

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

DATE: August 17, 2022

FILE NO.: 22-028 MP

PROJECT NAME: 38190 Sandy Heights Replat

APPLICANT: Tracy Ellis

OWNERS: Tracy Ellis, Charles Anderson Jr.

ADDRESS: 38190 Sandy Heights Street; 18055 Bluff Road

LEGAL DESCRIPTION: 24E 14DD, Tax Lots 100 and 200

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. Recorded Plat for Partition Plat No. 2004-065

Agency Comments

- C. City Engineer (July 7, 2022)
- D. Clackamas County Surveyor (July 13, 2022)
- E. Sandy Fire Marshal (July 13, 2022)
- F. Sandy Public Works (August 1, 2022)

FINDINGS OF FACT

General

1. These findings are based on the applicant's original submittal received on June 30, 2022. The application was deemed complete on July 7, 2022. The 120-day deadline is November 4, 2022.
2. The subject properties are located at 38190 Sandy Heights Street (0.12 acres) and 18055 Bluff Road (0.13 acres).
3. The subject property has a Comprehensive Plan Map designation of High Density Residential and a Zoning Map designation of High Density Residential, R-3.

4. Tracy Ellis, owner of 38190 Sandy Heights, submitted an application to replat the subject properties. Currently, there is a strip of land of about 0.02 acres belonging to 18055 Bluff Road which runs along the eastern side of the Sandy Heights property. The applicant, with the signed permission of the owner of 18055 Bluff Road, is applying to combine that strip of land into 38190 Sandy Heights.
5. Agency comments were received from the City Engineer (Exhibit C), the Clackamas County Surveyors Office (Exhibit D), the Sandy Fire Marshal (Exhibit E), and Sandy Public Works (Exhibit F). No pertinent issues were raised in any agency comments.
6. A public notice was mailed to property owners within 300 feet of the subject properties on July 19, 2022. No public comments were received.

17.100 – Land Division

7. Section 17.100.20(D) states that a minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six lots. Regardless of the number of lots, any replat involving the creation, extension, or modification of a street shall be processed as a major replat. The conditions of the subject properties are such that this application constitutes a Type II Minor Replat.
8. As per Section 17.100.40(D), there are several approval criteria which must be met in order to approve this application. Many criteria (such as those related to the FSH or BVO overlays or those related to future development) are not applicable. Those that are applicable are as follows:
 - a. The proposed partition or replat meets the density requirements, setbacks, and dimensional standards for all lots in the base zoning district or zoning districts if multiple zoning districts exist in the proposed partition or replat. After review of the Recorded Plat for Partition Plat No. 2004-065 and reviewing the applicant's proposal, all requirements as prescribed by the underlying zoning district (High Density Residential) will be satisfied.
 - b. The proposed partition or replat meets the additional setback standards on collector and arterial streets as required in Chapter 17.80. This standard is 20 feet. Sandy Heights Street is a collector and Bluff Road is a minor arterial. After review of the applicant's proposal it has been determined that setback requirements will be met.
 - c. The proposed partition or replat meets all improvement standards for sidewalks, pedestrian connections including tracts and easements, bicycle facilities, water facilities, sanitary sewer facilities, stormwater facilities, and all other standards as required in Chapter 17.84. No improvements were identified with this application.

DECISION

For the reasons described above, the application to replat 31890 Sandy Heights Street and 18055 Bluff Road 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 final plat prepared by a licensed surveyor with the following:
 - Provide a signature block on the plat for the City of Sandy Development Services Director, as well as the appropriate Clackamas County offices.
 - Add City of Sandy Planning File No. "22-028 MP" to the final partition plat submittal.
 - Scale drawing, north arrow, and date.
 - Names and addresses of the owners of record and of the person who prepared the replat.
 - Zoning, size, and dimensions of the property to be replatted.
 - Approximate location of any structures on the property to be replatted, including setbacks to proposed parcel boundaries.
 - All other requirements found in ORS for "requirements of plat".
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.

Shelley Denison

08/17/2022

Shelley Denison
Associate Planner

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.