

**FINDINGS OF FACT and FINAL ORDER
TYPE I PROPERTY LINE ADJUSTMENT**

DATE: May 13, 2021

FILE NO.: 21-016 PLA

PROJECT NAME: Leslie Property Line Adjustment

APPLICANT/OWNER: William and Kristi Leslie

LOCATION: 37625 and 37611 Kelso Road

LEGAL DESCRIPTION: T2S R4E Section 02DD Tax Lots 2800, 2900, and 2901

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Property Line Adjustment Map (*not surveyed*)

Items included by Planning Division Staff

- C. Tax Map T2S R4E Section 02DD
- D. Deed for 37625 Kelso Road
- E. Deed for 37611 Kelso Road

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on April 8, 2021. The application was deemed complete on May 4, 2021.
2. The applicant requests a Type I Property Line Adjustment in accordance with Section 17.100.30 of the Sandy Municipal Code. The request is to adjust the common lot line between 37625 Kelso Road (tax lots 2800 and 2900) and 37611 Kelso Road (tax lot 2901).
3. 37625 Kelso Road (tax lots 2800 and 2900) is proposed to increase from 1.24 acres to 1.46 acres, or an increase of 0.22 acres (9,450 square feet). 37611 Kelso Road is proposed to decrease in size from approximately 1.57 acres to 1.35 acres, or a reduction of 0.22 acres (9,450 square feet). No new lots are being proposed.
4. The subject lots are zoned as Low Density Residential (R-1). There are existing structures on both of the applicable lots. All existing structures appear to meet required setbacks;

however, the submitted map (Exhibit B) is not surveyed and does not include setbacks. **The applicant shall submit a surveyed map (from a licensed surveyor) detailing the lot dimensions and proposed lot areas. The surveyor shall also submit a surveyed map detailing the setbacks to all structures on 37625 and 37611 Kelso Road to the proposed common lot line. If an applicable structure setback is not met along the proposed common lot line for the R-1 zoning district, then the property line adjustment map shall be modified so all setbacks are met.**

Chapter 17.100 – Land Division

5. Section 17.100.30(C) specifies the criteria for reviewing Property Line Adjustments. These criteria include: 1) No additional parcels are created; 2) All parcels meet the density requirements and dimensional standards of the base zoning district; and, 3) Access, utilities, easements and proposed future streets will not be adversely affected by the property line adjustment.
6. The property line adjustment will not create additional lots or parcels. The site currently contains two legal lots of record and two legal lots of record will exist after the adjustment. 37625 Kelso Road has two tax lots (tax lots 2800 and 2900) and 37611 Kelso Road has one tax lot (tax lot 2901). As such, the proposal complies with Section 17.100.30(C)(1).
7. The two proposed legal lots of record are zoned R-1. Both lots are capable of achieving density requirements (as applicable) and dimensional standards. Both existing legal lots of record meet the minimum lot size requirement in the R-1 zoning district and will meet the minimum lot size requirement after the property line adjustment is recorded. As such, the proposal complies with Section 17.100.30(C)(2).
8. The proposed property line adjustment will not adversely impact access, utilities, easements and future streets. Sanitary sewer is not available in Kelso Road and therefore the properties do not connect to sanitary sewer. As such, the proposal meets the requirements of Section 17.100.30(C)(3).
9. All lots require public street frontage as prescribed by Section 17.100.220(C). Both of the lots have street frontage and will continue to have street frontage after the lot line adjustment occurs. The flag pole portion of 37625 Kelso Road has 30 feet of street frontage on Kelso Road, which exceeds the minimum standard of 15 feet as required in Section 17.100.170.

Chapter 17.102 – Urban Forestry

10. At least three trees at 11 inches DBH or greater are required to be retained for every one acre of contiguously owned land. The subject properties (37625 and 37611 Kelso Road) are over one acre of contiguous ownership (2.81 acres) and therefore are regulated by Chapter 17.102. **No trees shall be removed from the properties owned by William and Kristi Leslie (37625 and 37611 Kelso Road) without an approved tree removal permit.**

DECISION

The request by William and Kristi Leslie for a Type I Property Line Adjustment is in conformance with the approval criteria outlined in the Sandy Development Code, Section 17.100.30 and is hereby **approved** per the conditions of approval below.

CONDITIONS OF APPROVAL

A. Prior to submission of the final map:

1. The applicant shall submit a surveyed map (from a licensed surveyor) detailing the lot dimensions and proposed lot areas. The surveyor shall also submit a surveyed map detailing the setbacks to all structures on 37625 and 37611 Kelso Road to the proposed common lot line. If an applicable structure setback is not met along the proposed common lot line for the R-1 zoning district, then the property line adjustment map shall be modified so all setbacks are met.
2. Add a signature block for the City of Sandy, Development Services Director, to the final property line adjustment survey as well as the appropriate Clackamas County offices.
3. Add "City of Sandy Planning File No. 21-016 PLA" to the final property line adjustment survey.

B. Final map review. Submit two paper copies of the final property line adjustment map along with the filing fee for staff review.

C. Once the Director is satisfied with the paper copies, please submit a Mylar copy of the final map for the Development Services Director signature.

D. General conditions:

1. Submit a true and exact copy of the property line adjustment (including electronic) within 30 days after recording including a boundary survey that complies with ORS Chapters 92 and 209.
2. All future development shall meet applicable requirements found in the Sandy Development Code.
3. No trees shall be removed from the properties owned by William and Kristi Leslie (37625 and 37611 Kelso Road) without an approved tree removal permit.



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.