

## FINDINGS OF FACT and FINAL ORDER TYPE II ADJUSTMENT

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<b>DATE:</b>	August 5, 2025
<b>FILE NO.:</b>	25-040 ADJ
<b>TAX MAP AND LOT:</b>	T2S R4E Section 13CD Tax Lot 01230
<b>ADDRESS:</b>	18455 Dahlager Street
<b>APPLICATION:</b>	Type II – Adjustment
<b>APPLICABLE CRITERIA:</b>	Section 17.66.40 Type II Adjustment criteria
<b>PROJECT NAME:</b>	Dahlager Driveway Adjustment
<b>OWNER/APPLICANT:</b>	Don Jones
<b>ZONING:</b>	Single Family Residential (SFR)
<b>STAFF CONTACT:</b>	Patrick Depa, Senior Planner

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### **PROPOSAL**

The applicant has applied for a driveway width adjustment to allow expanded access to an area adjacent to their home to park a recreation vehicle. The applicant's address is 18455 Dahlager Street which is located two lots north of Dubarko Road on the west side of Dahlager.

The request for an adjustment to widen their driveway beyond the maximum width allowed of twenty-four (24) feet is allowed if certain criteria are met under Section 17.66.10 – Adjustments. Section 17.66.10 – Adjustments, states that the Director may grant or deny an adjustment if the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of the Sandy Development Code.

This request for adjustment includes an increase of driveway width from twenty-four (24) feet to twenty-eight (28) feet nine (9) inches. The applicants requested an adjustment amount equal to a twenty (20) percent increase in driveway width, which adheres to the twenty (20) percent maximum allowed. Therefore, the adjustment may be approved if it meets the required criteria in Section 17.66.40.

### **EXHIBITS**

#### **Applicant's Submission**

- A. Land use application, narrative and driveway detail/site plan
- B. Public Works street and curb details

### **Public Comments**

No public comments were received at the time of this review.

### **Department/Agency Comments**

- The Clackamas County Fire Marshall and the City of Sandy Building Official had no comments and are in support of the adjustment.
- The SandyNet Director does not have any issues with the adjustment but reminds the applicant to call 811 prior to construction to identify any and all underground utilities.

- The City of Sandy Public Works Department stated that the removal and reconstruction of the driveway apron, curb, and abutting street shall be completed following the Public Works Design Standards. Engineering details are attached as Exhibit B.

## **FINDINGS OF FACT**

**Finding 1.** These findings are based on the applicant's submittal received on July 3, 2025.

**Finding 2.** The application was deemed complete on July 15, 2025.

**Finding 3.** This application is being reviewed as a Type II Adjustment.

**Finding 4.** On July 18, 2025, notification of the proposal was mailed to property owners within 300 feet of the subject property, and an affidavit of mailing was completed.

**Finding 5.** The subject property is zoned Single Family Residential (SFR).

**Finding 6.** The property is located in recorded plat #2372 - Grass Meadows (Block 2) which consists of a total of sixteen (16) lots.

**Finding 7.** The subject property is identified as Lot 14.

**Finding 8.** Lots 5-14 and lot 16 abut Highway 211. The rear of these lots along Highway 211 contain a 1.00 (one foot) wide no access strip.

**Finding 9.** All lots in the subject subdivision are subject to a five (5) foot wide utility easement along all side, front, and rear lot lines.

**Finding 10.** Surveyed, plated, and recorded in 1978, there were no residential on-street parking requirements at that time.

## **RECOMMENDED FINDINGS APPLYING ORDINANCE CRITERIA**

### **Sec. 17.98.100. Driveways.**

- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling or duplex shall have a minimum width of ten feet. The total width for one or more driveway approaches within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Driveway approaches may be shared by adjacent lots in cul-de-sacs in order to meet requirements for street tree planting and utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.).

**Finding 11.** The applicant is requesting an adjustment to the maximum allowed residential driveway width of twenty-four (24) feet in accordance with Section 17.98.100. The applicant is requesting a twenty-eight (28) feet nine (9) inch driveway width that would require an adjustment. The applicant's proposed width is a twenty percent (20%) increase.

## **Chapter 17.66 – Adjustments and Variances**

### **Sec. 17.66.10. Adjustments.**

Adjustments are a Type II procedure that provides a means to vary the quantifiable development standards applied in a particular district or design standard. This option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot.

Except in the case of a nonconforming development or use, the Director may grant or deny an adjustment if the request involves only the expansion or reduction by not more than 20 percent (20%) of one or more quantifiable provisions of this Code.

**Finding 12.** To qualify for an adjustment, an applicant shall meet all the criteria set forth in Section 17.66.40. Adjustment Criteria.

### **Sec. 17.66.40. Adjustment criteria.**

- A. The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;**

**Finding 13.** Expanding the driveway width by twenty (20) percent will not be contrary to the purposes of the Sandy Development Code or the policies of the Comprehensive Plan. The applicant's lot is eighty (80) feet wide and the majority of the driveway lines up with an existing two-vehicle garage and parking pad before it flares towards the side of the house. The increased width will not be out of scale considering the average residential lot widths of the neighborhood.

The increase in driveway width will still maintain a minimum of 100 feet in either direction to a street intersection. No clear vision issues will be created if this adjustment is granted. **Criteria A is met.**

- B. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code;**

**Finding 14.** The driveway width increase will not substantially affect privacy or reduce available parking spots enjoyed by the residents of neighboring properties. No surrounding property owners will be encumbered further by the driveway being closer to side property lines than they are now. This subdivision predates

Sandy's requirement for residential on-street parking in accordance with Section 17.98.200. and the area along Dahlager Street in front of the applicant's residence to the north of the existing driveway does not currently meet the minimum specifications for an on-street parking space. The area encumbered by the additional driveway width does not contain typical right-of-way amenities such as a fire hydrant, mailbox, streetlight, or street tree. The City sent notice of this proposed adjustment to property owners within 300 feet of the subject property and no objections or comments were received. **Criteria B is met.**

- C. The proposed development will not adversely affect existing physical systems and natural systems, such as the existing or planned transportation network, stormwater facilities, slopes greater than 25 percent, wetlands, creeks, or parks; and**

**Finding 15.** If the curb is removed, the replacement must meet City standards. Any asphalt that is damaged during this process must be sawcut and installed to City standards. The widening of the driveway will not adversely affect existing physical systems and natural systems such as traffic or drainage if the removal and reconstruction of the driveway apron, curb, and abutting street are replaced following the Public Works Design Standards. A right-of-way permit shall be applied for and all concrete form work shall be reviewed prior to the pouring of any concrete. **Prior to pouring the new curb and approach, all concrete forms must be inspected and approved by Public Works.** Details for both curb and asphalt work are attached as Exhibit B.

The current storage area for the applicant's non-motorized recreational vehicle will remain on a gravel surface. In the future, if the resident changes to a motorized recreational vehicle, the storage area shall be upgraded to a hard surface with either asphalt or concrete. If a hard surface is installed replacing the existing gravel parking pad, the resident shall submit a stormwater management plan to the City to ensure that stormwater does not flow to an adjacent property.

Special care should be taken such as calling 811 the "Call before you dig" line for verifying utility locations. **The applicant shall call 811 prior to construction to identify any and all underground utilities.** Public and private utilities shall not be negatively affected, and easements shall not be infringed on by the adjustment. No streams or adjacent parks will be affected by the adjustment to the driveway width. **Criteria C is met.**

- D. Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.**

**Finding 16.** The reconstruction of the driveway apron and curb to accommodate the 20 percent adjustment shall not impact the integrity of Dahlager Street's structural compatibility with the curb, gutter, and street form on adjoining properties. **A right-of-way permit shall be obtained to reconstruct the curb, which will**

**need to be designed in accordance with the Sandy Public Works Design Standards.**

There was a mature street tree that appears to have been removed within the last few years. **The old tree stump and roots left behind shall be removed and replaced with an approved street tree species in a similar location. Criteria D is met.**

## **DECISION**

The applicant's request for a Type II Adjustment to expand the maximum allowed driveway width by 20 percent is **approved** with conditions in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to extend the driveway width to twenty-eight (28) feet nine (9) inches.

## **CONDITIONS OF APPROVAL**

1. Any damage to City property including the adjacent sidewalk shall be repaired.
2. The applicant shall call 811 prior to construction to identify any and all underground utilities.
3. The removal and reconstruction of the driveway apron, curb, and abutting street shall be replaced following the Public Works Design Standards.
4. Any street asphalt that is damaged during this process must be sawcut and installed to City standards.
5. A right-of-way permit shall be applied for and all concrete form work shall be reviewed prior to the pouring of any concrete.
6. If a hard surface is installed replacing the existing gravel parking pad on the resident's lot, the resident shall submit a stormwater management plan to the City to ensure that no stormwater flows onto an adjacent property.
7. The applicant shall replant a street tree to the north of the driveway to replace the tree that was removed in the last few years.
8. The City may revoke this Type II Adjustment if conditions of approval are not met.



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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 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.