barriers.
- Policy 38.3 Reclassify the mixed-use village plan designation at Kelso Road / Bluff Road to eliminate commercial and promote additional housing.
- Policy 39.4 Identify approaches to support development of affordable housing by using tools that reduce development or operational costs as part of the state required Housing Production Strategy.

**Action #1: Complete the Housing Production Strategy and look for opportunities to increase the range of housing types in Sandy.**

**Action #2: Contact the property owners at Kelso Road/Bluff Road to start the zone change process.**

### Transportation Planning:

- Policy 10.3 Provide safe pedestrian and bicycle routes between residential areas, schools, and public facilities.
- Policy 24.2 Provide safe pedestrian crossings on busier streets such as Highway 26, Highway 211, and Bluff Road through signalization and over-or-under-passes.

**Action #1: Work collaboratively with the Oregon Trail School District and City Council to identify funding sources for a Safe Routes to School Grant that would complete the improvements as identified in the [2020 plan](#).**

**Action #2: Once funding has been identified then complete the grant application process for a Safe Routes to School Grant.**

### Fire and Natural Hazards Resiliency:

- Policy 18.3 Adopt state level Wildfire Hazard Mitigation regulatory requirements and building codes that reduce fire risk for new construction.
- Policy 20.6 Promote innovative site designs, building designs, and structural features that reduce the adverse impacts of natural hazards, such as creating defensible space, designing buildings in harmony with the landscape, and promoting stronger and more fire-resistant roofs.
- Policy 28.8 Employ fire mitigation measures to reduce wildfire risks, protect lives and property, and preserve natural landscapes for future generations.
- Policy 20.7 Analyze DOGAMI's landslide hazard susceptibility maps for Clackamas County to support the regulation of steep slopes and other landslide hazards within Sandy's UGB.
- Policy 21.6 Engage with the U.S. Forest Service and Oregon Department of Forestry regarding updates to forest management and timber harvest plans to ensure consideration of the needs of Sandy residents and strengthen relationships ahead of natural disasters, particularly wildfire.

**Action #1: Research what steps are needed to adopt regulatory requirements and how those regulations will affect Sandy property owners.**

**Action #2: Work with the State Fire Marshal and the Clackamas County Fire Marshal to identify code modifications that could reduce wildfire risk to property in Sandy.**

**Action #3: Use information from the DOGAMI landslide hazard susceptibility maps to inform needed code modifications and policies related to land susceptible to landslide.**

**Water Conservation:**

- Policy 22.1 Implement water conservation measures at City facilities and encourage and support water conservation efforts among residents and local businesses to reduce the strain of more frequent and severe droughts.
- Policy 27.3 Adopt procedures for City properties and rights-of-way that promote the use of drought tolerant, native trees and plants.
- Policy 29.8 Advocate for the use of xeriscaping as a water-wise landscaping practice that conserves water, reduces maintenance needs, and enhances sustainability.

**Action #1: Review the Public Works Department's adopted 2016 Water Management and Conservation Plan, or any subsequent conservation plans, to identify strategies to conserve water.**

**Action #2: Adopt municipal code modifications to require drought tolerant and native plants.**

**Wetland and Urban Forestry Protections:**

- Policy 26.5 Update the 1997 Wetlands Inventory and mapping of approximate areas of known stream corridors, wetlands, and associated buffers.
- Policy 27.1 Update the City urban forestry code to integrate consideration of changing climate conditions and invasive species.

**Action #1: Work with FEMA and other stakeholders to obtain funding for updating the 1997 Wetland Inventory.**

**Action #2: Work with the Planning Commission to modify municipal code Chapter 17.102, Urban Forestry, so that tree retention and protection measures adequately protect trees while also mitigating for impacts to private and public property.**

**RECOMMENDATION:**

City staff recommends that the Planning Commission discuss the goals, policies, and actions listed in this staff report and provide the Development Services Director with feedback. Some general questions that could be answered as part of the discussion are the following:

- Are there any goals, policies, or actions that should be added?
- Are there any goals, policies, or actions that should be removed?
- What are a few goals, policies, or actions that the Commission like to see prioritized?
- If you could pick three priority actions, what would those be?
- If you could pick what should be prioritized in 2025, what would those priorities be?
- Is there research that Planning Commissioners would be interested in completing related to the above actions from Envision Sandy 2050?