

City of Sandy

Agenda

City Council Meeting

Meeting Location: City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055

Meeting Date: Tuesday, September 3, 2019

Meeting Time: 6:00 PM



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1.	WORK SESSION 6PM	
2.	ROLL CALL	
3.	WORK SESSION ITEMS	
3.1.	Water Meter Replacement and Street Light Conversion Projects Update Streetlighting and Water Meter Conversion Project - Pdf	3 - 18
3.2.	Updated Wastewater and Water Rate Model Proposed Wastewater and Water Rates - Pdf	19
4.	ADJOURN WORK SESSION	
5.	REGULAR MEETING 7PM	
6.	PLEDGE OF ALLEGIANCE	
7.	ROLL CALL	
8.	CHANGES TO THE AGENDA	
9.	PRESENTATION	
9.1.	24 Hours In Sandy Presentation	
10.	PUBLIC COMMENT	

11. CONSENT AGENDA

- 11.1. City Council Minutes

12. ORDINANCES

- 12.1. Ordinance 2019-16, 18-026 ANN – Bloom Annexation 20 - 105
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13. NEW BUSINESS

- 13.1. Parks Board Bylaws, Roles & Responsibilities 106 - 108
[- Pdf](#)
- 13.2. IGA with Clackamas County for SandyNet ISP Services 109 - 116
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- 13.3. 2019-2021 Special Service Contract Program Outlay & Approval 117 - 118
[2019-2021 Special Service Contract Program Outlay & Approval - Pdf](#)
- 13.4. Highway 26 Bypass Feasibility Study Scope and Funding 119 - 121
[Bypass Feasibility Study Scope and Funding - Pdf](#)

14. REPORT FROM THE CITY MANAGER

15. COMMITTEE /COUNCIL REPORTS

16. STAFF UPDATES

- 16.1. [Monthly Reports](#)

17. ADJOURN



Staff Report

Meeting Date: September 3, 2019

From Thomas Fisher,

SUBJECT: Streetlighting and Water Meter Conversion Project

Background:

The streetlight LED conversion and water meter accuracy technical audits have been completed. Andrew Williamson and Mike Johnson with McKinstry will provide an update to the Council on the status of each project. The presentation will detail the cost savings and payback for converting all City-owned streetlights to LED lighting and replacing all existing water meters with more accurate meters. Power and maintenance cost savings (as well as incentives from Energy Trust of Oregon) will cover the debt service for the cost of the streetlight conversion project. Improved water meter accuracy will generate more revenue for the water fund which should cover the cost of the meter replacement program.

We have asked McKinstry to separate the financial analysis for each project since the revenues from energy savings and expenditures for debt service for the streetlight project will accrue to and come from the Street Fund. The savings from the streetlight conversion project are well documented and based on Oregon PUC-approved rates for LED streetlights. The streetlight conversion project is also less expensive than the water meter replacement project.

The increased revenue from meter accuracy improvements will accrue to the Water Fund and debt service for the project cost will come from the same fund. The water meter replacement project is more costly. It should be noted that there is some risk that water consumption may decrease as customers pay for the true amount of water they are using as a result of more accurate billing. Combined with projected increases in wastewater rates customers will be more sensitive to utility costs which could further reduce water consumption. However demand for water (like gasoline, food, etc.) is relatively inelastic regardless of cost so consumption reductions may not have as much of an effect on water revenues going forward.

McKinstry will also provide information on the next steps in the process and the next decision points for the Council.



City of Sandy



Agenda

 *Performance Contracting Review*

 *Opportunities at the City of Sandy*

 *Project Status*

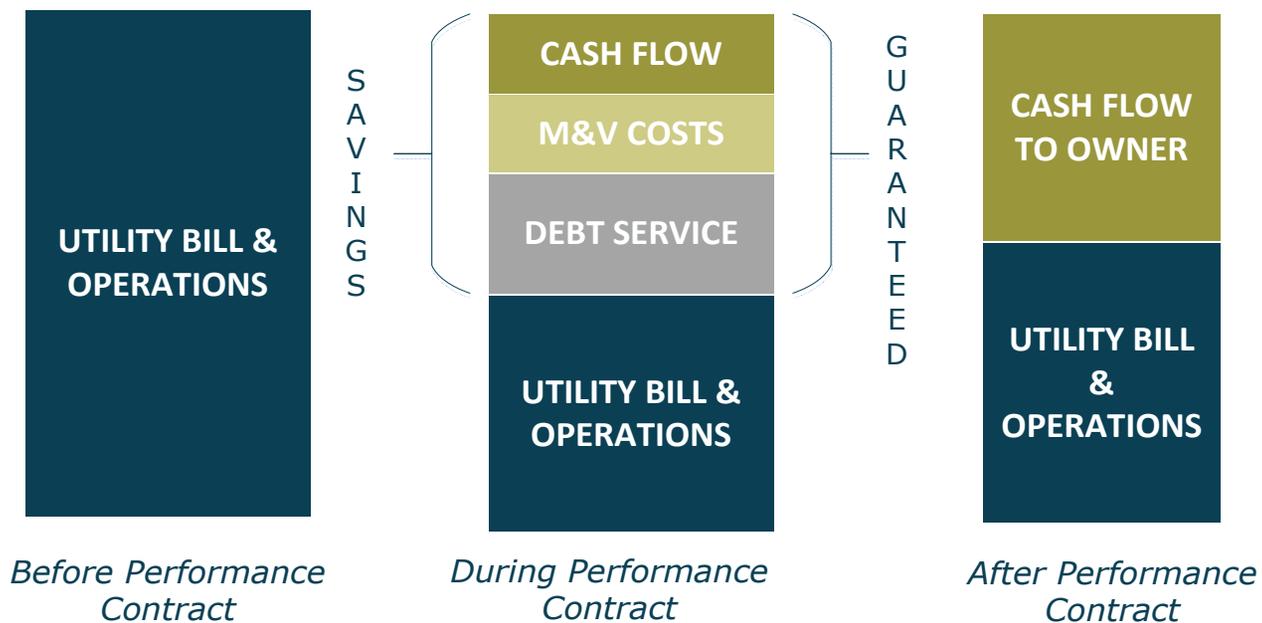
 *Project Benefits and Outcomes*

 *References*





Performance Contracting





ESPC Advantages

- Single point of accountability – the ESCO
- Owner participates in equipment and subcontractor selection
- Funding through energy & utility savings
- Verification of annual energy savings through a M&V program
- Guarantees:
 - Maximum Project Cost
 - Energy/Water Cost Savings or Revenue Production
 - Equipment Performance





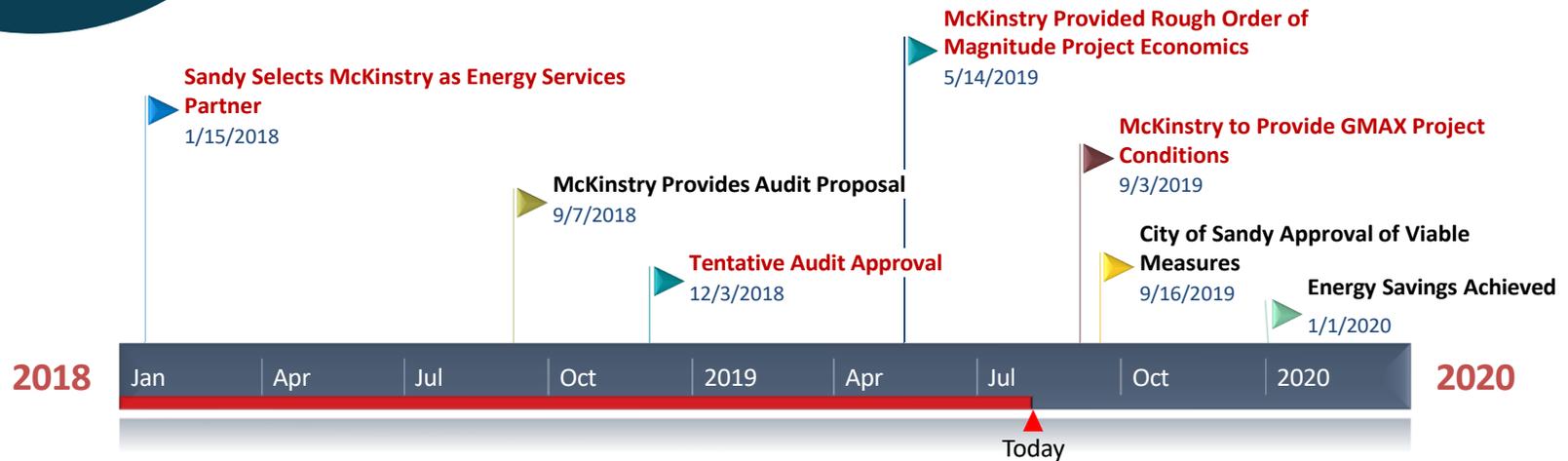
Opportunities at Sandy

- Roadway Lighting Retrofit (Typical ROI – 10-15 years)
 - 926 light fixtures, 90 poles in need of replacement
 - Achieves 50-70% energy reduction
 - Savings potential:
 - Over \$70K energy cost savings
 - Over \$15K operational cost savings
 - Grants available:
 - Over \$35K grant from Energy Trust of Oregon
- Water Metering Project (Typical ROI – 12-18 years)
 - 3,866 water meters
 - Over \$90K in annual water revenue from better meter accuracy
 - Over \$35K Operational cost savings from automatic meter reads
 - Antiquated water metering infrastructure update needed
 - New functionality needed in metering infrastructure and software





Project Schedule/Status



Water Meter Testing and Street Lighting Audit Work



2/15/2019 - 8/2/2019

Construction



10/1/2019 - 2/29/2020

Intent today

- Review project benefits with council to get feedback and answer questions
- Come back for council approval 9/16/19



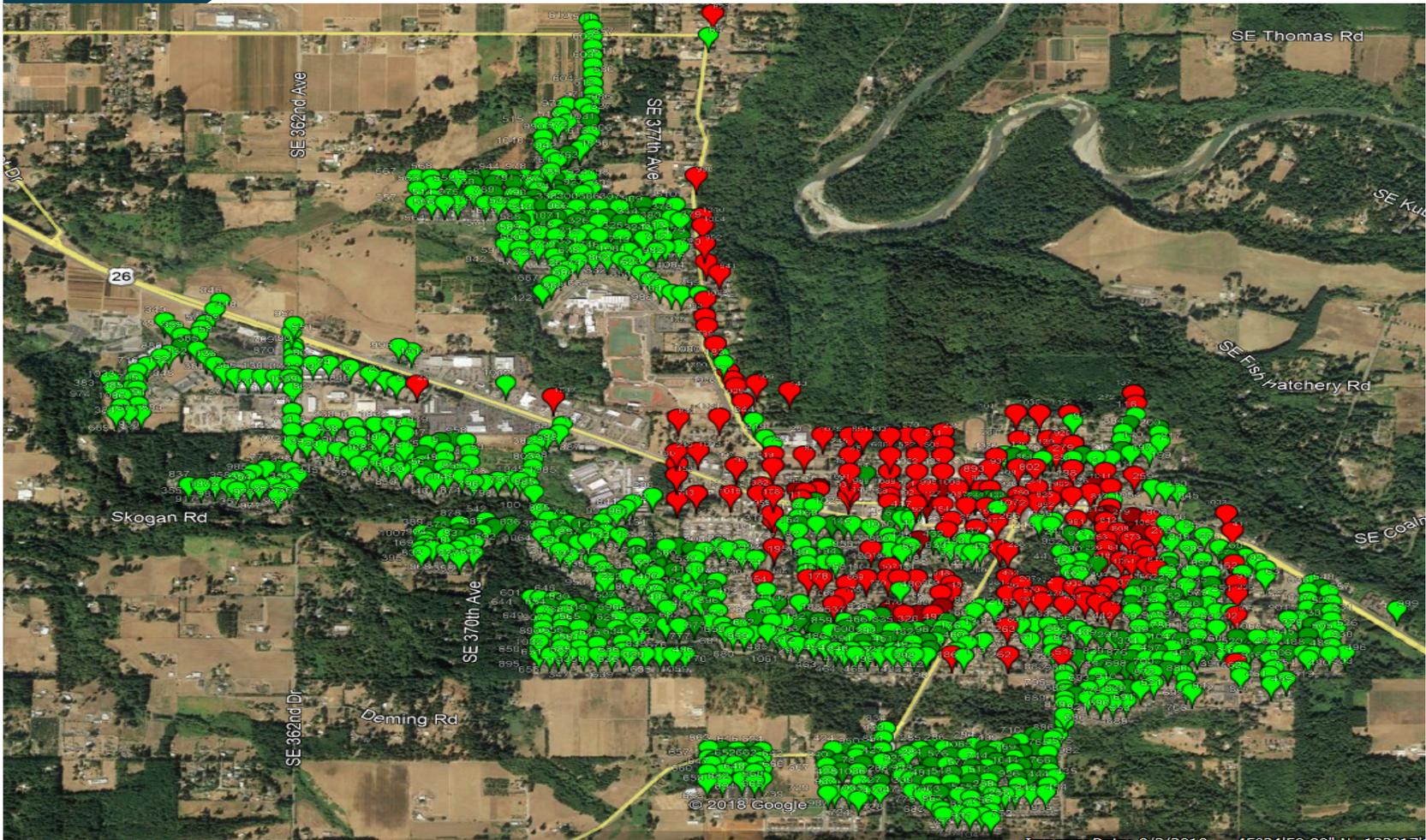


Audit Results

Summarized for Sandy City Council



Street Lighting Retrofit



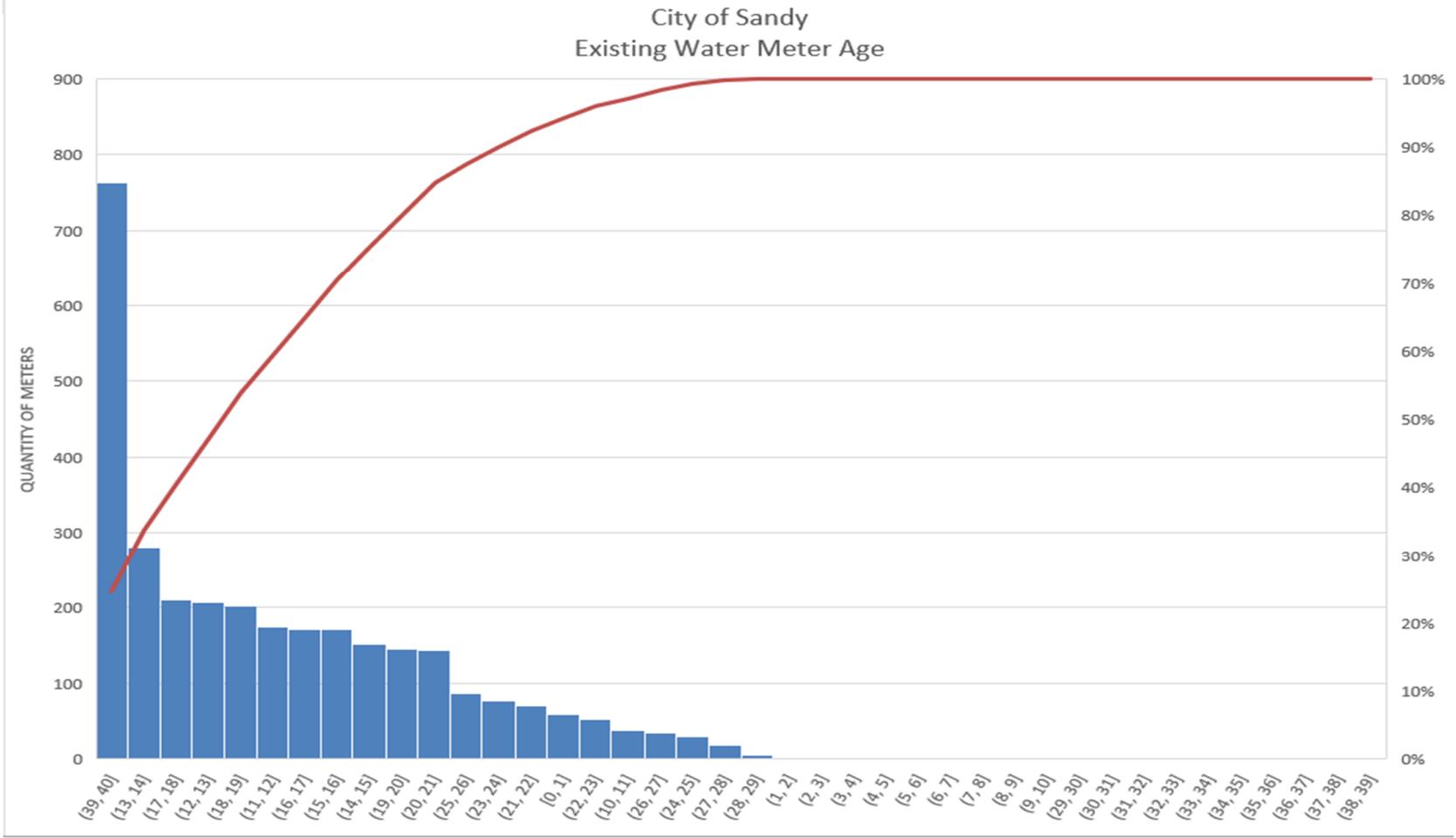


Roadway Lighting Project Benefits

- 60-75% energy savings in the city's street lighting energy costs
- New fixture life-cycles expected at 15-20 years
 - Existing technology life expectancy 3-5 years
- Better quality of light in an area provides safer streets. Color rendering is better and more balanced
- Light trespass off the roadway is reduced
- Intelligent street lighting grid – 24/7 remote monitoring for fixtures. Better maintenance planning due to controls information. Ability to dim fixtures remotely if light levels are too high
- Utility grade power meter on street lighting controller
- Reduced maintenance cost provides City of Sandy ability to assume ownership of the fixtures from Portland Gas and Electric (PGE)
- Price includes replacing ~90 poles throughout the city



Metering Replacement



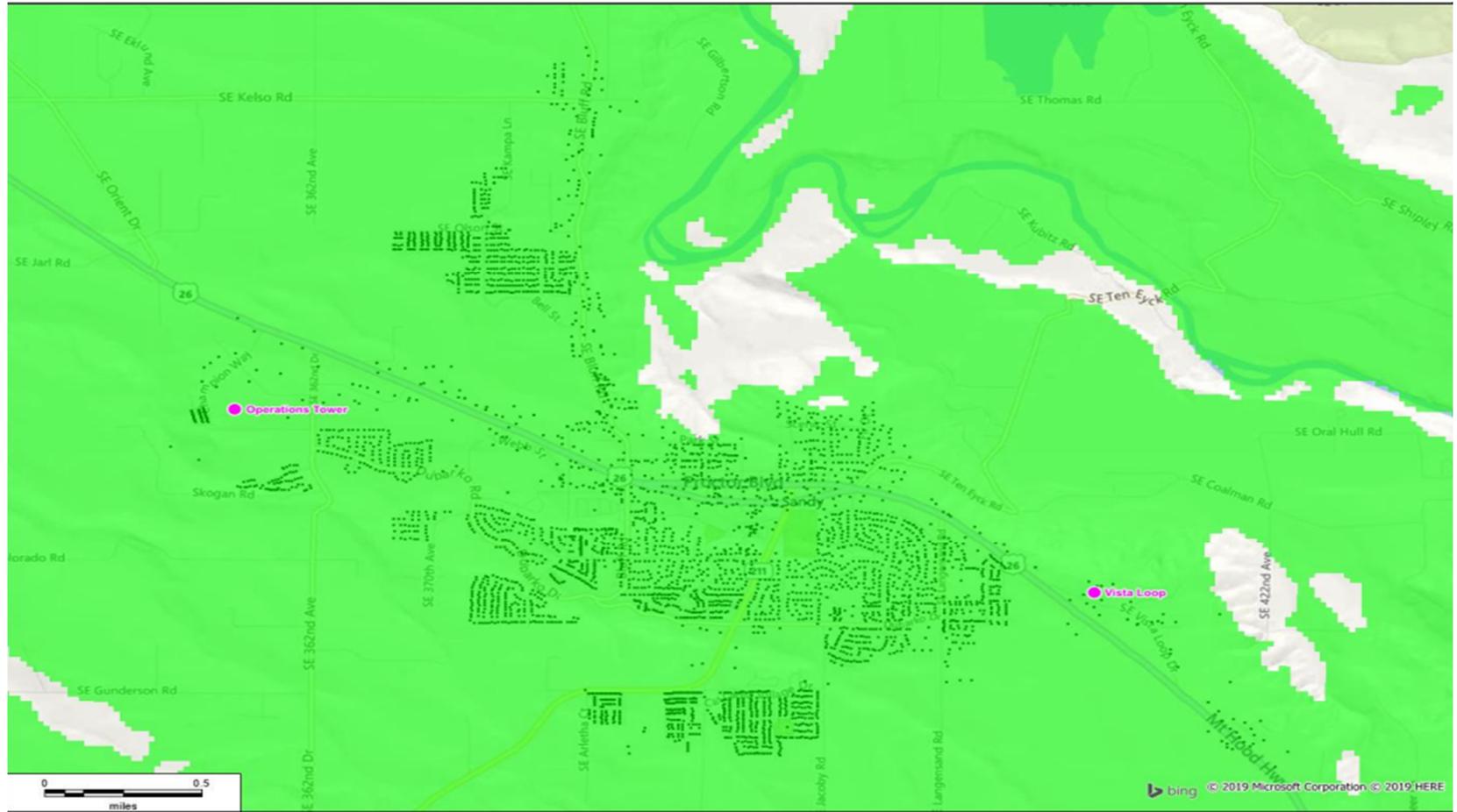


Water Metering Benefits

- Average life of existing metering infrastructure is 20 years (end of life)
- Over \$90K in annual water revenue from better meter accuracy and reduced maintenance cost of reading meters:
 - Old metering accuracy – 93-96%
 - New metering accuracy – 98.5% guaranteed, 99-100% expected
- Upgraded metering system will provide the following capabilities:
 - Leak detection in metering system prevents water loss and large customer bills
 - Consumption reports and real-time meter reads
 - Automatic meter reading
 - Granular usage information allows pricing structure to be tailored toward customer usage
 - Usage patterns can inform water utility to predict future needs and help identify when a large user could be a candidate for conservation
 - Shorter billing cycles are possible



Signal Propagation Study





Project Financials

Scope	GMAX Budget*	Annual <u>Guaranteed</u> Savings	Annual <u>Expected</u> Savings	Annual Operational Savings	Potential Incentive	Payback** (Yrs)	30*** Year Savings
Street Lighting	\$1,132,635	\$68,541	\$72,148	\$17,720	\$37,180	10.7	\$3,398,207

Scope	GMAX Budget*	Annual <u>Guaranteed</u> Revenue	Annual <u>Expected</u> Revenue	Annual Operational Savings	Potential Incentive	Payback* (Yrs)	30*** Year Benefit
Metering w/ AMR/AMI	\$2,745,526	\$97,336	\$129,780	\$37,400	N/A	14.4	\$5,446,741

*Projects are managed as a single implementation, though costs accounted for separately.

**Payback shown is based on net cost with 3% annual utility escalation of expected savings

Street Lighting guaranteed payback is 10.8 years

Metering guaranteed payback is 16.2 years

***20 year benefit (life cycle):

Street Lighting: \$1,319,343

Metering: \$1,579,483



CLIENTS

McKinstry's Municipal Performance Contracting Clients in PNW

- City of Aberdeen, WA
- City of Auburn, WA (Street Lighting)
- Bellingham, WA (Street Lighting)
- City of Brewster, WA
- City of Burien, WA
- City of Everett, WA
- City of Fife, WA (Street Lighting)
- City of Hillsboro, OR (Street Lighting)
- City of Kent, WA
- City of Lynnwood, WA
- City of Millwood, WA
- City of Portland Parks and Rec, OR
- City of Redmond, WA (Street Lighting)
- City of Royal City, WA
- City of Seattle, WA
- City of Spokane, WA
- City of Sunnyside, WA
- City of Tacoma, WA (Street Lighting)
- City of Wenatchee, WA
- Douglas County, WA
- King County, WA
- Kitsap County, WA
- Lane County, OR
- Lincoln County, WA
- Skagit County, WA
- Snohomish County, WA
- Spokane County, WA
- Tillamook County, OR
- Tukwila Metropolitan Parks District, WA
- Thurston County, WA
- Walla Walla County, WA
- Whitman County, WA
- Washington DOE
- Washington DOT
- Oregon Military Dept
- Washington State Capital Campus
- Washington State DES
- Port of Bellingham
- Port of Portland
- Port of Seattle
- Port of Tacoma





Questions?

Andrew Williamson
McKinstry Energy Services
andrewwi@mckinstry.com





Staff Report

Meeting Date: September 3, 2019

From Mike Walker, Public Works Director

SUBJECT: Proposed Wastewater and Water Rates

Background:

The Council approved a contract with FCS Group in March to update the City's existing utility rate model and prepare new System Development Charges for the wastewater system. Doug Gabbard with FCS Group will provide a brief overview of the rate making process and will have the rate model available to allow Council to explore different scenarios for rate changes.

The preliminary results from the wastewater rate analysis indicates that significant rate increases will be necessary even under the most optimistic borrowing assumptions to fund the required expansion of wastewater treatment capacity and rehabilitation of the collection system to reduce loading on the existing treatment plant. We will have comparison information on other Portland metro area cities and their wastewater rates at the meeting.

We have a public hearing scheduled for September 16th for utility rate changes and another hearing on October 7th for wastewater SDC changes. Staff is proposing that the SDC changes take effect for building permits issued on or after October 8th and that the water and wastewater utility rates would become effective with the November - December billing cycle. Customers would see utility bills with the new rates during the third week of December under this proposed schedule.



Staff Report

Meeting Date: September 3, 2019

From James Cramer, Associate Planner

SUBJECT: Ordinance 2019-16, 18-026 ANN – Bloom Annexation

Background:

The applicant, William Bloom, requests a Type A Annexation for a parcel totaling approximately 12.84 acres into the City of Sandy. The current Clackamas County Comprehensive Plan Designation of this property is Rural (R) and the current zoning of the property is Rural Residential Farm Forest 5-Acre (RRFF-5) with a Historic District (HD) Overlay and Historic Landmark (HL) Overlay. The applicant proposes to zone the property as Single Family Residential (SFR) and designate the property as Low Density Residential (LDR) on the Sandy Comprehensive Plan Map.

Recommendation:

City Council adopt the September 3, 2019 staff report as findings supporting the approval of this annexation and incorporates the report into this ordinance (Ordinance 2019-16) by reference, including the conditions of approval stated in the report, direct staff to amend the city limits boundary, provide notice of the annexation to other agencies/organizations as required by state law. Conditions of approval as identified within staff report include:

1. Prior to the future development of the subject property the standards and criteria of the Flood & Slope Hazard (FSH) Overlay District (Chapter 17.60) shall be applied to the subject property.
2. Prior to the future development of the subject property the Flood & Slope Hazard (FSH) Overlay District map shall be updated to include the subject property.
3. Prior to the future development of the subject property the development shall be limited to no more than 43 single family lots or 388 average daily trips.
4. Prior to the future development of the subject property an applicant, or representative, shall confirm the conditions associated with Case File No. Z0169-19-HL have been fulfilled (Exhibit V).

Code Analysis:

See attached

Budgetary Impact:

None



NO. 2019-16

AN ORDINANCE APPROVING ANNEXATION OF ONE PROPERTY TOTALING APPROXIMATELY 12.84 ACRES AND ASSIGNMENT OF SFR, SINGLE FAMILY RESIDENTIAL ZONING IN CONFORMANCE WITH THE 2017 URBAN GROWTH BOUNDARY EXPANSION ANALYSIS.

Whereas, William Bloom as the property owner submitted an application (File No. 18-026 ANN) requesting approval to annex one parcel totaling approximately 12.84 acres known as T2S R4E Section 24 C, Tax Lot 100 and requested that SFR (Single Family Residential) zoning be assigned in conformance with the 2017 Urban Growth Boundary Expansion Analysis;

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, the City received a letter dated August 27, 2018 from the Housing Land Advocates (“HLA”) and the Fair Housing Council of Oregon (“FHCO”) regarding the annexation’s compliance with Goal 10. To the extent it is necessary, the City finds that the decision to annex the subject property complies with Goal 10 and its implementing rule at OAR Chapter 660, division 8. In 2014, the City completed an “urbanization study.” That study was deemed acknowledged in 2015. The study included an analysis and update of the city’s comprehensive plan with respect to Goal 10 and concluded the existing UGB did not contain sufficient residential lands to meet the city’s housing needs to 2034. The urbanization study contained a buildable lands inventory (“BLI”) and a housing needs projection (“HNP”), both of which followed the methodologies required by ORS 197.296, Goal 10, OAR Chapter 660, division 8 and OAR Chapter 660, division 24;

Whereas, in 2017, the city completed its UGB expansion in accordance with the urbanization study. The Department of Land Conservation and Development approved the UGB expansion in a letter dated June 2, 2017. No parties objected to the UGB expansion and it is now acknowledged in accordance with Oregon law. The property that is the subject of this annexation was included in the UGB expansion to satisfy part of the land needs identified in the urbanization study and its HNP. The property is being annexed in accordance with its conceptual zoning in the UGB expansion, Single Family Residential (SFR). The HNP concluded that the city had a need of approximately 277 acres of low density residential land through 2034. This property contains approximately 12.84 developable acres and therefore increases the city’s identified low density residential land. Therefore, Goal 10 is satisfied;

#2019-16

Whereas, original notification of the proposed annexation was sent to the Department of Land Conservation and Development on July 17, 2019 and was updated on June 10, 2019. A separate notice was sent to the property owners and other property owners within 300 feet of the subject property on July 10, 2018 and July 30, 2019 with a legal description of the request being published in the in the August 15, 2018 and August 7, 2019 editions of the Sandy Post;

Whereas, the Sandy Planning Commission reviewed the request at a public hearing on July 22, 2019 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 September 3, 2019 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 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 September 3, 2019 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: Following adoption of this Ordinance, the Zoning designation for the subject properties will be changed to SFR, Single Family Residential as shown on the adopted zoning map.

Section 4: A legal description and map of the property is attached as Exhibit A to this ordinance.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of September 2019

William King, Mayor

ATTEST:

#2019-16

Karey Milne, City Recorder

#2019-16

Exhibit 'A'

Parcel 3 of Partition Plat 2018-045

A tract of land located in the Northeast 1/4 of the Southwest 1/4 of Section 24 Township 2 South, Range 4 East, Willamette Meridian, County of Clackamas, State of Oregon and being more particularly described as follows:

Beginning at the 2-inch Iron Pipe marking the center of said Section 24;

Thence South 01°21'13 West 415.49 Feet along the centerline of said Section 24 to an Iron Rod with Pink Plastic Cap "45th P.GEO PLS90079";

Thence leaving said center section line, North 89°02'23" West along the North line of Parcel 4 of Partition Plat 2018-045, Clackamas County Survey Records, and a Westerly extension of said line 1398.64 Feet to the Westerly Right of Way of Southeast Bornstedt Road (County Road No. 682);

Thence North 03°03'52" East along the Westerly Right of Way of said Road 75.94 Feet;

Thence leaving said Westerly Right of Way line South 89°02'26" East 60.01 Feet to a point on the Easterly Right of Way of said road;

Thence North 03°03'54" East along the Easterly Right of Way of said Road 341.59 Feet to an Iron Rod with Pink Plastic Cap "45th P.GEO PLS90079";

Thence leaving said Easterly Right of Way, South 88°57'48" East 1326.15 Feet along the North line of the Northwest 1/4 of the Southwest 1/4 of Section 24 to said Point of Beginning.

Containing 12.84 Acres, more or less

Refer to Exhibit B for map of described tract

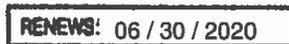
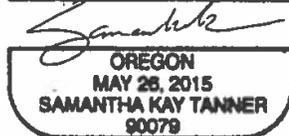


Exhibit A - PARCEL 3.docx PP 2018-045

**CITY COUNCIL
ANNEXATION PROPOSAL
STAFF REPORT**

SUBJECT: File No. 18-026 ANN – Bloom Annexation

AGENDA DATE: September 3, 2019

DEPARTMENT: Planning Division

STAFF CONTACT: James A. Cramer, Associate Planner

Application Complete: June 28, 2018
120-Day Deadline: April 5, 2019 (additional details within I.G. of this report)
Heard by Planning Commission: July 22, 2019

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application No. 1 & 2
- C. Mailing Labels for Notifying Property Owners
- D. Notification Map
- E. Parcel 3 of Partition Plat No. 2018-045 (Sheet 1 and 2)
- F. Replat of Parcel 1 of Partition Plat 2015-029 and The Adjoining Tract of Land Described in Deed Document No. 2008-049728
- G. Z0023-17-PLA Site Plan
- H. Project Narrative
- I. Site Photos

Public Comments

- J. Darcy and Dennis Jones (July 19, 2018 & August 15, 2019)
- K. Doug Gabbert (August 21, 2018)
- L. Darcy and Dennis Jones (June 1, 2019)

Agency Comments

- M. City Traffic Engineer (October 5, 2019)
- N. ODOT (August 22, 2018)
- O. ODOT (October 15, 2018)

Supplemental Documents provided by Applicant

- P. Transportation Planning Rule Analysis (October 4, 2018)

Supplemental Documents Provided by Staff

- Q. Applicant's Extension Request Letter (August 27, 2018)
- R. Clackamas County Notice of Land Use Decision (May 20, 2019)
- S. Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation
- T. Fair Housing Council of Oregon (August 27, 2018)
- U. Planning Commission Staff Report

V. Clackamas County Confirmation

I. BACKGROUND

A. APPLICABLE CRITERIA & REVIEW STANDARDS

Sandy Development Code: Chapter 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.28 Appeals; 17.34 Single Family Residential; 17.78 Annexations

Urban Growth Boundary Expansion Analysis: Chapter 4 Expansion Alternative Justification

B. PROCEEDING

In conformance with the standards of Chapter 17 of the Sandy Municipal Code (SMC) and the voter annexation requirements, this application is processed as a Type IV, Quasi-Judicial Land Use Decision.

C. FACTUAL INFORMATION

1. APPLICANT/PROPERTY OWNER: William Bloom
2. LEGAL DESCRIPTION: T2S R4E Section 24 C, Tax Lot 100
3. PROPOSAL: The applicant, William Bloom, requests a Type A Annexation for a parcel totaling approximately 12.84 acres into the City of Sandy. The current Clackamas County Comprehensive Plan Designation of this property is Rural (R) and the current zoning of the property is Rural Residential Farm Forest 5-Acre (RRFF-5) with a Historic District (HD) Overlay and Historic Landmark (HL) Overlay. The applicant proposes to zone the property as Single Family Residential (SFR) and designate the property as Low Density Residential (LDR) on the Sandy Comprehensive Plan Map.
4. SITE LOCATION: To the south of the adjacent Cascadia Village neighborhood. Fronting SE Bornstedt Road on the east side of the right-of-way.
5. SITE SIZE: property is 12.84 acres
6. SITE DESCRIPTION: The site contains approximately 12.74 acres of land with approximately .10 acres of right-of-way for a total land area of 12.84 acres. The subject property is currently outside the city limits; however, the property is contiguous to city limits on its north and west property lines.
7. COUNTY COMPREHENSIVE PLAN/ZONING: The existing Clackamas County Comprehensive Plan Designation of the property is Rural (R) and the current zoning of

the property is Rural Residential Farm Forest 5-Acre (RRFF-5) with a Historic District (HD) Overlay.

8. **PROPOSED CITY COMPREHENSIVE PLAN DESIGNATION/ZONING:** The applicant proposes to reclassify the property to Low Density Residential (LDR) on the Sandy Comprehensive Plan Map and zone the property to Single Family Residential (SFR) on the Sandy Zoning Map.
9. **VICINITY DESCRIPTION:**
North: Low Density Residential (R-1)
South: Rural Residential Farm Forest 5-Acre (RRFF-5)
East: Rural Residential Farm Forest 5-Acre (RRFF-5)
West: Single Family Residential (SFR)
10. **SERVICE CONSIDERATIONS:** The subject property has an existing 1,056 square foot historic barn and a well house. The site previously had a single-family residence which was demolished via a practice burn by the Sandy Fire Department on May 19, 2018. Future development of the property will require connection to city water and sewer service. Storm drainage, including retention, detention, and water quality treatment will also be required. Any future development will require conformance with storm detention and water quality requirements.
11. **RESPONSE FROM GOVERNMENTAL AGENCIES, UTILITY PROVIDERS, AND CITY DEPARTMENTS:** No comments received.

D. PUBLIC COMMENT

- Darcy and Dennis Jones of 38884 Jerger St. – were told when they purchased their home that the space behind their home would never be developed and do not want to see their views or the existing trees be removed. Suffer from migraines and nervous additional construction noise would “set them off.”
- Doug Gabbert of 19404 Oak Ave. – concerns regarding additional traffic on Bornstedt Rd. including the noise it may produce.
- Darcy and Dennis Jones of 38884 Jerger St. – would like the “greenspace” to remain.

E. PREVIOUS LAND USE DECISIONS: The site previously had a single-family residence which was demolished via a practice burn by the Sandy Fire Department on May 19, 2018. The subject property is currently under the jurisdiction of Clackamas County where a Historic Landmark (HL) Overlay was previously placed on the Fisher Root Cellar, (SHOP #1190) located upon the subject property. The land owner requested demolition (Case File No. Z0169-19-HL) of the root cellar and therefore removing the HL overlay designation. The Clackamas County Historic Review Board (HRB) met on May 9, 2019 to consider the proposal. At this hearing the HRB determined the cellar to be deteriorated to the point of being unsafe and recommended approval of the demolition request to which the Clackamas County Planning Department approved with the conditions identified within Exhibit V.

F. SENATE BILL 1573: Senate Bill 1573 was passed by the legislature and became effective on March 15, 2016 requiring city's whose charter requires annexation to be approved by voters to annex the property without submitting it to the voters if the proposal meets certain criteria:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015; **RESPONSE:** As shown on the attached Vicinity Map, the subject property is located within the city's Urban Growth Boundary (UGB).

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city; **RESPONSE:** The subject property is identified to have a Low Density Residential designation as identified on the adopted Comprehensive Plan map.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; **RESPONSE:** The subject parcel is contiguous to city limits along the north and west property lines.

(d) The proposal conforms to all other requirements of the city's ordinances. **RESPONSE:** An evaluation of each of the city criteria follows.

G. PROCEDURAL CONSIDERATIONS

This request is being processed as a Type A Annexation which is processed as a Type IV review. The proposal was initially scheduled to be heard by Planning Commission on August 27, 2018. Notifications were mailed to property owners within 300 feet of the subject property and to affected agencies on July 10, 2018 as well as a Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation (Exhibit S) was submitted to the Oregon Department of Land Conservation and Development on July 17, 2018. In addition staff published the legal notice in the August 15, 2018 edition of the Sandy Post.

This land use file (18-026 ANN) was continued at the August 27, 2018 Planning Commission hearing to an undisclosed date due to additional analysis (Transportation Planning Rule and Historic Landmark) being required prior to a recommendation being rendered. The applicant's representative, Kristina Molina, worked closely with staff to provide the materials needed with the understanding that the application would remain open until the documents were received and a hearing could be scheduled. The City received the additional materials needed (Exhibits O, P and R) to complete analysis and the proposal was then scheduled to be heard by Planning Commission on July 22, 2019. Notifications were mailed to property owners within 300 feet of the subject property and to affected agencies on June 18, 2019, a legal notice was published on June 26, 2019 in the local newspaper (Sandy Post) and the Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation was updated on the Oregon Department of Land Conservation and Development's website on June 10, 2019. In addition, Staff sent an additional notice to neighboring property owners regarding the pending September 3, 2019 City Council hearing associated with the proposed annexation on July 30, 2019 and published the legal notice in the August 7, 2019 edition of

the Sandy Post.

II. ANALYSIS OF CONFORMANCE – DEVELOPMENT CODE

SANDY DEVELOPMENT CODE

1. Chapter 17.26 Zoning District Amendments

In association with the annexation request, the applicant requests Single Family Residential (SFR) zoning to apply the underlying conceptual zoning designation determined in the 2017 Urban Growth Boundary Expansion Analysis.

2. Zoning

The Zoning Map depicts a conceptual zoning designation for the property of SFR, Single Family Residential. Density will be evaluated during land use review (i.e. subdivision) of the subject property.

The applicant submitted a Trip Generation (TG) & Transportation Planning Rule (TPR) Analysis (Exhibit P), which analyzes a reasonable “worst-case” development scenario for the proposed zoning. The analysis determined the change in zoning from RRFF-5 (Clackamas County) to SFR (City of Sandy) will result in a potential increase of up to 31 trips during the morning peak hour, 41 trips during the evening peak hour and 388 daily trips. It was determined by the engineer completing this analysis that this traffic increase is insufficient to result in a significant effect as defined under Oregon’s Transportation Planning Rule, therefore the TPR was satisfied and no mitigation is necessary or recommended.

Upon review of the submitted TG & TPR by the City’s third-party Transportation Engineer, it was determined that the analysis completed by the applicant is sufficient to show compliance with TPR analysis and traffic impact analysis should be completed at time of a future development proposal (i.e. subdivision) to determine considerations as they apply to a specific proposal (Exhibit M). Upon review of the submitted TG & TPR by ODOT it was recommended the City include a condition to limit future development of the site to no more than 43 single family lots or 388 average daily trips (Exhibit P).

3. Chapter 17.78 Annexation

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

- A. The requirements of Oregon Revised Statutes, Chapters 199 and 222, for initiation of the annexation process are met; and
- B. The site must be within the City of Sandy Urban Growth Boundary; and

- 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
- 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 site is located within the Urban Growth Boundary (UGB). The north property line is contiguous with city limits and the west property line is contiguous with city limits for 417 feet along the SE Bornstedt Road right-of-way. The proposed annexation would not create an island, cherry stem, or shoestring annexation.

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 SMC 17.78.25(A) 2. and 3. shall count towards tree removal under SMC 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 12.74 acres with .10 acres of right-of-way. The applicant has not proposed any development at this time and therefore have not completed an arborist report; however, review of aerial photography reveals the property is heavily forested on the east half of the property with a cluster of trees in the northwest corner of the property. A review of historic aerial photos from 1995 to the present reveals no significant tree removal from the property.*

Section 17.78.50 contains required annexation criteria. Requests for annexation should 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 indicates they believe annexation of the subject property meets Criterion C and D above. Staff generally agrees with the applicant that the property provides a logical growth pattern for the city and encourages orderly growth. The site is bordered by city limits on the entire north property line and the property to the north has been developed into a single-family dwelling neighborhood known as Cascadia Village. Cascadia Village was designed to include a stubbed street, Averill Parkway, that intersects the subject site to allow for future connection between Cascadia Village and future development on the subject property. Property to the west of the subject site was approved for development by Planning Commission (File No. 17-066 SUB/VAR) on March 26, 2018. The approval granted the property to be subdivided into 37 residential lots for development of single-family homes as well as six variances to the Sandy Development Code.*

Currently, there are utility connections available within Averill Parkway north of the subject property and in SE Bornstedt Road right-of-way to the west of the subject property. Annexation of the subject property will allow for future development which will in turn lead to extension of utility services providing needed utility infrastructure to serve future development within the city's urban growth boundary. Future

development of the subject property and improvements to SE Bornstedt Road right-of-way will add to the existing and future transportation network within the urban growth boundary.

Per Section 17.78.60 (F)3. the applicant was supposed to map the location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District. Prior to future development of this property the City will require that the FSH Overlay is mapped and required setback areas per Section 17.60.30 are identified on the subject property.

4. Urban Growth Boundary Expansion Analysis

Chapter 4 Expansion Alternative Justification

Goal 12 – Transportation contains policies to ensure sufficient and adequate transportation facilities and services are available. This goal states that Oregon Administrative Rule (OAR) 660-024-0020(1)(d) does not require the City to conduct an analysis pursuant to the transportation planning rule (“TPR”) prior to adding lands to expand the UGB. This is because the lands that are being added to the UGB will retain their existing county zoning until the owners of the lands choose to annex into the City. At that time, the City will conduct a TPR analysis relative to those lands.

***RESPONSE:** Upon receiving the application, staff did not require TPR findings to be submitted. After additional analysis of code requirements, conversations with the Oregon Department of Transportation (ODOT) and confirmation from the City’s attorney, it was determined that TPR findings shall be submitted for review prior to final approval of any proposed annexations of lands brought into the UGB with the 2017 UGB Expansion. All TPR analysis shall consider a ‘reasonable worst case’ development scenario consistent with the type of development allowable under the City of Sandy Development Code for the zoning district the conceptual zoning map defines for the subject property. The analysis shall be based on the trip rates presented in the Institute of Transportation Engineers’ Trip Generation Manual – 10th Edition. The analysis conducted by the applicant shall also be reviewed by the City of Sandy transportation engineer which requires the payment of a \$1,500 third-party review fee. Until TPR findings are complete and the analysis determines either an insignificant or significant effect on transportation facilities the City of Sandy staff cannot provide a recommendation on approval for this application.*

Upon review of the submitted TPR findings by the City’s third-party Transportation Engineer, it was determined that the analysis completed by the applicant is sufficient to show compliance with TPR analysis and traffic impact analysis should be completed at time of a future development proposal (i.e. subdivision) to determine considerations as they apply to a specific proposal (Exhibit M). Upon review of the submitted trip generation & TPR by ODOT it was recommended the City include a condition to limit future development of the site to no more than 43 single family lots or 388 average daily trips (Exhibit P).

III. SUMMARY

The broad purpose of the City is to provide for the health, safety, and welfare of Sandy's residents. As a means of working to accomplish this purpose, the City regulates development to ensure it occurs in appropriate locations with access to services and is consistent with the values of the community. In addition, the City must ensure that an adequate level of urban services, such as sanitary sewer, can be provided before permitting annexation and subsequent development.

The proposed annexation is located within the city's urban growth boundary with the anticipation of being included in city limits. As noted above, the subject property complies with the criteria contained in Chapter 17.78 of the Sandy Development Code and complies with the requirements found in Senate Bill 1573 passed by the Oregon Legislature in 2016.

Following annexation, the subject property would be zoned Single Family Residential (SFR) as shown on the conceptual zoning map with a comprehensive land designation of Low Density Residential.

IV. PLANNING COMMISSION ACTION

The proposed annexation was presented to the City of Sandy's Planning Commission on Monday July 22, 2019. At that meeting the Planning Commission unanimously voted, 7:0, to forward the proposed annexation to City Council with the recommendation of approval with the following conditions:

1. Prior to the future development of the subject property the standards and criteria of the Flood & Slope Hazard (FSH) Overlay District (Chapter 17.60) shall be applied to the subject property.
2. Prior to the future development of the subject property the Flood & Slope Hazard (FSH) Overlay District map shall be updated to include the subject property.
3. Prior to the future development of the subject property the development shall be limited to no more than 43 single family lots or 388 average daily trips.
4. Prior to the future development of the subject property an applicant, or representative, shall confirm the conditions associated with Case File No. Z0169-19-HL have been fulfilled (Exhibit V).

Exhibit A

EXHIBIT A

LAND USE APPLICATION FORM

(Please print or type the information below)



CITY OF SANDY, OREGON

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

Name of Project BLOOM ANNEXATION

Location or Address 19618 SE BORNSTEDT ROAD

Map & Tax Lot Number T 2S, R 4E, Section 24C; Tax Lot(s) 100

Plan Designation LDR Zoning Designation SFR Acres 12.74

Request:

Type A Annexation of one property containing 12.74 acres and public right-of-way for a total annexation area of 12.84 acres.

I am the (check one) [X] 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.

Table with 2 columns: Applicant/Owner, Address, City/State/Zip, Phone, Email, Signature. Applicant: William Bloom, Owner: same as applicant, Address: P.O. Box 1283, City/State/Zip: Wrangell, Alaska 99929, Phone: 503-297-5067, Email: Info@av-blinds-shades.com.

If signed by Agent, owner's written authorization must be attached.

File No. 18066WA Date 6/22/18 Rec. No. Fee \$ 2136.00
Type of Review (circle one): Type I Type II Type III Type IV

24E 24C 00100

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
100	2S	4E	24C

Existing and Proposed Land Use Designations				
Tax Lot Number(s)	Comprehensive Plan		Zoning Map	
	Existing	Proposed	Existing	Proposed
100	Rural	LDR	RR-FF-5	SFR

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.
100	Partition Plat 2018-045	\$326,237	12.74

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.

DESCRIBE EXISTING USES

Tax lot 100 includes a mix of pasture and woods and contains a 1,056 square foot historic barn and a well house. A residence previously located on the property line between Parcels 3 and 4 of the partition plat was demolished by a practice burn of the Sandy Fire Department on May 19, 2018.

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property? **2**

Number of Total Dwelling Units :

0 - The former residence was demolished by a practice burn on May 19, 2018.

DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%	100%
Approximate acreage with slopes 15% to 24.9%	0
Approximately acreage with slope in excess of 25%	0
Any creeks, water sources, drainageways or wetlands within the property? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

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

Name of public right-of-way: SE Bornstedt Road

Does the property abut a private road? Yes No

Name of abutting private road(s): none

Describe any unusual difficulties in accessing the property:

The property has 417 feet of frontage on SE Bornstedt Road. The location of an access to serve the property will need to consider sight distance due to topographic considerations.

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Properties to the south, east, and west of the subject property are developed as rural residential/farm uses. The subject property abuts Cascadia Village for a portion of its northern border which is developed with medium density residential dwellings.

DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS

Include number of lots, densities, etc.

There is no development plan at this time. Development of the property will be completed in compliance with applicable City ordinances.



SUPPLEMENTAL ANNEXATION LAND USE APPLICATION FORM (No. 2)

List of all owners of property included in the application

Owner Information	Property Description TL, Section, Township, Range
Owner William Bloom	Parcel 3 of Partition Plat 2018-045 2S 4E 24C, tax lot 100 19618 SE Bornstedt Road
Address P.O. Box 1283	
City/State/Zip Wrangell, Alaska 99929	
Phone 503-297-5067	
Owner	
Address	
City/State/Zip	
Phone	
Owner	
Address	
City/State/Zip	
Phone	
Owner	
Address	
City/State/Zip	
Phone	
Owner	
Address	
City/State/Zip	
Phone	

24E24BD09700
Rh Adams
39084 Jerger St
Sandy, OR 97055

24E24BD12900
Emily & Ryan Alexander
19315 Averill Pkwy
Sandy, OR 97055

24E24BD09500
James Peterson Jr
39128 Jerger St
Sandy, OR 97055

24E24BD09000
William & Jennifer Anderson
19368 Averill Pkwy
Sandy, OR 97055

24E24BD03426
Ryan Baty
38838 Haskins St
Sandy, OR 97055

24E24BD04800
Linda Bay
38926 Haskins St
Sandy, OR 97055

24E24C 00100
William Bloom
Po Box 1283
Wrangell, AK 99929

24E24BD04700
Michael Bohrer
38904 Haskins St
Sandy, OR 97055

24E24BD11200
David Bressel
13420 SE Meadowpark Dr
Happy Valley, OR 97086

24E24BD09200
Susan Burdell
19402 Averill Pkwy
Sandy, OR 97055

24E24BD13200
Cascade Community Properties Llc
Po Box 87970
Vancouver, WA 98687

24E24BD09400
Brian & Mary Casey
39142 Jerger St
Sandy, OR 97055

~~24E24BC20300
City Of Sandy
39250 Pioneer Blvd
Sandy, OR 97055~~

~~24E24BC20400
City Of Sandy
39250 Pioneer Blvd
Sandy, OR 97055~~

~~24E24BD13100
City Of Sandy
39250 Pioneer Blvd
Sandy, OR 97055~~

24E24BD11500
Gannon Colbry
38893 Jerger St
Sandy, OR 97055

24E24BD11000
James Cusick
38806 Jerger St
Sandy, OR 97055

24E24BD13000
Kyle & Stefanee Danielle
19293 Averill Pkwy
Sandy, OR 97055

24E24AC10000
Daniel & Camille Eide
39186 Amherst St
Sandy, OR 97055

24E24BD03425
Lindsay & Jason Erceg
38844 Haskins St
Sandy, OR 97055

24E24BD09600
Charlene Fine
39106 Jerger St
Sandy, OR 97055

24E24BD03600
247 Pmb
38954 Proctor Blvd
Sandy, OR 97055

24E24BD10500
Vincent & Kate Finzer
38906 Jerger St
Sandy, OR 97055

24E24BD10400
Matthew & Miranda Franke
38928 Jerger St
Sandy, OR 97055

24E24BC17000
Douglas & Wendy Gabbert
19404 Oak Ave
Sandy, OR 97055

24E24BD12800
Rafael Garcia & Hernandez Maria
39113 Jerger St
Sandy, OR 97055

24E24BD12400
Kody Geertz
19320 Wellesley Ave
Sandy, OR 97055

24E24BD03424
Kara & Michael Gentry
38854 Haskins St
Sandy, OR 97055

24E24BD12500
Gooing & Pedraza-Gooing O
39057 Jerger St
Sandy, OR 97055

24E24BC16900
Wayt Investment Co Llc
9773 SE 302nd Ln
Boring, OR 97009



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Grey Properties Llc
1905 SW 257th Ave
Troutdale, OR 97060

~~24E24BC17300
Grey Properties Llc
1905 SW 257th Ave
Troutdale, OR 97060~~

24E24A 01800
Mitchell & Mallory Hamann
19420 SE Jacoby Rd
Sandy, OR 97055

24E24BD05100
Christy Hanna
38982 Haskins St
Sandy, OR 97055

24E24A 01700
Kenneth Harrison
Po Box 2020
Sandy, OR 97055

24E24BD12700
Larry Hedges
39091 Jerger St
Sandy, OR 97055

24E24BD11400
Brandon Height
38871 Jerger St
Sandy, OR 97055

24E24BD11100
Isaac & Jessica Hibbs
38815 Jerger St
Sandy, OR 97055

24E24BD10100
Irma Hickey
38984 Jerger St
Sandy, OR 97055

24E24BD04900
John & Megan Holder
38948 Haskins St
Sandy, OR 97055

24E24BD10600
Dennis Jones
38884 Jerger St
Sandy, OR 97055

24E24BD05400
John Barker Jr & Nicole Hypse
39028 Haskins St
Sandy, OR 97055

24E24BD12000
Adam Kennedy
39013 Jerger St
Sandy, OR 97055

24E24BD08300
Jillian Kinney
39120 Amherst St
Sandy, OR 97055

24E24BD11900
Michael Lawrence
38991 Jerger St
Sandy, OR 97055

24E24BD07600
James & Donna Lazenby
19271 Averill Pkwy
Sandy, OR 97055

24E24BD05000
Dylan Lerch & Alexandra Popescu
38960 Haskins St
Sandy, OR 97055

24E24BD07500
Richard Lilly
19286 Wellesley Ave
Sandy, OR 97055

24E24BD10800
Aleksandr Logvinenko
38840 Jerger St
Sandy, OR 97055

24E24C 01803
Douglas & Joni Lyver
19885 SE Bornstedt Rd
Sandy, OR 97055

24E24C 01900
Ernest & Mary Marshall
19737 SE Bornstedt Rd
Sandy, OR 97055

~~24E24C 02100
Ernest & Mary Marshall
19737 SE Bornstedt Rd
Sandy, OR 97055~~

24E24C 02200
Ernest & Mary Marshall
19737 SE Bornstedt Rd
Sandy, OR 97055

24E24C 02300
Richard Marshall
19545 SE Bornstedt Rd
Sandy, OR 97055

24E24BD09300
Mattes Gregory A (Trustee)
Po Box 6448
Santa Rosa, CA 95406

24E24BD12600
Jennifer Mccarthy
39079 Jerger St
Sandy, OR 97055

24E24D 01800
Timothy Mcdaniel
19619 SE Jacoby Rd
Sandy, OR 97055

24E24D 01700
Gary & Cindy Mcqueen
19705 SE Jacoby Rd
Sandy, OR 97055

24E24BD11300
Scott Mengis
38859 Jerger St
Sandy, OR 97055

24E24BD08400
Johannah & Greg Miller
39142 Amherst St
Sandy, OR 97055



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Robert Miller
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Sandy, OR 97055

24E24D 02200
Melvin & Shirley Miller
19575 SE Jacoby Rd
Sandy, OR 97055

24E24BD12300
Jason Mitchell
19308 Wellesley Ave
Sandy, OR 97055

24E24A 01600
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19451 SE Jacoby Rd
Sandy, OR 97055

24E24BD08900
Breanne Morton
19346 Averill Pkwy
Sandy, OR 97055

24E24C 00200
Jeffrey & Barbara Moyer
19880 SE Bomstedt Rd
Sandy, OR 97055

24E24C 00201
Jeffrey & Barbara Moyer
19880 SE Bomstedt Rd
Sandy, OR 97055

24E24AC09900
Paul Mullins
39208 Amherst St
Sandy, OR 97055

24E24BD04600
Mathew & Sara Mullikin
38882 Haskins St
Sandy, OR 97055

24E24BD11600
Lisa Murphy
38935 Jerger St
Sandy, OR 97055

24E24BD12200
Kasey Myers
19313 Wellesley Ave
Sandy, OR 97055

24E24D 01400
Jeffrey Nicholson
19815 SE Jacoby Rd
Sandy, OR 97055

24E24BD10900
Lindsey Rask
38828 Jerger St
Sandy, OR 97055

24E24BC17200
Raze Custom Homes Inc
4020 NE 216th Ave
Fairview, OR 97024

24E24BD05300
Breckenridge Property Fund 2016 Llc
2015 Manhattan Beach Blvd
Redondo Beach, CA 90278

24E24BD12100
Jacqui Rodden-Gray
19335 Wellesley Ave
Sandy, OR 97055

24E24BD11800
Rpv Llc
Po Box 775
Boring, OR 97009

24E24BC03700
~~Sandy Meadows Homeowners Assn~~

24E24C 01800
Gary & Jerri Schwartz
19839 SE Bomstedt Rd
Sandy, OR 97055

24E24BD05200
Marcello Sifuentes & Haley Lawrence
38994 Haskins St
Sandy, OR 97055

24E24BD11700
Cathleen Johnson & John Myers Jr
35501 SE Gunderson Rd
Sandy, OR 97055

24E24BD09900
John Simonitch
39040 Jerger St
Sandy, OR 97055

24E24BD09800
Gary & Terry Smith
39062 Jerger St
Sandy, OR 97055

24E24BD08700
Clifford & Murlene Stanford
19302 Averill Pkwy
Sandy, OR 97055

24E24BD08500
Tawnya Stevens
39164 Amherst St
Sandy, OR 97055

24E24BD10700
Michael Sweeney
38862 Jerger St
Sandy, OR 97055

24E24BD09100
Tony Taylor
9032 Soquel Dr
Aptos, CA 95003

24E24BD10300
Paul Turner
38940 Jerger St
Sandy, OR 97055

24E24BD10000
Lori Vanduzer
39008 Jerger St
Sandy, OR 97055

24E24BD03500
Vantage Homes Llc
3416 Via Oporto
Newport Beach, CA 92663



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Richard West
19651 SE Bornstedt Rd
Sandy, OR 97055

24E24BD10200
Oksana & Samuel Woodford
38962 Jerger St
Sandy, OR 97055

24E24BD08800
Christopher & Kristina Zavolas
19324 Averill Pkwy
Sandy, OR 97055

24E24BC20100
Zion Meadows Home Owners
9550 SE Clackamas Rd
Clackamas, OR 97015

24E24AC09800
Zook Marion (Trustee)
39220 Amherst St
Sandy, OR 97055

18-026 ANN Bloom Annexation Vicinity Map

- Yellow - Property to be Annexed
- Blue - City Limits
- Pink - Urban Growth Boundary

Exhibit D

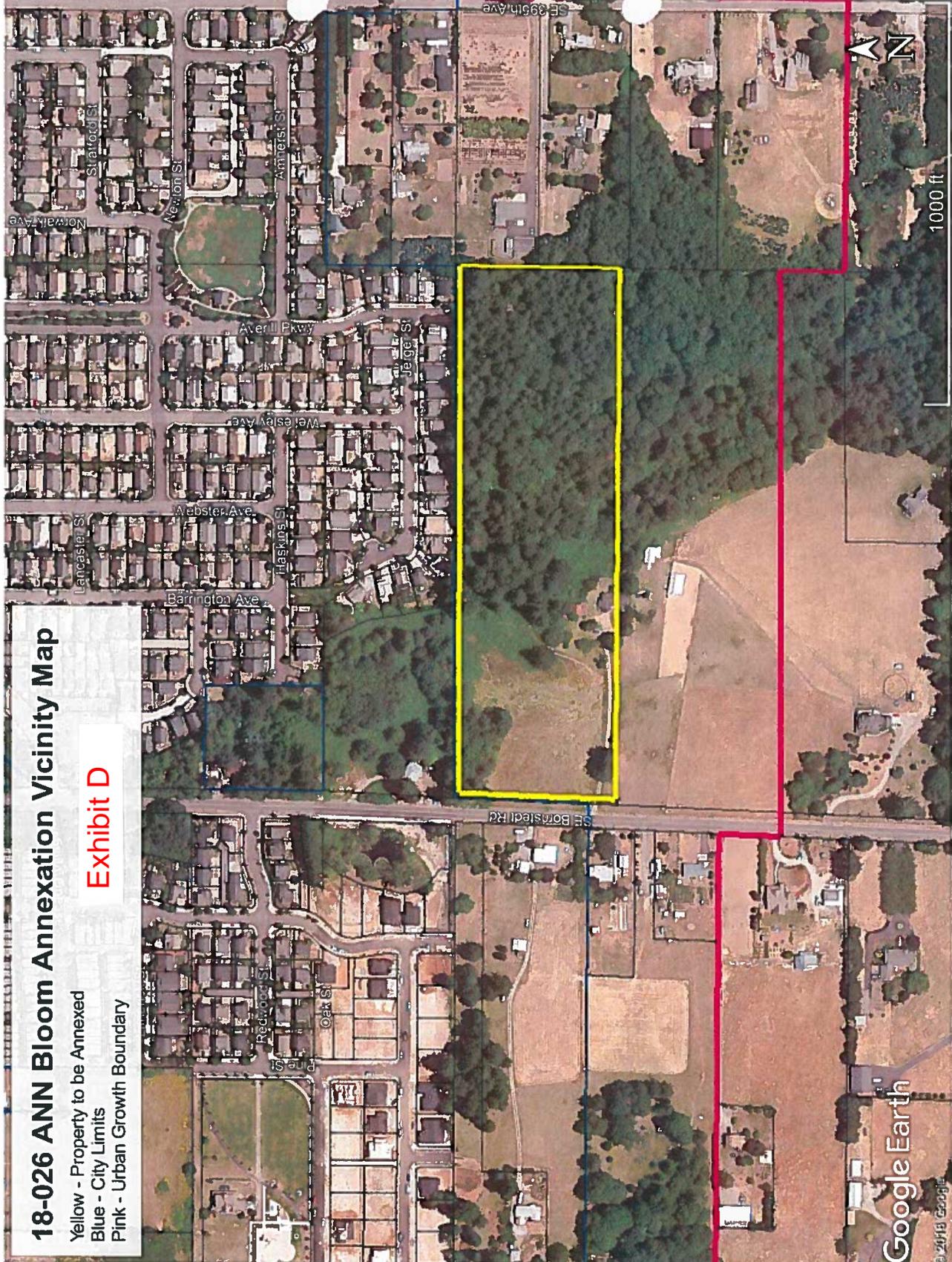


Exhibit E

Exhibit 'A'

Parcel 3 of Partition Plat 2018-045

A tract of land located in the Northeast 1/4 of the Southwest 1/4 of Section 24 Township 2 South, Range 4 East, Willamette Meridian, County of Clackamas, State of Oregon and being more particularly described as follows:

Beginning at the 2-inch Iron Pipe marking the center of said Section 24;

Thence South 01°21'13 West 415.49 Feet along the centerline of said Section 24 to an Iron Rod with Pink Plastic Cap "45th P.GEO PLS90079";

Thence leaving said center section line, North 89°02'23" West along the North line of Parcel 4 of Partition Plat 2018-045, Clackamas County Survey Records, and a Westerly extension of said line 1398.64 Feet to the Westerly Right of Way of Southeast Bornstedt Road (County Road No. 682);

Thence North 03°03'52" East along the Westerly Right of Way of said Road 75.94 Feet;

Thence leaving said Westerly Right of Way line South 89°02'26" East 60.01 Feet to a point on the Easterly Right of Way of said road;

Thence North 03°03'54" East along the Easterly Right of Way of said Road 341.59 Feet to an Iron Rod with Pink Plastic Cap "45th P.GEO PLS90079";

Thence leaving said Easterly Right of Way, South 88°57'48" East 1326.15 Feet along the North line of the Northwest 1/4 of the Southwest 1/4 of Section 24 to said Point of Beginning.

Containing 12.84 Acres, more or less

Refer to Exhibit B for map of described tract

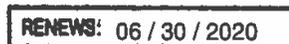
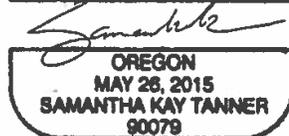
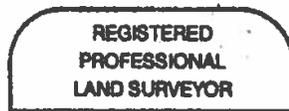
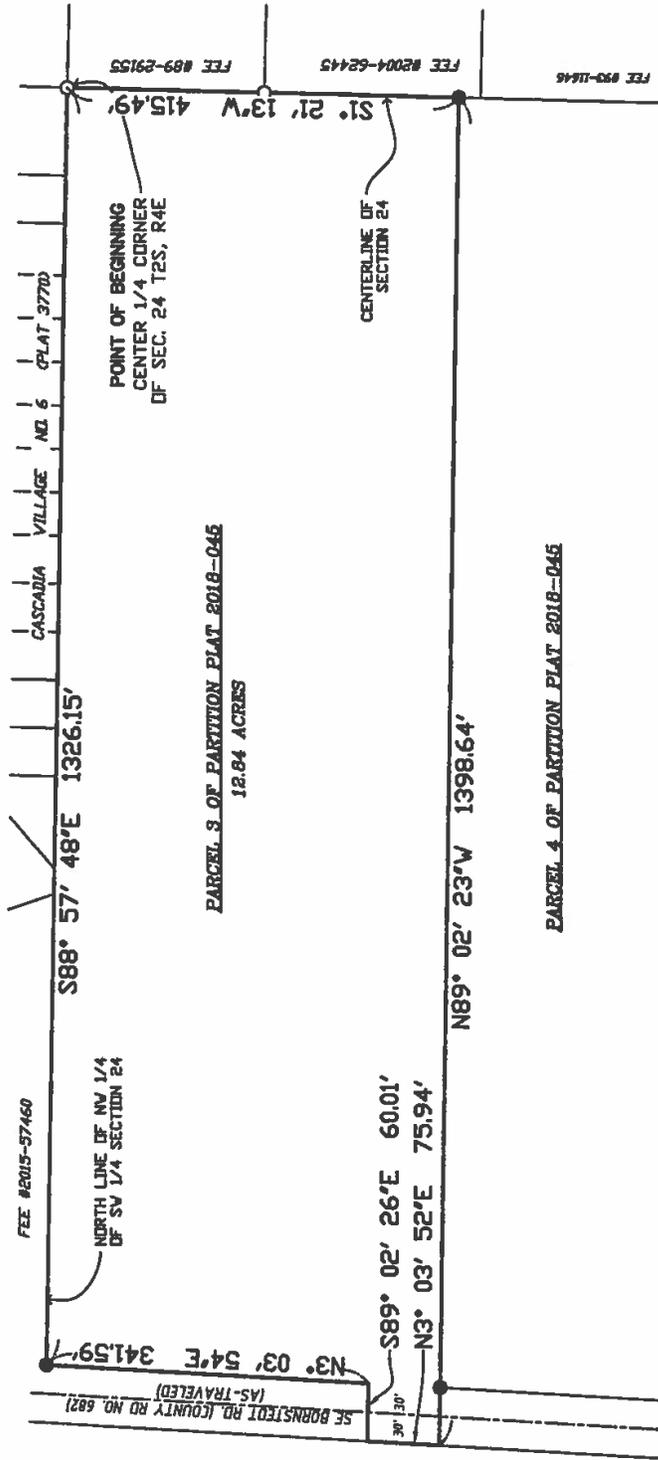
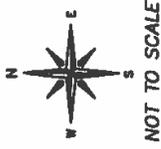


Exhibit A - PARCEL 3.docx PP 2018-045

EXHIBIT 'B'

PARCEL 3 OF PARTITION PLAT 2018-045 AND A PORTION OF SE BORNSTEDT ROAD LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24 TOWNSHIP 2 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, COUNTY OF CLACKAMAS, STATE OF OREGON
 JUNE 2018 CLIENT NAME: WILLIAM K. BLOOM



REGISTERED PROFESSIONAL LAND SURVEYOR

Samantha Plav Tanner

OREGON
 SAMANTHA PLAV TANNER
 50079
 REISSUE 9/30/20
 BornstedtPLA.dwg

- 2-INCH IRON PIPE
- 5/8" BY 30" IRON ROD WITH PINK PLASTIC CAP MARKED "45TH P.GEO PLS90079"

THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE BOUNDARY OF A TRACT OF LAND AND A PORTION OF SE BORNSTEDT ROAD TO BE ANNEXED INTO THE CITY OF SANDY



Firwood Design Group, LLC
 SURVEYING + ENGINEERING + PLANNING

359 E COLUMBIA RIVER HWY
 TROUTDALE, OREGON 97060
 BUS: (503) 668-3737 ♦ FAX: (503) 668-3788

REPLAT OF PARCEL 1 OF PARTITION PLAT 2015-029 AND THE ADJOINING TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO 2008-049728

PARTITION PLAT NO. 2015-029

2015

NARRATIVE

The parcel is in Partition Plat 2015-029 as recorded in deed document number 2008-049728 and Parcel 1 of Partition Plat 2015-029 as approved by the Clackamas County Planning Commission on 04/14/2015.

The parcel is located in the northwest 1/4 of the southwest 1/4 of Section 21, T12N, R12E, W12E, Clackamas County, Oregon. The parcel is bounded on the north by the 1/4th section line, on the east by the 1/4th section line, on the south by the 1/4th section line, and on the west by the 1/4th section line.

The parcel is bounded on the north by the 1/4th section line, on the east by the 1/4th section line, on the south by the 1/4th section line, and on the west by the 1/4th section line. The parcel is bounded on the north by the 1/4th section line, on the east by the 1/4th section line, on the south by the 1/4th section line, and on the west by the 1/4th section line.

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LOCAL TO THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, T12N, R12E, W12E, CLACKAMAS COUNTY, OREGON

CLACKAMAS COUNTY APPROVALS

APPROVED BY CLACKAMAS COUNTY PLANNING COMMISSION

APPROVED BY CLACKAMAS COUNTY PLANNING COMMISSION

APPROVED BY CLACKAMAS COUNTY PLANNING COMMISSION

APPROVED BY CLACKAMAS COUNTY PLANNING COMMISSION

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APPROVED BY CLACKAMAS COUNTY PLANNING COMMISSION



DECLARATION

I, the undersigned, being the owner of the land described herein, and the owner of the property partitioned into parcels 1 through 24, do hereby certify that the parcels are as described herein.

Signature of the owner, Robert E. Meyer.

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed surveyor in the State of Oregon, do hereby certify that the land described in the attached plat is as shown on the plat.

Signature of the surveyor, Robert E. Meyer.

THESE ALONG THE EASTERN BOUNDARY OF THE 1/4 SECTION 21, T12N, R12E, W12E, CLACKAMAS COUNTY, OREGON, ARE AS DESCRIBED IN THE ATTACHED PLAT: PARCEL 1 TO PARCEL 24.

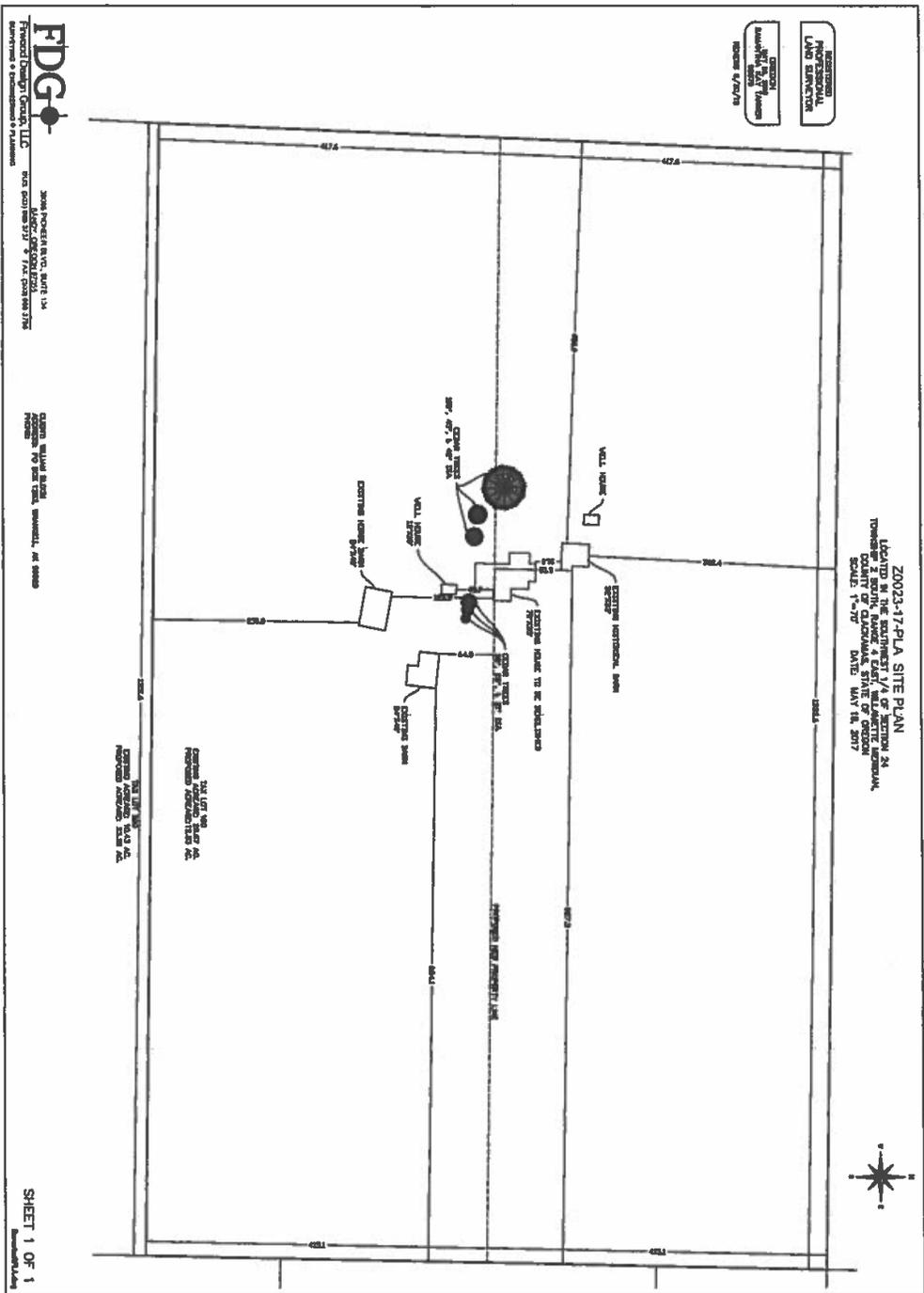
THESE ALONG THE WESTERN BOUNDARY OF THE 1/4 SECTION 21, T12N, R12E, W12E, CLACKAMAS COUNTY, OREGON, ARE AS DESCRIBED IN THE ATTACHED PLAT: PARCEL 1 TO PARCEL 24.

THESE ALONG THE SOUTHERN BOUNDARY OF THE 1/4 SECTION 21, T12N, R12E, W12E, CLACKAMAS COUNTY, OREGON, ARE AS DESCRIBED IN THE ATTACHED PLAT: PARCEL 1 TO PARCEL 24.

THESE ALONG THE NORTHERN BOUNDARY OF THE 1/4 SECTION 21, T12N, R12E, W12E, CLACKAMAS COUNTY, OREGON, ARE AS DESCRIBED IN THE ATTACHED PLAT: PARCEL 1 TO PARCEL 24.

FDG logo and contact information for FDG Group LLC, including address and phone numbers.

Exhibit G



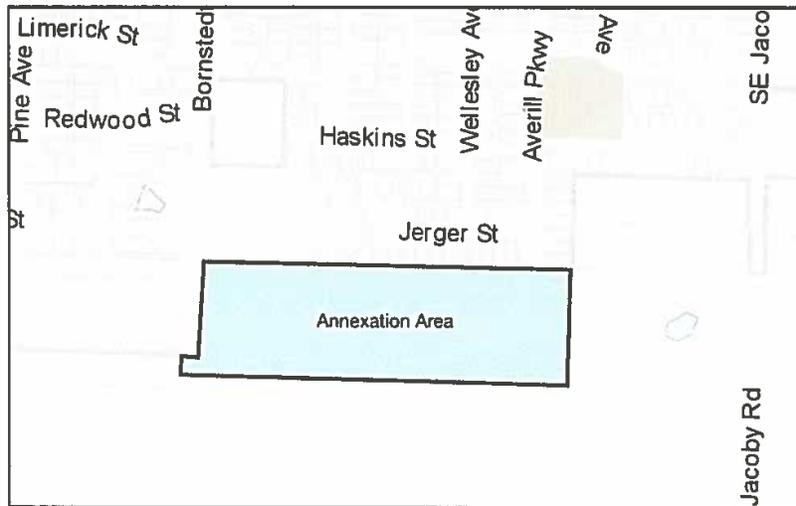
FDG
Professional Design Group, LLC
2008 POWER BLVD., SUITE 134
MIDLAND, TEXAS 79701
PH: 817.438.3700
WWW.FDGLLC.COM

CLIENT: MIDDLEBURY COLLEGE
PROJECT: MIDDLEBURY COLLEGE
SCHOOL OF BUSINESS
BUILDING 100

SHEET 1 OF 1
MAY 18, 2017

Exhibit H

**PROJECT NARRATIVE
FOR
BLOOM ANNEXATION
19618 SE Bornstedt Road, Sandy, Oregon
(24E24C tax lot 100)**



JUNE 2018

I. PROJECT DESCRIPTION

William Bloom requests approval to annex the property he owns located at 19618 SE Bornstedt Road into the City of Sandy. The annexation area includes a single property known as 24E24C tax lot 100 that was partitioned earlier this year with Partition Plat 2018-045. The property has about 417 feet of frontage on SE Bornstedt Road and contains 12.74 acres. Because a portion of Bornstedt Road adjacent to the subject property is not within the city limits, the annexation area also includes a portion of this roadway. With the addition of this portion of SE Bornstedt Road the entire annexation area contains 12.84 acres.

The subject property is located in the newly expanded Urban Growth Boundary approved in 2017. The property carries a conceptual Comprehensive Plan Designation of Low Density Residential and a conceptual Zoning Designation of Single Family Residential (SFR). The property is currently zoned by Clackamas County as "RRFF-5" and has a "Rural" county Comprehensive Plan designation. The applicant requests a Type 'A' Annexation in conformance with the city's conceptual zoning and plan designations.

The proposed annexation area is located on the east side of SE Bornstedt Road directly south of the Cascadia Village Subdivision and across Bornstedt Road from the Marshall Ridge Subdivision and south of the Zion Meadows Subdivision. The proposed annexation area is contiguous to the city limits along its entire northern boundary and the majority of its western boundary. The property includes a mix of pasture and woods and contains a 1,056 square foot historic barn and a well house/root cellar (see attached photos). A residence previously located on the property line between Parcels 3 and 4 of the partition plat was demolished by a practice burn of the Sandy Fire Department on May 19, 2018. A tributary of Tickle Creek flows through the middle of the property in a northerly direction.

II. ITEMS SUBMITTED WITH THIS APPLICATION

- Land Use Application
- Supplemental Application No. 1
- Supplemental Application No. 2
- Notification List
- Notification Map
- Mailing Labels for Notifying Property Owners
- Partition Plat No. 2018-045 (Sheet 1 and 2)
- Partition Site Plan showing structures
- Legal Description and Sketch of Annexation Area
- Project Narrative
- Site Photos

III. CODE ANALYSIS

17.26.00 ZONING DISTRICT AMENDMENTS

Response: In association with the annexation request, the applicant requests SFR zoning applying the underlying conceptual zoning designation determined during the recent Urban Growth Boundary Analysis process.

To determine the net buildable area of the property, 35 percent (4.46 acres) of the property was assumed to be removed for roads and the unbuildable area associated with the protection of Tickle Creek located on the property. These reductions result in a net buildable area of 8.28 acres (12.74 - 4.46 = 8.28).

Based on the density range requirements of the SFR Zoning District (3 units/net acre minimum to 5.8 units/net acre maximum) the density range for the property would be a minimum of 25 dwelling units (8.28 x 3 units = 24.84 units min.) and a maximum of 48 units (8.28 x 5.8 units = 48.02 units max).

CHAPTER 17.78 ANNEXATION

Chapter 17.78 contains the procedures and standards for reviewing annexation requests.

SENATE BILL 1573: Senate Bill 1573 passed by the legislature, effective on March 15, 2016 requires city's whose charter requires annexations to be approved by voters (Sandy's Charter includes this provision) to annex the property without submitting it to the voters if the proposal meets the following criteria:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

RESPONSE: *The subject property is located within the city's urban growth boundary effective June 2017. The proposal complies with this criterion.*

- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

RESPONSE: *The subject property is identified on the City's adopted Comprehensive Plan map to have a Low Density Residential Comprehensive Plan designation. The proposal complies with this criterion.*

- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

RESPONSE: *The property is contiguous to the city limits along its entire northern boundary and the majority of its western boundary. The proposal complies with this criterion.*

- (d) The proposal conforms to all other requirements of the city's ordinances.

RESPONSE: *As reviewed below, the proposal complies with all requirements contained in the city's ordinance.*

17.78.00 INTENT

The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A. Maximize citizen involvement in the annexation review process by holding a public hearing;

- B. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and,
- C. Where possible and practical, avoid the creation of irregular boundaries or annexations that create “island,” “cherry stem” or “shoestring” annexations.
RESPONSE: The City will process this application using a Type IV, public hearing review. This process requires notification of the proposal to property owners within 300 feet of the subject property. In addition, public hearings to review the proposal will be held before both the Planning Commission and City Council. The hearing bodies will consider the items contained in subsection B with review of the proposal. The subject property is contiguous to the city limits along its entire northern boundary and the majority of its western boundary and creates a logical expansion of the city boundaries and will not create an “island, cherry stem or shoestring”. The proposed annexation complies with the intent of this chapter.

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 island if it is less than 100 acres and has at least 80 percent of its boundary contiguous to the City; or the land is of any size and has at least 80 percent of its boundary contiguous to the City if the area to be annexed existed as an island before October 20, 1997.
- 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 procedural considerations in this section are not pertinent to the proposed annexation request.

17.78.15 TYPES OF ANNEXATION

- A. Type A: Annexation in conformance with conceptual zoning designation
- B. Type B: Annexation + zone change
- C. Type C: Annexation + plan map change + zone change
RESPONSE: The applicant requests a Type A annexation in conformance with the city's conceptual zoning (SFR) and plan designations (LDR).

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;
- B. The site must be within the City of Sandy Urban Growth Boundary (UGB); and
- 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: *The proposed annexation complies with the requirements of Chapters 199 and 222 and the Oregon Revised Statutes as allowed by the provisions of Senate Bill 1573. The site is within the City of Sandy Urban Growth Boundary as approved by the Sandy City Council, Clackamas County Board of Commissioners, and the Department of Land Conservation and Development, effective June 2, 2017. The annexation area is contiguous to the existing city limits along its entire northern boundary and the majority of its western boundary. As discussed in detail below, tree retention requirements of Section 17.78.25 have not been violated. For these reasons, the proposal meets all of the conditions in this section required prior to beginning the annexation request.*

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 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.

RESPONSE: *A review of historical aerial photos and a site visit reveal that no trees have been removed anywhere on the subject property within the last five years in*

the areas specified in this section. As such, none of the conditions contained in this section pertain to the proposed annexation.

17.78.30 ZONING OF ANNEXED AREAS

- A. 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.
- B. Where only a single city zoning designation corresponds to the comprehensive plan designation (Type A) and the rezoning decision does not require the exercise of legal or policy judgment on the part of the city council, amendment of the zoning map shall be a ministerial decision of the director made without notice or any opportunity for a hearing. *RESPONSE: The subject property is identified on the City's Comprehensive Plan Map to have a LDR, Low Density Residential designation and on the City's Zoning Map to be zoned SFR, Single Family Residential. The applicant requests these designations be applied with approval of this application.*

17.78.50 ANNEXATION CRITERIA

Requests for annexation should 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 proposed annexation area is located directly south of the Cascadia Village Subdivision and southeast across Bornstedt Road from the Marshall Ridge and Zion Meadows Subdivisions. It is bordered by the existing city limits along its entire northern boundary and the majority of its western boundary. Water and sanitary sewer service is available to serve the property by extending services from Averill Parkway in Cascadia Village to the north. Development of the annexation area is a logical growth pattern of the city and utilities are available to be extended to the south in this area of the UGB with development of the property. The proposed annexation area complies with both Annexation Criteria C and D. Annexation of the property is a logical growth pattern of the city and encourages orderly growth. In addition, expansion of the city limits in this area will facilitate the extension of a local street system and public utilities into this area of the UGB.

IV. CONCLUSION

William Bloom requests a Type 'A' Annexation to annex the property he owns located at 19618 SE Bornstedt in conformance with the city's conceptual Comprehensive Plan and Zoning Map. The annexation area consists of one parcel containing 12.74 acres and a portion of the Bornstedt Road right-of-way for a total annexation area of 12.84 acres. The property is located within the Urban Growth Boundary and is contiguous to the city limits along its entire northern boundary and a portion of its western boundary. The proposal complies with the city's conditions for annexation found in Section 17.78.20 and meets two of the annexation criteria contained in Section 17.78.50.

Exhibit I

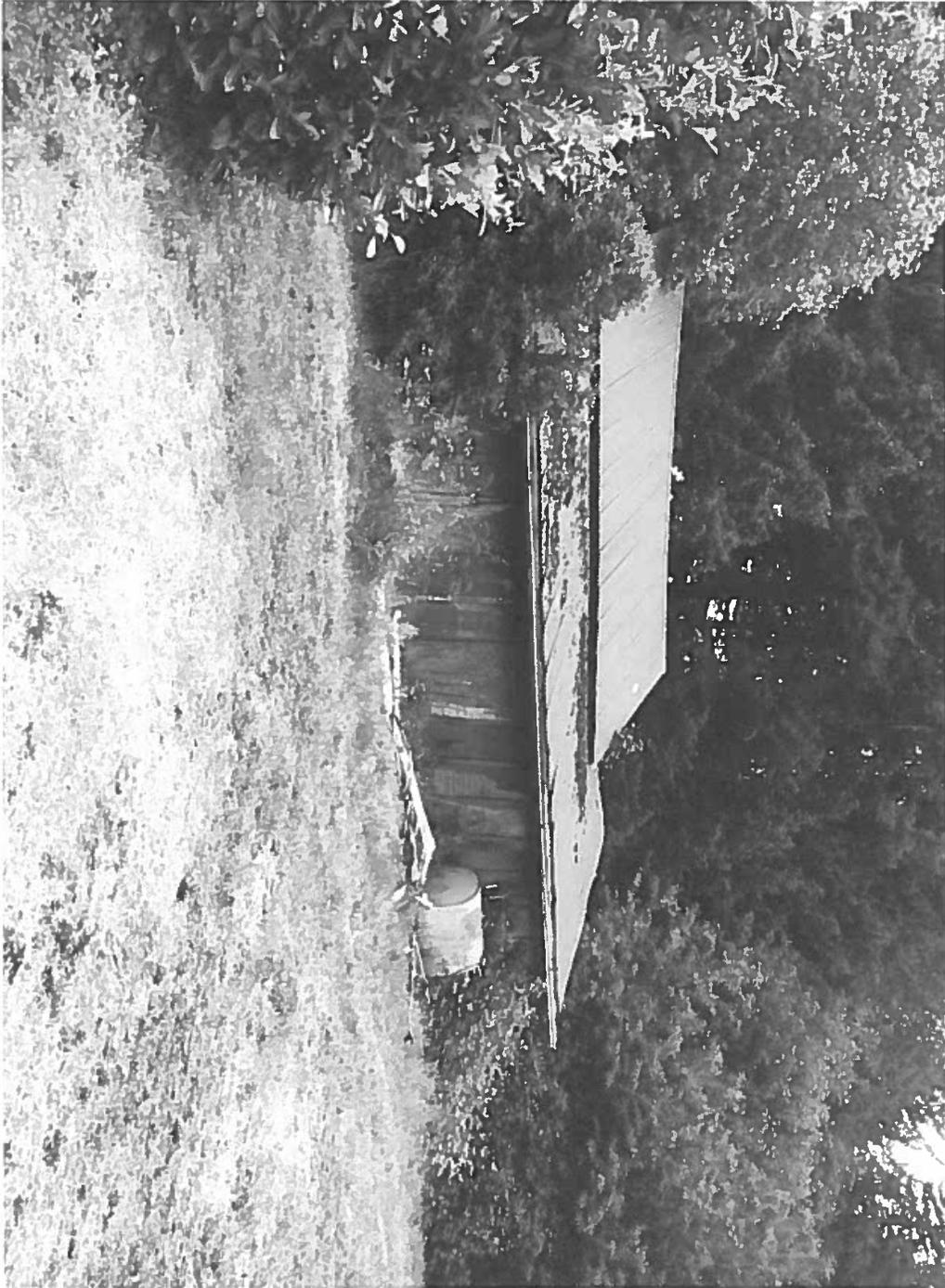


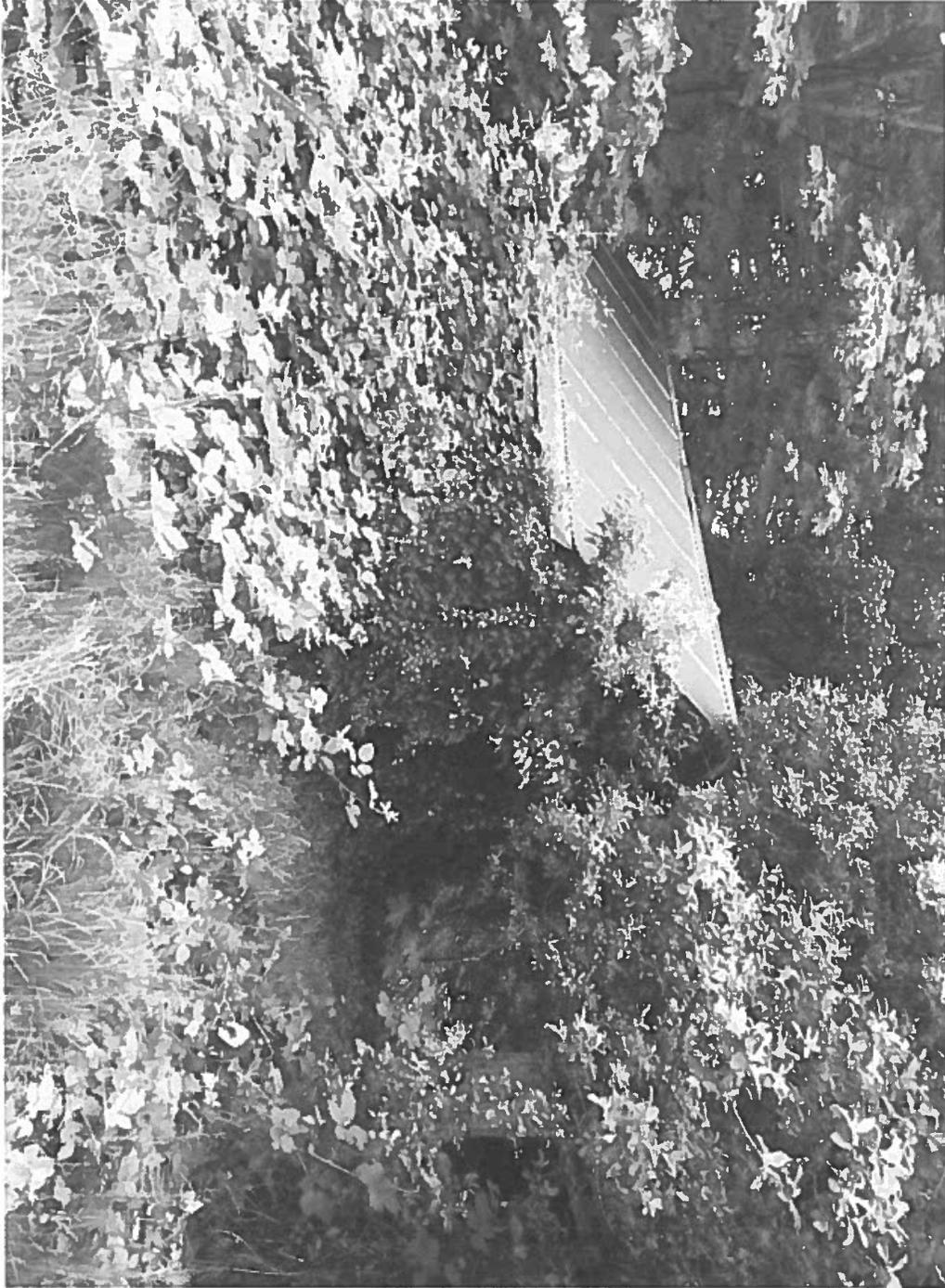
PROPERTY LINE LOOKING EAST FROM BORNSTEDT ROAD

FORMER RESIDENCE REMOVED BY PRACTICE BURR 5/19/18



HISTORIC BARN ON PROPERTY





HISTORIC WELL HOUSE/ROOT CELLAR

File # 18-026 ANN

Exhibit J

RECEIVED

JUL 19 2018

COMMENT SHEET for File No. 18-026 ANN:

CITY OF SANDY

We were told when we purchased our home that we packed to a green space that would never be developed. It was one of the main reasons we purchased our home. Now with the proposed development it feels as though we've been lied to. Our backyard is so peaceful & bird friendly. Taking out this greenspace would rip that away from us. The wildlife that lives in this greenspace will be forced to flee! This green space needs to stay untouched/undeveloped! Please leave our trees! No new neighborhood, maybe a couple 2 or 3 houses would be ok, leaving many of the trees & natural space as is. We do NOT like the thought of constant construction & noise. If this development were to happen. We suffer from migraines & noise tends to set them off. Plus the trees/green space are literally right against our fence, the thought of them chopping them down so close to our house is very nerve-racking. Leave our small town small. We feel this development is not a need. Our quiet neighborhood w/ the beautiful backyard views will be gone. We are not happy about that at

Jarcy & Dennis Jones (503) 989-10494 ^{lover}
Your Name Phone Number
 38884 Jerger St. Sandy, OR. 97055
Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.34 Single Family Residential; 17.78 Annexation.

all. We do not want to see houses & people when we look out our back door! We love our current woodsy view! Please do not allow them to obscure it w/ more houses. Please leave it the way it is. We need the greenspace. We do not need yet another housing development!! PLEASE save our green space!?

COMMENT SHEET for File No. 18-026 ANN:

I think the proposed property needs to be left alone. We bought our house being told that the land behind our house wouldn't be developed. We enjoy the trees when we look out our back windows. We do not want to look out and see houses! Feels like an invasion of privacy. We love our private view. Please do not take that from us. I oppose 100% the land being developed. There is a ton of wildlife, as well and you'd be destroying their home. Please do not develop this land.

Dennis Jones

Your Name

503 989 6494

Phone Number

38884 Jerger St. Sandy, Or. 97055

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.34 Single Family Residential; 17.78 Annexation.

RECEIVED

AUG 15 2019

CITY OF SANDY

Page 3 of 3

Exhibit K

RECEIVED

AUG 21 2018

COMMENT SHEET for File No. 18-026 ANN:

CITY OF SANDY

My concerns with this neighborhood primarily relate to increased traffic flow on Barnstedt Rd. I would highly suggest that ingress/egress also promotes traffic to flow out of the Dubarke/395th street corridor, plus Averill Parkway

In addition, due to the curve and sight corridor on the corner of Barnstedt and Hwy 211, a traffic light should be installed or at minimum, a reduction of speed to 35 mph be posted along with a flashing light.

Also of concern, is the additional noise factor as automobiles from the neighborhood power up the hill heading south. There should be installed a 6 ft high concrete noise barrier fence to reduce additional noise on the east side of Barnstedt, along with barrier trees that are watered so they don't die each summer as is the case now!

Doug Gabbert

971-222-6153

Your Name

Phone Number

19404 Oak Ave Sandy

Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.34 Single Family Residential; 17.78 Annexation.

Exhibit L

COMMENT SHEET for File No. 18-026 ANN:

We bought our house backing to this "greenspace" area, that we were told would NEVER be developed. Now your saying it will be & we are not happy. There are so many new housing & apartments going up here close to the Cascadia Village neighborhood, we DO NOT need another one! We love all the trees birds & wildlife! Where will they go when their home is torn out? We are 100% against this land being built on!!! Its so beautiful to look out our back door & see such beautiful trees, I dont want to look out & see houses & have to keep my blinds pulled for privacy. LEAVE OUR GREENSPACE ALONE! PLEASE! We love our home & do not want to move, but this proposed development may leave us no choice. We want to see trees NOT more houses!! Please, I beg you, leave this land alone!

Darcy & Dennis Jones (503) 989-6494
Your Name Phone Number
38884 Jerger St. Sandy, OR 97055
Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.34 Single Family Residential; 17.78 Annexation.

RECEIVED

JUL 01 2019

CITY OF SANDY

18-026 ANN Bloom Annexation Vicinity Map

- Yellow - Property to be Annexed
- Blue - City Limits
- Pink - Urban Growth Boundary

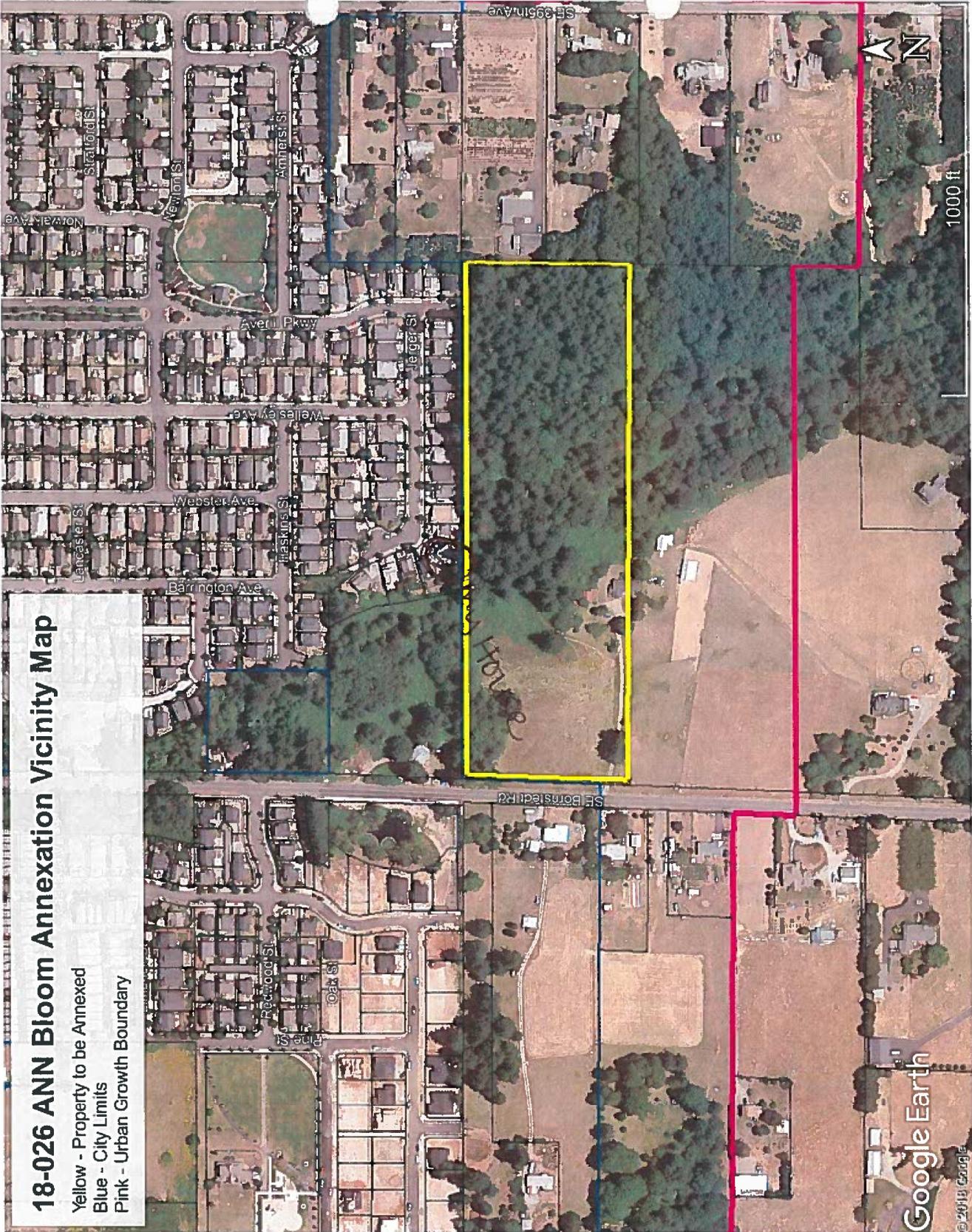




Exhibit M

James Cramer <jcramer@ci.sandy.or.us>

Fwd: Subdivision on Bornstedt

3 messages

Kelly O'Neill Jr. <koneill@ci.sandy.or.us>
To: James Cramer <jcramer@ci.sandy.or.us>

Mon, Oct 8, 2018 at 9:07 AM

FYI....from John Replinger

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

From: John Replinger <replinger-associates@comcast.net>
Date: Fri, Oct 5, 2018 at 11:34 AM
Subject: Subdivision on Bornstedt
To: Kelly O'Neill Jr. <koneill@ci.sandy.or.us>

Kelly:

I think the applicant has done enough to show compliance with the TPR and that no further analysis is needed to satisfy city requirements at this stage of the process.

Analysis showing the traffic impacts from the development as I outlined previously will not be needed until the applicant comes forward with a specific development proposal that satisfies all the connectivity, block length, and related layout considerations.

Please let me know if you need anything more formal than this email for the files.

At this point I've spent 1.2 hours on the project and am quite willing to roll that into the next phase of the work on this development rather than sending such a small invoice.

Let me know the best way to help moving forward.

Thanks,

John

John Replinger, PE
Replinger & Associates LLC
Portland, OR
503-719-3383

--

Kelly O'Neill Jr.

Planning & Building Director
City of Sandy
39250 Pioneer Blvd
Sandy, OR 97055
(503) 489-2163
koneill@ci.sandy.or.us

James Cramer <jcramer@ci.sandy.or.us>
To: "Kelly O'Neill Jr." <koneill@ci.sandy.or.us>

Mon, Oct 8, 2018 at 11:11 AM

Kelly,

I'll include this in the "communications" section of the Bloom Annexation file. I know the applicant's rep already inquired about a reimbursement if any funds remained.... could be transfer the fee to the subdivision application since John is going to differ and consolidate this review with that one?

[Quoted text hidden]

--

James A. Cramer
Associate Planner
City of Sandy
39250 Pioneer Blvd
Sandy, OR 97055
phone (503) 783-2587
jcramer@ci.sandy.or.us
Office Hours 8am - 4pm

Kelly O'Neill Jr. <koneill@ci.sandy.or.us>
To: James Cramer <jcramer@ci.sandy.or.us>

Mon, Oct 8, 2018 at 11:32 AM

Yeah let's not issue a refund. John will continue to work with their engineer on the subdivision and we can apply this deposit to that work from John also.

[Quoted text hidden]



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit N

August 22nd, 2018

ODOT Case No: 8546

DRAFT

From: Marah Danielson, ODOT Planner

Subject: 18-026 ANN: Bloom Annexation

We have reviType A Annexation for a parcel of 12.84 acres into the City of Sandy. Current Plan/zone are RRF-5/HD & HL. New proposed Plan/zone is SFR within the City's Zone Map. The site is in the vicinity of the OR 211/Bornstedt Rd intersection. ODOT has permitting authority for this facility¹ and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a District highway and the performance standard is .90 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that (auto entry field) require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than ITE *Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP)
 - Local/County Capital Improvement Plans (CIP)
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not anticipated within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).

Prior to commencing the TIS, the applicant should contact Avi Tayar, ODOT Region 1 Development Review Engineer Lead at 503.731.8221 to obtain ODOT concurrence with the scope of the study.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at 503.731.8258.



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

Exhibit O

October 15, 2018

ODOT #8546

To: James Cramer, City Planner

From: Marah Danielson, ODOT Planner

Subject: 18-026 ANN: Bloom Annexation
Technical Memorandum Prepared by Ard Engineering dated 10/4/18

ODOT appreciates the opportunity to review the Technical Memorandum prepared by Ard Engineering date 10/4/18. The analysis is intended to evaluate the impact of the proposed annexation and zone change on the transportation system to address the Transportation Planning Rule OAR 660-012-0060. The average daily trip generation (ADT) of the site was determined to be 388 trips based on development of 43 single family lots. The net buildable acres was less than the full gross acreage of 12.74 acres due to wetlands and required right of way for roadways. Without a map showing the wetland delineation and a shadow plot for the proposed subdivision to verify the developed land assumption, ODOT is unable to determine whether the trip generation of the site is reasonable.

According to the Technical Memorandum, since the assumed reasonable worst case trip generation of the site, 388 ADT, is less than the threshold of 400 ADT for a small increase in traffic the proposed annexation and zone change does not degrade the performance of existing or planned transportation facilities (Oregon Highway Plan Action 1F.5). Because ODOT is unable to determine whether the trip generation of the site is a reasonable worst case based on the wetlands and required right of way for roadways and the fact that the addition of one or two additional houses would put the trip generation above 400 ADT, we recommend that the city place a condition on the annexation/zone change to ensure that the property cannot develop at a higher intensity. We recommend the following as a condition of approval:

The development of the site is limited to no more than 43 single family lots or 388 average daily trips.

Exhibit P



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: William Bloom

From: Michael Ard, PE

Date: October 4, 2018

Re: 19618 SE Bornstedt Road Annexation and Zone Change - Sandy, OR

This memorandum is written to provide information related to the proposed annexation and zone change of a 12.74-acre property located at 19618 SE Bornstedt Road in Sandy, Oregon. The subject property is currently zoned "RRFF-5" by Clackamas County, but is proposed to be annexed into the City of Sandy with "SFD" zoning. The following analysis addresses the potential transportation impacts that can be anticipated following the proposed zone change as well as the requirements of Oregon's Transportation Planning Rule.

TRIP GENERATION

In order to quantify the potential change in site traffic volumes associated with the proposed annexation and zone change, an estimate of trip generation for the "reasonable worst case development scenario" was developed for both the existing RRFF-5 zoning and the proposed SFD zoning. The comparison between these two development scenarios shows the maximum potential increase in traffic that could result from the proposed annexation and zone change.

Under existing conditions, the Clackamas County RRFF-5 zoning allows for residential development of the site with a minimum lot size of five acres. Since the property has a total area of 12.74 acres, this means that up to two single-family homes could be constructed within the property.

Under the proposed City of Sandy SFD zoning, the site can be developed with up to 5.8 dwellings per net acre. Since some of the property is encumbered by wetlands and required setbacks, the net acreage of the site is somewhat less than the full gross acreage of 12.74 acres. Specifically, the subject property has a wetland area that extends from northwest to southeast through the site, dividing the site into two properties. Development of the site will also require dedication of right-of-way for roadways that will facilitate access, circulation and cross-connections to adjacent properties. Based on the size of the site and these factors which limit the effective developable acreage, it is projected that no more than 43 lots can be constructed within the subject property, with each lot serving one single-family home.

The trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. Trip generation was calculated using the published trip rates for ITE land use code 210, *Single-Family Detached Housing*. The calculations are based on the number of dwelling units.



Based on the analysis, the proposed annexation and zone change could result in a net increase of up to 31 trips during the morning peak hour, 41 trips during the evening peak hour, and 388 daily trips as compared to the development potential under the existing zoning. A summary of the trip generation is provided in the table below. Detailed trip generation calculation worksheets are also included in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Proposed SFD Zoning (43 homes)	8	24	32	27	16	43	406
-Existing RRFD-5 Zoning (2 homes)	0	-1	-1	-1	-1	-2	-18
Net Increase in Site Trips	8	23	31	26	15	41	388

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed annexation and zone change, the City of Sandy must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the potential transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed annexation and zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.



(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Nearly all trips added to the surrounding street network will be passenger vehicle trips, since the zoning allows only residential development. The volume of traffic generated as described in the Trip Generation section of this report is well within the level that can be safely supported on local streets, and the volume of traffic that will be added to nearby collector and arterial streets is too small to result in traffic volumes inconsistent with their respective functional classifications.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed annexation and zone change would result in a net addition of no more than 388 daily trips. According to Oregon Highway Plan policy 1F5:

"If an amendment subject to OAR 660-012-0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic."

It further defines that:

"In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause 'further degradation' of the facility."



19618 SE Bornstedt Road
October 4, 2018
Page 4 of 4

Finally, it states that:

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

Since the proposed annexation and zone change would result in a net increase of fewer than 400 average daily trips, it is defined as a "small increase in traffic" and therefore as not degrading the performance of existing or planned transportation facilities.

Since the proposed land use action does not include changes to the functional classification system, change the standards of the functional classification system, result in types or levels of travel or access inconsistent with the functional classification of the surrounding street network or degrade the performance of existing or planned transportation facilities, the proposed annexation and zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. Accordingly, no mitigation is necessary or recommended in conjunction with the proposed land use action.

CONCLUSIONS

Based on the analysis, the proposed annexation and zone change from Clackamas County "RRFF-5" to City of Sandy "SFD" zoning on the 12.74-acre property at 19618 SE Bornstedt Road will result in a potential net increase of up to 31 trips during the morning peak hour, 41 trips during the evening peak hour, and 388 daily trips. This traffic increase is insufficient to result in a significant effect as defined under Oregon's Transportation Planning Rule. Accordingly, the Transportation Planning Rule is satisfied and no mitigation is necessary or recommended.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-537-8511.

Exhibit Q

August 27, 2018

Re: Planning Commission Hearing
File # 18-026 ANN, Bloom Annexation

To Whom It May Concern:

I've just been advised that Oregon DOT is requiring additional analysis prior to the approval of the above-named proposed annexation and zoning. They have recommended the following to the Commission:

"It is hereby recommended that the applicant submit TPR findings for the 'reasonable worst case' development scenario consistent with the proposed zoning for the subject property. Additionally, staff recommends the applicant pay a \$1,500 fee for the third-party City of Sandy traffic engineer consultant, a continuance to the Planning Commission hearing until TPR findings are complete and that the applicant submit a waiver from the ORS 120-day final action rule. This will provide additional time for the applicant and staff to complete a comprehensive analysis of the required TPR findings. Staff also recommends this annexation be conditioned that prior to future development of this property the applicant map the FSH Overlay and required setbacks per Section 17.60.30."

I've been informed that this final recommendation does not affect the ability for the proposal to be approved at this time.

I'm writing to request a 120-day extension. I'm also requesting that the annexation be approved with the condition that, before development could occur, the appropriate mapping would be required, and pending the Planning Commission approval of that mapping.

Thank you for your consideration.

Sincerely,



William Bloom
P. O. Box 1283
Wrangell, AK 99929

Cc: Kristina Molina, broker/John L. Scott



RECEIVED
MAY 20 2019
CITY OF SANDY

Exhibit R

PLANNING & ZONING DIVISION

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

NOTICE OF LAND USE DECISION

This document represents the Planning Director's Decision on a Land Use Application requesting approval for demolition of the Historic Landmark known as the Fischer Root Cellar, SHPO #1190.

SECTION 1 – SUMMARY

MEETING DATE: May 16, 2019

CASE FILE NO.: Z0169-19-HL

LAST DAY TO APPEAL: May 28, 2019

STAFF CONTACT: Clay Glasgow, (503)742-4520, clayg@clackamas.us

LOCATION: 19618 SE Bornstedt Road, Sandy

APPLICANT: William Bloom

OWNER: same

TOTAL AREA: 12.74 acres

ZONING: RRFF-5/HL, Rural Residential, Historic Landmark Overlay

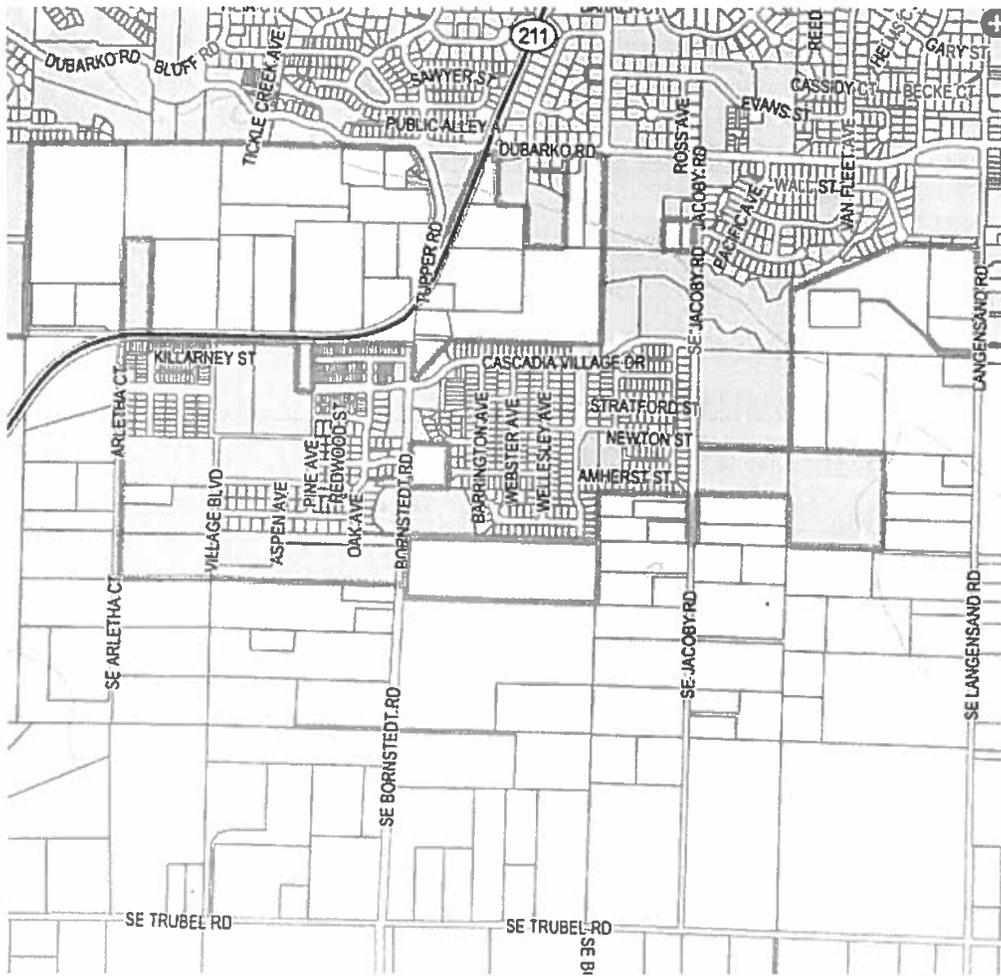
CITIZENS PLANNING ORGANIZATION: Sandy CPO

PROPOSAL: demolition of designated historic landmark – Fischer Root Cellar, SHPO #1190

APPLICABLE APPROVAL CRITERIA: This application is subject to Clackamas County Zoning and Development Ordinance (ZDO) Sections(s) 707.06D3.

PERMITS
FOR
IMPROVEMENTS

Location Map





2016





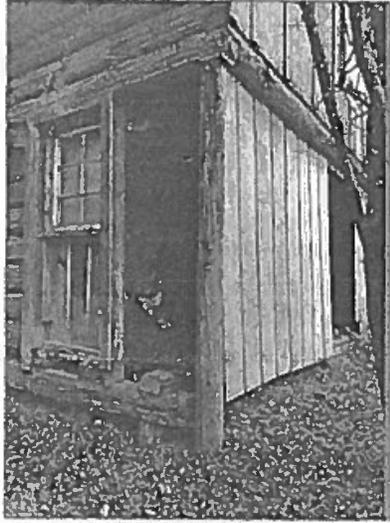


Figure 1 - West Facing Side of Structure



Figure 2 - South Facing Side of Structure



Figure 3 - South West Facing Side of Structure

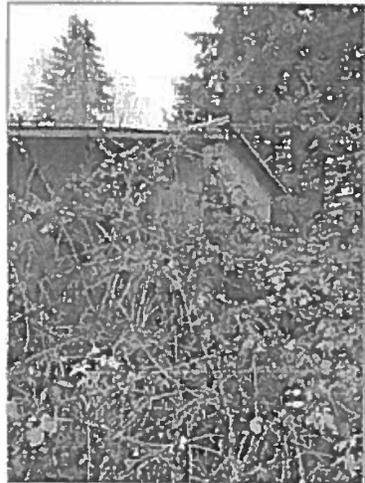


Figure 4 - East Facing Side of Structure

BACKGROUND:

Located at 19618 Bornstedt Road just south of Sandy, the Fischer root cellar was originally part of a farm complex homesteaded by Herman and Ernestine Pauline Fischer in 1876. The feature was designated a County Historic Landmark in 1995. Subject property is approximately 12.64 acres in size and zoned Rural Residential Farm Forest, RRFF-5 with an Historic Landmark overlay, HL.

The land owner has submitted an application proposing to demolish the root cellar. Historic Review Board met on May 9, 2019 to consider the proposal. At that meeting the HRB considered available information, including submittal from a structural engineer indicating the building has deteriorated to the point of being unsafe, and recommended approval of the request for demolition.

DECISION

Based on consideration of the proposal relative to applicable criteria, including discussion, consideration and recommendation from the HRB, it is the decision of the Clackamas County Planning Department to APPROVE this application to allow demolition of the Fischer Root Cellar, SHPO #1190, subject to conditions as noted.

APPLICABLE CRITERIA/FINDINGS: Section 707.06D3 details process when considering demolition of a designated landmark. Planning Department staff has reviewed these criteria and makes the following findings:

- A. *All plans, drawings, and photographs submitted by the application.*
Applicant has submitted drawings, photos, etc.

- B. *Information presented at the public hearing concerning the proposed work.*
Discussion ensued regarding information submitted in the original application, to include report from structure engineer regarding the deteriorated state of the building.

- C. *The Comprehensive Plan;*
Historic resources are addressed by the Plan at Chapter 9, Open Space, Parks and Historic Sites. Goals and policies here are directed towards preservation, rather than demolition. In this case, however, the structure has been deemed unsafe.

- D. *The purposes of Section 707 as set forth in Subsection 707.01;*
Purpose(s) of Section 707 is to preserve historic landmarks. Following extensive discussion at their public meeting, the Historic Review Board, if reluctantly, recommends the request for demolition be approved. The structure has deteriorated to the point it is now considered unsafe.

E. The criteria used in the original designation of the Historic Landmark;
Applicant contends the scoring used to arrive at designation originally would be different today due to decreased structural integrity. Based on information submitted by the applicant, particularly the report from a structural engineer, staff agrees. The structure is literally on the verge of collapse. The root cellar is considered unsafe.

F. The historical and architectural style, the general design, arrangement, materials of the structure in question, or its appurtenant fixtures; the relationship of such features to the other buildings within the district or corridor; and the position of the building in relation to public-rights-of-way and to other buildings and structures in the area;
Again, the structure has degraded to the point it is unsafe.

G. The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the district or corridor which cause it to possess a special character or special historical or aesthetic interest or value;
Structure has been deemed unsafe.

H. Whether suspension of the proposed demolition will involve substantial hardship to the applicant, and whether approval of the request would act to the substantial detriment of the public welfare and would be contrary to the intent and purposes of Section 707; and.
It is not anticipated that this project will affect any archeological resources.

I. When applicable, the findings of the building official in determining the status of the subject building as a dangerous building under County code Chapter 9.01, Uniform Code for the Abatement of Dangerous Buildings, and the feasibility of correcting the deficiencies to meet the requirements of the building official rather than demolishing the building.
Applicant has submitted report from structural engineer indicating the structure is unsafe.

CONDITIONS OF APPROVAL:

Prior to demolition, the following documentation of the structure is required to be submitted to the County by the applicant:

- a. Floor plans to scale of the structure;
- b. Site plan to scale showing surrounding roadways, landscaping, natural features, and structures;
- c. Drawing to scale or photographs of all exterior elevations;
- d. Photographs of architectural detail not shown in elevation photographs; and
- e. The Historic Preservation League of Oregon or local preservation group to be given opportunity to salvage or record the resource.



James Cramer <jcramer@ci.sandy.or.us>

Notice of Proposed Amendment

James Cramer <jcramer@ci.sandy.or.us>
To: "Macnab, Amanda L" <amanda.l.macnab@state.or.us>

Mon, Jun 10, 2019 at 8:55 AM

Thank you! I hope you had a great weekend.

On Mon, Jun 10, 2019 at 8:53 AM Macnab, Amanda L <amanda.l.macnab@state.or.us> wrote:

That is perfectly fine.

Amanda Macnab



Program Support / Coastal Rulemaking/Plan Amendment Specialist
Oregon Coastal Management Program
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Direct: 503-934-0007 | Cell: 971-720-0365 | Main: 503-373-0050
amanda.l.macnab@state.or.us | www.oregon.gov/LCD

From: James Cramer [mailto:jcramer@ci.sandy.or.us]
Sent: Monday, June 10, 2019 8:50 AM
To: Macnab, Amanda L <amacnab@dlcd.state.or.us>
Subject: Re: Notice of Proposed Amendment

Amanda,

Thank you for the instructions. The original application was continued with no specific date in order for the applicant to conduct additional research needed for the governing body to make a decision which was the cause for my additional entry. I went ahead and updated the entry to include the new hearing dates. Is that sufficient for DLCD notification?

On Mon, Jun 10, 2019 at 8:03 AM Macnab, Amanda L <amanda.l.macnab@state.or.us> wrote:

James-

This proposal already exists within the PAPA Online Database with the same local file # and proposal summary. The proposal in the database was submitted on 07/17/2018. Please advise is this a revision to the proposed? You can sign into the PAPA Online Database using the information below:

You have been entered as a local contact in our system and a user name has been assigned to you. Below you will find your user name, a link to the online application, and a link to our website where you will find a user guide to help you navigate the application.

Your user name is jcramer

You can log in at https://db.lcd.state.or.us/PAPA_Online

You can find instructions at <https://www.oregon.gov/lcd/CPU/Pages/Plan-Amendments.aspx>

Because your contact information and user name is already saved in the application, you may need to reset your password to get started. From the home page of PAPA Online, click on "Forgot Password?". Then enter your user name and click on "Submit." You will receive an email that contains a temporary password, which will allow you to login and change the password to something you will remember.

If you have problems logging in to the PAPA Online application, please use the "Report A Problem" link on the application home page to email a DLCD representative.

Amanda Macnab

Program Support / Coastal Rulemaking/Plan Amendment Specialist



DLCD

Oregon Coastal Management Program

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Direct: 503-934-0007 | Cell: 971-720-0365 | Main: 503-373-0050

amanda.l.macnab@state.or.us | www.oregon.gov/LCD

From: James Cramer [mailto:jcramer@ci.sandy.or.us]

Sent: Friday, June 7, 2019 4:32 PM

To: DLCD Plan Amendments <planamendments@dlcd.state.or.us>

Subject: Notice of Proposed Amendment

To Whom It May Concern:

Please find the following documentations being submitted on behalf of Sandy, Oregon:

- a completed Notice of Proposed Change to a Comprehensive Plan or Land Use Regulations form (DLCD Form 1);
- 4 maps identifying the affected area showing existing and proposed plan and zone designation;
- a copy of the public notice regarding the pending land use hearing.

A staff report has not been drafted at this time, however agendas are posted on the City's official website ahead of scheduled meetings at the following web address: <https://www.ci.sandy.or.us/city-council-planning-commission-meetings>.

Please provide a confirmation of the submission. I hope this message finds you well,

--

James A. Cramer
Associate Planner
City of Sandy

39250 Pioneer Blvd

Sandy, OR 97055

phone (503) 783-2587
jcramer@ci.sandy.or.us

Office Hours 8am - 4pm

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--

James A. Cramer
Associate Planner
City of Sandy

39250 Pioneer Blvd

Sandy, OR 97055

phone (503) 783-2587
jcramer@ci.sandy.or.us

Office Hours 8am - 4pm

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--

James A. Cramer
Associate Planner
City of Sandy
39250 Pioneer Blvd
Sandy, OR 97055

phone (503) 783-2587
jcramer@ci.sandy.or.us
Office Hours 8am - 4pm



August 27, 2018

Exhibit T

City of Sandy Planning Commission
39250 Pioneer Blvd.
Sandy, OR 97055

Re: Bloom Annexation

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you may know, all amendments to the Comprehensive Plan Map and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the proposed amendment states that the property should be annexed and rezoned to Low Density Residential. However, the report does not include findings for Statewide Goal 10 describing the effect of expanding the City's boundary. Goal 10 findings must demonstrate that the amendment's effects do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane County v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and



waterway protection zones of indefinite quantities and locations). Further, because the purpose of the proposal is to create additional single-family zoning, the report should reference the City's HNA to demonstrate a need for the added zone. For example, it is more than likely that analysis of the HNA and BLI would show a greater need for a higher density zone designation than proposed here. Only with a complete analysis showing any gain in needed housing as compared to the BLI can housing advocates and planners understand whether the County is achieving its goals through code amendments.

As such, HLA and FHCO urge the Commission to defer adoption of the proposed amendment until Goal 10 findings can be made and the proposal evaluated under the HNA. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

**Planning Commission
REVISED STAFF REPORT**

~~Strikethrough~~ shall represent removed/updated text.

Red Text shall represent new text.

SUBJECT: File No. 18-026 ANN – Bloom Annexation

AGENDA DATE: ~~August 27, 2018~~ July 22, 2019

Application Complete: June 28, 2018
120-Day Deadline: ~~October 26, 2018~~ April 5, 2019
(additional details within I.G. of this report)

DEPARTMENT: Planning Division

STAFF CONTACT: James A. Cramer, Associate Planner

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Supplemental Land Use Application No. 1 & 2
- C. Mailing Labels for Notifying Property Owners
- D. Notification Map
- E. Parcel 3 of Partition Plat No. 2018-045 (Sheet 1 and 2)
- F. Replat of Parcel 1 of Partition Plat 2015-029 and The Adjoining Tract of Land Described in Deed Document No. 2008-049728
- G. Z0023-17-PLA Site Plan
- H. Project Narrative
- I. Site Photos

Agency Comments

None

Public Comments

- J. Darcy and Dennis Jones (July 19, 2018)
- K. Doug Gabbert (August 21, 2018)
- L. Darcy and Dennis Jones (June 1, 2019)

Agency Comments

- M. Traffic Engineer (October 5, 2019)
- N. ODOT (October 15, 2018)

Supplemental Documents provided by Applicant

- O. Transportation Planning Rule Analysis (October 4, 2018)

Supplemental Documents Provided by Staff

- P. Applicant's Extension Request Letter (August 27, 2018)
- Q. Clackamas County Notice of Land Use Decision (May 20, 2019)
- R. Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

S. Exhibit S - Fair Housing Council of Oregon (August 27, 2018)

I. BACKGROUND

A. APPLICABLE CRITERIA & REVIEW STANDARDS

Sandy Development Code: Chapter 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; **17.28 Appeals**; 17.34 Single Family Residential; 17.78 Annexations

Urban Growth Boundary Expansion Analysis: Chapter 4 Expansion Alternative Justification

B. PROCEEDING

In conformance with the standards of Chapter 17 of the Sandy Municipal Code (SMC) and the voter annexation requirements, this application is processed as a Type IV, Quasi-Judicial Land Use Decision.

C. FACTUAL INFORMATION

1. APPLICANT/PROPERTY OWNER: William Bloom
2. LEGAL DESCRIPTION: T2S R4E Section 24 C, Tax Lot 100
3. PROPOSAL: The applicant, William Bloom, requests a Type A Annexation for a parcel totaling approximately 12.84 acres into the City of Sandy. The current Clackamas County Comprehensive Plan Designation of this property is Rural (R) and the current zoning of the property is Rural Residential Farm Forest 5-Acre (RRFF-5) with a Historic District (HD) Overlay and Historic Landmark (HL) Overlay. The applicant proposes to zone the property as Single Family Residential (SFR) and designate the property as Low Density Residential (LDR) on the Sandy Comprehensive Plan Map.
4. SITE LOCATION: South adjacent to the Cascadia Village neighborhood. Fronting SE Bornstedt Road on the east side of the right-of-way.
5. SITE SIZE: property is 12.84 acres.
6. SITE DESCRIPTION: The site contains approximately 12.74 acres of land with approximately .10 acres of right-of-way for a total land area of 12.84 acres. The subject property is currently outside the city limits; however, the property is contiguous to city limits on its north and west property lines.
7. COUNTY COMPREHENSIVE PLAN/ZONING: The existing Clackamas County Comprehensive Plan Designation of the property is Rural (R) and the current zoning of

the property is Rural Residential Farm Forest 5-Acre (RRFF-5) with a Historic District (HD) Overlay and ~~Historic Landmark (HL) Overlay.~~

8. **PROPOSED CITY COMPREHENSIVE PLAN DESIGNATION/ZONING:** The applicant proposes to reclassify the property to Low Density Residential (LDR) on the Sandy Comprehensive Plan Map and zone the property to Single Family Residential (SFR) on the Sandy Zoning Map.
9. **VICINITY DESCRIPTION:**
North: Low Density Residential (R-1)
South: Rural Residential Farm Forest 5-Acre (RRFF-5)
East: Rural Residential Farm Forest 5-Acre (RRFF-5)
West: Single Family Residential (SFR)
10. **SERVICE CONSIDERATIONS:** The subject property has an existing 1,056 square foot historic barn and a well house. The site previously had a single-family residence which was demolished via a practice burn by the Sandy Fire Department on May 19, 2018. Future development of the property will require connection to city water and sewer service. Storm drainage, including retention, detention, and water quality treatment will also be required. Any future development will require conformance with storm detention and water quality requirements.
11. **RESPONSE FROM GOVERNMENTAL AGENCIES, UTILITY PROVIDERS, AND CITY DEPARTMENTS:** No comments received.
- ~~12. PUBLIC COMMENTS: No comments received.~~ See Section D below.

D. PUBLIC COMMENT

- Darcy and Dennis Jones of 38884 Jerger St. – were told when they purchased their home that the space behind their home would never be developed and do not want to see their views or the existing trees be removed. Suffer from migraines and nervous additional construction noise would “set them off.”
- Doug Gabbert of 19404 Oak Ave. – concerns regarding additional traffic on Bornstedt Rd. including the noise it may produce.
- Darcy and Dennis Jones of 38884 Jerger St. – would like the “greenspace” to remain.

- E. PREVIOUS LAND USE DECISIONS:** The site previously had a single-family residence which was demolished via a practice burn by the Sandy Fire Department on May 19, 2018. ~~Staff is not aware of any previous land use actions regarding the subject property and notes that the City of Sandy does not have a historic landmark overlay for properties within the City limits.~~ The subject property is currently under the jurisdiction of Clackamas County where a Historic Landmark (HL) Overlay was previously placed on the Fisher Root Cellar, (SHOP #1190) located upon the subject property. The land owner requested demolition (Case File No. Z0169-19-HL) of the root cellar and therefore removing the HL overlay

designation. The Clackamas County Historic Review Board (HRB) met on May 9, 2019 to consider the proposal. At this hearing the HRB determined the cellar to be deteriorated to the point of being unsafe and recommended approval of the demolition request to which the Clackamas County Planning Department approved with the conditions identified within Exhibit Q.

F. SENATE BILL 1573: Senate Bill 1573 was passed by the legislature and became effective on March 15, 2016 requiring city's whose charter requires annexation to be approved by voters to annex the property without submitting it to the voters if the proposal meets certain criteria:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015; **RESPONSE:** As shown on the attached Vicinity Map, the subject property is located within the city's Urban Growth Boundary (UGB).

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city; **RESPONSE:** The subject property is identified to have a Low Density Residential designation as identified on the adopted Comprehensive Plan map.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; **RESPONSE:** The subject parcel is contiguous to city limits along the north and west property lines.

(d) The proposal conforms to all other requirements of the city's ordinances. **RESPONSE:** An evaluation of each of the city criteria follows.

G. PROCEDURAL CONSIDERATIONS

This request is being processed as a Type A Annexation which is processed as a Type IV review. The proposal was initially scheduled to be heard by Planning Commission on August 27, 2018. Notifications were mailed to property owners within 300 feet of the subject property and to affected agencies on July 10, 2018 as well as a Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation (Exhibit R) was submitted to the Oregon Department of Land Conservation and Development on July 17, 2018.

This land use file (18-026 ANN) was continued at the August 27, 2018 Planning Commission hearing to an undisclosed date due to additional analysis (Transportation Planning Rule and Historic Landmark) being required prior to a recommendation being rendered. The applicant's representative, Kristina Molina, worked closely with staff to provide the materials needed with the understanding that the application would remain open until the documents were received and a hearing could be scheduled. As of May 20, 2019, the City has received the additional materials needed (Exhibits O and Q). The proposal was then scheduled to be heard by Planning Commission on July 22, 2019. Notifications were mailed to property owners within 300 feet of the subject property and to affected agencies on June 18, 2018, a legal notice was published on June 26, 2019 in the local newspaper (Sandy

Post) and the Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation was updated on the Oregon Department of Land Conservation and Development's website on June 10, 2019.

II. ANALYSIS OF CONFORMANCE

SANDY DEVELOPMENT CODE

1. Chapter 17.26 Zoning District Amendments

In association with the annexation request, the applicant requests Single Family Residential (SFR) zoning to apply the underlying conceptual zoning designation determined in the 2017 Urban Growth Boundary Expansion Analysis.

2. Zoning

The Zoning Map depicts a conceptual zoning designation for the property of SFR, Single Family Residential. Density will be evaluated during land use review (i.e. subdivision) of the subject property.

The applicant submitted a Trip Generation (TG) & Transportation Planning Rule (TPR) Analysis (Exhibit O), which analyzes a reasonable "worst-case" development scenario for the proposed zoning. The analysis determined the change in zoning from RRFF-5 (Clackamas County) to SFR (City of Sandy) will result in a potential increase of up to 31 trips during the morning peak hour, 41 trips during the evening peak hour and 388 daily trips. It was determined by the engineer completing this analysis that this traffic increase is insufficient to result in a significant effect as defined under Oregon's Transportation Planning Rule, therefore the TPR was satisfied and no mitigation is necessary or recommended.

Upon review of the submitted TG & TPR by the City's third-party reviewer, it was determined that the analysis completed by the applicant is sufficient to show compliance with TPR analysis and traffic impact analysis should be completed at time of a future development proposal (i.e. subdivision) to determine considerations as they apply to a specific proposal (Exhibit M). Upon review of the submitted TG & TPR by ODOT it was recommended the City include a condition to limit future development of the site to no more than 43 single family lots or 388 average daily trips (Exhibit N).

3. Chapter 17.78 Annexation

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

- A. The requirements of Oregon Revised Statutes, Chapters 199 and 222, for initiation of the annexation process are met; and
- B. The site must be within the City of Sandy Urban Growth Boundary; and

- 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
- 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 site is located within the Urban Growth Boundary (UGB). The north property line is contiguous with city limits as well as the west property line provides an additional 417 feet of continuity along the SE Bornstedt Road right-of-way. The proposed annexation would not create an island, cherry stem, or shoestring annexation.

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 SMC 17.78.25(A) 2. and 3. shall count towards tree removal under SMC 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 12.74 acres with .10 acres of right-of-way. The applicant has not proposed any development at this time and therefore have not completed an arborist report; however, review of aerial photography reveals the property is heavily forested on the east half of the property with a cluster of trees in the northwest corner of the property. A review of historic aerial photos from 1995 to the present does not reveal any trees have been removed from the property.*

Section 17.78.50 contains required annexation criteria. Requests for annexation should 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 indicates they believe annexation of the subject property meets Criterion C and D above. Staff generally agrees with the applicant that the property provides a logical growth pattern for the city and encourages orderly growth. The site is bordered by city limits on the entire north property line and the property to the north has been developed into a single-family dwelling neighborhood known as Cascadia Village. Cascadia Village was designed to include a stubbed street, Averill Parkway, that intersects the subject site to allow for future connection between Cascadia Village and future development on the subject property. Property to the west of the subject site was approved by Planning Commission (File No. 17-066 SUB/VAR) on March 26, 2018. The approval granted the property to be subdivided into 37 residential lots for future development of single family homes as well as six variances to the Sandy Development Code. Currently there are utility connections available within Averill Parkway north of the subject property and in SE Bornstedt Road right-of-way to the west of the subject property. Annexation of the subject property will allow for future development which will in turn lead to extension of utility services providing needed utility infrastructure*

to serve future development within the city's urban growth boundary. Future development of the subject property and improvements to SE Bornstedt Road right-of-way will add to the existing and future transportation network within the urban grown boundary.

Per Section 17.78.60 (F)3. the applicant was supposed to map the location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District. Prior to future development of this property the City will require that the FSH Overlay is mapped and required setback areas per Section 17.60.30 are identified on the subject property.

4. Urban Growth Boundary Expansion Analysis

Chapter 4 Expansion Alternative Justification

Goal 12 – Transportation contains policies to ensure sufficient and adequate transportation facilities and services are available. This goal states that Oregon Administrative Rule (OAR) 660-024-0020(1)(d) does not require the City to conduct an analysis pursuant to the transportation planning rule (“TPR”) prior to adding lands to expand the UGB. This is because the lands that are being added to the UGB will retain their existing county zoning until the owners of the lands choose to annex into the City. At that time, the City will conduct a TPR analysis relative to those lands.

RESPONSE: *Upon receiving the application, staff did not require TPR findings to be submitted. After additional analysis of code requirements, conversations with the Oregon Department of Transportation (ODOT) and confirmation from the City's attorney, it has been determined that TPR findings shall be submitted for review prior to final approval of any proposed annexations of lands brought into the UGB with the 2017 UGB Expansion. All TPR analysis shall consider a 'reasonable worst case' development scenario consistent with the type of development allowable under the City of Sandy Development Code for the zoning district the conceptual zoning map defines for the subject property. The analysis shall be based on the trip rates presented in the Institute of Transportation Engineers' Trip Generation Manual – 10th Edition. The analysis conducted by the applicant shall also be reviewed by the City of Sandy transportation engineer consultant which requires the payment of a \$1,500 third-party review fee. Until TPR findings are complete and the analysis determines either an insignificant or significant affect on transportation facilities the City of Sandy staff cannot provide a recommendation on approval for this application.*

III. SUMMARY

The broad purpose of the City is to provide for the health, safety, and welfare of Sandy's residents. As a means of working to accomplish this purpose, the City regulates development to ensure it occurs in appropriate locations with access to services and is consistent with the values of the community. In addition, the City must ensure that an adequate level of urban

services, such as sanitary sewer, can be provided before permitting annexation and subsequent development.

The proposed annexation is located within the city's urban growth boundary with the anticipation of being included in city limits. As noted above, the subject property complies with the criteria contained in Chapter 17.78 of the Sandy Development Code and complies with the requirements found in Senate Bill 1573 passed by the Oregon Legislature in 2016.

Following annexation, the subject property would be zoned Single Family Residential (SFR) as shown on the conceptual zoning map with a comprehensive land designation of Low Density Residential.

IV. RECOMMENDATION

~~It is hereby recommended that the applicant submit TPR findings for the 'reasonable worst case' development scenario consistent with the proposed zoning for the subject property. Additionally, staff recommends the applicant pay a \$1,500 fee for the third party City of Sandy traffic engineer consultant, a continuance to the Planning Commission hearing until TPR findings are complete and that the applicant submit a waiver from the ORS 120-day final action rule. This will provide additional time for the applicant and staff to complete a comprehensive analysis of the required TPR findings. Staff also recommends this annexation be conditioned that prior to future development of this property the applicant map the FSH Overlay and required setbacks per Section 17.60.30.~~

Staff recommends the Planning Commission hold a public hearing to take testimony on the proposed annexation and forward a recommendation to City Council. If the Planning Commission recommends approval of the annexation request, we suggest adding the following conditions:

1. Prior to the future development of the subject property the standards and criteria of the Flood & Slope Hazard (FSH) Overlay District (Chapter 17.60) shall be applied to the subject property.
2. Prior to the future development of the subject property the Flood & Slope Hazard (FSH) Overlay District map shall be updated to include the subject property.
3. Prior to the future development of the subject property the development shall be limited to no more than 43 single family lots or 388 average daily trips.
4. Prior to the future development of the subject property an applicant, or representative, shall confirm the conditions associated with Case File No. Z0169-19-HL have been fulfilled (Exhibit Q).

FW: More photos

1 message

Kristina Molina <KristinaMolina@johnlscott.com>
To: James Cramer <jcramer@ci.sandy.or.us>

Tue, Jul 23, 2019 at 10:52 AM

James,

See below from the County that we have satisfied all conditions for the root cellar.



Kristina Molina
Real Estate Broker with the Wheeler Molina Group

John L Scott
17150 University Ave Suite 200 | Sandy OR 97055
503-783-2423 Office | 503-668-3178 Cell
KristinaMolina@johnlscott.com



Licensed in the State of Oregon 201210605

This office is independently owned and operated

From: Glasgow, Clay [mailto:ClayGla@clackamas.us]
Sent: Friday, June 28, 2019 12:03 PM
To: Kristina Molina <KristinaMolina@johnlscott.com>
Subject: RE: More photos

Got it, thanks. This satisfies conditions of approval for our File Z0169-19. - Clay

From: Kristina Molina [mailto:KristinaMolina@johnlscott.com]
Sent: Thursday, June 27, 2019 10:53 AM
To: Glasgow, Clay <ClayGla@clackamas.us>
Cc: kelli grover <kg@firwooddesign.com>
Subject: FW: More photos

Here is the last of them



Kristina Molina
Real Estate Broker with the Wheeler Molina Group

John I. Scott
17150 University Ave Suite 200 | Sandy OR 97055
503-783-2423 Office | 503-668-3178 Cell
KristinaMolina@johnlscott.com



Licensed in the State of Oregon 201210605

This office is independently owned and operated

From: David Nelson [<mailto:mograham@gmail.com>]
Sent: Wednesday, June 26, 2019 6:49 PM
To: Kristina Molina <KristinaMolina@johnlscott.com>
Subject: More photos

This concludes the best of the series, Kristina.

—

David
[Soli Deo Gloria](#)



Staff Report

Meeting Date: September 3, 2019

From Sarah Richardson, Community Services

SUBJECT:

Background:

The Parks and Trails Advisory Board has an open call for members to join the board. To clarify roles and provide direction from the council for new and existing members, city staff along with input from the current board, developed Bylaws and Roles and Responsibilities. The City Council and Parks Board held a joint meeting in February and discussed the need for clear bylaws and roles and responsibilities for the Board.

The intention is to share these with new board members along with a welcome packet that includes information about city parks as part of their orientation.

The Bylaws will serve to govern the board, define the purpose of the board and set membership, offices, and terms for board members. The Roles and Responsibilities more clearly define the objectives and responsibilities of the board.

Recommendation:

City staff recommends that the council formally adopt these documents to provide direction and support to the Parks and Trails Advisory Board and to help new members become oriented.

Budgetary Impact:

None

Sandy Parks and Trails Advisory Board By-Laws

Article I: Name

The organization shall be known as the Sandy Parks and Trails Advisory Board (Board). It is established in accordance with Resolution 2018-14 of the Sandy City Council (May 22, 2018).

Article II: Purpose

Advise the Sandy City Council, through the Sandy City staff member in charge of supporting the Board on the evaluation and development of parks, trails, and facilities to meet current and future needs of the city of Sandy and its service area. Participate actively in the goals, aims, and purposes of parks and trails.

Article III: Membership and Terms

The Board should ideally consist of up to seven members. All members are appointed to a four-year term, with half of the members terms expiring on the even years and the other half on the odd years to avoid replacement of the entire board at any one time. Members may serve only two consecutive terms unless no other candidates apply. Terms of service shall commence on the first day of January in the year of their appointment. Appointments to fill an unexpected vacancy shall be made before the remainder of the unexpired term. Board members and applicants must be residents of Sandy with one Board member allowed to reside in the Urban Growth Boundary or Urban Reserve area outside city limits. Applicants for the Board will be interviewed by council or their designees.

To ensure representation of various interests of parks and trails users, the Board shall ideally include at least one member with interests in each of the following areas: playgrounds, youth and adult sports fields, dog parks, trails, and natural areas. A majority of the voting membership shall constitute a quorum.

A City Council liaison shall be a nonvoting ex officio member of the Board and shall take part in its discussions or deliberations. Ex Officio members shall not be counted toward the constitution of a quorum at any meeting.

Article IV: Officers

The officers of the advisory board shall be Chair, Vice Chair, and Secretary. They shall be elected at the last meeting of each fiscal year and shall serve for a one-year term. The Chair shall call and preside over meetings. The Vice Chair shall preside in the absence of the chair. The Secretary shall take meeting minutes.

Article V: Meetings

The Board shall meet monthly as needed, not less than six times a year. All meetings will be held in Council Chambers at Sandy City Hall, unless the room is unavailable in which case another room in city limits with suitable ADA accommodations will be used. A meeting date may be changed or canceled by the Chair, in consultation with the Sandy City staff member in charge of supporting the Board., with prior notice to the membership.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term.

Article VI: Amendments

These bylaws may be amended by City Council at their discretion at a regular scheduled meeting.

CITY OF SANDY PARKS & TRAILS ADVISORY BOARD ROLES AND RESPONSIBILITIES

The Parks & Trails Advisory Board (Board) exists to aid the City of Sandy in providing ample and diverse recreation opportunities for City residents by advising the City Council, through the City staff member in charge of supporting the Board, on the implementation of the Parks and Trails Master Plan. This document lists the objectives and responsibilities of the Board.

- **Plan for the Future.** The Board provides advisory input on site-specific details for parks and trails outlined in the City of Sandy Parks and Trails Master Plan. The Board should evaluate existing parks, trails, and recreation facilities for needs, and recommend priorities. The Board should help develop individual park and trail master plans and establish short and long-range park development goals.
- **Become Knowledgeable about Funding Sources.** The Board should become familiar with federal, state and county grant programs and other external funding sources. Understanding the various funding sources will assist the board in providing feedback and recommendations when city staff drafts the biennial budget and assist with identifying appropriate grant opportunities.
- **Develop Relationships.** The Board should create and maintain cooperative working relationships with citizens, community organizations, special interest groups, businesses, elected officials, school districts and government agencies that are essential for the Board to improve services and effectively serve the Sandy community.
- **Inform Community and Build Public Support.** The Board serves as an ambassador for parks, trails and recreation by educating local residents about parks and trails. The Board distributes approved materials, interacts with park users at events and assists when needed, in social media posts regarding parks and trails.
- **Recruit and Train New Members.** The Board helps recruit and orient new Board members. The Board should reach out to citizens of varying ages, genders, and ethnicities to ensure the Board represents a variety of interests. Board members should be encouraged to attend training opportunities where appropriate.
- **Stay Knowledgeable About Legislation and Ballot Proposals.** The Board advocates where appropriate, and with direction from City Council, for legislation that positively impacts parks and trails, and when advised contacts legislators at the local, state and national levels for their support.
- **Understand the Scope of Authority.** The board must read and be familiar with its bylaws and abide by them, and understand its authority, structure and legal responsibilities. The Board is an advisory board and does not make decisions. Individuals cannot make public representations about Board policies or positions unless the Board has approved that position as a group and the City Council has approved that position. The Board does not have the authority to expend funds, direct city staff, or implement projects without permission.



Staff Report

Meeting Date: September 3, 2019

From Greg Brewster, Interim IT/SandyNet Director

SUBJECT: IGA with Clackamas County for SandyNet ISP Services

Background:

Clackamas Broadband eXchange (CBX) is proposing a partnership with SandyNet to provide ISP services to residents on USFS roads 29, 31 35A and 35B, otherwise known as the Kiwanis Project. This project will serve as a pilot project to determine if CBX and SandyNet can partner together and deliver gigabit speeds to underserved areas in Clackamas County. Estimated to serve up to 94 homes, this small area provides a low risk opportunity for SandyNet to expand beyond the city's limits.

Under this proposed partnership, CBX is responsible for physical infrastructure while SandyNet is responsible for ISP services including helpdesk and billing. SandyNet will perform in home installations and be the customer facing entity.

The IGA provides the opportunity for SandyNet to build its relationship with CBX and create a common model for potential future deployments. This pilot project will provide important insight into SandyNet's expansion outside of city limits with minimal risk to current operations and budget.

Recommendation:

Staff respectfully recommends approval for the Mayor to enter into the IGA with Clackamas County. This IGA has been reviewed and approved by the City Attorney.

Budgetary Impact:

\$15,000 will be provided to SandyNet from CBX to purchase access related equipment. Customer Premise Equipment (CPE) will be purchased by CBX for SandyNet to utilize for the project. \$24 per customer will count towards FTTH revenue.

**INTERGOVERNMENTAL AGREEMENT
BETWEEN CLACKAMAS COUNTY
AND THE CITY OF SANDY**

THIS AGREEMENT (“Agreement”) is entered into and by and between Clackamas County (“County”), a political subdivision of the State of Oregon, and the City of Sandy (“City”), a political subdivision of the State of Oregon, pursuant to ORS Chapter 190 (Cooperation of Governmental Units), collectively referred to as the “Parties” and each a “Party.”

RECITALS

WHEREAS, authority is conferred under ORS Chapter 190 to local governments to enter into agreements for the performance of any and all functions and activities that a party to the agreement, its officers or agencies have authority to perform; and

WHEREAS, the parties desire to partner for a pilot fiber project whereby the City will serve as the Internet Service Provider (“ISP”) and the County will construct the necessary infrastructure and provide the dark fiber connections to the City’s customers (the “Project”); and

NOW, THEREFORE, in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term.** This Agreement shall be effective upon execution by both Parties, and shall continue for a term of five (5) year from the date of execution. This Agreement shall automatically renew for an additional one (1) year term each year thereafter unless otherwise terminated by the parties but not to exceed a maximum of 10 years from date executed.
2. **Rights and Obligations of the County.**
 - A. Upon written request from the City, County shall construct the necessary infrastructure and install a dark fiber connection to the property owners who have agreed to have the City serve as an ISP as part of the Project (“Infrastructure Construction”). Infrastructure Construction shall be performed by County in its sole discretion. The County is and will remain the owner of any infrastructure and dark fiber installed as part of the Infrastructure Construction. Prior to County performing the Infrastructure Construction, the County will consult with the City to ensure that the specifications of the infrastructure and fiber are compatible with City’s system. Prior to the County performing the Infrastructure Construction, the City shall ensure the following construction and installation requirements are satisfied at each property:
 - a. The City has secured all easements, leases, licenses, authorizations, or other agreements from property owner to allow County to use existing pathways to, into and within each site to the demarcation point for service, and to otherwise perform the Infrastructure Construction.
 - b. A path acceptable to the County is provided for the fiber optic cable from the point of entry into the site to the termination panel or CSP (Customer Splice Point) and into the home demarcation that complies with all applicable building, electrical, fire and related codes.
 - c. The County and its employees, agents, lessees, officers and its authorized vendors, upon reasonable notice, have reasonable ingress and egress into and out of the properties and buildings in connection with the provision of service.

- B. Following construction, County shall maintain and repair, as necessary and as determined by County in its sole administrative discretion, the infrastructure throughout the term of this Agreement.
 - C. Subject to the availability of funds, as determined by the County in its sole administrative discretion, the County will provide all funds for the expansion of the fiber network to serve the property owners involved in the Project including, but not limited to, the expansion of the backbone fiber, all drops or laterals and cost of in-home wireless routers. The County will also contribute up to \$15,000.00 for purchase of new ISP equipment necessary to provide service to the property owners. This ISP equipment shall be procured and managed solely by the City. In procuring the ISP equipment, the City shall comply with all local, state, or federal law, including the Oregon Public Contracting Code, applicable to the procurement of goods and services. Upon termination of this agreement, title and ownership to all ISP equipment purchased by the City with County funds will be conveyed to County and will be removed from the City's network at the City's expense.
- 3. Rights and Obligations of City.**
- A. If County performs the Infrastructure Construction necessary to serve a property owner, the City will provide ISP services to the property owner pursuant to those terms and conditions as may be mutually agreed to between the City and the property owner. County will have no involvement or interest in, and will not be a party to, any such agreement entered into by and between City and the property owner.
 - B. In serving as an ISP, City shall provide all commercially reasonable ISP services including, but not limited to, IP addresses, billings, and general customer service. Customer service will be available Monday through Friday from 9 am to 5 pm, excluding federal holidays.
 - C. As of the date of this Agreement, City will provide the ISP services to property owners at a cost of \$64.95 per month per customer for a symmetrical 300 Mg service or \$84.95 per month per customer for a symmetrical 1 Gig service. Of this fee, \$24.00 will be withheld by the City for each 300 Mbps customer and \$34.00 for each Gig customer. The remainder of the funds received from each customer for the ISP services will be sent to County.
 - D. Rate increases shall occur no more than once per year and shall be mutually agreed upon by both parties and an amendment to this agreement.
- 4. Location.**
- A. The rights and obligations of the Parties pursuant to this Agreement apply only in the geographic area described in Appendix A.
- 5. Representations and Warranties.**
- A. *City representations and warranties:* City represents and warrants to County that City has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of City enforceable in accordance with its terms.
 - B. *County Representations and Warranties:* County represents and warrants to City has the power and authority to enter into and perform this Agreement, and this Agreement, when executed and delivered, shall be a valid and binding obligation of County enforceable in accordance with its terms.
 - C. The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

6. Termination.

- A. The County and City, by mutual written agreement, may terminate this Agreement at any time. Either Party may terminate for convenience upon providing one hundred twenty (120) days' written notice to the other Party.
- B. Either the County or City may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, or other time as may be agreed between the parties in writing, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.
- C. The County or City shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.
- D. Either Party may terminate this Agreement in the event the Party fails to receive expenditure authority sufficient to allow that Party, in the exercise of its reasonable administrative discretion, to continue to perform under this Agreement, or if federal or state laws, regulations or guidelines are modified or interpreted in such a way that performance under this Agreement is prohibited or a Party is prohibited from paying for such work from the planned funding source.
- E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

7. Indemnification.

- A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the County agrees to indemnify, save harmless and defend City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the County or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the County has a right to control.
- B. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, City agrees to indemnify, save harmless and defend the County, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which City has a right to control.

8. **Insurance.** The Parties agree to maintain insurance levels sufficient to cover the obligations agreed to in this Agreement.

9. **Party Contacts**

A. Duke Dexter or his designee will act as liaison for the County.

Contact Information:

Duke Dexter
121 Library Court
Oregon City, Oregon 97045
ddexter@clackamas.us
Fax: 503-655-8255

Greg Brewster or his designee will act as liaison for City.

Contact Information:

Greg Brewster
39250 SE Pioneer Blvd
Sandy, Oregon 97055
gbrewster@ci.sandy.or.us
503-489-0937

B. Either Party may change the Party contact information, or the invoice or payment addresses by giving prior written notice thereof to the other Party at its then current notice address.

10. **General Provisions**

A. **Oregon Law and Forum.** This Agreement, and all rights, obligations, and disputes arising out of it will be governed by and construed in accordance with the laws of the State of Oregon without giving effect to the conflict of law provisions thereof. Any claim between County and City that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Clackamas County for the State of Oregon; provided, however, if a claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this section be construed as a waiver by either Party of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim or from the jurisdiction of any court. City, by execution of this Agreement, hereby consents to the in personam jurisdiction of the courts referenced in this section.

B. **Compliance with Applicable Law.** Both Parties shall comply with all applicable local, state and federal ordinances, statutes, laws and regulations. All provisions of law required to be part of this Agreement, whether listed or otherwise, are hereby integrated and adopted herein. Failure to comply with such obligations is a material breach of this Agreement.

C. **Non-Exclusive Rights and Remedies.** Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive, and shall be in addition to and cumulative with any and all rights and

remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.

- D. **Access to Records.** The Parties shall retain, maintain, and keep accessible all records relevant to this Agreement (“Records”) for a minimum of six (6) years, following Agreement termination or full performance or any longer period as may be required by applicable law, or until the conclusion of an audit, controversy or litigation arising out of or related to this Agreement, whichever is later. The Parties shall maintain all financial records in accordance with generally accepted accounting principles. All other Records shall be maintained to the extent necessary to clearly reflect actions taken. During this record retention period each Party shall permit the other Parties’ authorized representatives’ access to the Records at reasonable times and places for purposes of examining and copying.

- E. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.

- F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement without such provision to give effect to the maximum extent possible the intentions of the Parties.

- G. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties regarding its subject matter. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

- H. **Interpretation.** The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

- I. **Independent Contractor.** Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.

- J. **No Third-Party Beneficiary.** City and County are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether

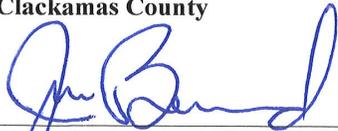
directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

- K. **Assignment.** Neither Party shall assign or transfer any of its interest in this Agreement, by operation of law or otherwise, without obtaining prior written approval from the other Party, which shall be granted or denied in that Party's sole and absolute discretion. One Party's consent to any assignment shall not relieve the other Party of any of its duties or obligations under this Agreement.
- L. **Counterparts.** This Contract may be executed in several counterparts (electronic or otherwise), each of which shall be an original, all of which shall constitute the same instrument.
- M. **Survival.** The provisions of Sections 5, 7, and 10 shall survive the termination of this Agreement.
- N. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.
- O. **Successors in Interest.** The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective authorized successors and assigns.
- P. **Force Majeure.** Neither City nor County shall be held responsible for delay or default caused by events outside of City's or County's reasonable control including, but not limited to, fire, terrorism, riot, acts of God, or war.
- Q. **Confidentiality.** The Parties and their employees or agents may, in the course of this Agreement, be exposed to or acquire material identified as confidential information. Such information shall be deemed confidential information of the Party identifying it as such ("Confidential Information"). The Parties agree to hold Confidential Information in strict confidence, using at least the same degree of care that each Party uses in maintaining the confidentiality of its own confidential information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give, or disclose Confidential Information to third parties or use Confidential Information for any purpose unless specifically authorized in writing under this Agreement.

[Signatures on Following Page]

IN WITNESS HEREOF, the Parties have executed this Agreement by the date set forth opposite their names below.

Clackamas County



Chair, Board of County Commissioners

8-8-2019 G.1

Date



Recording Secretary

City of Sandy

By: _____

Its: _____

Date _____



Staff Report

Meeting Date: September 3, 2019

From David Snider, Economic Development Manager

SUBJECT: 2019-2021 Special Service Contract Program Outlay & Approval

Background:

Staff is seeking final Council approval for Special Service Contract Program (SSCP) expenditures for the 2019-2021 biennium. This follows a review of program applications for the biennium on August 13th by our SSCP application review board, which consists of two Council members (Mayor Pulliam, Councilor Exner), two staff members (Jordan Wheeler, Emily Meharg) and two members of the at-large community.

The City of Sandy makes public funding available through this grant program to non-profit organizations that present a proposal to help the City achieve specific City Council goals, identified community needs, or provide a public benefit for the next budget period. The City Council currently sets aside \$60,000 in funding for the SSCP for the furtherance of City Council goals and community needs per biennium.

This biennium the review board approved four applications out of six received -- these are the same four non-profit organizations that were approved for funding last year. The approved applicants, their outlay, and their service proposals are listed below:

- **Sandy Community Action Center (\$20,000):** Improving support and outreach to the community through improved marketing and enhanced food supplies, and improving communication with other local service providers for overall service improvement.
- **Sandy Historical Museum (\$13,149):** Continuing the part-time local youth intern program at the Museum and Visitor's Center that was initiated in the last biennium.
- **AntFarm Youth Services (\$10,000):** Financial support for the Community Connects program. The CommunityConnect program matches youth volunteers to elders and disabled residents in need of assistance with physical tasks (cleaning gutters, stacking firewood, mowing lawns, etc.) and helps develop relationships between youth and the community's senior and adult generation.
- **Sandy Area Chamber of Commerce (\$4,131):** Distribute welcome packets to new Sandy residents with information about local businesses, coupons and other promotions, etc.

Funding for this program currently does not carryover unspent funds to the next application period. The reason the SSCP was constructed in this manner was that the City Council at the time intended for these appropriations to go to ongoing community

services like the Action Center's food distribution system or AntFarm's Community Connect program, and not to one-time projects or programs.

Based on the feedback from the review committee this year, there is interest and support to allow funding to carry over to the next budget cycle. The justification for this change is that it will allow the City of Sandy to "think bigger" by allowing the review board to consider larger expenditures in future biennia. At the department level, any unspent funds are already carried over as beginning balance resource for that department.

Recommendation:

Staff recommends approval of SSCP expenditures based on the results of the SSCP application review board's recommendations.



Staff Report

Meeting Date:

From Jordan Wheeler, City Manager

SUBJECT: Bypass Feasibility Study Scope and Funding

Background:

The City Council adopted a 2019 goal to complete a feasibility assessment of a highway 26 bypass. Over the last several months, the Council and staff had conversations with Oregon Department of Transportation officials about funding and completing a bypass study. With the upcoming Transportation System Plan update and the growing traffic congestion, the timing seemed appropriate to update the previous evaluation and study the need, benefits, and costs of a bypass.

The proposed scope of the study would include a traffic analysis and forecast, and a preliminary cost/benefit analysis that would include a planning level route and cost, environmental factors, impacts to business, and safety and time benefits. The study would also include a report on the policy and regulatory considerations associated with a bypass proposal.

The total cost for the full scope is estimated to be between \$80,000 and \$100,000. ODOT has committed \$30,000 with the City requested to contribute the remaining portion. If the Council agrees to the full scope of the study, the city's contribution would be \$70,000. Since this is a transportation related planning project with future implications on roadways and traffic, we propose the City funds our portion from the Street Fund.

Budgetary Impact:

The City's contribution to the study would be between \$50,000 and \$70,000 depending on the selected scope. We propose to expense the study from the Street Fund which could reduce the Street Fund contingency by that amount.



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

August 27, 2019

From: Melanie Ware, Interim Region 1 Planning Manager

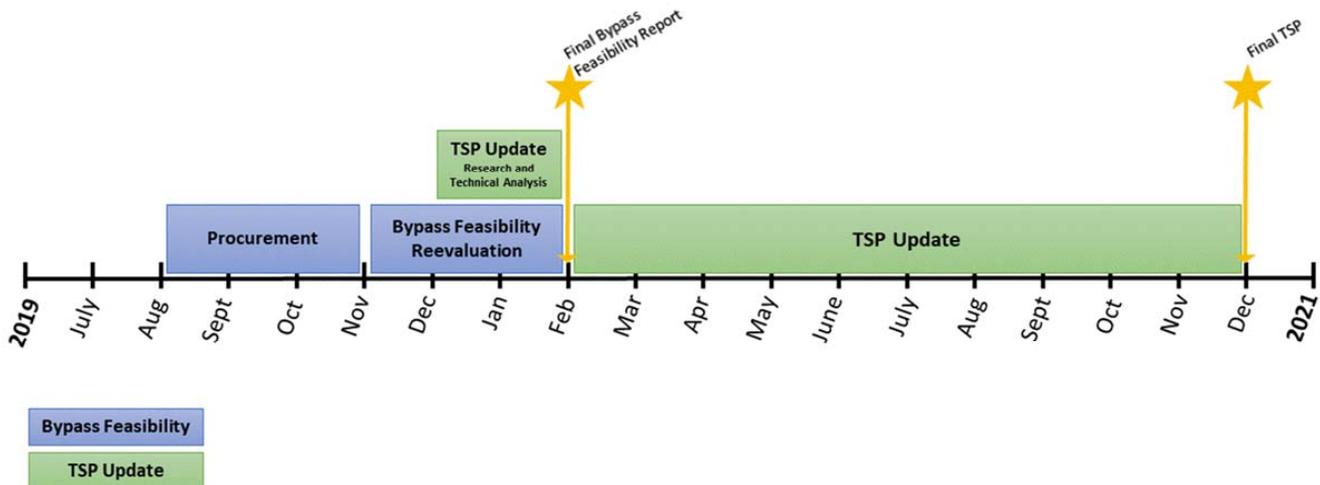
Subject: City of Sandy Bypass Feasibility Reevaluation

Bypass Feasibility Reevaluation

ODOT is available to facilitate a Bypass Feasibility Reevaluation to update, refine, and expand upon the findings from the 2011 TSP regarding a US 26 bypass. The specific scope of work for the Bypass Feasibility Reevaluation will be determined in collaboration with the City of Sandy and the selected consultant, but will generally include:

- **Traffic Analysis** – Updating the 2011 traffic analysis of intersection operations and corridor travel time to forecast 2040 traffic volumes at the study intersections and along the US 26 corridor.
- **Preliminary Benefit/Cost Analysis** – A preliminary, planning-level assessment of the potential cost of a bypass project in consideration of the expected economic and societal benefits, including objective measures of performance. The preliminary benefit/cost analysis would be conducted at a level of detail appropriate for the intended use and could include consideration of the following:
 - Planning-level identification of route and cost of developing route;
 - Value of time in travel;
 - Safety and accidents;
 - Benefits and/or impacts to local businesses; and/or
 - Environmental conditions.
- **Policy and Regulatory Considerations Memorandum** – A detailed evaluation of the policy and regulatory considerations associated with a potential bypass, using the considerations outlined in the 2011 TSP as a foundation.

Schedule



Cost

The total cost for a Bypass Feasibility Reevaluation as described above is estimated to be between \$80,000 and \$100,000. This cost estimate assumes inclusion of a Preliminary Benefit/Cost Analysis, which was not included in the 2011 TSP. If removed from the scope, the cost of the Bypass Feasibility Reevaluation could be reduced to \$50,000 to \$60,000.

Task	Estimated Cost
Project Management	\$5,000
Traffic Analysis/Modeling	\$25,000 - \$35,000
Preliminary Benefit/Cost Analysis	\$30,000 - \$40,000
Policy and Regulatory Considerations Memorandum	\$5,000
Reevaluation Report	\$15,000
Total	\$80,000 – \$100,000

Integration with TSP Update

The current TSP Update includes a reevaluation of the findings from the 2011 TSP regarding a US 26 bypass. We anticipate that the findings of Bypass Feasibility Reevaluation will replace that task, allowing for a more up-to-date and broad discussion of the financial feasibility and desirability of pursuing additional study of a bypass. This would also allow for a regional discussion to occur within the appropriate planning framework and context.