

EXHIBIT E

Royal Lane Annexation

Type IV Annexation (Type A)

Owner: Multiple Owners – See attached list (Supplemental Annexation Land Use Application form #2)

Applicant: City of Sandy
Attn: Mike Walker, Public Works Director
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Sandy, OR 97055
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503- 489-2162

Planner: Harper Houf Peterson Righellis, Inc.
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503-221-1131

Site Location: 16370 SE Royal Lane
Sandy, OR 97055

Tax Lot: 24E1103500

Parcel Size: 15.21 acres

Zone: General Commercial (C-2)

Comprehensive Plan: Retail/Commercial

Overlay District: Flood and Slope Hazard Overlay (FSH)

Summary of Request: The applicant is proposing to annex the subject site into the City of Sandy. There is no design review or site plan review included with this application.

Date: July 2, 2021



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ATTACHMENTS

- A. Application form with Miller family signatures
- B. Letter from Rebok family authorizing application
- C. Supplemental application form with owners listed
- D. Supplemental application form with property information
- E. Preliminary title report
- F. Legal description
- G. Tax map
- H. Pre-application conference notes



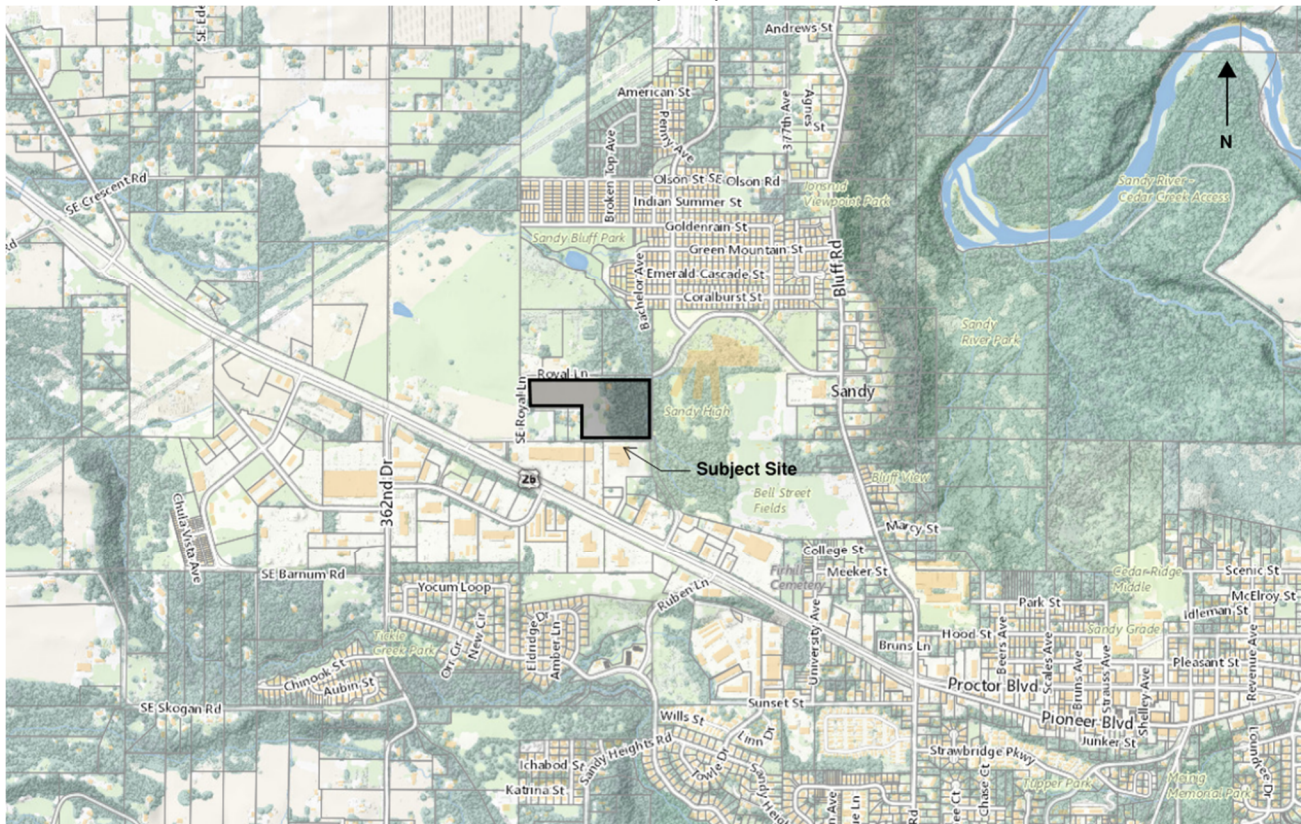
I. SUMMARY OF PROPOSAL AND REQUEST

Existing Conditions

The project site is located at 16370 SE Royal Lane in Sandy, Oregon and includes the entirety of Tax Lot 2S4E1103500. The subject site is located in unincorporated Clackamas County but within the Sandy urban growth boundary (UGB) and zoned Rural Residential Farm Forest 5-Acre (RRFF-5). The Sandy Zoning Map designates the property as C-2 (General Commercial) and the Sandy Comprehensive Plan designate the property Retail Commercial.

The area of the property is approximately 15.21 acres and has an existing detached single-family residence on site with several associated outbuildings. The project site is bordered by SE Royal Lane to the west and the north, and Sandy High School to the east. There is a large grove of trees located on the eastern half of the property, while the western half of the property is used for agriculture. A creek runs along the eastern border of the site with a Flood and Slope Hazard Overlay over a portion of the eastern property.

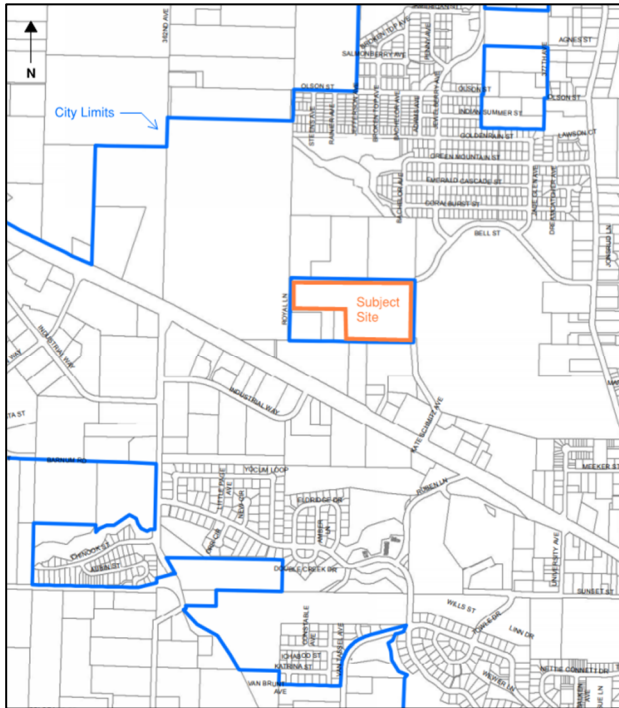
Vicinity Map



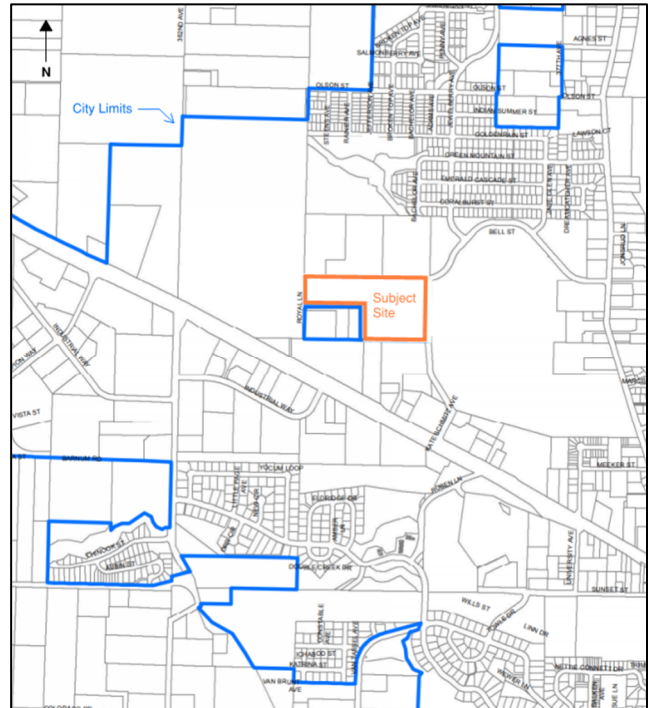
Proposal

The applicant is proposing to annex the property into the City of Sandy. The Sandy City Limits would be altered as shown below, with the City limits shown in blue and the subject site shown in orange.

Existing City Limits



Proposed City Limits



Upon approval of the annexation, the property would assume the City zoning (C-2) and comprehensive plan (retail/commercial) designations. The applicant is not requesting the approval of a site plan review or design review with this application. The purpose for this annexation is to accommodate the future extension of 362nd Drive to Bell Street. As demonstrated throughout this narrative and supporting documentation, the applicant is requesting approval of a Type IV (Type A) Annexation.



II. RESPONSES TO APPLICABLE CODE SECTIONS

Chapter 17.12: Procedures for Decision Making

Section 17.12.40: Type IV

Type IV decisions are usually legislative but may be quasi-judicial. Type IV (Quasi-Judicial) procedures apply to individual properties. This type of application is generally considered initially by the Planning Commission with final decisions made by the City Council. Type IV (Legislative) procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are typically considered first by the Planning Commission with final decisions made by the City Council. Occasionally, the Planning Commission will not consider a legislative matter prior to its consideration by the City Council.

Response: A Type A Annexation for the individual subject property falls under a Type IV (Quasi-Judicial) procedure. However, the proposed annexation is being proposed in support of the extension of a major public facility and in the interest of time, the applicant is requesting that this application be elevated directly to the City Council for consideration.

Applications processed under a Type IV procedure involve a public hearing pursuant to the requirements of Chapter 17.20. Notification of this public hearing shall be noticed according to the requirements of Chapter 17.22 with appeal of a Type IV decision made to the state Land Use Board of Appeals according to the provisions of Chapter 17.28.

Response: The applicant acknowledges that as a Type IV procedure, a public hearing and noticing will be required. The applicant is requesting that the matter be considered directly by the City Council. The applicant will comply with all of the applicable notice requirements of Chapter 17,20, 17.22, and 17.28.

- A. The City Council shall consider the recommendation of the Planning Commission and shall conduct a public hearing pursuant to Chapter 17.20. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.*
- B. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.*



- C. *To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.*

Response: Acknowledged by the applicant.

D. *Types of Applications:*

1. *Appeal of Planning Commission decision.*
2. *Comprehensive Plan text or map amendment.*
3. *Zoning District Map changes.*
4. *Planned Developments.*
5. *Village Specific Area Plan (master plan).*
6. *Annexations.*
7. *Extension of City Services Outside the City Limits.*
8. *Vacating of Public Lands and Plats.*
9. *Zoning Map Overlay Districts.*

Response: This project is proposing the annexation of a property. Therefore, a Type IV application is required under standard (D)(6) above.

Chapter 17.18: Processing Applications

Section 17.18.20: Pre-Application Conference

A pre-application conference is required for all Type II, III, and IV applications unless the Director determines a conference is not needed. A request for a pre-application conference shall be made on the form provided by the city and will be scheduled following submittal of required materials and payment of fees. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director will provide the applicant with notes from the conference within 10 days of the conference. These notes may include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the applicable code sections and criteria that may apply to the application. Any opinion expressed by the Director or City staff during a pre-application conference regarding substantive provisions of the City's code is advisory and is subject to change upon official review of the application.

Response: The project complies with this standard. A pre-application was held with the City of Sandy on January 14, 2021. The notes of the pre-application conference are included with this application as

Section 17.18.30: Land Use Application Materials

Unless otherwise specified in this Code, an application shall consist of the materials specified in this section, plus any other materials required by this Code.



- A. *A completed application form and payment of fees.*
- B. *List and mailing labels of Affected Property Owners.*
- C. *An explanation of intent, stating the nature of the proposed development, reasons for the request, pertinent background information, information required by the Development Code and other material that may have a bearing in determining the action to be taken.*
- D. *Proof that the property affected by the application is in the exclusive ownership of the applicant, that the applicant has the consent of all parties in ownership of the affected property, or the applicant is the contractual owner.*
- E. *Legal description of the property affected by the application.*
- F. *Written narrative addressing applicable code chapters and approval criteria.*
- G. *Vicinity Map showing site in relation to local and collector streets, plus any other significant features in the nearby area.*
- H. *Site plan of proposed development*
- I. *Number of Copies to be Submitted:*
 - 1. *One copy of items A through D listed above;*
 - 2. *Type I: Two copies of site plan and other materials required by the Code.*
 - 3. *Type II: Eight copies of site plan and other materials required by the Code*
 - 4. *Type III: 15 copies of site plan and other materials required by the Code*
 - 5. *Type IV: 20 copies of site plan and other materials required by the Code*

Response: The project complies with this standard. Please see the response in this narrative and the attached materials for all the above applicable information.

Section 17.18.80: Type II or IV Decisions

The Director shall schedule a public hearing in accordance with procedures listed in Chapter 17.20.

Response: Acknowledged by the applicant. As a Type IV application, a public hearing will be scheduled in accordance with Chapter 17.20 of the Sandy Development Code.

Chapter 17.44: General Commercial (C-2)

Response: Upon annexation of the subject site into the Sandy city limits, the property will assume the C-2 zoning district designated on the City of Sandy zoning map. The existing lot meets the dimensional standards for a property within the C-2 zoning district – the lot area is 15.21 acres and the dimensions are approximately 1,500 feet deep and 440 feet wide. This application does not include a site plan review or design review, but once the property is annexed and development is proposed, all development standards of the C-2 zoning district will be required to be met.



Chapter 17.60: Flood & Slope Hazard Overlay District

Section 17.60.20: Permitted Uses and Activities

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

- A. *Restricted Development Areas.* Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:
1. Slopes of 25 percent or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least ten feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in Section 17.60.30.

Response: A Flood and Slope Hazard (FSH) overlay is located on a portion of the subject property - a waterway on the eastern property line with a required 25-foot setback. There is no existing development within this setback, nor are there any changes or new development proposed with this annexation request. Please see the map below for exact location of the 25-foot wetlands setback according to the City of Sandy's Flood Slope Hazard (FSH) Analysis Map. Future construction of the street extension will be subject to the development review standards of this section.



- B. *Permitted Uses.* Permitted uses within restricted development areas are limited to the following: [...]

Response: There are no uses proposed within the restricted development area with this application. Therefore, this standard does not apply.

- C. *Platting of New Lots.* No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

Response: There are no new lots proposed to be platted or approved for development with this application. Therefore, this standard does not apply to this project.

Section 17.60.30: Required Setback Areas

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to and upland from the protected feature.

Response: The project complies with this standard. There is no proposed change to the existing required 25-foot wetland setback on the project site with this application.

Section 17.60.40: Review Procedures

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed by the Director to ensure consistency with Section 17.60.60-17.60.70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director

Response: There is no proposed development within the FSH Overlay District with this application. Therefore, this standard does not apply.

- A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically, the following information is required: [...]*

Response: As mentioned previously, there is no development proposed with this application. Therefore, this standard does not apply, and the code language has been omitted.

Section 17.60.50: Special Reports

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A., the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development and shall be prepared by professionals in their respective fields. The Director may require one or more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal, and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00. [...]

Response: While there is no development proposed with this application, the future extension of 362nd Drive to Bell Street will require the preparation of reports related to the resource area, design of the street extension,



and related construction. However, this standard does not apply since no physical alterations to the land are proposed with this annexation, and the code language has been omitted.

Section 17.60.60: Approval Standards and Conditions

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

- A. *Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.*
 - 1. *Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.*
 - 2. *Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.*
 - 3. *Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.*
 - 4. *Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.*
 - 5. *Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.*
 - 6. *Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a two:one basis according to type and area. Two native trees of at least one and one-half-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.*
- B. *All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:*
 - 1. *The permit requirements of Chapter 17.60 have been satisfied;*
 - 2. *All other required state and federal permits have been obtained; and,*
 - 3. *The site is reasonably safe from flooding.*
- C. *Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.*
- D. *Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.*



Response: As mentioned, there is no proposed development within the FSH overlay district or the required 25-foot wetland setback with this annexation request. Therefore, there are no required development permits needed.

Section 17.60.70: Floodplain Regulations

This section regulates development within the Area of Special Flood Hazard. [...]

Response: There is no development proposed with this application, including development within the Area of Special Flood Hazard. Therefore, this standard does not apply, and the code language has been omitted.

Section 17.60.80: Notification to Other Entities and Recordkeeping

- A. *Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.*
- B. *Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.*
- C. *Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.*
- D. *Obtain and maintain the following for public inspection and make available as needed:*
 - 1. *Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.*
 - 2. *For all new or substantially improved floodproofed structures:*
 - a. *Verify and record the actual elevation (in relation to mean sea level), and*
 - b. *Maintain the floodproofing certifications required in Section 17.60.70.F.*
 - 3. *Obtain and maintain certification for flood openings when certification is required under Section 17.60.70.E.5.*

Response: Acknowledged by the applicant. As mentioned, there is no proposed alteration to a watercourse with this annexation request. These standards are not applicable.



Sec. 17.60.90. - Water Quality Treatment Facilities

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows: [...]

Response: There are no water quality treatment facilities proposed with this application. Therefore, this standard does not apply, and the code language has been omitted.

Sec. 17.60.110. - Adjustments

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

Response: The applicant is not proposing any adjustments to the standards of this chapter. Therefore, this section does not apply, and the code language has been omitted. Future development of the property to be annexed and the future design and construction of the proposed extension of 362nd Drive to Bell Street will be to the City standards once the property has been annexed and the property is within the City of Sandy.

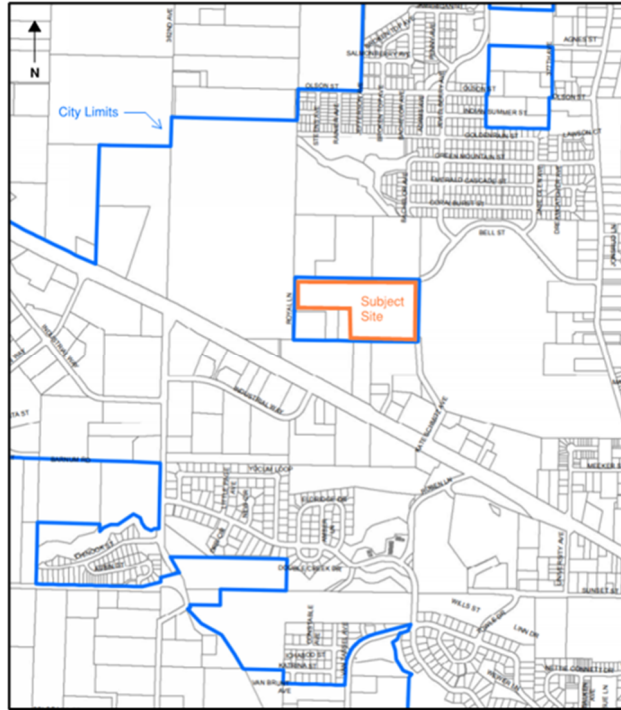
Chapter 17.78: Annexation

Sec. 17.78.10. - Procedural Considerations

- A. *The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or are modified as provided herein unless mandated by State Law.*
- B. *The City may annex an unincorporated area that is surrounded by the City boundary.*
- C. *The City may annex land for public facilities. Public facilities include but are not limited to schools, senior centers, roads, police and fire stations, parks or open space, and public water, sewer and storm drainage facilities.*

Response: The project complies with this standard. The subject site proposed to be annexed is currently located in unincorporated Clackamas County but is within the Sandy UGB and is surrounded by the City of Sandy, meeting standard (B) above. Further, the property is being annexed to accommodate the future construction of the extension of 362nd Avenue to Bell Street.





Sec. 17.78.15. - Types Of Annexation

- A. *Type A: Annexation in conformance with conceptual zoning designation*
- B. *Type B: Annexation + zone change, including Parks and Open Space (POS) and/or Flood and Slope Hazard (FSH) Overlay District*
- C. *Type C: Annexation + plan map change + zone change*

Response: The project meets the standards for a Type A Annexation. The site will assume the C-2 zoning designation upon annexation. This request is consistent with the City of Sandy’s zoning and Comprehensive Plan map.

Sec. 17.78.20. - Conditions For Annexation

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;*

Response: The annexation processes in the City of Sandy presumably comply with Chapters 199 and 222 of the Oregon Revised Statutes and the applicant is initiating this request in accordance with those requirements. Therefore, the project complies with this standard.

- 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; and*



Response: The project complies with this standard. The project site is located within the City of Sandy Urban Growth Boundary and is contiguous to the City limits to the west, north, and east.

D. The site has not violated Section 17.78.25.

Response: The project complies with this standard. None of the standards within Section 17.78.25 have been violated. Please see the response within the following section for additional details on compliance.

Sec. 17.78.25. - Tree Retention

The intent of this section is to treat property with annexation potential (in the UGB) as if it had been subject, prior to annexation, to the tree retention provisions of the City's Urban Forestry Ordinance (Chapter 17.102) and Flood and Slope Hazard (FSH) Overlay District (Chapter 17.60), to discourage property owners from removing trees prior to annexation as a way of avoiding Urban Forestry Ordinance provisions, and to prevent unnecessary tree removal for future subdivision layout. In accordance with ORS 527.722, the State Forester shall provide the City with a copy of the notice or written plan when a forest operation is proposed within the UGB. The City shall review and comment on an individual forest operation and inform the landowner or operator of all other regulations that apply but that do not pertain to activities regulated under the Oregon Forest Practices Act.

A. Properties shall not be considered for annexation for a minimum of ten years if any of the following apply:

- 1. Where any trees six 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 ten years prior to the annexation application.*
- 2. Where more than two trees (six 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 ten years prior to the annexation application.*
- 3. Where more than two trees (six 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 ten years prior to the annexation application.*
- 4. Where any trees six inches or greater DBH have been removed on 25 percent or greater slopes in the ten years prior to the annexation application.*
- 5. Where more than ten trees (11 inches or greater DBH) per gross acre have been removed in the ten years prior to the annexation application, except as provided below: [...]*

Response: The owner has indicated that there have been no trees removed within the past 10 years that meet any of the above standards (A)(1) through (A)(2). Therefore, the project meets this standard.

Sec. 17.78.30. - Zoning Of Annexed Areas

All lands within the urban growth boundary of Sandy have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The zoning classification shall reflect the city land use classification as illustrated in Table 17.26.20.



Response: The property is within the Sandy UGB and is classified retail/commercial in the comprehensive plan and C-2 on the zoning map. Once annexed, the project site will assume both the comprehensive plan designation and zoning district.

Sec. 17.78.40. - Existing Use, Activity Or Structure.

- A. *As of the effective date of annexation, no use or activity shall be considered non-conforming if the use or activity: (1) violates or conflicts with county zoning regulations and (2) is not classified as non-conforming under county zoning regulations. Any such use or activity shall constitute a violation of this chapter.*
- B. *Any use, activity or structure that is existing at the effective date of annexation, under a Clackamas County use permit with a time limit imposed, shall not be a non-conforming use, but may continue for the extent of the time limit. Such use permits may not be extended without City approval.*
- C. *Any lot or parcel of land duly recorded in the Clackamas County Recorder's Office prior to the effective date of the ordinance from which this chapter is derived and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the Zoning District shall apply.*

Response: The project complies with this standard. The subject property is currently in compliance with the Clackamas County zoning regulations for the RRF5 zoning district. Detached Single-Family homes are a permitted use in the County Zoning and Development Ordinance (ZDO 316-1). Additionally, all development standards, including lot coverage, setbacks, and lot size, comply with Table 316-2 in the Clackamas County Zoning and Development Ordinance, and the subject property is conforming to the ZDO.

Sec. 17.78.50. - 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.

- A. *Except as provided in subsection B. of this section, an application to annex property into the city shall meet the following criteria:*
 - 1. *The application demonstrates how the property will be served by adequate public facilities and services, including sanitary sewer, domestic water, transportation, internet and parks. Public facilities and services must be provided in a manner consistent with the City's adopted public facility plans, comprehensive plan, transportation system plan, parks and trails master plan, and any applicable area plan or master plan. The application must demonstrate how the public facilities and services will be provided to the property in an orderly, efficient, and timely manner.*



Response:

Water

An existing water line is located at the western boundary of the subject site along SE Royal Lane. The waterline will be extended to the east, connecting to the existing line in Bell St. to serve future development on the site concurrent with the 362nd/Bell St. Project.

Sanitary Sewer

Sanitary sewer infrastructure is not currently available to the site. There is an existing sewer line located approximately 1,000 feet north of the site. It is expected that the public sewer can be extended to serve the subject property in the future after annexation occurs to serve any use within the C-2 zoning district.

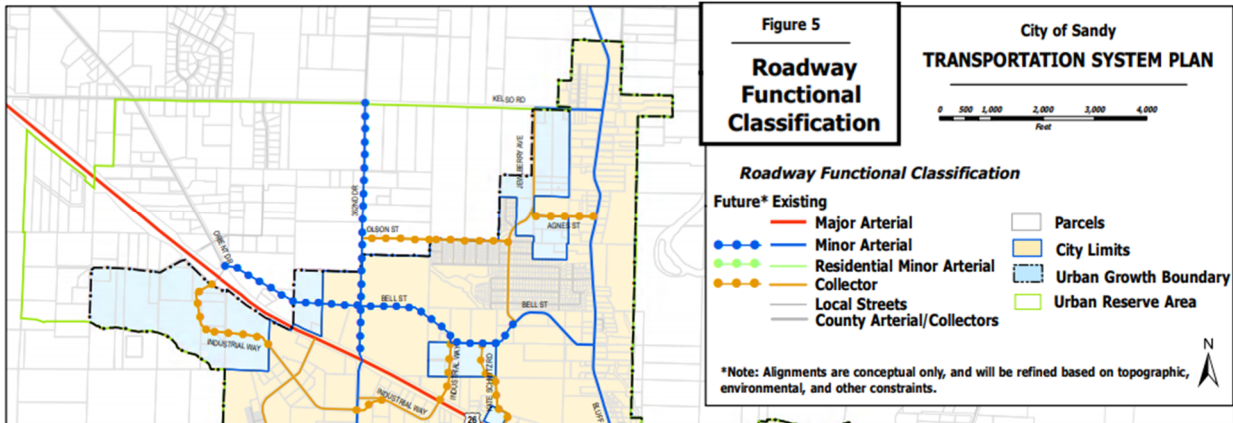
Storm Water Drainage

The stormwater runoff from the site currently flows to the south and east according to the topography of the site. The stormwater sheet flows from the property to the water resource located along the east edge of the property. Stormwater detention and water quality standards of the City of Sandy will be required to be satisfied with future development. All of the costs for the construction and maintenance of the storm drainage improvements to serve future development are expected to be borne by the developer of the property; however, stormwater facilities associated with capturing and treating stormwater from the future right-of-way improvements will be constructed by the City as part of the extension of 362nd Drive to Bell Street. The cost of these improvements will be borne by the City.

Streets

The proposed annexation site is already served by Royal Lane, a local street. In the future, the site would be served by the extension of 362nd Drive to Bell Street consistent with the City's Transportation System Plan. The future street is in the process of being designed to meet the City's standards for a minor arterial and includes the provision of sidewalks and street trees on the south side of Bell street. A landscaped center median, used for stormwater treatment and bike lanes on each side of the street are also provided with the improvement. The future extension of 362nd Drive to Bell Street is an identified capital improvement that will be paid for by the City. Development of the subject site may trigger improvements to Royal Lane and the construction of new streets which will be paid for by future developers.





Pedestrian and Bicycle Facilities

There are presently no pedestrian or bicycle facilities adjacent to the site. As stated above, the extension of 362nd Drive to Bell Street is in the process of being designed to meet the City’s standards for a minor arterial and will include the provision of bike lanes and sidewalks.

Transit

Limited transit service is provided to the City of Sandy by Sandy Area Metro (SAM). The nearest line runs along Hwy 26. There are no planned transit facilities for the proposed annexation area. Any future transit improvements to serve the annexation area would be paid for by future development, unless initiated by the transit agency which would pay for and construct improvements with capital improvement funds.

Fire Protection and Emergency Services

Fire protection and emergency services are provided by the Sandy Fire District #72. The Sandy Fire District has one operating station (No. 71), located at 17460 Bruns Avenue, approximately 1.6 miles from the site.

Police

Currently, the Clackamas County Sherriff’s Office provides law enforcement services to the proposed annexation area. If the application is approved, the Sandy Police Department would provide law enforcement services within the City limits. The Police Department office is located approximately 2.2 miles from the site at 39850 Pleasant St.

Parks and Recreation

The City of Sandy Parks and Recreation Department is responsible for parks, trails, open space and recreation services. The nearest park is Sandy Bluff Park and Dog Park located 36910 Goldenrain Street which is approximately 2.6 miles from the site. The park is a neighborhood park. According to the Parks and Trails Master Plan update, there are no proposed parks within the annexation area, however, a



future trail is identified along the east edge of the property. Future extensions of the trail will likely be paid for through capital funds, grants, and systems development charges.

Once the property has been annexed into the City, future public facilities and services will be provided consistent with the City of Sandy's comprehensive plan, transportation system plan, utilities plans, and parks and trails master plan as needed. The property is designated as Retail Commercial in the Sandy Comprehensive Plan, and future development of the site will be expected to comply with the applicable development standards within the Code once annexed into the city.

2. *The application demonstrates how impacts to existing City public facilities and services (sewer, water, stormwater, and transportation) from development of the property will be mitigated, if necessary. Mitigation may include construction of on-site or off-site improvements or improvements to existing infrastructure to City standards and specifications. The application must demonstrate adequate funding for the mitigation. If the financing requires City funds, the funding must be approved by the City Council prior to annexation. The City may rely on the standards and criteria of SMC Chapter 17.84 (Improvements Required with Development) and other relevant standards and criteria in the comprehensive plan or development code to analyze an applicant's proposed mitigation of impacts. In order to ensure adequate public facilities and services will exist to serve property annexed to the City, an applicant may be required to enter into an agreement with the City that governs the extent and timing of infrastructure improvements.*

Response: As described above the costs associated with serving future development on the site proposed to be annexed will be paid for by development, systems development charge credits, or in the case of the extension of 362nd Avenue to Bell Street, through grants and capital funds.

3. *The application demonstrates that the annexation and proposed zoning is consistent with the Transportation Planning Rule (TPR) or explains that the TPR analysis is not required.*

Response: Acknowledged by the applicant. The subject property is located within the Sandy urban growth boundary (UGB) and has been planned for future urbanization. Conceptual zoning has already been applied to the property and will be assumed upon annexation. Traffic generated from future development of the site has been considered in recent updates consistent with this designation. Since no development is proposed with this annexation request and the proposed annexation does not result in any impacts to the transportation system plan that would result in the alteration of an existing street classification compliance with the TSP is not applicable to this request.

4. *The annexation is in the best interest of the City. Generally, the annexation is in the best interest of the city if it meets one or more of the following criteria:*
 - a. *A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or*
 - b. *Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or*



c. *Needed routes for utility and transportation networks.*

Response: The project complies with this standard. The property proposed to be annexed is surrounded by properties already within the Sandy city limits on three sides and annexing the subject site would allow for an orderly and efficient extension of urban services. The annexation is proposed in order to accommodate the planned future extension of 362nd Avenue to Bell Street along the northern property line.

Sec. 17.78.60. - Application Submission Requirements.

Requests for annexation shall be made on forms provided by the city for such purposes and shall be accompanied by all of the following:

- A. *Written consent form to the annexation signed by the owners of all land to be annexed.*
- B. *A legal description certified by a registered surveyor or engineer.*
- C. *The application fee established by the city.*
- D. *A list of property owners within 1,000 feet of the subject property and two sets of mailing labels.*
- E. *Vicinity map showing the area to be annexed including adjacent city territory.*
- F. *Site Plan drawn to scale (not greater than one inch = 50 feet), indicating:*
 - 1. *The location of existing structures (if any);*
 - 2. *The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;*
 - 3. *Approximate or surveyed location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, including, but not limited to, wetland boundaries, streams, top of bank, buffers, areas of 25 percent or greater slope, restricted development areas, and the FSH analysis area. If the applicant wants to avoid an additional zone map modification request at time of development, then these areas will need to be surveyed at the time of annexation application submittal.*
- G. *Narrative Statement Explaining the Proposal and Addressing.*
 - 1. *Availability, capacity and status of existing water, sewer, drainage, transportation, fire, and park facilities;*
 - 2. *Additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
 - 3. *Ability to adhere to adopted City plans including, but not limited to, the Transportation System Plan, Parks and Trails Master Plan, Comprehensive Plan, and Specific Area Plans; this analysis may be deferred if the applicant enters into an annexation agreement as provided in Section 17.78.50.B.; and,*
 - 4. *Method and source of financing required to provide additional facilities, if any.*
- H. *Transportation Planning Rule Findings, if Applicable.*

Response: The project complies with this standard. All of the above materials are included with this application and where applicable, are addressed in the approval criteria above.



Sec. 17.78.70. - Review Procedure

Type A, B and C:

- A. Pre-application conference;
- B. Submission of completed application;
- C. Review by Planning Commission with recommendation to City Council;
- D. Review by City Council;
- E. Approval or denial by City Council.

Response: Acknowledged by the applicant. A pre-application was held with the City of Sandy on January 14, 2021 and a completed application is being submitted with this written statement. The applicant will comply with all procedures of the review and approval process.

Sec. 17.78.80. - Exceptions

Exceptions may be granted for identified health hazards and for those matters which the City Council determines that the public interest would not be served by undertaking the entire annexation process. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception.

Response: The applicant is not requesting an exception to the City’s annexation process.

Sec. 17.78.90. - Annexation Conditions

- A. All properties annexed are subject to inclusion within applicable advance financing districts and urban renewal districts.
- B. These conditions apply to all annexed properties regardless of transfers of the ownership of such properties.

Response: The property will be subject to adopted financing districts and urban renewal districts once annexed into the City as required.

III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Type IV Annexation in the City of Sandy. Therefore, the applicant respectfully requests that the City approve the application.

