

FINDINGS OF FACT and FINAL ORDER TYPE I PROPERTY LINE ADJUSTMENT

DATE:	February 26, 2025
FILE NO.:	25-002 PLA
PROJECT NAME:	Deer Pointe Park Lot Consolidation
PROPOSAL:	Combine two lots of park property
APPLICANT/OWNER:	Parks and Recreation/City of Sandy
ADDRESS:	18200 Meadow Avenue – Vacant Land
APPLICABLE CRITERIA:	Chapter 17.100 Land Division
MAP/TAX LOTS:	2S 5E 18CC Lot 13400 and 2S 5E 18CD Lot 1600
ZONING:	Parks and Open Space (POS)
STAFF CONTACT:	Patrick Depa, Senior Planner

PROPOSAL

The City of Sandy is proposing a lot consolidation of Tax Lot 13400, Map 2S 5E 18CC (Tract D of Deer Pointe No. 2), and Tax Lots 1600, Map 2S 5E 18CD, for the purposes of developing a neighborhood park called Deer Pointe Park. The proposed consolidation removes the common lot line between the two parcels (Tax Lot 13400 and Tax Lot 1600) and consolidates them into a single property for park development.

Furthermore, the applicant is proposing to donate a ten (10) foot by one hundred fifty (150) foot piece of Tax Lot 1600 to the Oregon Department of Transportation (ODOT) to be added to the Hwy 26 right-of-way. The consolidation and right-of-way donation are being pursued in conjunction with professional surveying efforts for the development of Deer Pointe Park.

BACKGROUND

The parcel consolidation follows guidance from the City of Sandy Planning Division, provided during a pre-application meeting and outlined in the pre-application notes, which suggested combining the two parcels into one to streamline the development process and ensure compliance with municipal code requirements. This approach was determined to be consistent with feedback from the Clackamas County Surveyor and Planning Division, as well as the County's recent interpretation of property line adjustments (PLAs) versus replats.

Compliance with Local Code: The City of Sandy Municipal Code is silent on adjustments involving tracts, not lots, allowing this adjustment to proceed as a PLA instead of requiring a replat. The County Surveyor confirmed that this process is appropriate in this case.

Recent County Interpretation: The County's interpretation, stemming from a court case approximately five years ago, establishes that if City code does not prohibit a property line

adjustment, the County will process it as such. This interpretation aligns with City code, which only mandates replats for modifications to lots in a recorded plat, not tracts.

Deer Pointe Park is currently described and categorized as an “Undeveloped Park” in Sandy’s 2022 Parks and Trails Master Plan. The existing Deer Pointe Park can be described as 1.41-acres of undeveloped park consisting of open space and a few areas of tree stands. The undeveloped park described in the 2022 Parks and Trails Master Plan refers to Map/Tax Lot 25E18CC 13400 only. The long, narrow, gently sloping parcel is bounded by neighborhood streets on two sides, Highway 26 on a third side, and fields with clusters of mature trees to the east. Sandy Vista Apartments is directly across Hwy 26 to the north.

On February 8, 2007, Deer Pointe Subdivision No. 2 was recorded as Plat 4111. At that time, the developers deeded 1.41 acres to the City as a condition of approval to be used as a future park. On June 23, 2023, Bull Run Terrace, a mixed-use development, fulfilled their final order and made a 1.75-acre park dedication (Deed No. 2023-021503) to the City. The total contiguous park area is now approximately 3.16 acres. This property line adjustment will remove the existing common lot line between Tract D (Tax Lot 13400) and the deeded land (Tax Lot 1600) to consolidate the two parcels into a single parcel for park development purposes and allow structures to be sited where the common lot line currently exists.

EXHIBITS

Applicant’s Submission

Exhibit A: Land Use Application

Exhibit B: PLA Narrative Deer Pointe Park

Exhibit C: PLA-SURVEY 2-3-25 (Updated)

Exhibit D: Deer Pointe Park Utility Easement

AGENCY COMMENTS

Exhibit E: ODOT Letter

Public Works and Clackamas Fire Department had no comments to add to the review. No other comments were received at the time this final order was written.

FINDINGS OF FACT

1. 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 complete a lot consolidation between Tax Lot 13400, Map 2S 5E 18CC (Tract D of Deer Pointe No. 2), and Tax Lot 1600, Map 2S 5E 18CD (Deed No. 2023-021503).
2. The subject properties are zoned Parks and Open Space (POS). There are no existing structures on either of the applicable properties.

3. These findings are based on the applicant's submittal received on January 16, 2025, and the application was deemed complete on January 23, 2025.
4. On January 17, 2025, the City received a formal response from ODOT (Exhibit E) that details the specifics in applying for permits for work that is proposed to take place in the Hwy 26 right-of-way (ROW). Furthermore, ODOT recommended that the City apply a condition of approval that requires the applicant to donate a small ten foot by one-hundred-and-fifty-foot piece of land to ODOT for the purposes of adding it to the Hwy 26 right-of-way.

The request reads "Right of way shall be donated to ODOT as necessary to accommodate the planned cross section and local code requirements along US 26. The right-of-way (ROW) donation shall be sufficient to eliminate the existing jog in the right-of-way (ROW) and provide for the planned sidewalk."

5. The City relayed ODOT's condition to the applicant and their consultant shortly after receiving it and on February 3, 2025, the City received a revised survey depicting the ODOT right-of-way dedication as described.
6. The final configuration of the combined parcels after the donation of 1,500 square feet to ODOT for ROW dedication will result in a park at approximately 3.12 acres.
7. The City is continuing to work with ODOT to comply with their requirements for donation of the property including environmental assessments, title work, and the creation of a new deed. **The City desires to comply with all the ODOT requirements, but if the costs and time commitment becomes too cumbersome to the project, the City will complete the combination of the two parcels providing a dedicated easement to ODOT instead of a land donation. The Development Services Director has the discretion to require an easement in-lieu of a land donation.**

Chapter 17.100 – Land Division

Section 17.100.30 – Property Line Adjustment

- D. *Approval Criteria.* The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and future collector and arterial streets as identified in the 2023 Transportation System Plan are not adversely affected by the property line adjustment.
 4. Existing streets that are stubbed to the property boundaries can be connected and extended in the future.
8. Section 17.100.30(D): 1) No additional parcels are created;

The property line adjustment or lot consolidation will not create additional lots or parcels. The existing tract and parcel deeded to the City will converge into one legal lot after the property line adjustment. If the 1,500 square foot portion from Map 2S 5E 18CC, Tax Lot 1600 is donated to ODOT for Hwy 26 right-of-way, it will also not create an additional parcel.

9. Section 17.100.30(D): 2) All parcels meet the density requirements and dimensional standards of the base zoning district;

There are no density or dimensional requirements for property zoned Parks and Open Space (POS). The existing tract in Deer Pointe Park No. 2 has been zoned POS since adoption of Ordinance No. 2018-05. The deeded land has been zoned POS since the adoption of Ordinance No. 2022-27 related to the approval of the Bull Run Terrace subdivision. Deer Pointe Park is currently described and categorized as an “Undeveloped Park” in Sandy’s 2022 Parks and Trails Master Plan.

10. Section 17.100.30(D): 3) Access, utilities, easements, and future collector and arterial streets as identified in the 2023 Transportation System Plan are not adversely affected by the property line adjustment;

The combined parcels will continue to gain access from Meadow Avenue and Fawn Street. No other access is created by this lot consolidation. Utilities, easements, and proposed future streets will be installed and recorded in a cooperative manner by the City and the developer of the deeded land, Bull Run Terrace, and not adversely affect this lot consolidation. As such, the proposal complies with Section 17.100.30(D)(3).

11. Section 17.100.30(D): 4) Existing streets that are stubbed to the property boundaries can be connected and extended in the future.

By combining the parcels into one, the new parcel will still maintain public street frontage on a local street as prescribed by Section 17.100.220(D).

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. The subject properties are both over one acre and therefore are regulated by Chapter 17.102. **The City’s landscape plan shows that they exceed the amount of retention trees required per the combined acreage.**

DECISION

The request by the City of Sandy Parks and Recreation Department 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. A preliminary surveyed map (from a licensed surveyor) shall be submitted within two years of approval of the property line adjustment/lot consolidation. The preliminary map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.
2. 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.
3. Add "City of Sandy Planning File No. 25-002 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 Development Services Director is satisfied with the paper copies, please submit a Mylar copy of the final map for the Development Services Director signature.

1. The City desires to comply with all the ODOT requests for right-of-way donation, but if the costs and time commitment becomes too cumbersome to the project, the City will complete the combination of the two parcels providing an easement to ODOT instead of a land donation. The Development Services Director has the discretion to require an easement in-lieu of a land donation.

D. General conditions:

1. Submit a true and exact electronic copy of the property line adjustment/consolidation 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.



Patrick Depa
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by a party with appeal standings 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) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.