

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

DATE: May 21, 2021

FILE NO.: 21-024 PLA

PROJECT NAME: Sandy Community Campus and Park St. Property Line Adjustment

APPLICANT: City of Sandy

OWNERS: City of Sandy and Gene Stewart

LOCATION: 17225 Smith Avenue and 38895 Park Street

LEGAL DESCRIPTION: T2S R4E Section 13BD Tax Lots 101 and 200

EXHIBITS:

Applicant's Submission

- A. Land Use Application from City of Sandy
- B. Land Use Application from Gene Stewart
- C. Property Line Adjustment Map
- D. Proposed deed document

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on May 14, 2021.
2. The property owners request 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 17225 Smith Avenue (tax lot 101) and 38895 Park Street (tax lot 200). The reason for this property line adjustment request is to remove encroachments on 17225 Smith Avenue and to permit required setbacks in preparation of a replat of the Sandy Community Campus property.
3. This property line adjustment will move the common lot line on the east side of 38895 Park Street 15 feet to the east. 17225 Smith Avenue (tax lot 101, otherwise known as Tract 2 in Exhibit C) is proposed to decrease from 10.89 acres to 10.79 acres, or a decrease of 0.10 acres (4,147 square feet). 38895 Park Street (tax lot 200, otherwise known as Tract 1 in Exhibit C) is proposed to increase in size from approximately 0.92 acres to 1.02 acres, or an increase of 0.10 acres (4,147 square feet). No new lots are being proposed.

Chapter 17.100 – Land Division

4. 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.
5. 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. 17225 Smith Avenue is one legal lot of record (tax lot 101) and 38895 Park Street is one legal lot of record (tax lot 200). As such, the proposal complies with Section 17.100.30(C)(1).
6. The two legal lots of record are zoned Medium Density Residential (R-2). 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-2 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).
7. 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).
8. 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.

Chapter 17.102 – Urban Forestry

9. At least three trees at 11 inches DBH or greater are required to be retained for every acre of contiguously owned land. In addition, both of the subject properties are encumbered by the Flood and Slope Hazard (FSH) Overlay as defined in Chapter 17.60. **No trees shall be removed from the properties owned by the City of Sandy or Gene Stewart without an approved tree removal permit and FSH overlay permit.**

DECISION

The request by the City of Sandy and Gene Stewart 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. 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. 21-024 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 the City of Sandy or Gene Stewart without an approved tree removal permit and FSH overlay 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.