

Annexation Request Narrative
for

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

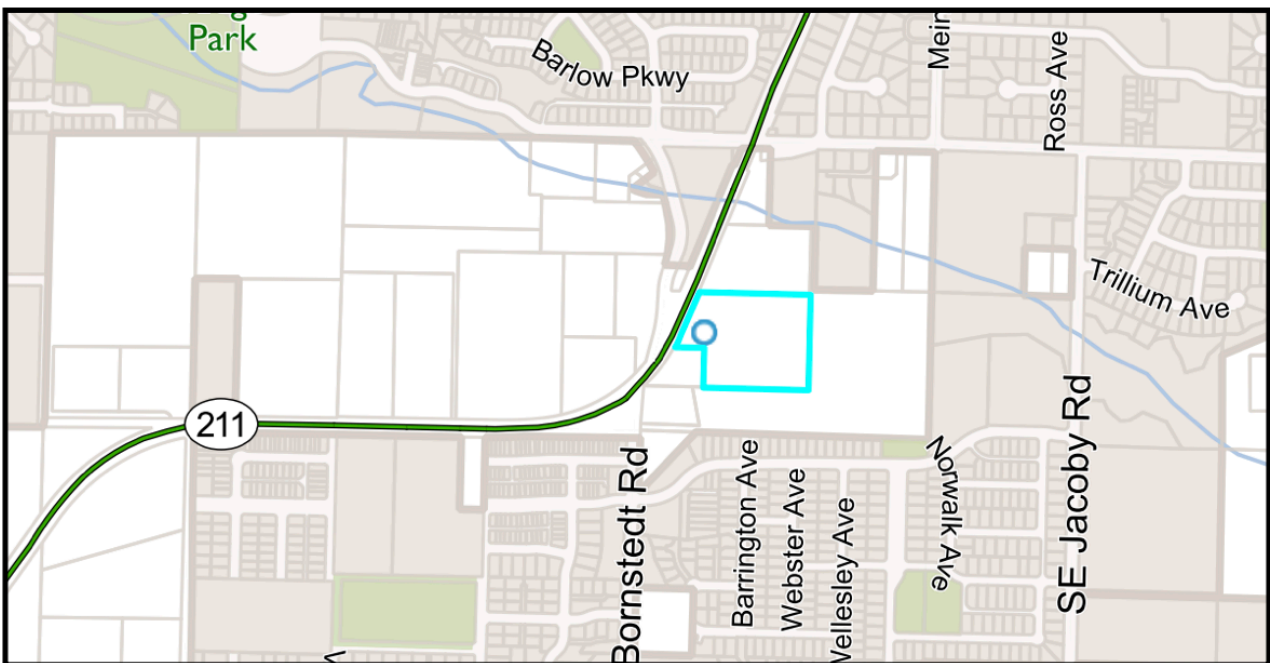


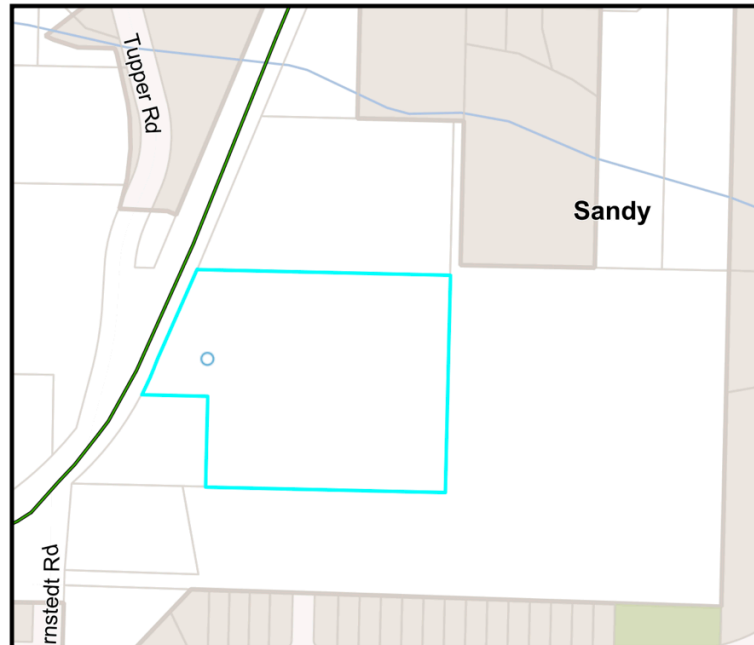
June 2020

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.