



City of Sandy

Agenda

Planning Commission Meeting

Meeting Location: Zoom

Meeting Date: Monday, September 28, 2020

Meeting Time: 7:00 PM

Page

1. MEETING FORMAT NOTICE

The Planning Commission will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

- To login to the electronic meeting online using your computer, click this link: <https://us02web.zoom.us/j/81693450308>
- If you would rather access the meeting via telephone, dial (253) 215-8782. When prompted, enter the following meeting number: 816 9345 0308
- If you do not have access to a computer or telephone and would like to take part in the meeting, please contact City Hall by Friday September 25 and arrangements will be made to facilitate your participation.

2. ROLL CALL

3. APPROVAL OF MINUTES

- 3.1. Draft Planning Commission Minutes for August 24, 2020 3 - 12
[Planning Commission - 24 Aug 2020 - Minutes - Pdf](#)

4. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS

5. DIRECTOR'S REPORT

- 5.1. Director's Report for September 28th 13 - 14
[Needed Code Changes - Pdf](#)

6. COMMISSIONER'S DISCUSSION

7. NEW BUSINESS

7.1. 20-025 ANN - OAOR Annexation
[OAOR Annexation - Pdf](#)

15 - 52

8. ADJOURN



MINUTES
Planning Commission Meeting
Monday, August 24, 2020 Zoom 7:00 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill, Development Services Director, Emily Meharg, Senior Planner, Shelley Denison, Associate Planner, and David Doughman, City Attorney

MEDIA PRESENT: None

1. Meeting Format Notice

Instructions for electronic meeting

2. Roll Call

Chairman Crosby called the meeting to order at 7:01 p.m.

3. Approval of Minutes

3.1. Approval of Minutes – July 27, 2020

Motion: Approve the Planning Commission minutes for July 27, 2020.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

4. Requests From the Floor - Citizen Communication on Non- Agenda Items

None

5. Director's Report

Kelly O’Neill Jr. stated that we have seven pre-application meetings coming forward and several large Planned Developments (PD) being proposed. We also have other land use applications that will require hearings. He then elaborated on upcoming meetings through the end of 2020.

6. Commissioner's Discussion

Commissioner Lesowski stated that he would like to consult with City staff regarding upcoming code changes and have workshops regarding upcoming code changes. O’Neill stated that House Bill 2001 will have a work session prior to a hearing. Commissioner Maclean-Wenzel stated she agrees with Commissioner Lesowski and would like to reconvene the tree code committee. Commissioner Carlton said that he would like to see deadlines created for code changes and stick to the deadlines. He stated that not everyone needs to agree on the code changes, but that everyone can live with. Commissioner Lesowski stated that he would like to see a bulleted list of upcoming code changes. O’Neill stated he would be glad to include a bulleted list with the Director’s Report for September. Commissioner Mayton asked about the expiration of terms for commissioners. O’Neill said he would ask City Recorder Aprati to send information regarding Planning Commissioner terms. Chairman Crosby reiterated what was being asked for.

7. Old Business

7.1. Chapters 17.10, 17.84, and 17.100 Code Amendments (20-023 DCA):

Chairman Crosby opened the public hearing on File No. 20-023 DCA at 7:20 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Senior Planner Emily Meharg summarized the staff report, proposed code amendments and provided a presentation related to the code proposal.

Public Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

She asked the Planning Commissioners to reconsider if Mr. Mobley should be participating in decision. Mrs. Walker then read her letter that she submitted to the Planning Commission.

Richard Sheldon

37552 Rachael Drive
Sandy, OR 97055

He stated that Mr. Mobley has to recuse himself too often and gives the perception that he is only for developers. Finds that the regulations are too pro-development. Regulations need to be understandable. The proposed code changes are lazy. We need to be focused on the citizens that already live in Sandy.

Staff Recap:

O'Neill summarized the code changes and thanked Commissioner Mobley for his time spent on the proposed code changes. David Doughman seconded what Mr. O'Neill said about Mr. Mobley and thanked him for his involvement as a transportation engineer. He also stated that he is glad to discuss his memorandum in more detail. Emily Meharg reiterated that we are relying on the transportation engineer experts for their advice.

Motion: Motion to close the public hearing

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 7:42 p.m.

Discussion:

Chairman Crosby stated that he has no problems with Mr. Mobley participating in the code changes. Commissioner Logan said that Mr. Mobley is a professional engineer and abides by ethics. Commissioner Carlton stated that Mr. Mobley is professional and that some of the members of the public should think about apologies to Mr. Mobley. He then stated that the comments are totally unacceptable. Commissioner Mayton said he supports Mr. Mobley as an engineer and as a Planning Commissioner and encourages people to get more involved. Commissioner Lesowski echoes the comments that everyone else has made and believes that Mr. Mobley believes he has the public's best interest at heart. Commissioner Maclean-Wenzel wanted to echo what the other commissioners stated. Commissioner Mobley stated there is nothing nefarious with his proposed code changes and that he got onto the Planning Commission to help the city. He elaborated that he does not believe there is a conflict of interest and thanked the commissioners for their support.

Commissioner Carlton asked why the ADT caps are being removed. Meharg said that in talking with John Replinger and Todd Mobley that ADT standards

are not typically applied to anything but local streets. Commissioner Mobley said that collectors and arterials are almost never overloaded and that ADT standards are typically just applicable to local streets. He also elaborated on why the C-1 zoning district is exempt. Commissioner Carlton asked questions about why C-2 and C-3 are not exempt, and why 1,000 ADT is being used. He went on to explain why he thinks Melissa Avenue is a collector street. O'Neill said that 1,000 ADT is the standard in the Transportation System Plan (TSP) and that some of the streets that were mentioned by Mr. Carlton are not local streets. Commissioner Logan said that the 1,000 ADT seems like a hard line in the sand. O'Neill, Commissioner Carlton, and Doughman stated that 1,000 ADT may be varied through a variance or adjustment procedure. Doughman elaborated on the clear and objective standards related to housing applications. Commissioner Carlton explained the use of the word 'typical' and that the 1,000 ADT standards are stricter than the TSP.

Commissioner Mayton asked is there a specific advantage to leave words such as typical and gender specific words. Doughman said that changing gender specific words would not be an issue or concern. Commissioner Mayton also asked if the City uses an editorial program for code writing. O'Neill elaborated on how the review is completed and elaborated on why 1,000 ADT was chosen in the TSP. Commissioner Mobley said the number 1,000 is kind of arbitrary and that some codes have 1,500 ADT. Commissioner Carlton said that numbers have impact and that numbers are important to define.

Commissioner Lesowski and Commissioner Maclean-Wenzel said they would like to remove one (1) year from the plat extension language to make it a maximum of three years with the extension only granted by the Director, not the Planning Commission. The Commission was unanimous in removing the plat extension proposal to be approved by the Planning Commission. Commissioner Maclean-Wenzel stated she would like to see a gender-neutral code.

Commissioner Carlton asked questions about the City Engineer making code decisions even though the engineer is not an employee. Doughman said that the City Engineer can be relied upon to make some decisions, but not make all the land use decision. Commissioner Mayton asked why the word 'traffic engineer' is struck so often in the proposed code changes. Commissioner Mobley stated that the word 'engineer' can be used pretty broadly and that removal of the word 'traffic' before engineer should be fine.

Motion: Motion to recommend approval of the code changes with a change to reduce plat approval to two years with just one extension by the Director, to

be more inclusive of gender, and to include David Doughman's modifications in his memo that was dated August 20, 2020.

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mayton

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

No votes: None

Abstentions: None

The motion passed at 8:28 p.m.

Recess from 8:28 PM to 8:37 PM

8. New Business

8.1. Bull Run Terrace (19-050 CPA/ZC/SUB/SAP/TREE):

Chairman Crosby opened the public hearing on File No. 19-050 CPA/ZC/SUB/SAP/TREE at 8:37 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. Commissioner Mayton declared that he read a comment on Facebook by a Sandy resident stating that other residents should say no to the Bull Run Terrace proposal. No challenges were made, and only the declaration by Commissioner Mayton was made by the Planning Commission.

Staff Report:

Associate Planner Shelley Denison summarized the staff report and provided an in-depth presentation related to the request. O'Neill elaborated on the process and the additional testimony received by the applicant, the public, ODOT, and the Fair Housing Council of Oregon.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown thanked staff for the positive staff report and said that overall, they were very happy with the staff report and recommended conditions. He then elaborated on the history of the property and the proposal that is being heard tonight.

Ray Moore
All County Surveyors and Planners, Inc.

PO 955
Sandy, OR 97055

Mr. Moore thanked staff for the positive staff report. He stated the applicant is intending to save 11 more trees than the code requires. He also explained why Dubarko Road and the other streets are proposed in their locations and explained the proposed utilities.

Mike Ard
17710 Dodson Drive
Sherwood, OR 97140

Mr. Ard explained the traffic analysis and stated that the transportation system will support the proposed traffic with the proposed zone changes. He elaborated on ODOT's comment letter and explained why the acreage totals are different.

Proponent Testimony:

None

Opponent Testimony:

Kathleen Walker
15925 Bluff Road
Sandy, OR 97055

Mrs. Walker said there was not enough time to read through the staff report and all of the materials. She asked for the record to remain open. She stated that testimony submitted was not outside the code and should be considered. Mrs. Walker elaborated on her written testimony that she submitted and the needs for more high-density zoning. She stated the comprehensive plan integrity should be highly regarded.

O'Neill asked Mrs. Walker if she is asking for an open record period or a continuance. She stated she definitely wants more opportunity for public comments.

Ann Ruhl
18368 Meadow Avenue
Sandy, OR 97055

The proposal is located right next to her property. Would like to see more single family residential than multi-family housing.

Makoto Lane
37828 Rachel Drive

Sandy, OR 97055

He asked who in the city is promoting high density residential development and he feels the City of Sandy is giving developers whatever they want. Mr. Lane also asked why Todd Mobley is on the Planning Commission.

Nicola Skinner
18422 Meadow Avenue
Sandy, OR 97055

Ms. Skinner said she realizes there will be growth in Sandy and understands that development will occur. She is concerned about the removal of trees and how that will impact her trees and nesting hawks that live in the woods.

Erin Findley
37616 Rachel Drive
Sandy, OR 97055

Ms. Findley echoes Mrs. Walker's concerns and would like the record to remain open. She asked the Planning Commission to carefully consider growth.

Neutral Testimony:

None

Staff Recap:

Denison briefed the Planning Commission regarding the letter from Tracy Brown, public comments, and other information that was sent by written testimony or by verbal comment.

Applicant Rebuttal:

Mike Robinson
Schwabe, Williamson, and Wyatt
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204

Mr. Robinson asked whether the record will be left open or a continuance will be granted. He stated that the burden of proof has been met that the application is complete. The Fair Housing Council of Oregon letter can be handled as described by O'Neill. Spot zoning is not a regulatory standard in Oregon. He then elaborated on the Statewide Oregon Goals and how the goals are met. He said the applicant would like to wait on additional testimony until the next hearing.

Tracy Brown

17075 Fir Drive
Sandy, OR 97055

He stated that he would like to work with staff on revising some of the conditions.

Discussion:

Commissioner Lesowski asked questions regarding the density increases and why staff is supportive of the zone change. He asked if the proposal is being supported because supporting infrastructure. Commissioner Carlton stated that House Bill 2001 will remove single family homes and allow more duplex development. O'Neill stated that during the pre-application meetings with the applicant the staff asked the applicant to install single family along the entire west property line of the proposed subdivision, with the exception of the parkland, and additional tree retention along the common property line. Commissioner Carlton said he believes the application is complete and that we need a mixture of single-family homes and multi-family homes. He said he found it interesting that during Bailey Meadows people wanted affordable housing and now people do not want multi-family housing. He also said that just because you live in an apartment doesn't mean you are a criminal. Mr. Carlton said he found the condition of a visually attractive vegetative screen and requiring buildings to face the parkland to be contradictory.

Commissioner Maclean-Wenzel said that higher density doesn't mean higher crime. We live in a very expensive place to live and we need a variety of housing. She said we need all types of housing. She said we need metal fencing to protect trees. O'Neill said that 6 foot tall metal fencing will be required.

Chairman asked for clarity on the process moving forward. Doughman explained the open record period and the continuance process. Historically the City of Sandy has left the record open and had a continuance at another meeting. Commissioner Logan said we should do what makes it easier on staff. Commissioner Mayton said he would prefer to offer public testimony at the next meeting. Commissioner Maclean-Wenzel agreed with Mayton. O'Neill stated that October 26, 2020 is probably the next meeting date that is available.

Mike Robinson stated that October 26, 2020 would likely work. Tracy Brown got a consensus from the applicant's team that October 26, 2020 would work for a continuance.

Commissioner Mayton asked a clarifying question about spot zoning. Denison and Doughman explained that spot zoning is not a concept recognized in

Oregon. O'Neill stated that following a 1997 comprehensive plan and not allowing any zone changes is too rigid and not great planning.

Commissioner Mayton said he would like more information on why the zoning is proposed along the proposed lines and would like more information on how it impacts existing residents. Chairman Crosby said that a realtor back in the 'day' would have likely been right to say they didn't think the property would be developed with R-3 zoning. Commissioner Lesowski said that maybe development in Sandy is too expensive and the city needs to reconsider the practice of having development pay solely for itself. Commissioner Carlton said that he doesn't think that the proposal is that much different than the existing zoning of R-2. He said that developers have rights and what they are proposing is not that unreasonable. Commissioner Lesowski said that the proposal could have a big impact on the existing residents. Commissioner Mayton said the difference between R-2 and R-3 is a big difference based on the density that could be installed.

Motion: Motion to continue the public hearing to October 26, 2020.

Moved By: Commissioner Mayton

Seconded By: Commissioner Lesowski

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

No votes: None

Abstentions: None

The motion passed at 10:51 p.m.

9. Adjourn

Motion: To adjourn

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 10:52 p.m.

Handwritten signature of Jerry Crosby in blue ink.

Chair, Jerry Crosby

Handwritten signature of Kelly O'Neill Jr in blue ink.

Planning Director, Kelly O'Neill Jr

Draft



Staff Report

Meeting Date: September 28, 2020
From Kelly O'Neill, Development Services Director
SUBJECT: Needed Code Changes

Background:

As requested by the Planning Commission, this report details Sandy Municipal Code chapters that need revisions and their associated importance. I have ranked them as very important, moderately important, and least important.

Very Important:

1) **House Bill 2001 code modifications (Chapters 17.30, 17.34, 17.74, and 17.98).** We are legislatively required to adopt middle housing code modifications by June 30, 2020. A work session regarding House Bill 2001 code changes will occur on October 26, 2020 at 6:00 PM.

2) **Sign Code modifications (Chapter 15.32).** These code modifications are going before the City Council on October 19, 2020 as a work session item. These code changes will not be reviewed by the Planning Commission as they are outside your purview. The proposed sign code amendments are an exhaustive revision that remove first amendment violations (i.e. free speech issues), streamlines existing processes that are overly burdensome, and allows more flexibility for business owners.

Moderately Important:

1) **Urban Forestry Code (Chapters 17.102 and 17.92).** Staff and a Tree Code Review Committee have met on several occasions to discuss modifications to tree standards. The code modifications were put on hold in October 2019 due to staffing changes and higher priority projects.

2) **Sandy Style Code (Chapter 17.90).** The City Council has asked staff to review the Sandy Style design standards and to propose some modifications.

3) **Food Cart Code (Section 17.74.90).** After several years of using the food cart standards, staff has identified issues with the code and are working on modifications to streamline processes and simplify requirements.

4) **Fences, Windscreens, and Retaining Walls (Section 17.74.40).** Staff wants to explore modifications to fence and retaining wall standards as the existing code is too rigid and does not allow reasonable accommodations for common circumstances.

5) Residential allowances in the C-2 zoning district (Chapter 17.44). In November 2019 the City of Sandy adopted code standards to allow residential above commercial in the C-2 zoning district. The Planning Commission asked staff to bring this code chapter back for further review to discuss additional residential options in the C-2 zoning district.

6) Parkland and Open Space (Chapter 17.86). This chapter is being reviewed by the Parks Master Plan consultant. Suggested modifications will be forwarded to staff and the Planning Commission.

Least Important:

1) Dark Sky Ordinance (Chapter 15.30). These code modifications are needed to adopt LED lighting options and to include updated terms/requirements that are commonly associated with lighting.

2) Major Utility Siting Standards (Chapter 17.76). These code modifications to cellular towers are needed for future siting of towers and collocation of antenna arrays.

3) Drive-up Uses (Chapter 17.94). This chapter needs to be reviewed and updated to include new uses and double drive-up lanes.

4) Definitions (Chapter 17.10). This chapter needs to be reviewed and updated to include current terminology.



Staff Report

Meeting Date: September 28, 2020
From Shelley Denison, Associate Planner
SUBJECT: OAOR Annexation

Background:

Oregon Ariyamagga Okasati Refuge (OAOR) is applying to annex their property into the City of Sandy. The annexation area includes a single property and a portion of the Highway 211 right-of-way adjacent to the property. The subject property contains 5.11 acres and the entire annexation area contains approximately 5.73 acres.

No development or tree removal is being proposed on the property at this time. The annexation is being requested consistent with an annexation agreement that was signed for extension of utility services to the subject property.

Recommendation:

Staff recommends the Planning Commission forward a recommendation of approval to City Council for the Type IV Annexation request subject to the conditions of approval below.

Suggested Motion:

N/A

Budgetary Impact:

N/A

List of Attachments/Exhibits:

Attachment 1: Staff Report
Attachment 2: Exhibits

**PLANNING COMMISSION STAFF REPORT
TYPE IV LAND USE PROPOSAL**

DATE: September 21, 2020

FILE NO.: 20-025 ANN

PROJECT NAME: OAOR Annexation

OWNER/APPLICANT: Oregon Ariyamagga Okasati Refuge (OAOR)

LEGAL DESCRIPTION: 24E24BA, Tax Lot 1100

The above-referenced proposal was reviewed as a Type IV Annexation. The following Findings of Fact are adopted supporting approval of the plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative
- C. Annexation Area Sketch
- D. Site Plan
- E. Site Survey

Agency Comments:

- F. Fire District No. 72 Fire Marshall

Public Comments:

- G. Stephen Chellis (September 18, 2020)
- H. David Snider (September 21, 2020)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal received on June 9, 2020. The application was deemed complete on July 6, 2020.
2. This report is based upon the Exhibits listed above, as well as agency comments and public testimony.

3. The subject site is approximately 5.73 acres. The site is located at 38370 Highway 211.
4. The parcel has a Comprehensive Plan Map designation of Village and conceptual zoning map designations of Low Density Residential, R-1, and Medium Density Residential, R-2. The property has a County zoning designation of RRFF-5 (Rural Residential Farm Forest, 5 acre). Additionally, it is designated as Rural by the county Comprehensive Plan.
5. The applicant, Oregon Ariyamagga Okasati Refuge (OAOR), is requesting approval to annex the subject site into the City of Sandy. The applicant has made this annexation application in accordance with the Annexation Agreement/Waiver of Remonstrance to Annexation dated March 27, 2017, between the City of Sandy and Thomas Moon, Trustee, the previous owner of the subject property. This agreement was executed by Mr. Moon to allow him to connect the property to municipal water service provided by the City of Sandy. Per the provisions of this agreement, the City of Sandy Public Works Director recently requested OAOR submit an application to annex the property into city limits.
6. The subject site is located within an unincorporated island of land in Clackamas County jurisdiction and is surrounded by but is not contiguous to an already incorporated property. Because of this, the applicant is also requesting that an adjacent section of the Highway 211 right-of-way be annexed into the City in order to ensure that the annexed property is contiguous with city limits.
7. Notification of the proposed application was mailed to affected agencies on September 4, 2020 and to surrounding property owners within 500 feet of the subject property on September 3, 2020.
8. A legal notice was printed in the Sandy Post on September 16, 2020.
9. According to the Fire District No. 72 Fire Marshal, **any future development will require the installation of an approved public fire hydrant capable of supplying the required fire flow.**
10. As of publication of this staff report, Two public comment has been received. One comment is from Stephen Chellis, a neighboring property owner. His concerns include the following:
 1. Discrepancy between the annexation survey and parcel survey from county planning document.
 2. Land use inconsistent with application.
 3. Concern about potential future development.
 4. Traffic safety hazards
 5. Neighbor safety
11. The second public comment is from David Snider, who is in favor of the annexation.

12. Staff was made aware of a land use code violation currently pending with Clackamas County. **The property owner must resolve this violation before being annexed into the city.**

17.26 – Zoning District Amendments

13. In association with this annexation request, the applicant requests the Low Density Residential and Medium Density Residential zoning designations be applied to the property. Additionally, the applicant requests that the Village Comprehensive Plan designation be applied to the property. The conceptual zoning designation for the subject property was assigned in 1997 with the adoption of the 2040 plan.
14. Currently, there is a single manufactured home and associated outbuildings on the property. OAOR does not have plans to develop the lot further. Staff did not confirm setbacks or other code regulations for existing property improvements. **Prior to any future development on the property the applicant shall submit a site plan with all buildings and their associated setbacks.**

17.60 – Flood & Slope Hazard (FSH) Overlay District

15. A portion of the property is affected by the FSH Overlay associated with a perennial stream that is piped under Highway 211 in the vicinity of the property. The property owner does not dispute the location of the FSH Overlay mapping with this application.

17.78 – Annexation

16. The subject annexation application was submitted by the applicant on June 9, 2020 ahead of the annexation code adoption that was effective on August 5, 2020. In accordance with state statute the City of Sandy is required to apply the municipal code that was effective at time of application submittal. Therefore, this annexation application is being reviewed under the annexation code effective on June 9, 2020.
17. Section 17.78.15 explains the types of annexation. This proposal qualifies as a Type A annexation, which is annexation in conformance with conceptual zoning designations.
18. Section 17.78.20 details conditions for annexation. Subsection (C) explains that the site must be contiguous to the city or separated from it only by a public right-of-way. While the subject property itself is not contiguous with city limits, the applicant is proposing to annex a portion of the Highway 211 right-of-way in order to make the requested annexation area contiguous with city limits. Therefore, this condition is met.
19. Section 17.78.25 outlines requirements for tree retention and prohibits certain properties from being annexed if their respective property owners removed a certain number of trees within five years of the application. Staff has not identified any significant tree removal from the subject property within the last five (5) years. **Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal**

permit in compliance with Chapter 17.102. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.

20. Section 17.78.30 explains that all lands within the urban growth boundary have been classified according to the appropriate city land use designations as noted on the Comprehensive Plan map. The applicant requests that the current Comprehensive Plan map of Village and the conceptual zoning designations of Low Density Residential (R-1) and Medium Density Residential (R-2) be applied to the property.
21. Section 17.78.50 details annexation criteria. An annexation request need only meet one criterion. Section 17.78.50(B) allows for annexation as a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems. The subject property was previously connected to municipal water and sanitary sewer service provided by the City due to insufficient water supply and a failing on-site septic system. Additionally, Section 17.78.50(C) allows for annexation of land that meets a logical growth pattern of the city. Currently, the subject property is within an unincorporated island. That means that it is not within city limits but is surrounded by city limits. Generally, it is good planning practice to annex land within unincorporated islands.

RECOMMENDATION

Staff recommends the Planning Commission **forward a recommendation of approval** to City Council for the Type IV Annexation request subject to the conditions of approval below.

CONDITIONS OF APPROVAL

1. The zoning map designations for this property shall be Low Density Residential (R-1) and Medium Density Residential (R-2) as identified on the zoning map.
2. The comprehensive plan map designation for this property shall be Village.
3. The property owner must resolve the land use code violation on file with Clackamas County before being annexed into the city.
4. Any future development must meet the Sandy Municipal Code requirements.
5. Stormwater treatment and detention conforming to Chapters 13.18 and 13.20 of the Sandy Municipal Code shall be required upon further development of the property.
6. Half-street improvements on the Highway 211 frontage will be required upon further development of the property.
7. Future development may trigger the driveway, maneuvering areas, and parking areas to be paved with concrete or asphalt per Chapter 17.98.
8. Prior to any future development on the property the applicant shall submit a site plan with all buildings and their associated setbacks.
9. Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.

10. Any future development will require the installation of an approved public fire hydrant capable of supplying the required fire flow.

EXHIBIT A



General Land Use Application

1 page

Name of Project:	OAOR Annexation Request
Location or Address:	38730 Highway 211, Sandy, OR

Map & Tax Lot #	T: 2S	R: 4E	Section: 24BA	Tax Lot (s): 1100
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Request:	The applicant requests a Type A Annexation.

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

Applicant (if different than owner) Tracy Brown Planning Consultants, LLC	Owner Oregon Ariyamagga Okasati Refuge (OAOR)
Address 17075 Fir Drive	Address P.O. Box 1748
City/State/Zip Sandy, OR. 97055	City/State/Zip Sandy, OR. 97055
Email tbrownplan@gmail.com	Email info@oaor.org & drgator@hotmail.com
Phone 502-781-0453	Phone 360-339-7477
Signature <i>Tracy A. Brown</i>	Signature <i>[Signature]</i> for OAOR

Staff Use Only

File #: 20-025 ANN	Date: 6/09/20	Fee\$: See Receipt <small>Previously Paid by Thomas Moon on 03/27/17</small>	Planner: Shelley Denison
Type of review: Type I <input type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV <input checked="" type="checkbox"/>			
Has applicant attended a pre-app? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, date of pre-app meeting: May 26, 2020			

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



ANNEXATION

ZONE CHANGE

COMPREHENSIVE PLAN AMENDMENT

PROPERTY IDENTIFICATION

TAX LOT NUMBER	TOWNSHIP	RANGE	SECTION
1100	2S	4E	24BA

EXISTING AND PROPOSED LAND USE DESIGNATIONS

TAX LOT NUMBER (S)	COMPREHENSIVE PLAN EXISTING / PROPOSED		ZONING MAP EXISTING / PROPOSED	
	1100	RURAL	LDR	RRFF-5

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.
1100	00677011	\$153,613.00	5.11

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

Manufactured home residence for religious leaders

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property?	3
Number of total dwellings?	1



DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%:	approximately 80%
Approximate acreage with slopes 15% to 24.9%:	0
Approximate acreage with slope in excess of 25%:	0
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" 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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Name of public right-of-way:	Highway 211
Does the property abut a private road? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Name of abutting private road(s):	
Describe any unusual difficulties in accessing the property:	N/A

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Rural residential uses to the north and west. Manufactured home park to the south and east.



List of all owners of property included in the application

Owner:	Oregon Ariyanagga Okasati Refuge (OAR)
Address:	38730 Highway 211, Sandy
Email:	info@oar.org & drgator@hotmail.com
Phone:	(360) 339-7477
Property Description: (TL, Section, Township, Range)	R24E 24BA tax lot 1100

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Staff Use Only

File #:	Date:	Fee\$:	Planner:
---------	-------	--------	----------

EXHIBIT B

Annexation Request Narrative
for

Oregon Ariyamagga Okasati Refuge (OAOR)
38730 Highway 211, Sandy

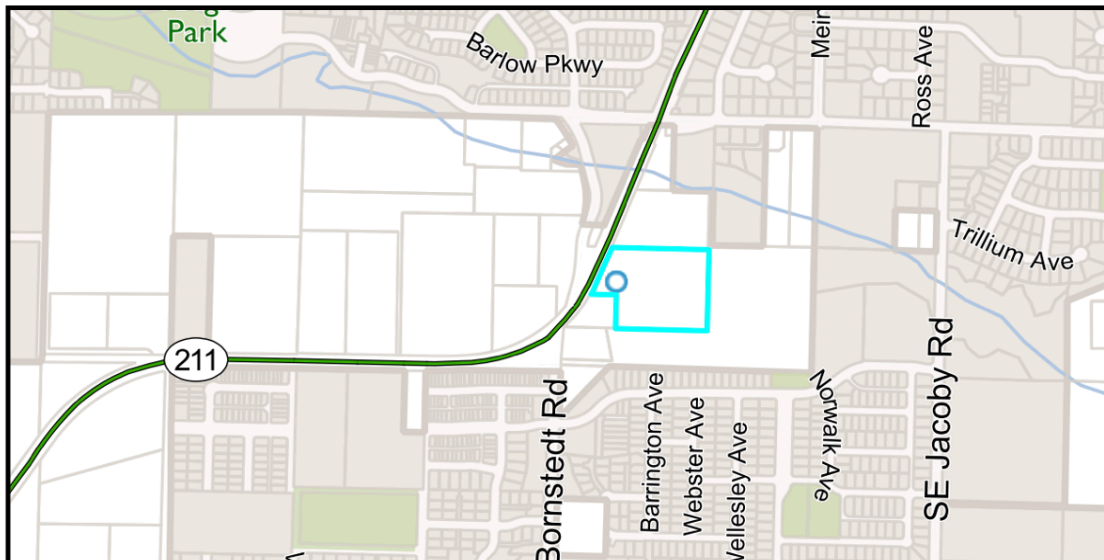


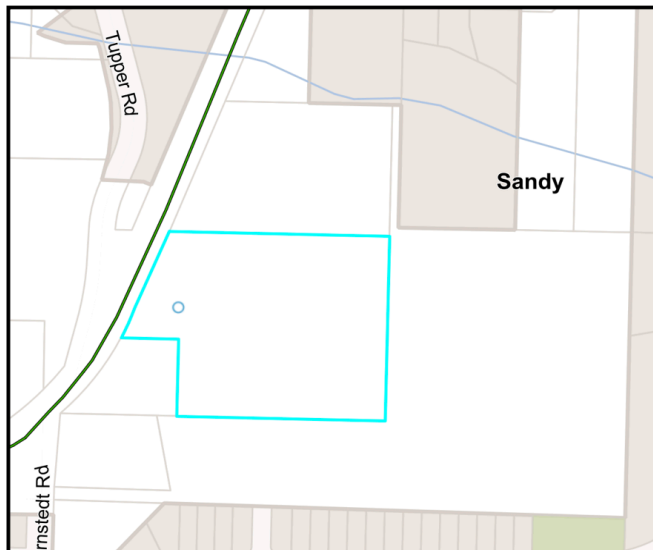
June 2020

I. Project Description

Oregon Ariyamagga Okasati Refuge (OAOR) requests City Council approval to annex the property they own located 38730 Highway 211 into the City of Sandy. The applicant has made this annexation application in accordance with the *Annexation Agreement/Waiver of Remonstrance to Annexation* dated March 27, 2017, between the City of Sandy and Thomas Moon, Trustee, the previous owner of the subject property. This agreement was executed by Mr. Moon to allow him to connect the property to municipal water service provided by the City of Sandy. After purchasing the property, in 2018/19, because of a failing on-site septic system, OAOR was granted approval by the city to connect the property to city sanitary sewer service per this agreement. Per the provisions of this agreement, the City of Sandy recently requested OAOR submit an application to annex the property into the city limits. A pre-application conference was held with the city on May 26, 2020 to review the requirements for this application.

The annexation area includes a single property legally described as 24E24BA tax lot 1100 and a portion of the Highway 211 right-of-way adjacent to the property. The subject property contains 5.11 acres and the entire annexation area contains approximately 5.73 acres. The property is located within an unincorporated island and is surrounded by but is not contiguous to already incorporated property.





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.

As detailed on the sketch and legal description submitted with this application, in addition to the subject property the proposed annexation area also includes a portion of the Highway 211 right-of-way to make the annexation area contiguous to the city limits. The property contains a mix of wooded and open areas and currently contains a manufactured home used as a residence by members of the organization and associated outbuildings. The property owner has no plans to develop the property at this time.

Oregon Ariyamagga Okasati Refuge, or OAOR, is a Theravadan Buddhist Hermitage in the Thai Forest tradition established in early 2015 by students of Ajahn Jamnian (Jumnien) Seelasettho. The purpose of OAOR is to promote the teachings of the Buddha, provide spiritual support and guidance to the lay community, be a place of refuge, and provide residence for monastics.

II. Items Submitted with this Application

- General Land Use Application
- Supplemental Annexation Application No. 1
- Supplemental Annexation Application No. 2
- Notification Area Map, List and Mailing Labels
- Project Narrative
- Site Plan
- Annexation Area Legal Description and Sketch

III. Review of Applicable Approval Criteria

17.26.00 ZONING DISTRICT AMENDMENTS

Response: *In association with this annexation request, the applicant requests the Single Family Residential zoning designation be applied to the property as determined by the 2040 Plan. The property owner currently uses the property as a residence for members of the religious organization and has no plans at this time to develop the property further.*

A portion of the property is affected by the Flood and Slope Hazard (FSH) Overlay associated with a perennial stream that is piped under Highway 211 in the vicinity of the property. The property owner does not dispute the location of this mapping with this application.

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. 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 adopted Comprehensive Plan map to contain 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 subject property is close to but does not share a common boundary with the city limits. With the inclusion of a portion of Highway 211, the proposed annexation area will be contiguous to the city limits along a portion of its northern boundary. The proposal complies with this criterion.*
- (d) The proposal conforms to all other requirements of the city's ordinances.
RESPONSE: *A review of city criteria follows.*

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. The proposed annexation area is contiguous to the existing city limits on a portion of its northern boundary. As discussed below, the tree retention requirements of Section 17.78.25 have not been violated.

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: *No trees have been removed from the subject property within the last five years in the areas specified in this section. If anything, because of the tree plantings since OAOR purchased the property, the property contains more trees today than it did five years ago.*

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 annexation area 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 have a SFR, Single Family Residential zoning designation. The applicant requests these designations be applied with approval of the annexation request.*

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 applicant has submitted this annexation application at this time at the request of the City of Sandy per the 2017 Annexation Agreement executed between the previous property owner and the city. OAOR as the applicant has no plans to develop the property any further at this time. The proposed annexation area is part of a group of properties located within an unincorporated island generally surrounded by incorporated property. The subject property was previously connected to municipal water and sanitary sewer service provided by the City of Sandy due to insufficient water supply and a failing on-site septic system. Criteria B allows properties to be annexed due to insufficient sanitation and water service as is the case with the subject property detailed in the 2017 Annexation Agreement. In addition, the proposed annexation area located within an area of unincorporated properties represents a logical growth pattern of the city in compliance with Criteria C. Including this property in the city limit would help to reduce the size of this unincorporated island of properties. As discussed above the proposal complies with both Criteria B and C of this section.*

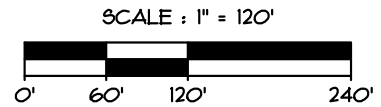
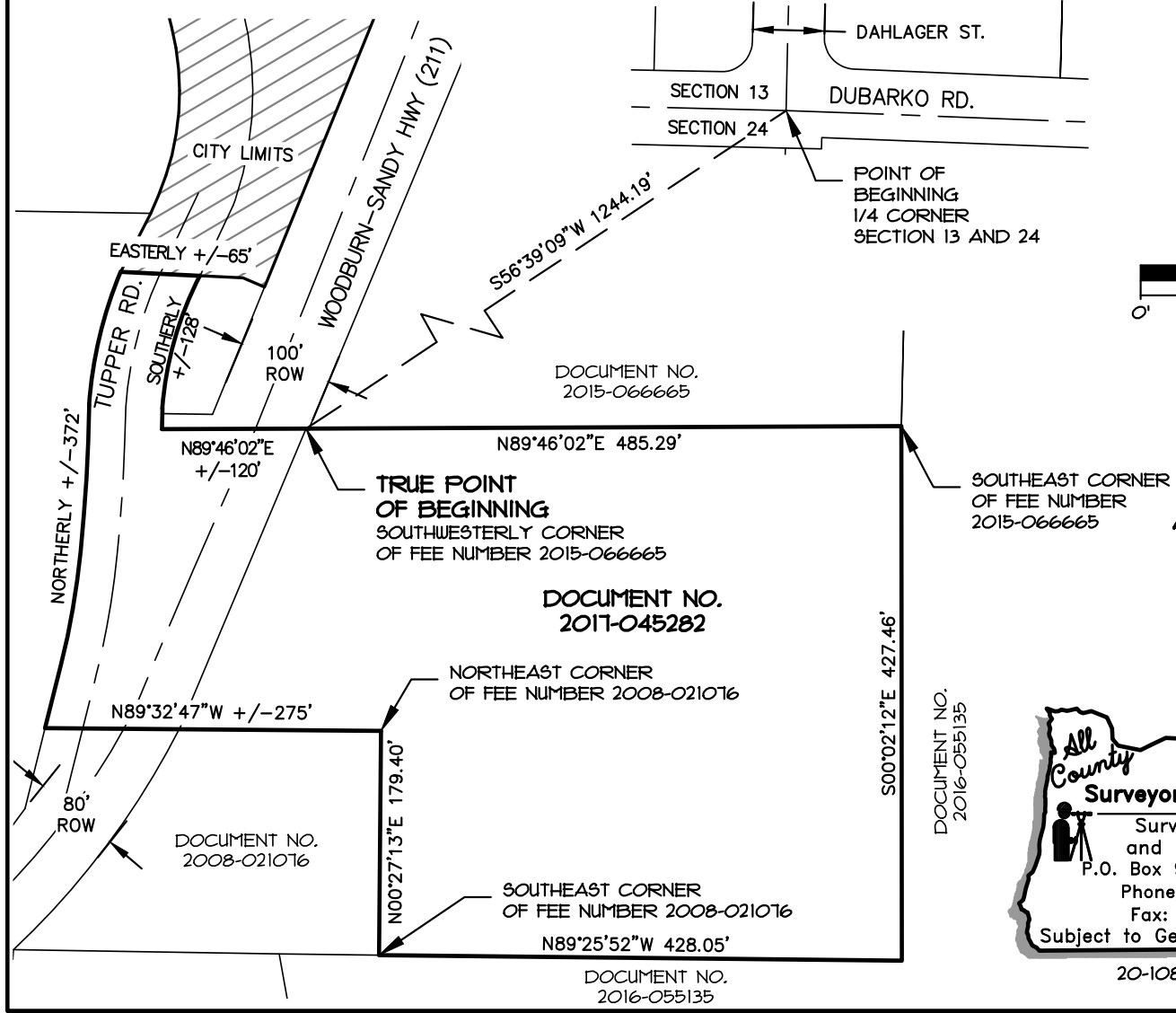
V. Conclusion

OAOR requests a Type 'A' Annexation to annex the property they own in conformance with the city's conceptual Comprehensive Plan and Zoning Map. The annexation application has been made at this at the request of the City of Sandy per the conditions of the *2017 Annexation Agreement* between the former owner of the property and the city. The annexation area consists of a single parcel and a portion of the Highway 211 right-of-way adjacent to the property totaling approximately 5.73 acres. The property is located within the Sandy Urban Growth Boundary and is contiguous to the existing city limits along a portion of its northern boundary. The proposal meets the city's conditions for annexations in Section 17.78.20, does not violate the tree retention requirements of Section 17.78.25, complies with criteria B and C of Section 17.78.50, and meets the requirements for annexing properties without a public vote specified in Senate Bill 1573. The applicant respectfully requests this application be approved.

EXHIBIT C

EXHIBIT "B"

NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH,
RANGE 4 EAST, W.M., CLACKAMAS COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JANUARY 23, 1990
DALE L. HULT
2427

RENEWS 07/01/21

All County Surveyors & Planners, Inc.

Surveying, Planning
and Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
Subject to General Conditions 2006 ©

20-108 - Kris Iskander - Sketch.dwg
DATE OF PLOT: 6/4/20

OAOR -38730 SE HIGHWAY 211

EXHIBIT D



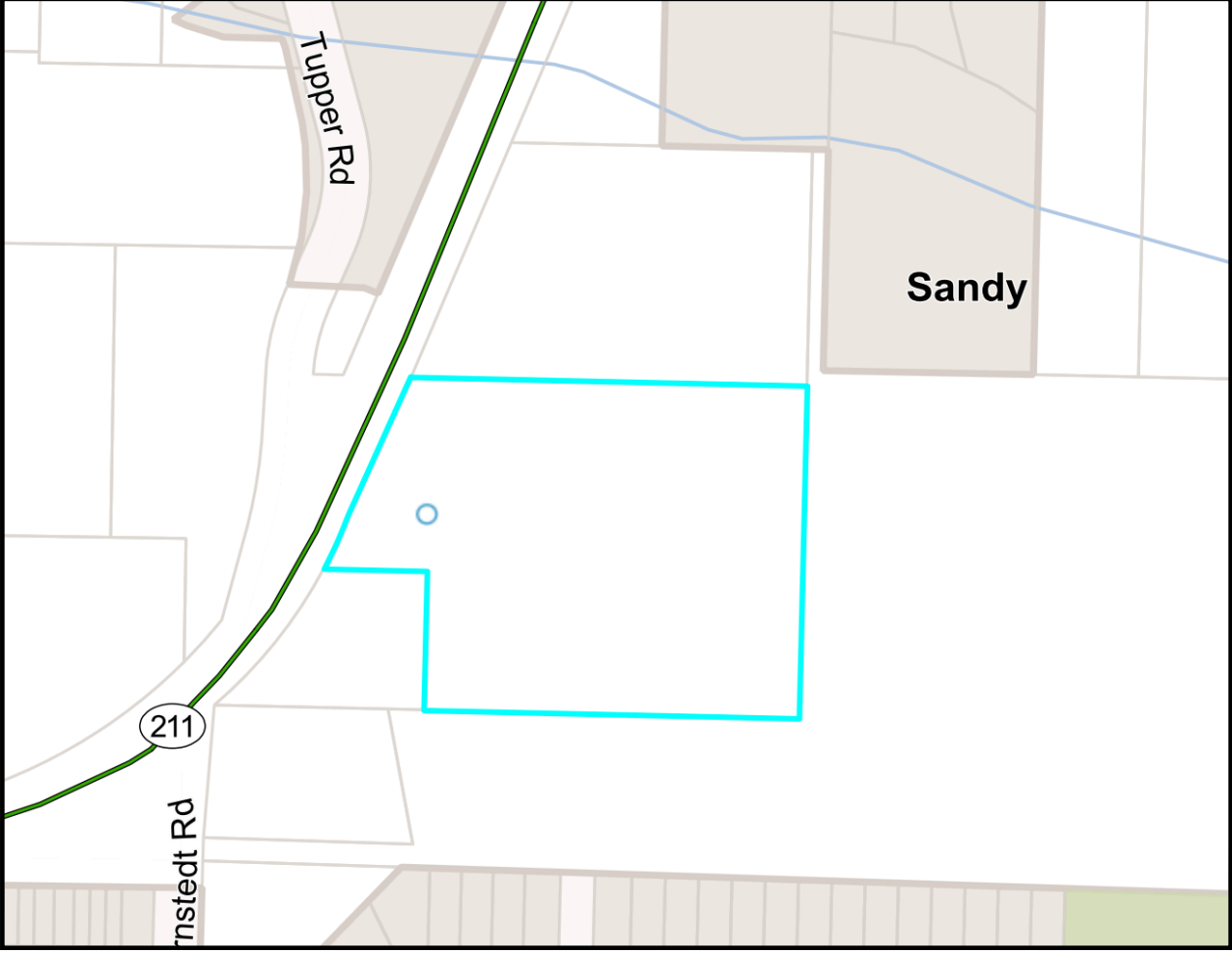
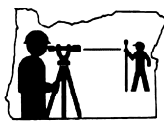


EXHIBIT E



All County Surveyors
& Planners, Inc.

PO Box 955 • Sandy, Oregon 97055 • Phone: 503-668-3151 • Fax: 503-668-4730

EXHIBIT "A"

A TRACT OF LAND SITUATED IN THE NW 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 4 EAST, W.M., CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER OF SECTION 13 AND 24; THENCE SOUTH 56°39'09" WEST, A DISTANCE OF 1,244.19 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HWY 211 (100' RIGHT-OF-WAY WIDTH), SAID POINT ALSO BEING THE SOUTHWESTERLY CORNER OF FEE NUMBER 2015-066665 AND THE **TRUE POINT OF BEGINNING**; THENCE NORTH 89°46'02" EAST, ALONG THE SOUTHERLY LINE OF THE SAID FEE NUMBER 2015-066665, A DISTANCE OF 485.29 FEET TO THE SOUTHEAST CORNER OF THE SAID FEE NUMBER 2015-066665, SAID POINT ALSO FALLS ON THE WESTERLY LINE OF FEE NUMBER 2016-055135; THENCE SOUTH 00°02'12" EAST, ALONG THE WESTERLY LINE OF THE SAID FEE NUMBER 2016-055135, A DISTANCE OF 427.46 FEET TO AN ANGLE POINT ON THE SAID FEE NUMBER 2016-055135; THENCE ALONG THE MOST NORTHERLY SOUTHERLY LINE OF THE SAID FEE NUMBER 2016-055135 NORTH 89°25'52" WEST A DISTANCE OF 428.05 FEET TO THE SOUTHEAST CORNER OF FEE NUMBER 2008-021076; THENCE ALONG THE EAST LINE OF THE SAID FEE NUMBER 2008-021076, NORTH 00°27'13" EAST, A DISTANCE OF 179.40 FEET TO THE NORTHEAST CORNER OF THE SAID FEE NUMBER 2008-021076; THENCE NORTH 89°32'47" WEST, ALONG THE NORTHERLY LINE OF THE SAID FEE NUMBER 2008-021076 AND THE NORTHERLY EXTENSION THEREOF A DISTANCE OF 275 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF TUPPER ROAD (60' RIGHT-OF-WAY WIDTH); THENCE NORTHERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF THE SAID TUPPER ROAD, A DISTANCE OF 372 FEET, MORE OR LESS, TO THE EXISTING CITY OF SANDY CITY LIMITS LINE; THENCE EASTERLY, ALONG THE SAID EXISTING CITY OF SANDY CITY LIMITS LINE, A DISTANCE OF 65 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY LINE OF THE SAID TUPPER ROAD; THENCE SOUTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF THE SAID TUPPER ROAD, A DISTANCE OF 128 FEET, MORE OR LESS, TO THE WESTERLY EXTENSION OF AND THE SOUTHERLY LINE OF THE SAID FEE NUMBER 2015-066665; THENCE NORTH 89°46'02" EAST, ALONG THE SAID WESTERLY EXTENSION OF THE SOUTHERLY LINE OF THE SAID FEE NUMBER 2015-066665, A DISTANCE OF 120 FEET, MORE OR LESS, TO THE **TRUE POINT OF BEGINNING**;

CONTAINING AN AREA OF 249,450 SQUARE FEET MORE OR LESS.



RENEWS 07/01/21

Affiliated: Professional Land Surveys of Oregon • American Congress of Surveying and Mapping

C:\Users\daleh\Desktop\PROJECTS\20-108 - Annexation\20-108-Exhibit A.docx

9/21/2020

City of Sandy Mail - Fwd: File 20-025 ANN: Oregon Ariyamagga Okasati Refuge Annexation



EXHIBIT F

Marisol Martinez <mmartinez@ci.sandy.or.us>

Fwd: File 20-025 ANN: Oregon Ariyamagga Okasati Refuge Annexation

Shelley Denison <sdenison@ci.sandy.or.us>
To: Marisol Martinez <mmartinez@ci.sandy.or.us>

Tue, Sep 15, 2020 at 6:27 AM

Hey Marisol,

could you add this to 20-025? Thanks!

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

From: **Gary Boyles** <fmboyles.sandyfire@gmail.com>
Date: Tue, Sep 15, 2020 at 6:27 AM
Subject: File 20-025 ANN: Oregon Ariyamagga Okasati Refuge Annexation
To: <sdenison@ci.sandy.or.us>

Good morning Shelley,

I have no objection to OAOR's request to annex their property into the City of Sandy. My only comment for the record is that any future OAOR development will require the installation of an approved public fire hydrant supplying the required fire flow.

Sincerely,
Gary Boyles
Fire Marshal
Sandy Fire District No. 72
PO Box 518
[17460 SE Bruns Ave.](#)
[Sandy, Oregon 97055](#)

Business line: 503-668-8093
Cell number: 503-891-7042

CONFIDENTIALITY NOTICE- This email, and any attachments may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended only for the use of the person(s) names above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by reply email and delete the message and any attachments from your system.

--

Shelley Denison
Associate Planner

City of Sandy
Development Services Department
[39250 Pioneer Blvd](#)
[Sandy, OR 97055](#)
503-783-2587
sdenison@ci.sandy.or.us

EXHIBIT G

Please consider the following with regard to annexation request 20-025-ANN.

- 1) There appears to be an addition to the subject property plot in order to satisfy requirement 17.20.20 and 1573c regarding contiguous on the north end of the property. The annexation survey does not match the attached parcel survey from the county planning document (ZPAC0012-20.pdf) Page 4 or the highlighted parcel on the Annexation Narrative Request (Cover Page, Page 1, Page 2.) I would like to understand the criteria in which this additional parcel can be used in order to satisfy the above requirements.
- 2) Current Use:
 - a. The subject parcel current use is inconsistent with the application. Please reference county planning doc. ZPAC0012-20.pdf page 7. The subject property is not limited to only residential use currently. OAOR is a non-profit organization operating from the property with current use listed on OAOR.org as *"OAOR is a place where everyone regardless of background or culture can come together to share, learn, and practice the Middle Way and the Noble Eightfold Path."* Current use per Clackamas county planning document: *"There are no regularly scheduled activities that occur on the property. On weekends it is common for a few but no more than 20 people to visit the site. During Buddhist ceremonial days which occur about four times a year, up to 200 people may also visit the property for part of a day. In addition, the monks may offer meditation sessions attended by up to 20 people once or twice a month."* In addition to the documented uses, I can personally attest the site is visited by volunteers and guests on a daily basis. Certain volunteers are at the location 5 days a week on average. OAOR is an organization open to the public, they have a website OAOR.org that lists the parcel address of the location for the organization. There is currently a land use application pending with Clackamas county, reference violation V0054417, and application ZPAC0012-20
- 3) Future / Planned Use:
 - a. Planned use is inconsistent with what is listed on the Supplemental Land Use Application, Page 4 "No Development is Proposed at this time" with what has been submitted by OAOR to the county per planning doc ZPAC0012-20 page 7 which lists "Future Plans: In the next five to 10 years, depending on funding, the organization hopes to construct a meditation / ceremonial hall to accommodate 100 people and facilities to support 10-20 overnight visitors to the property." As the above describes, OAOR is an organization, with plans to build a facility open to the public.
- 4) Additional Considerations
 - a. Traffic Safety Hazards: The subject parcel is accessed directly off of Clackamas county-maintained Hwy 211 with a basic residential driveway located between the intersections of 211/Dubarko and 211/Bornstedt. The 211/Dubarko intersection which has a high volume of traffic accidents. Traffic stopping in the

middle of Hwy 211 to cross a double yellow line to access OAOR from Sandy is a major hazard as motorists don't expect vehicles to come to a complete stop in the middle of the highway in a 45mph zone. This is an issue we face first hand on our own neighboring property and is magnified with the volume of traffic for OAOR and the residential driveway used as access. With events of 200 plus attendees, this is a major hazard as people arrive and depart to and from the location and so close to an already very dangerous intersection. As Hwy 211 is county maintained, I'd like to understand the City of Sandy's plans to implement appropriate road improvements to address the above hazards of such a facility that annexation allows this parcel to become.

- b. Neighbor Safety: During OAOR events, I have experienced multiple OAOR visitors incorrectly navigating to my residence and causing a hazard to my family as visitors drive up my driveway, blocking access to / from my home. I have experienced OAOR visitors sitting in cars in my driveway, often distracted and navigating by phone, and have had to physically block my driveway on OAOR event days on many occasions. Being open to "everyone" allows anyone, whatever intentions, to visit the property. There are no operating hours or guidelines posted on the OAOR site, little with regard to security, or property access controls. Annexing OAOR to the city allows OAOR to split the parcel many times over removing the protections to neighbors that the RRF5 zoning maintains and neighbors rely on.

Thank you for reviewing and considering the above.

-Stephen Chellis (Neighboring Parcel Owner)

ZPAC0012-20



PRE – APPLICATION CONFERENCE

To: Aaron Dennis, Richard Carlson, Sandy Fire District #72, Wendi Coryell, Traffic Engineering

From: Clay Glasgow, Planning & Zoning, 503-742-4520, clayg@clackamas.us

Date: January 30, 2020

RE: Pre-Application Conference – Conditional Use

Conference Date/ Time/ Place:

February 25, 2020 at 9:00 am, in DSB RM 209,
150 Beaver Creek Rd, Oregon City, OR 97045, (503)742-4520

Applicant(s): Tracy Brown, for Oregon Ariyamagga Okasati Refuge

Site Address: 38730 SE Highway 211

Tax Map T 2S, R 4E, Sec 24BA, Tax Lot(s) 01100

Location: east side of Highway 211, just north of SE Bornstedt Road

Project: place of worship, e.g. place for monks to reside and interact with the lay community

Zone(s): RRF-5, Rural Residential Farm Forest

Comp Plan: Rural

UGB: inside **Total Land Area:** approximately 5.11-acres

Staff Request:

Please review proposal, and submit comments prior to the pre-app., if you can't attend. Thank you.



CLACKAMAS COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
 PLANNING AND ZONING DIVISION
 150 Beavercreek Rd, Oregon City, OR 97045
 Phone: (503) 742-4500, FAX: 503-742-4550

Pre-App Conference ZPAC0012-20 2/25/20
 38730 SE Highway 211

Name	Agency / Dept	Phone	E-mail
Clay Glasgow	Clackamas Co. DTD, Planning & Zoning Division (Conditional Use)	503-742-4520	clayg@clackamas.us
WENDI CORYELL	DTD Street/MT SDC	503-742-4657	wendicar@clackamas.us
Kenneth Kent	Clackamas County Engineering	503-742-4673	KenKen@clackamas.us
Sallie Odenthal	OAOR	9714078591	infinitehealing@comcast.net
Ken Iskauda	OAOR	360-339-7477	drigator@hotmail.com
Phra Sam	OAOR		
Phravutticha ChooKaew	OAOR	206-518-7089	woodythemonk@me.com

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

804 PLACES OF WORSHIP

804.01 STANDARDS

Places of worship shall comply with the following standards:

- A. Maximum Lot Coverage: The maximum lot coverage is 50 percent.
- B. Maximum Building Height: The maximum building height is 50 feet.
- C. Minimum Rear Setback: The minimum rear setback is 20 feet plus five feet for each story in excess of two.
- D. Minimum Side Setback: The minimum side setback is 20 feet plus five feet for each story in excess of two.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-268, 10/2/18]

804-1

Last Amended 10/2/18



Geographic Information Systems
 168 Warner-Milne Rd
 Oregon City, OR 97045

Property Report

OREGON ARIYAMAGGA OKASATI REFUGE
PO BOX 1748
SANDY, OR 97055

Site Address: **38730 SE HWY 211**
 Taxlot **24E24BA01100**
 Land Value: **187144**
 Building Value: **19780**
 Total Value: **206924**

Acreage: **5.11**
 Year Built:
 Sale Date: **06/30/2017**
 Sale Amount: **320000**
 Sale Type: **S**

Land Class:

401

Building Class:

Neighborhood:

Boring to Sandy all other

Taxcode Districts: **046004**

Fire **Sandy Fire Dist #72**
 Park **N/A**
 School **Oregon Trail**
 Sewer **N/A**
 Water **N/A**
 Cable **Wave Broadband (Sandy)**
 CPO **Sandy**
 Garb/Recyc **Waste Management of Oregon**
 City/County **Clackamas Co.**

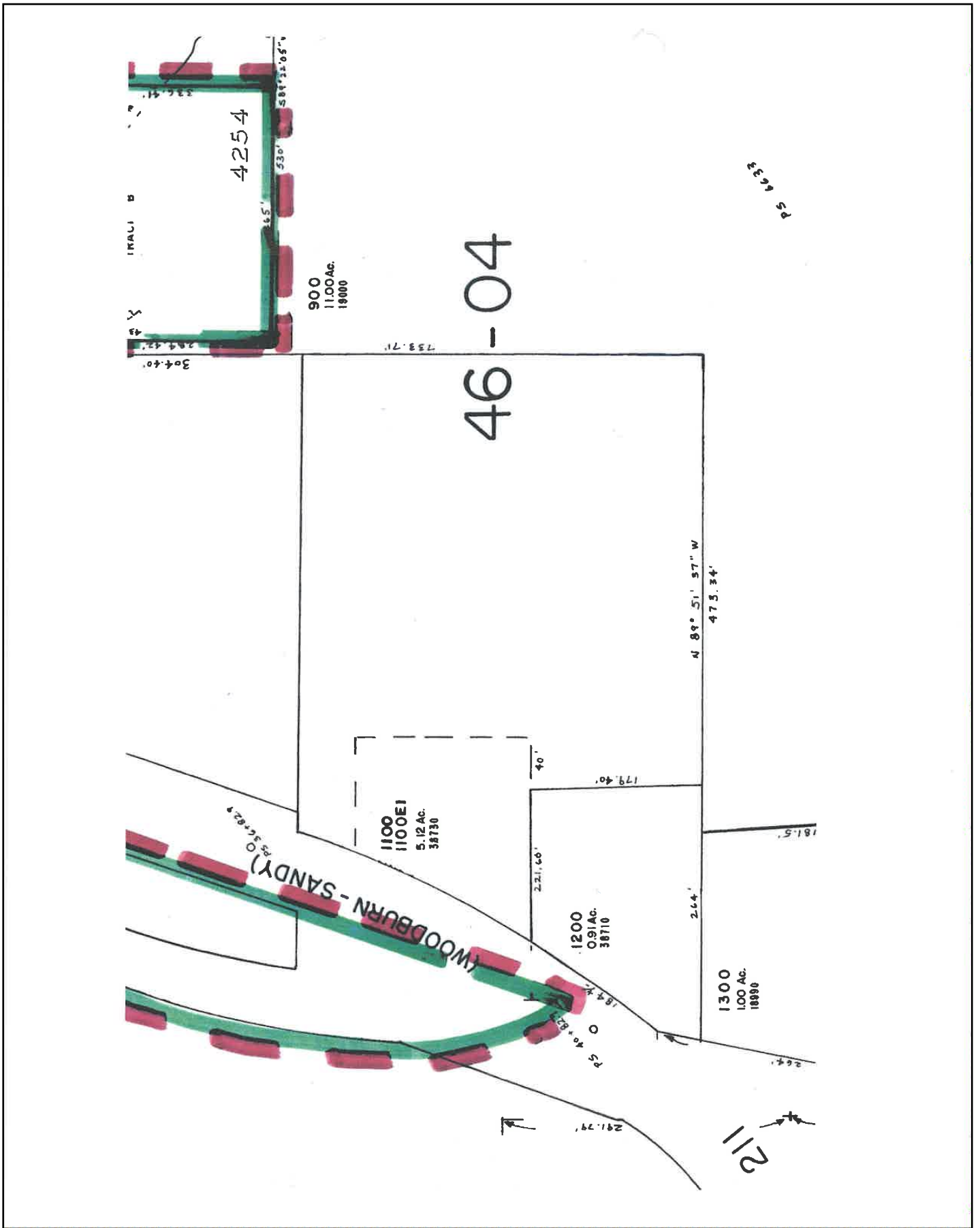
Location Map:



Site		Zoning Designation(s):			
UGB:	SANDY	<u>Zone</u>	<u>Overlays:</u>	<u>Acreage:</u>	
Flood Zone:	Not Available	RRFF5	N/A	5.11	

This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

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ZPAC0012-20

500 PD 1-29-2020
4

Pre-Application Conference Request Form

The following information is required for a pre-application conference.

PLEASE PRINT

DATE RECEIVED: 1-29-2020

(Check appropriate land use application type.) Zone Change Partition/Subdivision
 Design Review Conditional Use Home Occupation Exception

Contact Information: Owner Architect Engineer Other

Contact/Applicant's Name: Tracy Brown
 Mailing Address: 17075 Fir Drive City/State/Zip: Sandy, OR 97055
 E-Mail: tbrownplan@gmail.com Phone: (503) 781-0453

Contact Information: Owner Architect Engineer Other

Contact's/Applicant's Name: PhraWoody (Oregon Ariyamagga Okasati Refuge (info@oao.org))
 Mailing Address: P.O. Box 1748 City/State/Zip: Sandy, OR 97055
 E-Mail: woodythemonk@gmail.com Phone: 562-980-6179

Property Information

Property Address: 38730 Highway 211, Sandy, OR 97055
 Legal Description: T 2 S, R 4 EW/Q, Section 24BA Tax Lot(s) 1100
 (For property legal description, contact Planning & Zoning at 503-742-4500)

Project Description:
Conditional Use Permit to allow a "place of worship" for the Oregon Ariyamagga Okasati Refuge community in compliance with the requirements of Clackamas Code Section 804.

Current Zoning: RREF-5 Existing Bldg. Square Footage: _____
 Building Valuation: \$19,780.00 Proposed New Square Footage: _____

Partitions/Subdivisions Number of Lots: _____ Measure 49: _____

Multifamily Development: Studio (# Units): _____ Square Feet
 One Bedroom (# Units): _____ Square Feet
 Two Bedroom (# Units): _____ Square Feet
 Three Bedroom (# Units): _____ Square Feet

**PRE-APPLICATION CONFERENCE REQUEST
OREGON ARIYAMAGGA OKASATI REFUGE
38730 Highway 211, Sandy, OR 97055**

Request: The applicant is requesting a pre-application conference prior to filing a Conditional Use Permit request to use the subject property as a place of worship for the Oregon Ariyamagga Okasati Refuge community.

Background: The subject property is zoned Rural Residential Farm Forest 5-Acre (RRFF-5) in Clackamas County and a "Place of Worship" is listed as a Conditional Use in this zone.

As identified by the Treasurer of the organization, the group is a Buddhist religious organization with tax exempt status and the property is intended to be a hermitage where Buddhist monks reside and interact with the lay community. A manufactured home and a small house connected to city water and sewer facilities are currently located on the property. At this time five monks and a lay supporter reside on the property.

Current Activities: There are no regularly scheduled activities that occur on the property. On weekends it is common for a few but no more than 20 people to visit the site. During Buddhist ceremonial days which occur about four times a year, up to 200 people may also visit the property for part of a day. In addition, the monks may offer meditation sessions attended by up to 20 people once or twice a month.

Future Plans: In the next five to 10 years, depending on funding, the organization hopes to construct a meditation/ceremonial hall to accommodate 100 people and facilities to support 10-20 overnight visitors on the property.

Questions: The applicant requests information regarding the following questions:

1. Since funding is uncertain regarding construction of the meditation/ceremonial hall, if the Conditional Use Permit is approved without this facility, could the Conditional Use Permit be modified to include it at a later date?
2. What are the process steps involved in this request?
3. What are the submittal requirements and what information is necessary?
4. What are the review criteria for this request?
5. What are the application fees?
6. If submitted and deemed complete, will this request receive staff support?



CONDITIONAL USE - PRE-APPLICATION INFORMATION SHEET

File Number: ZPAC0012-20

Conference Date: February 25, 2020

Time: 9:00am Rm: 209

CUP Planner: Clay Glasgow

Phone No.: 503-742-4520

E-mail: clayg@clackamas.us

Applicant(s): Tracy Brown (for Oregon Ariyamagga Okasati Refuge)

Phone No.: 503-781-0543

Applicant(s) E-mail Address: tbbrown@gmail.com

Site Address: 38730 SE Highway 211

Legal Description: T2S, R4E, Section 24BA, Tax Lot 01100

Zone(s): RRFF-5, Rural Residential Farm Forest, 5-acre

UGB: inside Total Land Area: approximately 5.11-acres

Description of Proposed Use: request to allow "place of worship" for the Oregon Ariyamagga Okasati Refuge community. Intended to be a hermitage where Buddhist monks reside and interact with the lay community. Phased development.

Type of Application(s) Required / Filing Fee / Application Process:

Conditional Use Permit (\$3,945) Requires Public Hearing

Other(s) _____

*Note: Fees may change between your pre-application conference and application submittal.

Previous Land Use Actions:

Past Approvals: (History Files, Accela, Rolodex, Fiche, Permits Plus, App. Extender, Old Building Records, Replacement Dwelling Agreements, Tax Assessors, Old Aerial Photos, etc.):

Background Research, Review of Resource Inventories, etc.

River Resources:

- Flood Hazard Development: No Section 703, No
RSCA (Rural, Outside Metro Areas): Section 704 / Design Plan: No, not subject
Stream Size: S M L / Minimum Setback -
Willamette River Greenway (WRG): Section 705, No
Habitat Conservation Area District (HCAD) (Urban): Section 706, No
Water Quality Res. Area Dist. (WQRAD) (Service Dist. #1, SWMAC): Section 709, No

Wetland Inventories:

National Wetland Inventory, No;

North Urban Area Inventory, Development subject to Section 709, NO

Other Inventories and Requirements:

Legal Lot of Record	YES
Private Use Airport & Safety Overlay Zone, Section 712,	NO
Public Use Airport & Safety Overlay Zone, Section 713,	NO
Historic Landmark/Barlow Trail	Section 707, NO
Water Purveyor Letter	NO
Erosion Control Area/Tualatin Basin	NO
Geologic Hazards Map	NO
Slopes	Greater than 20% 35% NO
Big Game W.R.	NO
Urban Reserve Area	NO
Inside City UGB (UGMA)	NO
Soils Types – High Value	NO
Sensitive Groundwater Area, Section 1006.	NO
Landslide Deposits	NO

Comprehensive Plan Design Areas:

Government Camp./Mt. Hood	NO
Sunnyside Village	NO
Sunnyside Corridor	NO
McLoughlin Corridor	NO
CRC	NO
Kruse Way	NO
Clackamas Ind. Area/North Bank	NO

REQUIRED CRITERIA to be addressed from the Zoning and Development Ordinance:

- Conditional Use Criteria: 1203.03(A-F)
- Zone that the site is located in: 401 – EFU
- Section 800 Standards:

1000 Series:

- 1002 Protection of Natural Features:
- 1003 Hazards to Safety:
- 1004 Historic Protection:
- 1005 Sustainable Site and Building Design: All

1006 Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency: 1006.03; 1006.06; 1006.08

1007 Roads and Connectivity: 1007.03; 1007.04; 1007.06; 1007.09

1008 Storm Drainage: 1008.02

1009 Landscaping: Table 1009-1; 1009.03; 1009.04; 1009.05; 1009.11

1010 Signs:

1011 Open Space and Parks:

1015 Parking and Loading: Table 1015-2; 1015.04; 1015.05; Table 1015-4

1021 Refuse and Recycling Standards: 1021.05

Other:

Comprehensive Plan Policies: Chapter 4, Ag; Chapter 5, Roadways are located at: Clackamas County webpage: www.clackamas.us. Click on Depts. A-Z. Click on "Planning". Find: Comprehensive Plan,

Other Requirements:

Traffic Study Required:

Design Review:

Service Providers and CPO:

Water District: Clackamas River Water

Sewer District:

Storm Drainage / Section 1008: Engineering Division

Fire District: CC RFPD#1

CPO Contact: Beaver Creek

Hamlet/Village:

Transportation and Park System Development Charges; Contact Lori Phillips, Development Agency, 503-742-4331, loriphi@co.clackamas.or.us

Submittal Requirements.

Other Comments:

Clackamas County webpage: www.clackamas.us. Click on Depts A-Z. Click on "Planning". Find: C-Map, Forms, ZDO, Comprehensive Plan, and other important information.

DEVELOPMENT REVIEW STAFF

CLACKAMAS COUNTY		
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EXHIBIT H

RECEIVED

SEP 21 2020

CITY OF SANDY

COMMENT SHEET for File No. 20-025 ANN:

As a property owner located within 500 feet of this property, I strongly support the annexation of this property into the City of Sandy and welcome the monks of the OAOR into our community.

David C. Snider
Your Name
503-475-8430
Phone Number
30808 Cascadia Village Drive
Address

APPLICABLE CRITERIA: Sandy Municipal Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.20 Public Hearings; 17.22 Notices; 17.26 Zoning District Amendments; 17.30 Zoning Districts; 17.34 Single Family Residential (SFR); 17.78 Annexation