

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

DATE: May 11, 2021

FILE NO.: 21-019 PLA

PROJECT NAME: 37950 Meeker Street PLA

APPLICANT: All County Surveyors and Planners, Inc.

OWNERS: Dan Copher (37950 Meeker Street) and LS PropDrop, LLC (Les Schwab parent lot – 37895 HWY 26)

LOCATION: 37950 Meeker Street

LEGAL DESCRIPTION : T2S R4E Section 14AD Tax Lots 1100, 1500 and 1600

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Project Narrative
- C. Pre-app Notes
- D. Deeds
- E. Property Line Adjustment Map

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on April 12, 2021 and additional materials received on April 29, 2021. The application was deemed complete on April 30, 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 37950 Meeker Street (tax lots 1100 and 1500) and the lot owned by Les Schwab on Highway 26 (tax lot 1600 – no situs address on file).
3. This property line adjustment will occur after the property line adjustment between 37920 Meeker Street (tax lot 1800) and tax lot 1600 per File No. 21-017 PLA.
4. 37950 Meeker Street (tax lots 1100 and 1500) is proposed to increase from 1.20 acres to 1.63 acres. Tax lot 1600 is proposed to decrease in size from 1.82 acres to 1.40 acres with

File No. 21-017 PLA and then be further decreased in size from 1.40 acres to 0.97 acres with this subject property line adjustment. No new lots are being proposed.

5. The subject lots are zoned as General Commercial (C-2). There are existing structures on both of the applicable lots. All existing structures appear to meet required setbacks.

Chapter 17.44 – General Commercial (C-2)

6. The two lots already connect to city utilities. Any private services laterals that are identified shall be preserved by easement or abandoned if the service laterals are no longer needed.

Chapter 17.100 – Land Division

7. 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.
8. 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. Tax lots 1100 is approximately 0.05 acres and separated from tax lot 1500 by 39.82 linear feet. Tax lots 1100 and 1500 shall be consolidated through this property line adjustment process. As such, the proposal complies with Section 17.100.30(C)(1).
9. The two proposed legal lots of record are zoned C-2. Both lots are capable of achieving density requirements (as applicable) and dimensional standards. As such, the proposal complies with Section 17.100.30(C)(2).
10. The proposed property line adjustment will not adversely impact access, utilities, easements and future streets. As such, the proposal meets the requirements of Section 17.100.30(C)(3).
11. 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.

Chapter 17.102 – Urban Forestry

12. At least three trees at 11 inches DBH or greater are required to be retained for every one acre of contiguously owned land. 37950 Meeker Street (tax lots 1100 and 1500) remains over one acre and therefore is regulated by Chapter 17.102. The two contiguous properties owned by Les Schwab (tax lots 1600 and 1700) are currently greater than one acre and will remain greater than one acre after the property line adjustments; therefore, Chapter 17.102 applies. **No trees shall be removed from the properties owned by Dan Copher (tax lots 1100 and 1500) or Les Schwab (tax lots 1600 and 1700) without an approved tree removal permit.**

DECISION

The request by All County Surveyors and Planners, Inc. on behalf of Dan Copher and LS PropDrop, LLC 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**. The applicants are permitted to adjust the common lot line between 37950 Meeker Street (tax lots 1100 and 1500) and the lot owned by Les Schwab on Highway 26 (tax lot 1600 – no situs address on file) to the location as identified in this submittal.

CONDITIONS OF APPROVAL

A. Prior to submission of the final map:

1. 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.
2. Add “City of Sandy Planning File No. 21-019 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 Dan Copher (tax lots 1100 and 1500) or Les Schwab (tax lots 1600 and 1700) 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.