

**FINDINGS OF FACT and FINAL ORDER  
TYPE II LAND USE DECISION**

**DATE:** March 5, 2020

**FILE NO.:** 20-008 MP

**PROJECT NAME:** Marshall Ridge Replat

**APPLICANT/OWNER:** Stafford Homes and Land

**SURVEYOR:** All County Surveyors and Planners, Inc.

**LEGAL DESCRIPTION:** T2S R4E Section 24 Tax Lots 23800 and 23900

**DECISION:** Approved subject to conditions of approval

The above-referenced proposal was reviewed as a Type II Major Partition, 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 Submission**

- A. Land Use Application
- B. Project Narrative
- C. Plan Set
  - Partition Plat

**Agency Review Comments**

None

**Public Comments**

- D. Joseph Schlosser (February 29, 2020)

**FINDINGS OF FACT**

**General**

1. These findings are based on the applicant's original submittal received on February 14, 2020. The application was deemed complete on February 19, 2020.

2. The subject site consists of two legal lots of record (as well as two tax lots) with a total area of approximately 0.345 acres (15,010 square feet). There are currently no structures on the parcels.
3. The parcel has a Plan Map designation of Village and a Zoning Map designation of Single Family Residential, SFR.
4. The application submitted by All County Surveyors and Planners, Inc. on behalf of Stafford Homes and Land is for a replat to consolidate lots 34 and 35 in the Marshall Ridge subdivision (Recorded November 26, 2019). The subdivision was originally approved in File No. 17-066 SUB/VAR. **All conditions from the approval of the subdivision application will remain in effect.**
5. Notification of the proposal was mailed to property owners within 300 feet of the subject property and to affected agencies on February 19, 2020.
6. One public comment was received on February 29, 2020 from Joseph Schlosser, 38310 Juniper Street. He is concerned that the size of the lot will mismatch the rest of the street.

#### **Chapter 17.100 – Land Division**

7. The proposal is subject to Land Division requirements as contained in Chapter 17.100. Subsection 17.100.40(D) identifies requirements for minor and major partition approval.
8. Section 17.100.40(D)(1) requires that the proposed partition is consistent with the density, setback and dimensional standards of the base zoning district. Based on required density, the Single Family Residential (SFR) land area for the Marshall Ridge subdivision required a minimum of 21 dwelling units (7.02 NSA x 3) and a maximum of 41 dwelling units (7.02 NSA x 5.8). The platted subdivision has 37 dwelling units and is within this range and therefore meets the density requirements. The proposal to reduce the subdivision to 36 lots does not compromise the density requirements.
9. Section 17.100.40(D)(2) requires that the proposed partition is consistent with the design standards set forth in the chapter. The applicant assures that the future single-family home will meet the design features required for the subdivision. The design features for the single-family home will be analyzed by City of Sandy staff when a building permit application is submitted.
10. Section 17.100.40(D)(3) requires that adequate public facilities are available or can be provided to serve the proposed partition. All public utilities are already installed and designed to accommodate the development of the proposed lot. Typically, right-of-way improvements are completed or bonded prior to the recording of a partition plat. However, with this replat, all public right-of-way improvements will be conditioned with the building permit and shall be installed prior to the certificate of occupancy for the house.

11. Section 17.100.40(D)(4) requires that the proposed improvements meet City standards. The applicant assures that all improvements will meet City standards. This will be verified by City of Sandy staff prior to issuance of the certificate of occupancy for the proposed lot.
12. Section 17.100.40(D)(5) requires that the plan preserves potential for future redivision of the parcels, if applicable. Staff does not find that redivision of the lots will be applicable in the future. Since the parcel is proposed to be only 15,010 square feet and since the house will be sited in the middle of the property, staff does not anticipate future redivision.

## **DECISION**

For the reasons described above, the request by Stafford Homes and Land to replat Lots 34 and 35 into one legal lot of record is hereby **approved** as modified by the conditions listed below.

## **CONDITIONS OF APPROVAL**

- A. All conditions from Final Order 17-066 SUB/VAR still apply and shall be met.**
- B. General Conditions of Approval**
  1. The frontage on Maple Street will be limited to one driveway at 24 feet in width. The frontage on Aspen Avenue cannot include a driveway as the right-of-way has a green street planter strip/swale.
  2. All public right-of-way improvements will be conditioned with the building permit and shall be installed prior to the certificate of occupancy for the house.
  3. Add City of Sandy Planning File No. "20-008 MP" to the final partition plat submittal.
  4. Submit two paper copies of a Final Plat with required fee for City review.
  5. Submit a Mylar version of the Final Plat for signature.
  6. Submit a digital version of the recorded plat.
  7. Successors-in-interest of the applicant shall comply with requirements of this partition approval prior to recording of the partition plat.
  8. Approval of this partition may be revoked if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the site. Any use of the site may be prohibited until such time as all required improvements are completed.
  9. Any conditions or regulations required by Clackamas County, Fire District No. 72, or state or federal agencies are hereby made a part of this permit and any violation of these

conditions and/or regulations or conditions of this approval will result in the review of this permit and/or revocation.

  
Shelley Denison  
Associate Planner

## RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 12 calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.