



STAFF REPORT

Meeting Type:	City Council
Meeting Date:	October 5, 2026
From:	Patrick Depa, Senior Planner Kelly O'Neill Jr., Development Services Director
Subject:	PUBLIC HEARING: Ordinance 2026-22 - Bornstedt Views FSH Overlay Map Amendment

DECISION TO BE MADE:

Hold a quasi-judicial public hearing on Ordinance 2026-22, to decide whether the zoning map amendment application conforms to the applicable criteria to add the Flood and Slope Hazard (FSH) Overlay to multiple properties in the Bornstedt Views Subdivision.

APPLICABLE COUNCIL GOAL:

n/a

BACKGROUND / CONTEXT:

The Bornstedt Views subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on June 27, 2022. [Condition A.7 of this approval](#) included the following language: "A.7. Submit concurrence from the Oregon Department of State Lands (DSL) prior to any development activities on the site. If DSL determines there's an intermittent stream and/or a significant wetland on the subject property, the applicant shall submit an application and receive approval for an update to the FSH overlay district on the subject property in compliance with Ordinance 2019-16."

On August 6, 2024, the Department of State Lands issued letter WD #2024-0397 (Attachment 1) concurring with the submitted wetland delineation for the property. This delineation and concurrence identified a 0.03-acre wetland at the northern boundary of the site and a non-jurisdictional ephemeral stream traversing the property from south to north. The mapping concludes at the Bornstedt Views subdivision's north property line. The red dotted line on the Bornstedt Views FSH Overlay Sketch Map (Exhibit A) provides the area that the FSH Overlay is

proposed. The blue dotted line shown in the Bornstedt Views FSH Overlay Sketch Map is not included in this zone map amendment request as no wetland mapping of that area has been performed.

KEY CONSIDERATIONS / ANALYSIS:

The purpose of this land use application is to fulfill the requirements of [Condition A.7](#). from File No. 21-021. On June 11, 2026, the applicant submitted an application requesting the City amend its Zoning Map. Their request includes this small wetland area with a 25-foot buffer around the perimeter of the wetland and a 50-foot setback from the ephemeral stream's top of bank as specified in Section 17.60.30 - Required Setback Areas, of the Sandy Development Code. The three (3) properties that the FSH Overlay will be applied to are:

BORNSTEDT VIEWS 4813 TRACT B
BORNSTEDT VIEWS 4813 LT 10
BORNSTEDT VIEWS 4813 LT 11

As detailed in Note 3 of the plat, 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. Any future development proposed on Lot 10 or Lot 11 in the Bornstedt Views Subdivision will be subject to the requirements found in Chapter 17.60, although the restricted development area is entirely located on Tract B.

The existing Comprehensive Plan Natural Resource goals and policies support the recommended zone amendment. The proposed zoning map amendment is also in compliance with the Statewide Planning Goals as explained in Exhibit B.

BUDGET IMPACT:

None, as the Planning Division collected fees to process this application.

RECOMMENDATION:

The Planning Commission concluded that the required findings for the zoning map amendment support those required in Chapter 17.26 – Zoning Amendments. The Planning Commission held [a public hearing](#) on August 24, 2026, and voted unanimously to recommend approval to the City Council. Both the Planning Commission and City staff recommend the City Council approve the requested zoning map amendment.

SUGGESTED MOTION LANGUAGE:

“I move to approve the first reading of Ordinance No. 2026-22.”

LIST OF ATTACHMENTS / EXHIBITS:

- Attachment 1. Land Use Application
- Attachment 2. Project Narrative
- Attachment 3. DSL Letter (WD #2024-0397)
- Attachment 4. Zoning Map
- Attachment 5. James Cusick Letter (38806 Jerger Street)
- Attachment 6. Ordinance No. 2026-22
 - Exhibit A. Bornstedt Views FSH Overlay Sketch Map
 - Exhibit B. Findings of Fact (Type IV Decision)