

FINDINGS OF FACT TYPE IV DECISION

MEETING DATE:	October 5, 2026
FILE NO.:	26-029 ZC
PROJECT NAME:	Bornstedt Views FSH Overlay Map Amendment
APPLICANT/OWNER:	Alex Flikkema, NW Executive Homes & Dev. LLC
MAP/TAX LOTS:	24E24CA01000, 24E24CA01100, 24E24CA04500
LEGAL DESCRIPTION:	Tract B, and Lots 10 and 11 in Bornstedt Views
APPLICABLE CRITERIA:	Chapter 17.26 – Zoning District Amendments
EXISTING ZONING:	Single Family Residential (SFR)
PROPOSED ZONING:	Single Family Residential (SFR) with FSH Overlay
COMP. PLAN DESIGNATION:	Low Density Residential
STAFF CONTACT:	Patrick Depa, Senior Planner

GENERAL FINDINGS OF FACT

Finding 1. These findings are based on the applicant's submittals and payment received on June 11, 2026. Staff deemed the application complete on July 9, 2026, with a 120-day deadline of November 6, 2026.

Finding 2. Notification of the proposal was mailed to property owners within 500 feet of the subject property on July 28, 2026. A general legal notice containing a link to the City's webpage that lists upcoming public hearings was published in the Sandy Post prior to the hearing dates. One public comment was received prior to the findings of fact being uploaded to the meeting platform.

Finding 3. The required notice regarding this zone change request was sent to the Department of Land Conservation and Development (DLCD) on July 20, 2026. DLCD File #: 004-26.

Finding 4. The Planning Commission held a public hearing on August 24, 2026, and voted unanimously to recommend approval to the City Council.

Finding 5. The Bornstedt Views Subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. The final Plat No. 4813 was recorded on June 25, 2026.

Finding 6. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of Single Family Residential (SFR).

Finding 7. The property to the north is zoned Low Density Residential (R-1)/Bornstedt Village (S.A.P.) Overlay/FSH Overlay, the property to the east and west is zoned Single Family Residential (SFR), and the property to the south is outside City limits/inside

the UGB and has a comprehensive Plan designation of Low Density Residential (See Figure 2: Surrounding Zoning).

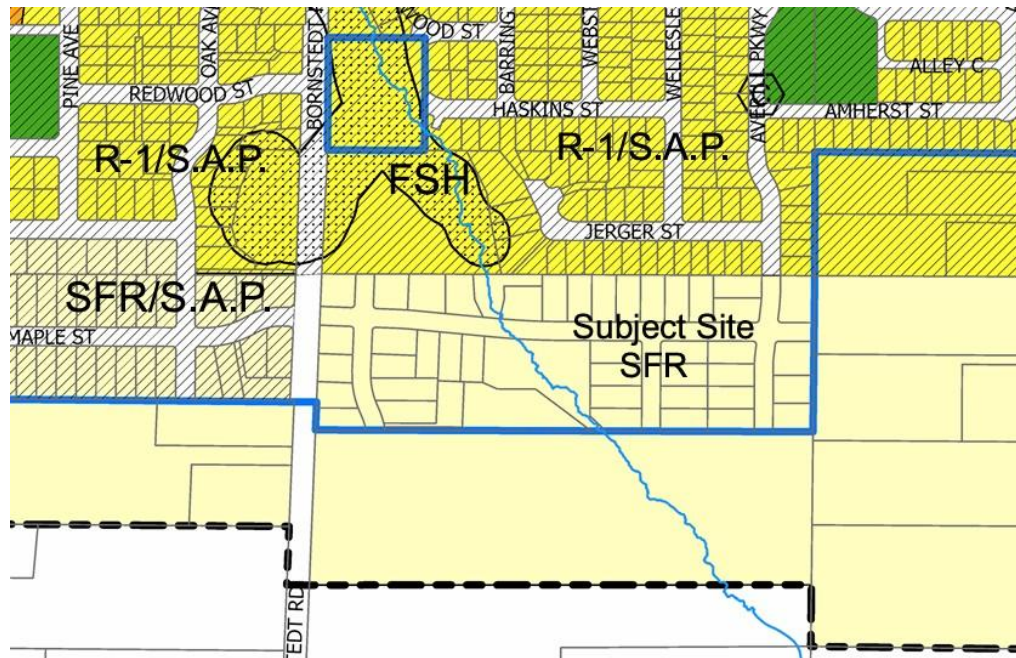


Figure 2: Surrounding Zoning

Finding 8. It is important to note that this zoning map amendment does not require a Comprehensive Plan Map amendment as the latter designation will remain low density residential underneath the new overlay zoning.

FINDINGS APPLYING DECISION CRITERIA

17.26 – Zoning District Amendments

Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.

Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.

Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services.

Finding 9. The proposed zoning map amendment should not negatively impact public facilities or create service capacity shortfalls. The level of service for any potential use allowed in the underlying SFR district will remain identical and not have any additional impact on the sanitary sewer and water facilities. The subdivision's stormwater system is designed to channel runoff into a primary detention facility. The stormwater runoff will be detained for a short time and slowly release into Tract B from

underneath Maple Street and continue into an engineered drainage system traveling north.

Conclusion: *Criterion (B)(1) is met.*

Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of this chapter.

Finding 10. Adherence to this chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to maintain sound, stable, and desirable development within the city and permit changes in zoning district boundaries where appropriate. The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. A series of steps in the review process shall be followed to maintain the integrity of this chapter and the Development Code as a whole.

- A. Adequate public involvement through noticing affected property owners and holding two public hearings meets this criterion.
- B. **Section 17.26.50. Staff evaluation.** These findings were compiled following the criteria set forth in this chapter.
- C. **Section 17.26.60. Action by hearing body.** Both the Planning Commission and the City Council shall hold a public hearing. **The criterion has been met.**
- D. Because this zoning map amendment is not changing the Comprehensive Plan Map designation from low density residential, a decision can be made.

Conclusion: *Criterion (B)(2) is met.*

Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan.

Finding 11. Multiple goals and policies support the City utilizing the Flood and Slope Hazard (FSH) Overlay District to minimize wetland and stream impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flow to significant wetlands or streams regulated by the FSH Overlay District. Tract B was conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.

NATURAL RESOURCES

Goal 26: Protect forest, river, and wetland ecosystems and the native species they support.

- Policy 26.5 Update the 1997 Wetlands Inventory and mapping of approximate areas of known stream corridors, wetlands, and associated buffers.

- Policy 26.6 Where feasible, preserve natural vegetation resource sites through public acquisition, conservation easements, or other available methods to permanently limit development.

Goal 28: Protect and conserve open space.

- Policy 28.2 Employ development regulations to preserve and protect open space and environmentally sensitive lands, integrate the natural environment of Sandy into project designs, minimize the creation of impervious surface, and incentivize the protection of native trees and other vegetation.

Goal 29: Ensure ecologically sound development.

- Policy 29.2 Notify applicable state and federal natural resource protection agencies of development proposals potentially impacting important natural features including the Department of State Lands (DSL) for any development that will occur in an area with wetlands or other waters of the state.
- Policy 29.3 Identify and inventory significant natural features during the development process to preserve natural features or mitigate losses by placing conditions upon development using city, state, and federal government regulations to achieve this objective.

Given that the City is working towards implementing protections around all existing and proposed developments, to conform with the Sandy Municipal Code and the goals and policies of the Comprehensive Plan, staff find that these criteria have been met.

Conclusion: *Criterion (B)(3) is met.*

Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

Finding 12. The following statewide planning goals are being met:

- A. **Goal 1: Citizen Involvement.** The Planning Commission held a public hearing for this application on August 24, 2026. The City Council held a public hearing on October 5, 2026, to consider the recommendation of the Planning Commission. A legal notice was published in the Sandy Post and a notice of the proposal was sent to the Department of Land Conservation and Development (DLCD). Public notices have been sent for these respective meetings.
- B. **Goal 2: Land Use Planning.** Comprehensive plans must comply with the requirements of each applicable statewide planning goal and must be supported by an adequate factual base. The Department of Land Conservation and Development (DLCD) reviewed

Sandy's Comprehensive Plan and confirmed it is in compliance with the statewide planning goals.

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implement regulations. Cities and counties must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning map amendments. The proposed zoning map amendment to add the FSH Overlay to the subject properties is supported by the policies codified into the Comprehensive Plan adopted in 2024 and the regulations adopted to create the City's development code.

C. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Space.

Goal 5 is a broad statewide planning goal that covers more than a dozen resources. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. Wetlands are one of these resources.

Resource sites are assessed and significant sites are protected. Some Goal 5 resource categories rely on inventories and assessments that have been conducted by state or federal entities. The City has created a local wetland inventory and continues to add areas that are identified during development and infrastructure projects.

Local governments develop their own protections in support of Goal 5 through their development code and comprehensive plan. The City implements protections through Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District and adds new areas requiring protection through the rezoning process. The City decides on a level of protection appropriate for each resource site through the adopted codes that put their policies into effect.

Conclusion: *Criterion (B)(4) is met.*

CHAPTER 17.60 – FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT

Finding 13. Chapter 17.60 is intended to promote the public health, safety, and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides, or degradation of water quality consistent with Statewide Planning Goal 6 (Air, Land and Water Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan.

Finding 14. Chapter 17.60 is consistent with Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Space) and provides provisions for the protection of wetlands and the responsibility to reach out to all jurisdictions where oversight applies. Section 17.60.10. Interpretation and mapping requires the City to notify the Oregon Department of State Lands (DSL) whenever any inventoried

wetland is proposed to be impacted by development, in accordance with ORS 227.350.

On July 28, 2022, the City of Sandy Planning Commission conditioned in their approval that the developer for the Bornstedt Views subdivision perform a wetland inventory. The developer commissioned AKS Engineering and Forestry LLC to map the area surrounding the intermittent stream to determine if the stream is accompanied by any significant wetlands. On August 6, 2024, the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property.

Finding 15. Section 17.60.60. has approval standards and conditions for development proposed within restricted development areas of the FSH overlay district. Section 17.60.60.B. *Approval Standards for Residential Construction*. Any future development proposed on Lot 10 or Lot 11 in the Bornstedt Views Subdivision will be subject to the requirements found in this section, although the restricted development area is entirely located on Tract B.