



NO. 2020-11

**AN ORDINANCE APPROVING ANNEXATION OF ONE PROPERTY AND RIGHT-OF-WAY TOTALING APPROXIMATELY 6.42 ACRES AND ASSIGNMENT OF SINGLE FAMILY RESIDENTIAL (SFR) AND PARKS AND OPEN SPACE (POS) ZONING IN CONFORMANCE WITH THE URBAN GROWTH BOUNDARY EXPANSION IN FILE NO. 20-002 UGB.**

**WHEREAS**, Allied Homes and Development on behalf of the property owners, Lawrence Pullen, Richard Pullen, and Sherrene TenEyck submitted an application (File No. 18-001 ANN/CPA/ZC) requesting approval to annex one parcel and right-of-way totaling approximately 6.42 acres known as T2S R4E Section 23, Tax Lot 701 and requested that SFR (Single Family Residential) and POS (Parks and Open Space) zoning be assigned in conformance with the Urban Growth Boundary Expansion in land use File No. 20-002 UGB;

**WHEREAS**, Sandy Municipal Code Chapter 17.78, Annexation identifies the procedures to be followed by the City for annexations;

**WHEREAS**, in 2016, the Oregon Legislature passed Senate Bill 1573, effective March 15, 2016 that requires a city whose charter requires annexations to be approved by voters to annex the property without submitting it to the voters if the proposal meets certain criteria;

**WHEREAS**, original notification of the proposed annexation was sent to the Department of Land Conservation and Development on April 21, 2020. A separate notice was sent to the property owners and other property owners within 500 feet of the subject property on April 22, 2020 with a legal description of the request being published in the in the May 6, 2020 edition of the Sandy Post;

**WHEREAS**, the Sandy Planning Commission reviewed the request at a public hearing on May 27, 2020 and recommended City Council approve the annexation with the recommended conditions identified by staff in the staff report; and

**WHEREAS**, the Sandy City Council reviewed the request at a public hearing on June 15, 2020 and determined the proposal complies with both the criteria in SB 1573 and the criteria in the Sandy Municipal Code Chapter 17.78, Annexation.

**NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:**

Section 1: The property described in Exhibit A, attached to this ordinance and incorporated by reference, is annexed into the City of Sandy. The City Council directs staff to amend the city

limits boundary and to provide notice of the annexation to other agencies and organizations as required by state law.

Section 2: The City Council adopts the June 15, 2020 staff report as findings supporting the approval of this annexation and incorporates the report into this ordinance by reference, including the conditions of approval stated in the report.

Section 3: The City Council assigns a comprehensive plan designation of Low Density Residential for the 4.04 acre area comprising the Gunderson Road right-of-way and its associated facilities and a comprehensive plan designation of Parks and Open Space for the 2.38 acre area comprising the parkland dedication.

Section 4: The Zoning designation for the subject properties will be changed to SFR, Single Family Residential for 4.04 acres and POS, Parks and Open Space for 2.38 acres as attached as Exhibit B to this ordinance. The future uses of the 4.04 acres zoned SFR are limited to right-of-way and utility uses and associated facilities to support such uses.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 15 day of June 2020



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Stan Pulliam, Mayor

ATTEST:



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Jeff Aprati, City Recorder

**SUBJECT:** File No. 20-001 ANN/CPA/ZC Gunderson Road & Parkland Annexation

**AGENDA DATE:** June 15, 2020

**DEPARTMENT:** Development Services Department

**STAFF CONTACT:** Kelly O’Neill Jr., Development Services Director

**EXHIBITS:**

**Applicant’s Submittals:**

- A. Land Use Application
- B. Supplemental Land Use Application Form No. 1
- C. Supplemental Annexation Land Use Application Form No. 2
- D. Written Consent Form
- E. Narrative
- F. Vicinity Map
- G. Legal Description and Maps
- H. Transportation Impact Analysis
- I. Warranty Deed

**Agency Comments:**

None

**Public Comments:**

- J. Kathleen Walker (May 27, 2020)

**Additional Items since Planning Commission:**

- K. Staff Report for Planning Commission (May 27, 2020)

**I. BACKGROUND**

**A. PROCEEDING**

Type IV Annexation, Comprehensive Map Change, and Zoning Map Change

**B. FACTUAL INFORMATION**

- 1. APPLICANT: Allied Homes & Development
- 2. OWNERS: Lawrence Pullen, Richard Pullen, and Sherrene TenEyck
- 3. PROJECT NAME: Gunderson Road & Parkland Annexation
- 4. LEGAL DESCRIPTION: T2S R4E Section 23 Tax Lot 701

5. PROPERTY LOCATION: North of Highway 211 and South of Ponder Lane
6. PROPOSED AREA: 6.42 acres
7. PROPOSAL: The applicant, Allied Homes and Development, proposes to annex 6.42 acres to meet a need for certain public facilities (a minor arterial road and parkland). The applicant proposed a comprehensive plan designation of Low Density Residential and Parks and Open Space, and a zoning designation of Single Family Residential (SFR) for the roads and associated facilities totaling 4.04 acres and Parks and Open Space (POS) for the 2.38 acre park.
8. CITY COMPREHENSIVE PLAN DESIGNATIONS: Low Density Residential, Parks & Open Space
9. COUNTY COMPREHENSIVE PLAN DESIGNATION: Agriculture (AG)
10. CITY ZONING DISTRICT DESIGNATIONS: Single Family Residential (SFR), Parks & Open Space (POS)
11. COUNTY ZONING DISTRICT DESIGNATION: Exclusive Farm Use (EFU)
12. RESPONSE FROM GOVERNMENTAL AGENCIES, UTILITY PROVIDERS, CITY DEPARTMENTS AND THE GENERAL PUBLIC: Kathleen Walker on May 27, 2020

**C. APPLICABLE CRITERIA:** Sandy Development Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.24 Comprehensive Plan Amendment Procedures; 17.26 Zoning District Amendments; 17.32 Parks and Open Space (POS); 17.34 Single Family Residential (SFR); 17.78 Annexation; 17.86 Parkland and Open Space.

**D. BACKGROUND INFORMATION**

The purpose of the UGB expansion is to accommodate Gunderson Road and parkland to the south of Bailey Meadows to fulfill anticipated conditions of approval from the Bailey Meadows land use application. The alignment for Gunderson Road is located on property (Tax Map 24E23 Tax Lot 701) that is located outside of Sandy’s City limits and UGB. The subject property is currently designated Exclusive Farm Use (EFU) by Clackamas County, but is within the City of Sandy’s Urban Reserve Area (URA). Under Oregon law, lands designated URA are “first priority” lands to be included in a UGB expansion. The portion of the property that is anticipated within the amended UGB is limited to areas necessary for parkland and land to construct the Gunderson Road extension, including land for the roadway, associated storm drainage improvements, accompanying utilities, grading, etc.

UGB expansions are subject to both city approval and county approval. On February 11, 2020 the Planning Commission recommended approval of the UGB expansion to the City Council. On March 2, 2020 the City Council passed Ordinance No. 2020-03 approving the

expansion of the UGB. Then on March 9, 2020 the Clackamas County Planning Commission recommended approval of the UGB Expansion to the Clackamas County Board of Commissioners. On June 3, 2020 the Clackamas County Board of Commissioners unanimously approved the UGB expansion with a vote of 5:0. The Board of Commissioners anticipates adoption of an ordinance related to the UGB expansion on June 11, 2020.

The areas being considered with this annexation are detailed in Exhibit G as follows:

Area 1 - Parkland Area: 2.38 acres

Areas 2 and 6 - Permanent Slope Easement/Temporary Construction Easement Area: 30,970 square feet

Area 3 - Public Right-of-Way Dedication (for Gunderson Road): 1.02 acres

Area 4 - Public Utility Easement: 4,802 square feet

Area 5 - Stormwater Facility: 30,143 square feet

Area 7 - Highway (211) Area: 2.05 acres

As explained by the applicant if you add the square footage and acreage, the sum is greater than 6.42 acres because Areas 2 and 4 overlap and are included within Area 1. The total acreage is the same when Areas 2 and 4 are removed from the equation.

#### **E. PROCEDURAL CONSIDERATIONS**

This request is being processed under a Type IV quasi-judicial review. Notification of the proposal was mailed to property owners within 500 feet of the subject property and to affected agencies on April 22, 2020. Notification of the proposal was sent to the Department of Land Conservation and Development (DLCD) on April 21, 2020 and a legal notice was published in the Sandy Post on May 6, 2020.

#### **F. PLANNING COMMISSION DECISION**

On May 27, 2020 the Planning Commission reviewed the subject request at a public hearing and forwarded a recommendation to the City Council for final decision on this request. The Planning Commission motion was as follows:

Motion to forward a recommendation of approval for 20-001 ANN/CPA/ZC Gunderson Road and Parkland Annexation. The recommendation was subject to two conditions: (1) the Clackamas County Board of Commissioners approving the UGB expansion; and (2) a condition limiting the future uses of the 4.04 acres zoned SFR to right-of-way and utility uses and associated facilities to support such uses.

Moved By: Commissioner Mayton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mayton, and Crosby.

No votes: None

Abstentions: None

The motion passed at 8:01 p.m.

## II. ANALYSIS OF CODE COMPLIANCE

### 1. Chapter 17.24 Comprehensive Plan Map Amendment

*The applicant is not seeking to add land for additional residential, commercial or industrial development. Approving the proposed annexation would only allow a road and public parkland. The land is currently designated Urban Reserve, but the Clackamas County Board of Commissioners is considering a UGB Expansion on June 3, 2020.*

*Section 17.24.70 contains the review criteria for a comprehensive plan amendment. Criterion A states: “The change being proposed is the best means of meeting the identified public need” and Criterion B states: “The change conforms to all applicable Statewide Planning Goals.” The purpose of the annexation proposal is to provide a second access to the proposed subdivision via Gunderson Road and to provide parkland, both of which are intended to meet an identified public need. The TSP details Gunderson Road connecting to Highway 211 and the Parks Master Plan details a conceptual park location in close proximity to the proposed parkland. The proposed annexation conforms to the Sandy Comprehensive Plan goals, which reflect the Statewide Planning Goals. Per the applicant’s narrative, the application is consistent with the following goals:*

*Goal 1, Policies 1, 2, and 4: Per the narrative “The City of Sandy has an established citizen involvement program. The application will be processed according to Chapter 17.12 of the LDC, which involves public notification, public hearings, and decision appeal procedures, as established in City of Sandy LDC Section 17.12.30 and 17.12.40. Therefore, the application is consistent with Goal 1.”*

*Goal 2, Policy 2: Per the narrative “Changes to the Comprehensive Plan Map are consistent with SDC Chapter 17.12 and the applicable policies of the Comprehensive Plan, as detailed in this written narrative. Consistency with applicable State statute and rules and the Urban Growth Management Agreement (UGMA) between City of Sandy and Clackamas County have been addressed in this document. Therefore, Policy 2 above is met.”*

*Goal 2, Policy 14: Per the narrative “The alignment of the extension of Gunderson Road to OR 211, a proposed plan element in the City’s TSP, is conceptual. The actual location should be determined through the development process, as outlined above. To provide this public transportation facility improvement, the road should be extended to match the conceptual alignment in the Sandy TSP. However, due to geometrical issues, safety concerns, and potential for transportation hazards, the alignment illustrated in the Sandy TSP is not practicable for construction. This application provides for a solution to extend Gunderson Road and determine the actual functionable location through site analysis and development review. The location shown in Exhibit C can be improved to provide the required site characteristics and execute the extension of the transportation network to satisfy the needs of citizens in the general area. Please see the TIA and Supplemental Materials of Exhibit C for further details. Additionally, according to the Sandy Parks Master Plan adopted May 15, 1997, there is not a conceptual location for a park on or near the subject site. Therefore, the location for the improvement should be determined through the*

*development process. Though parkland dedication is not required of the Bailey Meadows Subdivision application, the Applicant is providing it and it must be brought within the Sandy UGB and annexed to allow for it. Policy 14 above is met.”*

*Goal 6: Per the narrative “The City’s Comprehensive Plan with respect to Goal 6 and its development regulations governing land, air, and water quality are not affected by the decision. The intent of extending Gunderson Road to OR 211 is to enhance neighborhood circulation and provide local parkland, thereby reducing congestion and delay in the area. This mitigates localized pollution impacts of vehicle activity in the area.”*

*Goal 8, Policies 1, 2, and 10: Per the narrative “According to the Sandy Parks Master Plan adopted May 15, 1997, there is not a conceptual location for a park on or near the subject site. Therefore, the location for the improvement should be determined through the development process. Though parkland dedication is not required of the Bailey Meadows Subdivision application, the Applicant is providing it and it must be brought within the Sandy UGB and annexed to allow for it. The City’s Comprehensive Plan with respect to Goal 8 above is met.”*

*Goal 11: Per the narrative “The City’s Comprehensive Plan contains an acknowledged Goal 11 element that includes policies to ensure sufficient and adequate public services are available (or will be available as appropriate) to serve lands within the UGB. The property north of the subject site, Bailey Meadows Subdivision, was found to be sufficiently served by public services at the time it was annexed into the City in June 2017. This application involves amending the City’s UGB to permit the extension of a public transportation facility (i.e., Gunderson Road) to allow for a future connection to OR 211. If approved, the extension is intended as an additional access to the subdivision and to distribute traffic from local streets to the surrounding area. The extension is not required for subdivision approval. Additionally, providing parkland on the northeast portion of Tax Lot 701 will enhance quality of life for the residents in the area. The parkland dedication is not required for subdivision approval. Goal 11 is satisfied”*

*Goal 12, Policy 1: Per the narrative “This application involves the extension of a public transportation facility (i.e., Gunderson Road) to allow Bailey Meadows Subdivision a future connection to OR 211, as illustrated in the City of Sandy TSP. If approved, the extension is intended as an additional access to the subdivision and to distribute traffic from local streets to the surrounding area. The extension is planned to support a pattern of connected streets as stated above but is not required for subdivision approval.”*

*Goal 12, Policy 2: Per the narrative “Appendix D, Section D107 of the Oregon Fire Code addresses standards regarding fire apparatus access roads for one or two-family developments. As discussed in the Bailey Meadows Subdivision application (City of Sandy Local File No. 19-023 SUB/VAR/TREE), the subdivision currently provides two separate and approved fire apparatus access roads (Melissa Avenue and SE Ponder Lane) and shall meet the requirements of Section D104.3. The extension of Gunderson Road would provide an additional access to the subdivision. Therefore, if approved, the Gunderson Road extension will provide the secondary access to the subdivision and SE Ponder Lane will not*

*be utilized to serve as an emergency access as described above. Additionally, the nature of Policy 2 above requires coordination of the application by the City with affected governmental entities. Coordination requires notice of an application, an opportunity for an affected governmental entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. The City can find that coordination of this application will be accomplished in two ways: by the Applicant prior to application submittal, and by the City in the review process for the application. Goal 12, Policy 2 is satisfied."*

*Goal 12, Policies 21 and 22: Per the narrative "The above criteria applies to City processes for noticing and coordinating with ODOT, as applicable. The standards above apply as the project plans to extend Gunderson Road to OR 211. Direct action by the Applicant will be taken as applicable. Policy 21 and 22 can be satisfied."*

*Goal 14, Policy 1: Per the narrative "This application to amend the City UGB is necessary to provide a public transportation facility (i.e., Gunderson Road) to support residential land north of the project site which was included within the UGB and subsequently annexed in 2017. Additionally, this application provides parkland dedication which will benefit residential lands in the vicinity. As described above, the City is required to maintain a UGB with sufficient residential lands, as addressed in the February 2017 City of Sandy Urban Growth Boundary Expansion Analysis. This application will provide a public road as illustrated in the Sandy TSP that aligns with the existing transportation network in the area and implement a connection to OR 211."*

*Goal 14, Policies 2 and 3: Per the narrative "The project site is currently vacant, with pasture and vegetated areas. As stated above, urban growth should be directed in a contiguous manner and the planned Gunderson Road extension will facilitate growth north of the project site while having no impact on urban services or utilities. Per Goal 14, Policy 3(b) above, the City shall encourage the development of land which is contiguous to development areas where services can be easily and economically extended. The extension of Gunderson Road will provide access and distribute traffic from local streets to the surrounding area and provide parkland dedication, a benefit to lands north of the project site and those within the City limits."*

*Goal 14, Policy 4: Per the narrative "The property involved in this application, Tax Lot 701, is associated with an UGMA, as it is within the Sandy Adopted URA. The applicable elements are addressed within this written narrative."*

*Goal 14, Policy 6: Per the narrative "This application involves a property owner's (i.e., the Applicant's) request that Tax Lot 701, land within the designated Sandy URA, be included with the Sandy UGB. The applicable criteria, including Land Conservation and Development Commission (LCDC) Goal 14 noted above, have been addressed in this written document. Policy 6 is relevant and satisfied."*

*Goal 14, Policy 7: Per the narrative "The subject application involves property which is located within the URA. This written document contains analysis of the City's*



*comprehensive plan goals and policies associated with the property. Therefore, Policy 7 is applicable.”*

*Goal 14, Policy 8: Per the narrative “Tax Lot 701 is located within the Sandy Adopted URA. Therefore, Policy 8 is applicable, and the City of Sandy shall have the lead role in coordinating this application for the planned public transportation and parkland facilities”*

*Goal 14, Policy 9: Per the narrative “Tax Lot 701 is located within the Sandy Adopted URA and is currently designated with Clackamas County EFU zoning. An application for annexation and a comprehensive plan amendment is necessary to apply City zoning to allow for the public transportation and parkland facilities. Policy 9 is applicable and satisfied.”*

*Goal 14, Policy 11: Per the narrative “Tax Lot 701 is located within the Sandy Adopted URA. Therefore, Policy 11 is applicable, and the City of Sandy shall coordinate with Clackamas County in processing the subject land use and development application for unincorporated lands within the URA.”*

*Goal 14, Policy 12: Per the narrative “Tax Lot 701 is located within the Sandy Adopted URA and is currently designated with Clackamas County EFU zoning. An application for annexation and a comprehensive plan amendment is necessary to apply City zoning allowing this urban development (i.e., creation of a public transportation facility and a public parkland facility). Therefore, the subject application does not involve new commercial, industrial, or agricultural uses. The Applicant understands that City Low-Density Residential (LDR) Comprehensive Plan and Single-Family Residential (SFR) Zoning designations are intended for the property. Interim use and development, prior to annexation, is not associated with this application. The application complies with the applicable components of Policy 12 above.”*

*As mentioned above, the Board of County Commissioners (BOC) will hold a hearing on June 3 to consider approving the UGB amendment. As part of its recommendation of approval to the BOC, the Clackamas County Planning Commission included a recommended condition of approval addressing the Historic Barlow Road. The suggested condition addressed road improvements in the expansion area in order to minimize impacts to the Barlow Road Historic Corridor through the location of construction staging activities; excavation of the stormwater facility; and preserving any portions of the road that are apparent in the park land.*

## **2. Chapter 17.26 Zoning District Amendments**

*In association with the annexation request, the applicant requests Single Family Residential (SFR) zoning to apply to 4.04 acres and Parks & Open Space (POS) zoning to apply to 2.38 acres as designated in the UGB Expansion in File No. 20-002.*

*The applicant submitted a Traffic Impact Analysis (Exhibit H), which addresses the Transportation Planning Rule and associated approval criteria relative to the proposed UGB amendment, comprehensive plan and zone map amendments, and annexation*

*application. The analysis determined a left-turn lane is warranted at the intersection of Gunderson Road at Highway 211 using the 2022 buildout scenario, therefore it is recommended that a left-turn lane be constructed as part of the intersection improvements. Traffic signal warrants are not met at the intersection of Gunderson Road at Highway 211 under the 2022 buildout scenario. The analysis concludes that “the proposed UGB amendment, comprehensive plan and zone map amendments, and annexation will implement the City of Sandy TSP and result in improved operation at the study area roadways and intersections. The connection will improve conditions for the existing neighborhood to the north of the Bailey Meadows subdivision by providing another means of vehicular access to the area.”*

### **3. Chapter 17.78 Annexation**

**Section 17.78.15** requires the annexation is processed as a Type A, Type B, or Type C.

***RESPONSE:** The applicant requests a Type C annexation to modify the comprehensive plan map and the zoning map. The applicant has submitted all the required materials to process the request as a Type C annexation.*

**Section 17.78.20** requires that the following conditions must be met prior to beginning an annexation request:

- A. The requirement of Oregon Revised Statutes, Chapters 199 and 222 for initiation of the annexation process are met;
- B. The site must be within the City of Sandy Urban Growth Boundary (UGB);
- C. The site must be contiguous to the city or separated from it only by a public right-of-way or a stream, bay, lake or other body of water;
- D. The site has not violated Section 17.78.25.

***RESPONSE:** Oregon Revised Statute Section 199 pertains to Local Government Boundary Commissions and City-County Consolidation. Oregon Revised Statute Section 222 pertains to City Boundary Changes; Mergers; Consolidations and Withdrawals. The proposal complies with applicable requirements at this time and all notices were mailed as necessary.*

*The proposed annexation area is located within an area that is anticipated to be in the Urban Growth Boundary (UGB) and is contiguous to city limits on the north side of the subject property.*

**Section 17.78.25** requires review of tree retention requirements per SMC 17.102 and SMC 17.60 at the time of annexation to discourage property owners from removing trees prior to annexing as a way of avoiding Urban Forestry Ordinance provisions.

- A. Properties shall not be considered for annexation for a minimum of five (5) years if any of the following apply:
1. Where any trees six (6) inches or greater diameter at breast height (DBH) have been removed within 25 feet of the high water level along a perennial stream in the five years prior to the annexation application.
  2. Where more than two (2) trees (six (6) inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 80 feet of the high water level of Tickle Creek in the five years prior to the annexation application.
  3. Where more than two (2) trees (six (6) inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 50 feet of the high water level along other perennial streams in the five years prior to the annexation application.
  4. Where any trees six (6) inches or greater DBH have been removed on 25 percent or greater slopes in the five years prior to the annexation application.
  5. Where more than ten (10) trees (11 inches or greater DBH) per gross acre have been removed in the five years prior to the annexation application, except as provided below:
    - a. Sites under one (1) acre in area shall not remove more than five (5) trees in the five years prior to the annexation application.
    - b. Sites where removal of ten (10) or fewer trees will result in fewer than three (3) trees per gross acre remaining on the site. Tree removal may not result in fewer than three (3) trees per gross acre remaining on the site. At least three (3) healthy, non-nuisance trees 11 inches DBH or greater must be retained for every one-acre of contiguous ownership.
    - c. For properties in or adjacent to the Bornstedt Village Overlay (BVO), tree removal must not result in fewer than six (6) healthy 11 inch DBH or greater trees per acre. For properties in or adjacent to the BVO and within 300 feet of the FSH Overlay District, tree removal must not result in fewer than nine (9) healthy 11 inch DBH or greater trees per acre.

Rounding: Site area shall be rounded to the nearest half acre and allowed tree removal shall be calculated accordingly. For example, a 1.5 acre site will not be allowed to remove more than fifteen (15) trees in the five years prior to the annexation application. A calculation of 1.2 acres is rounded down to one (1) acre and a calculation of 1.8 is rounded up to two (2) acres.

Cumulative Calculation: Total gross acreage includes riparian areas and other sensitive habitat. Trees removed under Sections 17.78.25(A) 2. and 3. shall count towards tree removal under Section 17.78.25(A) 5.

B. Exceptions. The City Council may grant exceptions to this section where:

1. The property owner can demonstrate that Douglas Fir, Western Red Cedar, or other appropriate native trees were planted at a ratio of at least two trees for every one tree removed no less than five years prior to the submission of the annexation application, and at least 50 percent of these trees have remained healthy; or
2. The Council finds that tree removal was necessary due to hazards, or utility easements or access; or
3. The trees were removed because they were dead, dying, or diseased and their condition as such resulted from an accident or non-human cause, as determined by a certified arborist or other qualified professional; or
4. The trees removed were nuisance trees; or
5. The trees were removed as part of a stream restoration and enhancement program approved by the Oregon Department of Fish and Wildlife as improving riparian function; or
6. The trees removed were orchard trees, Christmas trees, or commercial nursery trees grown for commercial purposes; or
7. The application of this section will create an island of unincorporated area.

***RESPONSE:*** *The subject property is 6.42 acres and requires retention of 19 trees 11-inches DBH or greater and in good condition. Per the submitted narrative (Exhibit E), the subject property has not violated Section 17.78.25. A review of aerial photos from the five years prior to submittal of this application (2015 to the present) reveals that tree canopy has remained in a similar condition. Based solely on aerial photos staff finds that no significant tree removal has occurred on the subject property. **Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102. Removal of trees without a permit prior to annexation approval shall result in the property not being considered for annexation for at least five (5) years. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.***

**Section 17.78.50** contains required annexation criteria. Requests for annexation shall not have an adverse impact on the citizens of Sandy, either financially or in relation to the livability of the city or any neighborhoods within the annexation area. Generally, it is desirable for the city to annex an area if the annexation meets any of the following criteria:

- A. A necessary control for development form and standards of an area adjacent to the city;  
or

- B. A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or
- C. Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or
- D. Needed routes for utility and transportation networks.

**RESPONSE:** *The applicant's narrative (Exhibit E) indicates they believe annexation of the subject property meets Criterion C above. The annexation is to allow the extension of Gunderson Road (and urban public transportation facility) and parkland. Per the narrative, "The extension would provide an additional access to the Bailey Meadows Subdivision and distribute traffic in the area and meet needs for an area of planned, logical urban growth" in compliance with Criterion C. Staff agrees that the proposed annexation meets Criterion C.*

### **III. RECOMMENDATION**

Staff recommends the City Council approve Ordinance No. 2020-11. Consistent with the application and the Planning Commission's recommendation, the ordinance contains a condition that limits the future uses of the 4.04 acres zoned SFR to right-of-way and utility uses and associated facilities to support such uses.



## EXHIBIT A

### Legal Description

A tract of land, and a portion of right-of-way, located in the Northeast One-Quarter of Section 23, Township 2 South, Range 4 East, Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the northeast corner of Parcel 1 of Partition Plat 2018-030, Clackamas County Plat Records; thence along the north line of Document Number 93-28438, Clackamas County Deed Records, South 89°52'25" East 823.67 feet to the Point of Beginning; thence continuing along said north line, South 89°52'25" East 495.53 feet to the northeast corner of said deed; thence along the east line of said deed and the southerly extension thereof, South 01°24'04" West 532.91 feet to the southeasterly right-of-way line of Woodburn-Sandy Highway (40.00 feet from centerline); thence along said southeasterly right-of-way line, South 35°02'39" West 456.17 feet; thence along a curve to the Right with a Radius of 1186.30 feet, a Delta of 21°06'00", a Length of 436.86 feet, and a Chord of South 45°35'39" West 434.40 feet; thence South 56°08'39" West 180.12 feet; thence leaving said southeasterly right-of-way line, North 33°51'21" West 80.00 feet to said northwesterly right-of-way line; thence along said northwesterly right-of-way line, North 56°08'39" East 180.12 feet; thence along a curve to the Left with a Radius of 1106.30 feet, a Delta of 21°06'00", a Length of 407.40 feet, and a Chord of N45°35'39" East 405.10 feet; thence North 35°02'39" East 17.78 feet to the southwesterly corner of said deed; thence leaving said northwesterly right-of-way line and along the southwesterly line of said deed, North 49°21'56" West 200.96 feet; thence leaving said southwesterly line, North 35°02'39" East 150.72 feet; thence South 49°21'56" East 160.76 feet to a line which is parallel with and 40.00 feet northwesterly of, when measured at right angles to, said northwesterly right-of-way line; thence along said parallel line, North 35°02'39" East 295.25 feet; thence leaving said parallel line, North 54°57'21" West 25.00 feet; thence along a curve to the right with a Radius of 533.00 feet, a Delta of 23°05'54", a Length of 214.88 feet, and a Chord of North 43°24'23" West 213.42 feet; thence along a curve to the left with a Radius of 467.00 feet, a Delta of 41°16'55", a Length of 336.48 feet, and a Chord of North 52°29'54" West 329.25 feet to a point of non-tangency (Radial Bearing of South 16°51'38" West); thence North 23°37'27" East 93.53 feet to the Point of Beginning.

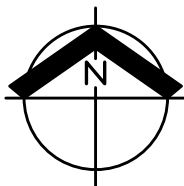
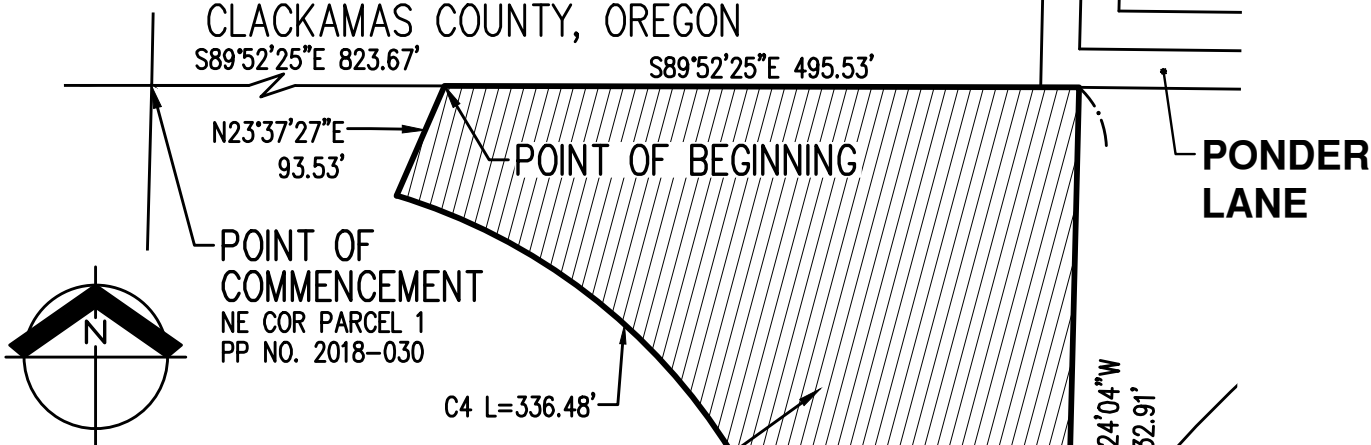
The above described tract of land contains 6.42 acres, more or less.

5/27/2020



# EXHIBIT B

A TRACT OF LAND, AND A PORTION OF RIGHT-OF-WAY,  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 23,  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN,  
 CLACKAMAS COUNTY, OREGON

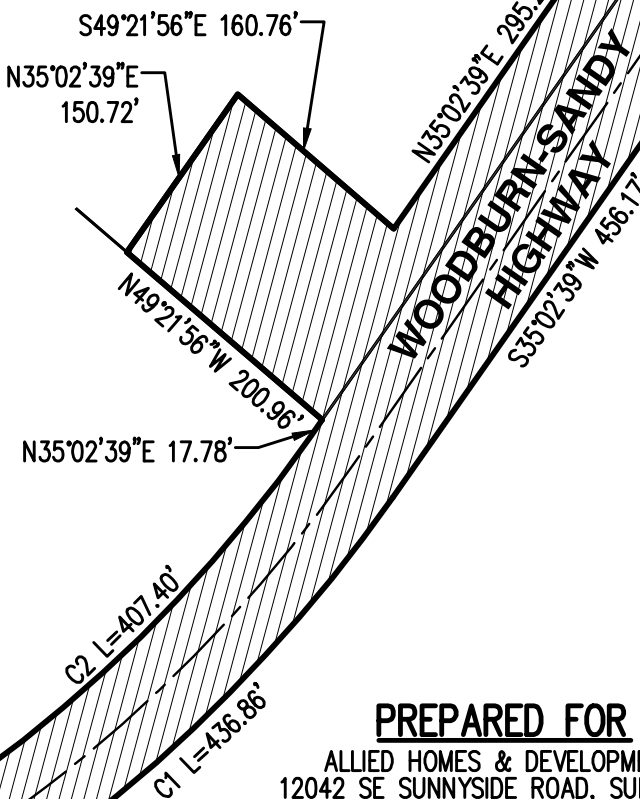


SCALE: 1" = 150 FEET



CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	
C1	1186.30'	21°06'00"	436.86'	S45°35'39"W 434.40'	
C2	1106.30'	21°06'00"	407.40'	N45°35'39"E 405.10'	
C3	533.00'	23°05'54"	214.88'	N43°24'23"W 213.42'	
C4	467.00'	41°16'55"	336.48'	N52°29'54"W 329.25'	

DOC. NO.  
93-28438



5/27/2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Benjamin R Huff*  
**PRELIMINARY**  
 OREGON  
 MARCH 14, 2017  
 BENJAMIN R HUFF  
 84738PLS

## PREPARED FOR

ALLIED HOMES & DEVELOPMENT  
 12042 SE SUNNYSIDE ROAD, SUITE 706  
 CLACKAMAS, OR 97015

RENEWS: 6/30/21

## MAP OF DESCRIPTION

AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 503.563.6151 WWW.AKS-ENG.COM



EXHIBIT  
**B**

DRWN: WCB  
 CHKD: BRH  
 AKS JOB:  
 7107

**EXHIBIT A**



**LAND USE APPLICATION FORM**

(Please print or type the information below)

**Planning Department**  
**39250 Pioneer Blvd.**  
**Sandy OR 97055**  
**503-489-2160**

Name of Project City of Sandy UGB Annexation, Comp. Plan, and Zone Map Amendments

Location or Address Southeast of Ponder Lane, northwest of Oregon Highway 211

Map & Tax Lot Number T 25, R 4E, Section 23; Tax Lot(s) 701

Request: This application involves the Annexation, Comp Plan, and Zone Map Amendments regarding the expansion of the City of Sandy's Urban Growth Boundary to accommodate a public transportation facility (e.g. Gunderson Road).

Please contact the Applicant's consultant and legal counsel (below) with any inquiries:

AKS Engineering & Forestry, LLC - Chris Goodell: (503) 563-6151; chrisg@aks-eng.com  
Schwabe, Williamson & Wyatt - Michael Robinson: (503) 796-3756; mrobinson@schwabe.com

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

Applicant (if different than owner) <b>Allied Homes &amp; Development</b>	Owner <b>Richard L Pullen, Lawrence Pullen, Sherrene Teneyck</b>
Address <b>12404 SE Sunnyside Road, Suite 706</b>	Address <b>37020 SE Deming Road</b>
City/State/Zip <b>Clackamas, OR 97015</b>	City/State/Zip <b>Sandy, OR 97055</b>
Phone <b>Please contact Applicant's consultant</b>	Phone <b>Please contact Applicant's consultant</b>
Email <b>Please contact Applicant's consultant</b>	Email <b>Please contact Applicant's consultant</b>
Signature <small>DocuSigned by:</small> <i>Cody Bugan</i>	Signature <small>DocuSigned by:</small> <i>Richard L Pullen</i> <small>DocuSigned by:</small> <i>Lawrence Pullen</i> <small>DocuSigned by:</small> <i>Sherrene Teneyck</i>

765397236D254E7... 5DFC8800F05A4E2... 1577A248EAE3446... 0DC135EFD2EE441...  
 If signed by Agent, owner's written authorization must be attached.

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

W:\City Hall\Planning\Planning Forms\Forms Updated 2018\General Land Use Application - updated 2019.doc

**Fees Included: \$6,033 (Annexation Type IV, Type C)**



# EXHIBIT B



## SUPPLEMENTAL LAND USE APPLICATION FORM (No. 1)

(Please print or type the information below)

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

- ANNEXATION     
  ZONE CHANGE     
  COMPREHENSIVE PLAN AMENDMENT

Property Identification			
Tax Lot Number	Township	Range	Section

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed

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

Tax Lot Number	Clackamas County Recording Number	Assessed Land Value	Size in Acres or Sq. Ft.

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

A legal description and map is included in Exhibit C.

<b>DESCRIBE EXISTING USES</b>

<b>DESCRIBE EXISTING BUILDINGS</b>
How many buildings are located on the property?
Number of Total Dwelling Units :

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

**DESCRIBE EXISTING ACCESS**

Does the subject property abut a public right-of-way? **Yes**  **No**

Name of public right-of-way:

Does the property abut a private road? **Yes**  **No**

Name of abutting private road(s):

Describe any unusual difficulties in accessing the property:

**DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES**

**DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS**

**Include number of lots, densities, etc.**

## NOTICE OF LAND USE DECISION

**NOTICE DATE:** June 16, 2020

**THIS NOTICE IS MAILED TO:** Interested Citizens and Agencies who previously commented on this application.

**FROM:** City of Sandy Planning Division

**STAFF CONTACT:** Kelly O'Neill Jr., Development Services Director, 503-489-2163, [planning@ci.sandy.or.us](mailto:planning@ci.sandy.or.us)

**FILE NO.:** 20-001 ANN/CPA/ZC Gunderson Road and Parkland Annexation

**EXPLANATION OF THE PROPOSAL:** The applicant, Allied Homes and Development, proposed to annex 6.42 acres to meet a need for certain public facilities (a minor arterial road and parkland). The applicant proposed a comprehensive plan designation of Low Density Residential and Parks and Open Space, and a zoning designation of Single Family Residential (SFR) for the roads and associated facilities totaling 4.04 acres and Parks and Open Space (POS) for the 2.38 acre park. The applicant is not seeking to add land for additional residential, commercial or industrial development. This land was brought into the UGB by ordinance on June 11, 2020.

**EXPLANATION OF THE DECISION:** On June 15, 2020 the City Council passed Ordinance No. 2020-11 to annex one property and right-of-way totaling approximately 6.42 acres and assignment of Single Family Residential (SFR) and Parks and Open Space (POS) zoning in conformance with the Urban Growth Boundary Expansion in File No. 20-002 UGB.

**APPLICANT:** Allied Homes & Development

**OWNER:** Lawrence Pullen, Richard Pullen, and Sherrene TenEyck

**ADDRESS:** No situs address assigned

**LEGAL DESCRIPTION:** T2S R4E Section 23 Tax Lots 701

**APPEAL:** If you participated in the hearing before the City Council, either orally or in writing, you may be entitled to appeal the decision to the Land Use Board of Appeals (LUBA). A party with standing to appeal must file the appeal with LUBA by the required date and time and in the form and manner provided in ORS 197.830 to 197.845.

**FOR MORE INFORMATION:** Additional information is available by sending an email to [planning@ci.sandy.or.us](mailto:planning@ci.sandy.or.us) or visiting the City of Sandy website at [www.ci.sandy.or.us/active-land-use-applications-matrix](http://www.ci.sandy.or.us/active-land-use-applications-matrix). A copy of the ordinances and findings, summarizing the standards and facts that

justified the decision is available for review on the City's website or upon request. In addition, all documents and evidence submitted with this application are also available for review. Additional copies are available at a reasonable cost.

Here is the DLCD confirmation for 2020-001

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

From: **DLCD Plan Amendments** <[plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)>

Date: Mon, Jun 15, 2020 at 9:27 PM

Subject: Confirmation of PAPA Online submittal to DLCD

To: <[emeharg@ci.sandy.or.us](mailto:emeharg@ci.sandy.or.us)>

### **Sandy**

Your notice of adoption of a change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: 20-001 ANN?CPA?ZC

DLCD File #: [004-20](#)

Original Proposal Received: 4/21/2020

Adoption Notice Received: 6/15/2020

Submitted by: emeharg

If you have any questions about this notice, please reply or send an email to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).