

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

**DATE:** May 6, 2022

**FILE NO.:** 22-008 MP

**PROJECT NAME:** Barlow Trail Properties Replat

**APPLICANT/OWNER:** Shan Hill (Barlow Properties, LLC)

**ADDRESS:** 38922 and 38952 Pioneer Blvd; 38953 Junker St

**LEGAL DESCRIPTION:** 2S 4E 13CA, Tax lots 5400, 5500, 5600, and 5700

The above-referenced proposal was reviewed as a Type II Minor Replat. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application Forms
- B. Proposed Partition Plat
- C. Record of Survey 1 (SN 2021-198)
- D. Record of Survey 2 (SN 2021-208)

**FINDINGS OF FACT**

**General**

1. These findings are based on the applicant's original submittal received on March 1, 2022. The 120-day deadline is July 15, 2022.
2. The subject properties are located at 38922 Pioneer Boulevard, 38952 Pioneer Boulevard, and 38953 Junker Street. They consist of four separate tax lots totaling about 22,588 square feet (0.52 acres).
3. The subject properties have a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of Central Business District, C-1.
4. Shan Hill (Barlow Properties, LLC) applied to replat tax lots 5400, 5500, 5600, and 5700 into a single lot of record. The lots were originally platted as Lots 1, 2, and 3 of Block 3 of Junker's Addition to Sandy subdivision in 1907.

5. Because this application was processed under the Type II procedure, property owners within 300 feet of the subject properties were notified of the application and given opportunity to provide public comment. No public comments were received.

#### 17.42 – Central Business District (C-1)

6. Section 17.42.30 contains development requirements for the C-1 Central Business District zoning district. All future development on the subject properties will be required to meet all applicable development code requirements.

#### 17.100– Land Division

7. Section 17.100.40(D) contains criteria for approving a partition. The proposed partition shall satisfy all six approval criteria in order for the partition to be approved.
8. Criterion one requires the proposed partition to be consistent with the density, setback, and dimensional standards of the base zoning district. The approval of this application would result in the creation of a lot that meets the density, setback, and dimensional standards of the C-1, Central Business District zoning district. Criterion one is satisfied.
9. Criterion two requires the proposed partition to be consistent with the design standards set forth in this chapter. All standards set forth in Chapter 17.100 of the Development Code can be satisfied with replat of the subject property. **Future development on the replated lot shall comply with the design standards in Chapter 17.90.** Criterion two is satisfied.
10. Criterion three requires public facilities to be adequate, available, or can be provided to serve the proposed partition. Water and sanitary sewer service is available and could be extended to the lot as required. Criterion three is satisfied.
11. Criterion four requires that all proposed improvements meet City standards. There are no improvements required with this application. **Any future development of the property shall comply with the City’s improvement requirements. All future site and frontage improvements will be required to be developed in accordance with City standards.** Criterion four is satisfied.
12. Criterion five requires that traffic volumes shall not exceed ADT standards for local streets. The new lot will have frontage on Junker Street and Strauss Avenue, which are both local streets. Staff did not require a traffic study to analyze ADT as the replat is not anticipated to have any effects on traffic. However, **any future development applications shall include a full traffic study.** Additionally, no vehicular access to the property will be allowed from Pioneer Boulevard. **A VNAR on Pioneer Boulevard shall be required and recorded on the final plat.** Criterion five is satisfied.
13. Criterion six requires the plan to preserve the potential for future redivision of the parcels, if applicable. With the proposed replat, it is possible to redivide the new lot and maintain consistency with City standards. Criterion six is satisfied.

14. Submittal of preliminary utility plans is solely to satisfy the requirements of Section 17.100.60. **Preliminary plat approval does not connote utility or public improvement plan approval, which will be reviewed and approved separately upon submittal of public improvement construction plans.**

## **DECISION**

For the reasons described above, the request by Barlow Trail Properties, LLC to replat the properties at 2S 4E 13CA, tax lots 5400, 5500, 5600, and 5700 (Lots 1, 2, and 3 of Block 3 of Junker's Addition to Sandy) into one lot of record is hereby **approved** as modified by the conditions listed below.

## **CONDITIONS OF APPROVAL**

### **A. Prior to signing of the Final Plat all the following conditions shall be satisfied:**

1. Submit a revised partition plat with the following modifications:
  - Addition of the VNAR on Pioneer Blvd.
  - Provide a signature block on the partition plat for the City of Sandy Development Services Director, as well as the appropriate Clackamas County offices.
  - Add City of Sandy Planning File No. "22-008 MP" to the final partition plat submittal.
2. Submit two paper copies of a Final Plat with required fee for City review.

### **B. Within 30 days of Recording of Final Plat:**

1. Submit a digital version of the recorded partition plat as approved by the City and Clackamas County.

### **C. General Conditions of Approval:**

1. Future development of the lot requires approval of a Land Use Application in accordance with applicable regulations.
2. Any future development of the property shall comply with the City's improvement requirements. All future site and frontage improvements will be required to be developed in accordance with City standards.
3. Any future development applications shall include a full traffic study.
4. All future public utility installations shall conform to the City's facilities master plans.

5. Successors-in-interest of the applicant shall comply with requirements of this partition approval prior to recording of the partition plat.
6. 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.

*Shelley Denison*

05/06/2022

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Shelley Denison  
Associate Planner

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Date

### **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.