

**NOTICE OF INTENT TO APPEAL
FILE NO. 22-015 MP**

Introduction: Gerry Engler, Dubarko Development Corp. as the applicant of File No. 22-015 MP appeals the Final Order for this application dated May 24, 2022.

Appeal: The applicant is appealing the following conditions in Section A of the Final Order as reviewed below.

- Conditions A1 and A3 (3rd bullet) - regarding a sanitary sewer easement.
- Condition A2 - regarding frontage improvements.

1. Conditions A1 and A3 (3rd bullet)

Section A states, *“Prior to signing of the Final Plan all of the following conditions shall be satisfied.”*

Condition A1 - *Terminate the existing 20-foot-wide sanitary sewer easement (No. 74-4552)*

Condition A3 - *Submit two paper copies of a revised plat with the required fee for City review. The revised partition plat shall included the following modifications:*

- *Detail a minimum 15-foot-wide public sewer easement dedication to the City of Sandy to accommodate the new sanitary sewer line on Parcel 1.*

Discussion: The applicant requests Conditions A and A3 (3rd bullet) be removed from the Final Order as similar conditions to these are already included in the Tickle Creek Condominium project approved on Parcel 1 by File No. 19-038. The applicant believes including these conditions in both Final Orders is redundant, and he is concerned having them in both documents will only create confusion in the future.

In the alternative, the applicant requests at a minimum Condition A1 be revised to allow the existing sanitary sewer easement (Document No. 74-4552) to be modified by an addendum, rather than requiring this easement to be terminated as stated in the condition. A discussion with the Clackamas County Surveyors Office has identified this as a viable method for resolving this issue. Condition A3 is included in this appeal because the applicant wants to make sure the proposed addendum strategy to include a sketch showing the new easement, also resolves this condition.

2. Condition A2 regarding completion of frontage improvements

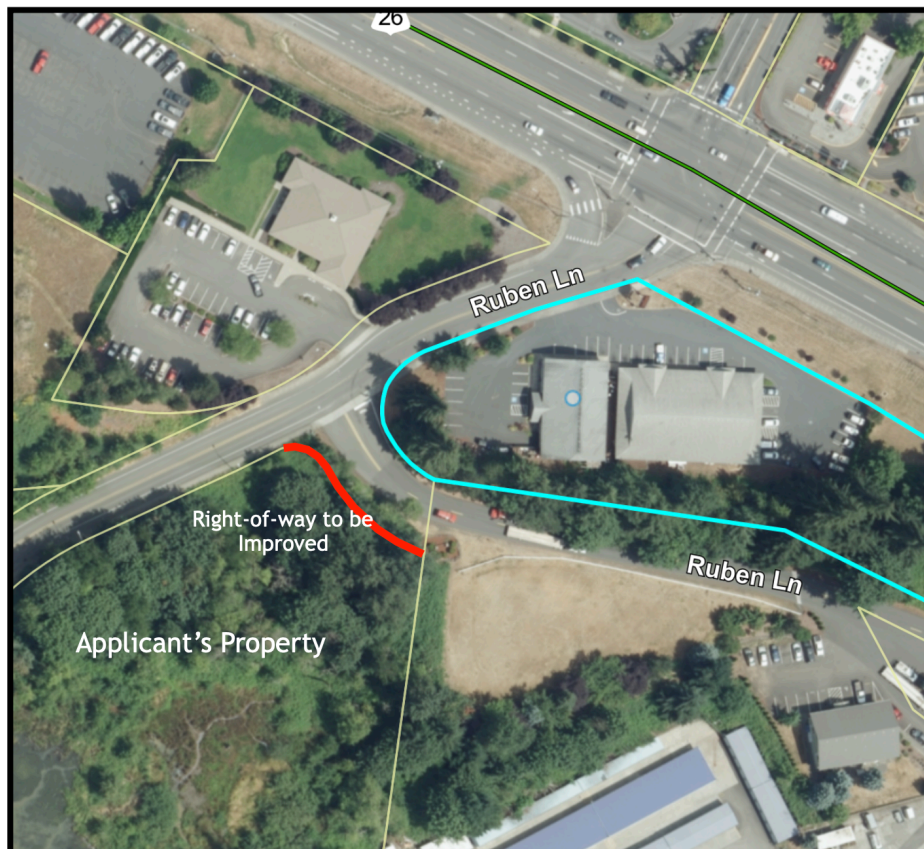
Condition A2 requires the applicant to construct or financially guarantee frontage improvements along the portion of Freightway Lane and the corner radius abutting the subject property prior to final plat approval. The applicant has several concerns with this condition.

- A. Freightway Lane is a private road servicing the industrial park below. Only a small portion of the road abutting the subject property is contained in a public right-of-

way. It is unlikely the rest of Freightway Lane will ever be a public street as this is not needed to serve development in the industrial park below. As shown on the pictures below, the intersection of Freightway Lane and Ruben Lane is designed and has the appearance of a driveway rather than a street. Condition A2 as written requires the applicant to install “frontages improvements” however, the details and extent of these improvements is not clear. Fundamentally, the applicant does not believe it is reasonable or warranted to require him to improve this roadway since this street will never be extended beyond his property. For these reasons, the applicant requests this condition be removed.

- B. If the Planning Commission determines completion of these frontage improvements is warranted, the applicant requests the timing of these improvements be changed from “prior to approval of the final plat” to prior to issuance of a certificate of occupancy for a dwelling constructed on this property. The applicant has no plans at this time to develop this property and he does not want to be forced to install improvements only to then need to remove these improvements in the future to accommodate a development proposal. The applicant requests Condition A2 be eliminated or modified to read,

Install frontage improvements along Freightway Lane and the corner radius prior to issuance of a final certificate of occupancy for a dwelling(s) approved and constructed on Parcel 2.





STREET VIEW LOOKING SOUTH
TOWARDS FREIGHTWAY LANE



STREET VIEW LOOKING INTO
FREIGHTWAY LANE