

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

This proposal was reviewed as a Type IV Annexation. The following exhibits and findings of fact explain the proposal and support the staff recommendation.

**DATE:** September 17, 2021

**FILE NO.:** 21-041 ANN

**PROJECT NAME:** Annexation of 16370 Royal Lane

**APPLICANT:** City of Sandy

**OWNER:** Miller Family Trust, Douglas and Barbara Rebok Revocable Trust

**LEGAL DESCRIPTION:** 24E11, Tax Lot 3500

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## **EXHIBITS**

### **Applicant's Submittals:**

- A. Land Use Application from Miller Family Trust
- B. Authorization Letter from Rebok Revocable Trust
- C. Supplemental Annexation Form
- D. Supplemental Land Use Application Form
- E. Project Narrative
- F. Preliminary Title Report
- G. Legal Description
- H. Pre-application Notes

### **Agency Comments:**

- I. Fire District No. 72 Fire Marshal (August 24, 2021)

### **Public Comments:**

- J. Joe and Teresa Smith (August 24, 2021)

## FINDINGS OF FACT

### GENERAL FINDINGS

1. These findings are based on the applicant's submittal received on July 1, 2021. This report is based upon the Exhibits listed above as well as an agency comment from the Fire District (Exhibit I).
2. The subject site is approximately 15.21 acres. The site is located at 16370 Royal Lane.
3. The parcel has a Comprehensive Plan Map designation of Retail/Commercial and a conceptual zoning map designation of General Commercial (C-2). The property has a County zoning designation of RRF-5 (Rural Residential Farm Forest, 5 acre).
4. The City of Sandy is requesting annexation of 16370 Royal Lane on behalf of the Miller Family Trust and Douglas and Barbara Rebok Revocable Trust. The annexation area includes 15.21 acres and the conceptual zoning designation for the property is General Commercial (C-2). The primary reason for the annexation is to accommodate the future extension of Bell Street, but the annexation will also allow the 15.21 acres to develop as an urban use.
5. On page 5 of the project narrative (Exhibit E) the applicant asked to elevate this annexation request directly to City Council and bypass the Planning Commission recommendation. The Development Services Director did not agree to this request and has scheduled hearings before the Planning Commission and City Council in compliance with Section 17.78.70.
6. The project narrative (Exhibit E) includes information on the FSH Overlay that is located on the subject property. Since this application is for annexation and not development, an FSH Overlay review is not relevant at this time but will be applicable upon future development of the property. The existing mapped FSH overlay on the zoning map will be applied as part of the zone change that will occur with the annexation.
7. Notification of the proposed application was mailed to affected agencies on August 17, 2021 and to surrounding property owners within 1,000 feet of the subject property on August 18, 2021. The proposal was submitted to DLCD on July 29, 2021.
8. A legal notice was printed in the Sandy Post on September 15, 2021.
9. According to the Fire District No. 72 Fire Marshal (Exhibit I), **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.**
10. As of publication of this staff report, one public comment has been received. The public comment from Joe and Teresa Smith (Exhibit J) was supportive of this annexation request.

## **ANNEXATION – Chapter 17.78**

11. Section 17.78.15 explains the types of annexation. This proposal qualifies as a Type A annexation, which is an annexation in conformance with the City’s conceptual zoning designations.
12. Section 17.78.20 details conditions for annexation.
  - a. Subsection (A) requires that ORS standards for annexation be met. Staff has determined that the process that Sandy uses to annex properties meets state requirements.
  - b. Subsection (B) requires that the property be within Sandy’s Urban Growth Boundary (UGB). The subject property is located in the UGB.
  - c. 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 surrounded by city limits. Page 4 of the project narrative (Exhibit E) includes diagrams detailing how the city limits line would be modified if the subject property is annexed.
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 and potentially Chapter 17.60. 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 Retail/Commercial and the conceptual zoning designation of General Commercial (C-2) be applied to the property upon annexation.
15. Section 17.78.40 includes information on existing uses and structures. The subject property has an existing house and associated accessory building. If the subject property is annexed these structures will be existing non-conforming uses. Once located in city limits, any future development of the property would need to adhere to the uses in the General Commercial (C-2) zoning district.
16. Section 17.78.50 details annexation criteria. On pages 16-19 of the project narrative (Exhibit E) the applicant explains how the subject annexation request meets the applicable annexation criteria. While this analysis completed by the applicant is appreciated by staff, Section 17.78.50(B) allows for “island” annexations under ORS 222.750 without completing the analysis in Section 17.78.50 (A.1.) and (A.2.). Currently, the subject property is within an unincorporated island. Generally, it is good planning practice to annex land within unincorporated islands. Furthermore, since this property was located inside the UGB at the time of the last Transportation System Plan (TSP) adoption this subject property is not subject to TPR finding requirements in Section 17.78.50 (A.3.).

17. In conformance with Section 17.78.50 (A.4.c.) the proposed annexation is in the best interest of the City of Sandy as it provides for a needed transportation connection (i.e. Bell Street) as defined in the Transportation System Plan.

## **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 General Commercial (C-2) with the Flood and Slope Hazard (FSH) Overlay on a portion of the property as identified on the zoning map.
2. The comprehensive plan map designation for this property shall be Retail/ Commercial.
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 and potentially Chapter 17.60. 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.