

**FINDINGS OF FACT and FINAL ORDER
TYPE I ACCESSORY DWELLING UNIT**

DATE: October 27, 2020

FILE NO.: 20-042 ADU

PROJECT NAME: 38005 Juniper Street ADU

APPLICANT/OWNER: Mac Even

LOCATION: 38005 Juniper Street (Lot 10 of the Mt View Ridge Subdivision)

LEGAL DESCRIPTION: T2S R5E Section 23AD Tax Lot 12010

DECISION: Approved with conditions

The above-referenced proposal was reviewed as a Type I Accessory Dwelling Unit. 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. Narrative and Floor Plan

Additional Material from Staff

- C. Site Plan from Building Permit #19-7647-DWL

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on October 20, 2020.
2. The applicant requests a Type I accessory dwelling unit (ADU) review under the provisions of Section 17.74.70 of the Development Code to certify a secondary dwelling as a legal accessory dwelling unit for 38005 Juniper Street.
3. The subject lot is Lot 10 of the Mt. View Ridge Subdivision and contains approximately 0.19 acres. The subject property is zoned Single Family Residential, SFR, and is located in the Bornstedt Village Overlay (BVO).

4. The subdivision was originally approved in File No. 16-039 SUB/VAR. **All conditions from Final Order 16-039 SUB/VAR still apply and shall be met.**
5. There are currently no structures on the lot of record, though there are plans to construct a single family home. The ADU is proposed to be an attached ADU located on the lower floor of the primary residence (i.e. the proposed single family home). **The proposed primary dwelling shall be assigned A and the ADU shall be assigned B to the parent address of 38005 Juniper Street. The applicant shall notify the post office regarding the assignment of A and B.**
6. Construction of an ADU requires a building permit and shall adhere to the Oregon Building codes for structural, plumbing, electrical, and mechanical requirements. **The applicant shall obtain a building permit from the City of Sandy prior to construction of the single family home and ADU. The applicant shall follow all requirements of the building permit.**
7. The ADU requires payment of System Development Charges (SDCs). **The applicant shall pay all SDCs at time of building permit issuance. The following SDCs are applicable to the ADU: Parks \$2,495.00; Sanitary Sewer \$3,422.30; and Transportation \$2,635.11.**

Chapter 17.34 – Single Family Residential (SFR)

8. The subject property is zoned SFR, Single Family Residential. Section 17.34.10 lists accessory dwelling units as an accessory use permitted outright in the SFR zoning district subject to the provisions in Chapter 17.74.

Chapter 17.54 – Specific Area Plan Overlay

9. The subject property is within the Bornstedt Village Overlay (BVO) District, which has specific design criteria as outlined in Chapter 17.54. The single family residence will need to adhere to the BVO standards; however, there are no additional standards that would affect an attached ADU.

Chapter 17.74 – Accessory Development

10. Section 17.74.70(B) contains dimensional standards for ADUs. The maximum square footage for an ADU is 600 square feet. The proposed ADU is 565 square feet in compliance with this standard. **The accessory dwelling unit shall not exceed 600 square feet in area.**
11. The proposed ADU is part of the primary dwelling unit, which meets the dimensional standards related to setback and height.
12. The ADU is located on the ground floor of the primary residence and is subordinate to the primary residence. The ADU will be accessed through a separate door on the south side of the primary residence facing Juniper Street. **The applicant shall submit a revised site plan that details the location of an ingress/egress path that connects the entrance of the ADU to the sidewalk.**
13. Per Section 17.74.70(B), **the ADU shall not have greater than three occupants.** The occupancy requirements that relate to owner in Section 17.74.70(C) are no longer valid with the passing of House Bill 2001.

DECISION

The applicant's request for a Type I Accessory Dwelling Unit at 38005 Juniper Street is **approved** as the proposal is in conformance with the criteria outlined in the Sandy Development Code, including Section 17.74.70.

CONDITIONS OF APPROVAL

1. All conditions from Final Order 16-039 SUB/VAR still apply and shall be met.
2. The proposed primary dwelling shall be assigned A and the ADU shall be assigned B to the parent address of 38005 Juniper Street. The applicant shall notify the post office regarding the assignment of A and B.
3. The applicant shall obtain a building permit from the City of Sandy prior to construction of the single-family home and ADU. The applicant shall follow all requirements of the building permit.
4. The applicant shall pay all SDCs at time of building permit issuance. The following SDCs are applicable to the ADU: Parks \$2,495.00; Sanitary Sewer \$3,422.30; and Transportation \$2,635.11.
5. The accessory dwelling unit shall not exceed 600 square feet in area.
6. The applicant shall submit a revised site plan that details the location of an ingress/egress path that connects the entrance of the ADU to the sidewalk.
7. The accessory dwelling unit shall not have greater than three occupants.
8. The City may revoke this Type I Accessory Dwelling Unit if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.
9. Approval for the construction of the ADU shall be effective for a 2-year period from the date of this letter. If substantial construction of the ADU has not taken place by the end of the 2-year period, approval for the construction of the ADU will expire. The Director may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.



Kelly O'Neill Jr.
Development Services Director

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 twelve (12) days of notice of the decision. The notice of 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.