

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

DATE: August 23, 2021

FILE NO.: 21-027 ANN

PROJECT NAME: 37685 Olson Road Annexation

OWNER/APPLICANT: Jeff Saul

LEGAL DESCRIPTION: 24E11AC, Tax Lot 1300

The above-referenced proposal was reviewed as a Type IV Annexation. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the recommended conditions of approval.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application for Annexation
- B. Land Use Application Supplemental Form No. 1
- C. Land Use Application for Sewer Extension
- D. Project Narrative (email on June 15, 2021)
- E. Site Boundary Survey
- F. Sewer Extension Plat
- G. Sewer Extension Plans
- H. Sewer Easement Descriptions
- I. Sewer Easement Survey
- J. Topographic Site Survey

Agency Comments:

- K. Fire District No. 72 Fire Marshall (July 12, 2021)

Public Comments:

- L. Jeannine Cansler (August 9, 2021)
- M. Matthew Barreau (August 12, 2021)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittal received on May 26, 2021. The application was deemed incomplete on June 14, 2021. The applicant submitted additional materials on June 15, 2021 and June 21, 2021. With the new materials, the application was deemed complete on June 29, 2021.
2. This report is based upon the Exhibits listed above as well as the agency comment from the Fire District.
3. The subject site is approximately 2.62 acres. The site is located at 37685 Olson Road.
4. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a conceptual zoning map designation of Single Family Residential (SFR). The property has a County zoning designation of RRFF-5 (Rural Residential Farm Forest, 5 acre).
5. The applicant and owner, Jeff Saul, is requesting approval to annex the subject site into the City of Sandy. The subject site is located within an unincorporated island of land in Clackamas County jurisdiction and is surrounded by and is contiguous to incorporated property.
6. Notification of the proposed application was mailed to affected agencies on June 29, 2021 and to surrounding property owners within 500 feet of the subject property on July 28, 2021. The proposal was submitted to DLCD on July 19, 2021.
7. A legal notice was printed in the Sandy Post on August 11, 2021.
8. According to the Fire District No. 72 Fire Marshal (Exhibit K), **all future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.**
9. As of publication of this staff report, two public comments have been received. Both comments are supportive of this annexation request.

17.78 – Annexation

10. This annexation application is being reviewed under the annexation code effective on June 9, 2020.
11. 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.

12. Section 17.78.20 details conditions for annexation. Subsection(A) requires that ORS standards for annexation be met. Staff has determined that the process which Sandy uses to annex in properties meets state requirements. Subsection (B) requires that the property be within Sandy’s Urban Growth Boundary, which it is. Subsection (C) explains that the site must be contiguous to the city or separated from it only by a public right-of-way. The site is contiguous with city limits along the east property line.
13. 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 ten years of the application. Staff has not identified any significant tree removal from the subject property within the last ten (10) 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.**
14. 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 Low Density Residential and the conceptual zoning designation of Single Family Residential (SFR) be applied to the property.
15. Section 17.78.50 details annexation criteria. An annexation request need only meet one criterion. Section 17.78.50(B) allows for “island” annexations under ORS 222.750. 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. Therefore, this criterion is met.
16. In order to connect to sanitary sewer, sewer will need to be extended to the subject property from the west due to gravity constraints. The applicant has submitted information related to a sewer easement on his property and the adjacent property to the west. **The applicant shall meet all requirements for recording these easements and extending sanitary sewer to the property prior to any development of 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.

CONDITIONS OF APPROVAL

1. The zoning map designation for this property shall be Single Family Residential (SFR) as identified on the zoning map.
2. The comprehensive plan map designation for this property shall be Low Density Residential.
3. Any future development shall meet the Sandy Municipal Code requirements.

4. 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.
5. 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.
6. All future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.
7. The applicant shall meet all requirements for recording sewer easements and extending sanitary sewer to the property prior to any development of the property.