

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

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<b>DATE:</b>	February 9, 2024
<b>FILE NO.:</b>	24-002 MP
<b>PROJECT NAME:</b>	Junker Street, LLC Property Re-Plat
<b>NATURE OF APPLICATION:</b>	Type II Review - Minor Re-Plat
<b>APPLICANT/OWNER:</b>	Shan Hill and Brothers Development, LLC
<b>ADDRESS:</b>	38920 and 38800 SE Junker Street
<b>MAP/TAX LOT:</b>	24E 13CA, Tax lots 7100, 7200, 7300, 8200 and 8300
<b>ZONING:</b>	High Density Residential (R3)
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

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### **BACKGROUND**

Junker Street, LLC, composed of Shan Hill and the owners of Brothers Development, LLC (Mitchell Webb and Phillip Orifice) request land use approval to replat 12 lots they own. The property is known as 2S4E13CA tax lots 7100, 7200, 7300, 8100, and 8200 originally platted as Lot 1 and part of Lot 2, Block 4 and Lots 1 - 5 Block 5, Junker's Second Addition to Sandy and Lot 1 and part of Lot 2, Block 9, and Lots 3 - 5, Block 8, Junker's Third Addition to Sandy. The property is zoned R-3, High Density Residential (R-3) and contains a combined area of 56,689 square feet (1.30 acres). The applicant proposes re-platting these lots to remove all interior lot lines to prepare the property for the eventual construction of a new multi-family project.

There is an 8.00-foot-wide pedestrian access easement that runs through the southwestern corner of Lots 3 and 4 of Block 8 of Junker's Third Addition to Sandy (tax lot 8100). The access easement was created in 1990 and is to benefit the City of Sandy in perpetuity. Two other sections of the pathway link to this section on adjacent property and form a continuous pathway from Bruns Avenue down to Tupper Road.

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

### **EXHIBITS**

#### **Applicant's Submittals**

- A. Land Use Application and Narrative
- B. Existing Survey
- C. Proposed Replat
- D. Deeds

## COMMENTS

- Public Works Department: In preparation for development, all stormwater detention and water quality requirements must be met including the point of stormwater discharge will be to the south. The proposed vet clinic just east of Strauss Avenue will be responsible for the 3/4 street improvements and Brothers Development LLC will be responsible for their 1/4 street improvements. Water is available in Bruns Street and will require an extension to the property.
- Fire District: No comments at this time.
- Building Division: No comments at this time.
- SandyNet: No comments at this time.

## FINDINGS OF FACT

### General Findings

1. Shan Hill and Brothers Development, LLC, applied to replat Lot 1 and part of Lot 2, Block 4 and Lots 1 - 5 Block 5, Junker's Second Addition to Sandy and Lot 1 and part of Lot 2, Block 9, and Lots 3 - 5, Block 8, Junker's Third Addition to Sandy and vacated public right-of-way into a single lot of record. Section 17.100.40, the minor replat process and criteria were applied.
2. These findings are based on the applicant's original submittal received on January 22, 2024. The application was deemed complete on January 23, 2024. The 120-day deadline is May 22, 2024.
3. The subject properties are identified as 38800 and 38920 Junker Street. Multiple lots identify as the same address. There is only one structure that is part of this proposal which is located on 38920 Junker Street (Tax Lot 7200). The replat only increases the current property line setbacks for the existing structure.
4. The subject properties have a Comprehensive Plan Map designation of High Density Residential and a Zoning Map designation of High Density Residential (R-3).
5. Because this application was processed using the Type II procedure, property owners within 300 feet of the subject properties were notified of the application and given an opportunity to provide public comment. **No public comments were received.**

### 17.40 – High Density Residential (R-3)

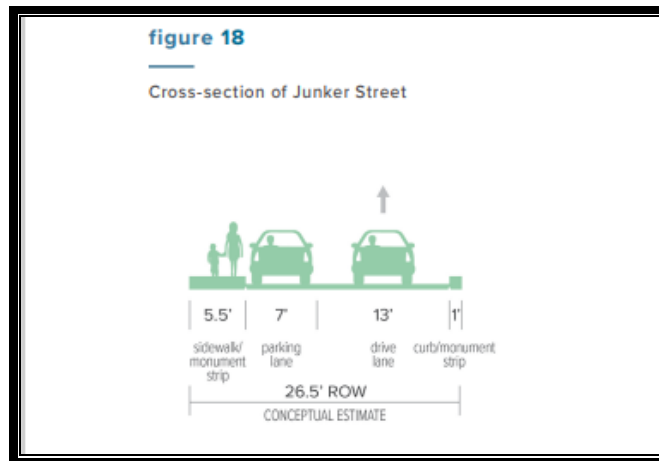
6. Section 17.40.30 contains development requirements for the High Density Residential (R-3) zoning district. All future development on the subject properties will be required to meet all applicable development code requirements.

### 17.100 – Land Division

Section 17.100.40(D) contains criteria for approving a replat. The proposed replat shall satisfy all applicable criteria in order for the replat to be approved. The following analysis is limited to the criteria that are applicable to this subject replat.

7. Criterion one (1) requires the proposed replat 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 single lot that meets the density, setback, and dimensional standards of the High Density Residential (R-3) zoning district. Criterion one is satisfied.**
8. Criterion nine (9) requires the proposed replat to be consistent with the design standards set forth in Chapter 17.90 at the time of house construction. **Any future development on the replated lot shall comply with the design standards in Chapter 17.90. Criterion nine is satisfied.**
9. Criterion ten (10) and criterion eleven (11) require that the replat meets the required landscaping and parking requirements. **Landscaping and parking requirements, including driveway widths, will be reviewed at time of development based on the proposed use. Criterion ten and criterion eleven will be satisfied at the development stage.**
10. Criterion thirteen (13) requires the proposed partition or replat provide a street pattern that meets the dimensional standards for blocks as required in Chapter 17.100 and street cross-sections that meet the width requirements as detailed in Chapter 17.10, Definitions. **The resultant lot created by this replat is just over 360 feet in length which is less than the maximum 400-foot length allowed for a block that fronts on to a local street. Pedestrian and bicycle accessway requirements will be required at time of development when Junker Street is expanded to a 3/4 wide one-way street as identified in the 2023 Transportation System Plan (TSP). Criterion thirteen is satisfied.**
11. Criterion fifteen (15) requires the proposed street improvements, including sidewalks, planter strips or swales, street trees, street lighting, curbs, asphalt, and vehicular and bicycle lanes and striping, are consistent with Figures 6 through 13 of the 2011 Transportation System Master Plan. The improvements shall be constructed to the standards described in the Oregon Standard Specifications for Construction (OSSC) 2021 (or most recent revision) and the AASHTO Policy on Geometric Design of Highways and Streets (Green Book) — 2018 (or most recent revision).
  - **The cross section of Junker Street is shown in figure 18 on page 55 of the City’s newly adopted TSP. The street is proposed to have a 26.5-foot right-of-way. The current width is only 20 feet wide. Fulfilling the full street dedication will require at least a six and one half (6.5) foot land dedication to the City; however, that dedication will likely come from the properties on the north side of Junker Street and not the south side abutting the subject properties. This development will likely have to install street lighting on Junker Street.**

- **Shifting the burden of future right-of-way dedication to the north side of the street will line up with development being proposed to the northeast intersection of Junker Street and Strauss Street. The City is following the roadway design reflected in Alternative B in the Junker Street Circulation Plan (see figure 18). You are still required to complete the construction of the road along the frontage of the properties. A 6-inch curb will be required on the south side on Junker Street adjacent to the development. Criterion fifteen (15) is satisfied.**



- **Future development will also require frontage improvements along Tupper Road.**
12. Criterion sixteen (16) requires the proposed partition or replat is consistent with the design standards set forth in this chapter. **All the design standards have been met for purposes of this replat or will be met at time of development based on density, layout, and proposed use. Criterion sixteen is satisfied.**
  13. Criterion eighteen (18) requires that traffic volumes shall not exceed ADT standards for local streets. The new lot will have frontage on Junker Street and Bruns 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 traffic study in accordance with Section 17.84.50. Criterion eighteen is satisfied.**
  14. Criterion nineteen (19) 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 nineteen is satisfied.**
  15. Criterion twenty (20) requires the inclusion of utility plans to satisfy availability and required easements. **Replat approval does not connote utility or public improvement plan approval, which will be reviewed and approved separately upon submittal of public improvement construction plans. Criterion twenty is satisfied.**

## **DECISION**

For the reasons described above, the request by Shan Hill and Brothers Development LLC to replat Lot 1 and part of Lot 2, Block 4 and Lots 1 - 5 Block 5, Junker's Second Addition to Sandy and Lot 1 and part of Lot 2, Block 9, and Lots 3 - 5, Block 8, Junker's Third Addition to Sandy and vacated public right-of-way 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:
  - Provide a signature block on the partition plat for the City of Sandy Development Services Director, as well as the appropriate Clackamas County offices. Remove the signature line for the Clackamas County Planning Director.
  - Add City of Sandy Planning File No. "24-002 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 replated.
  - Approximate location of any structures on the property to be replated, 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.

### **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 traffic study in accordance with Section 17.84.50.
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 the requirements of this partition approval prior to recording of the partition plat.
6. Approval of this replat 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.



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Patrick Depa  
Senior Planner

## **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) 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 Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and

7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.