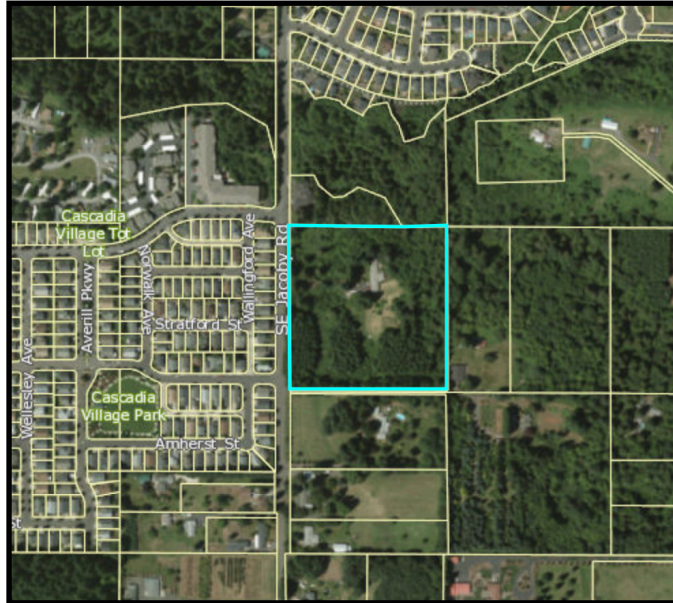


Cory Knight Partition

19124 SE Jacoby Road
24E 24A, Tax Lot 2300



June 2026

Project Details

<u>Project Location:</u>	19124 SE Jacoby Road, East side of Jacoby Road; south and east of Cascadia Village Drive
<u>Legal Description:</u>	Map 24E 24A, Tax Lot 2300
<u>Zoning District</u>	SFR, Single Family Residential
<u>Site Size:</u>	9.64 ac. (419,918 sf)

I. Project Description and Background

The project site consists of one parcel located at Township 2 South, Range 4 East, Section 24A, tax lot 2300 of the Willamette Meridian. The property contains approximately 9.64 acres and includes an existing single family dwelling on its own septic system and well. The home is currently accessed by a private driveway from Jacoby Road. The site is zoned SFR, Single Family Residential and a tributary of Tickle Creek flows through the northeast corner of the property.. The applicant previously received subdivision approval by the city on May 15, 2019 to divide the property into 32 lots (File No. 18-025). For various reasons this approval expired prior to the applicant constructing required improvements or completing the final plat.

The applicant proposes partitioning the property into two parcels with the current application. Parcel 2 is proposed to contain 32,857 square feet (0.75 acres) and will include the existing single family dwelling and onsite septic. Parcel 1 includes the rest of the property and will contain 381,998 square feet (8.77 acres). As shown on the preliminary plat, 10 feet of the property abutting Jacoby Road and a 20 foot wide future roadway strip from Jacoby Road to Parcel 2 will be deducted to the city with the Final Plat. In addition, a 40-foot wide access easement will be recorded in the same location as the existing driveway on Parcel 1 for access to the home on Parcel 2. A utility easement to accommodate the existing well serving the home will also be recorded on Parcel 1. These easements will be terminated when this lot is provided with street frontage and is connected to utilities with the future subdivision improvements.

The applicant is proposing the current application as a interim step in developing the property in the future. The City of Sandy sewer moratorium prevents submission of any new subdivision applications and does not allow new connections to the sanitary sewer system. The applicant is proposing this partition as a first step in order to separate the home from the rest of the property, so the home can be sold on its own parcel. As requested by the City, a shadow plat showing how Parcel 1 could be divided into 27 lots in the future is included with the application package. The applicant intends to submit an application to subdivide Parcel 1 when he is permitted in the future.

As required by the City Council adopted Resolution 2026-04, Section 3.r, the applicant proposes recording a deed restriction on both parcels, preventing a sanitary sewer connections for either parcel until such time as the City is no longer subject to the terms of the sewer moratorium.

The applicant attended a pre-application conference with the City to review the project on May 21, 2026 as required.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type III Partition
- Type III Special Variance to Section 17.100.40(D) to defer construction of improvements as required by this section until submission and approval of a future subdivision application.
- Type III Special Variance to Sections 17.84.20 and 17.100.310 requesting approval to defer construction of required improvements until submission and approval of a future subdivision application

III. Items Submitted With This Application

- Land Use Application
- Notification List and Mailing Labels
- Exhibit A - Project Narrative
- Exhibit B - Civil Plans
 - Sheet 1 - Cover Sheet and Preliminary Plat Map
 - Sheet 2 - Existing Conditions
 - Sheet 3 - Shadow Plat Map

IV. Review of Applicable Approval Criteria

Development applications are required to meet development standards set forth in the City of Sandy Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code chapters have been reviewed in this narrative:

<u>Chapter</u>	<u>Title</u>
17.30	Zoning District
17.34	Single Family Residential (SFR)
17.60	Flood and Slope Hazard Overlay
17.84	Improvements Required with Development
17.86	Parkland and Open Space
17.100	Land Division

CHAPTER 17.30 - ZONING DISTRICTS

17.30.20 - Residential Density Calculation Procedure

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Response: As shown on submitted plans, a portion of the property is affected by a mapped FSH Overlay. The calculation of net site area will be completed as part of the future subdivision application.

CHAPTER 17.34 - SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 - Intent

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

Response: *As reviewed in the previously approved subdivision application, the 27 shadow platted lots are likely to comply with the density range in the SFR zoning district. These details will be evaluated with submission of the future subdivision application.*

17.34.10 - Permitted Uses

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;

Response: *The details of this section will be evaluated with submission of a future subdivision application.*

17.34.30 - Development Standards

Response: *All development standards will be addressed with a future subdivision application.*

17.34.40 - Minimum Requirements

A. Must connect to municipal water.

Response: The applicant proposes extending water service to serve all dwellings with approval and construction of a future subdivision application.

B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:

1. A county septic permit is secured and a copy is provided to the city;
2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.

Response: *The existing dwelling is currently served by an onsite septic system. This system will be decommissioned in accordance with applicable regulations and the applicant will provide proof of the decommissioned system with approval and construction of future subdivision improvements.*

C. The location of any real improvements to the property must provide for a future street network to be developed.

Response: A new street network will be constructed to serve each dwelling with the future subdivision application.

D. Must have frontage or approved access to public streets.

Response: Parcel 2 containing the existing home will have frontage on a 20-foot wide dedicated right of way connecting to Jacoby Road. This right-of-way will remain unimproved until Parcel 1 is further divided. Access to Parcel 2 will remain in the current location and will contain a temporary access easement from Jacoby Road across Parcel 1. This easement will be dissolved with a future subdivision application and the parcel will be provided with an improved street frontage and access at that time.

CHAPTER 17.60 - FLOOD AND SLOPE HAZARD (FSH) OVERLAY

17.60.10 - Interpretation and Mapping

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department. This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

Response: The city's Zoning Map dated April 30, 2026 and the FSH Overlay Analysis Map dated November 4, 2025 show that the northeast corner of the subject property is affected by the FSH Overlay. Since no development is proposed with the current application, no further analysis of the requirements of this section is warranted. The details of this Chapter will be addressed with a future subdivision application.

CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.20 - Timing of Improvements

A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

B. Where specific approval for a phasing plan has been granted for a subdivision, improvements may similarly be phased in accordance with that plan.

Response: As detailed above, the applicant is requesting a Special Variance to the requirements of this section to be allowed to defer all public improvements until submission and approval of a future subdivision application. In the interim, the

applicant will record a deed restriction limiting any development on the Parcels until a subdivision is approved.

CHAPTER 17.100 - LAND DIVISION

17.100.40 - Major and Minor Partitions and Replat

Approval of a partition or replat is required for a land division of three or fewer parcels in a calendar year. Partitions or replats that do not require creation or extension of a street for access are classified as a Type I, minor partition or replat. Partitions or replats that require creation or extension of a street for access are classified as Type II, major partitions or replats.

A. Preapplication Conference. The applicant for a minor or major partition or replat shall participate in a preapplication conference with City staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. A preapplication conference is required.

Response: As noted above, the applicant attended a pre-application conference with the city on May 21, 2026.

B. Application Requirements. Partition or replat applications shall be made on forms provided by the City and shall be accompanied by:

1. Two copies of the tentative plan for the minor or major partition or replat;
2. The required fees;
3. Any data or narrative necessary to explain the application;
4. List of and two sets of mailing labels for affected property owners (if Type II, III, or IV), pursuant to Sections 17.22.10 and 17.22.20; and,
5. Electronic copy of all materials.

Response: *All of these materials were submitted with the application package.*

C. Tentative Partition Plan or Replat. The tentative partition plan or replat shall be a minimum of 11 inches by 17 inches in size and shall include the following information:

1. Scale of drawing, north arrow, and date;
2. Name and address of the owner of record and of the person who prepared the partition plan or replat;
3. Zoning, size, and dimensions of the property to be partitioned or replatted;
4. Size, dimensions, and identification of proposed parcels (i.e., Parcel 1, Parcel 2, Parcel 3);
5. Approximate location of any structures on the property to be partitioned or replatted, including setbacks to proposed parcel boundaries;
6. Location, names, and widths of streets, sidewalks, and bikeways within the property to be partitioned or replatted and extending 1,000 feet beyond the property boundaries;
7. Location, width, and purpose of existing and proposed easements on the property to be partitioned or replatted;
8. Location and size of sanitary sewer, water, and stormwater drainage facilities proposed to serve the property to be partitioned or replatted;

9. Natural features, including waterways, drainage areas, significant vegetation, and rock outcroppings, and including features detailed in DSL's Statewide Wetlands Inventory and ODFW's Conservation Opportunity Areas maps;
10. Topography, including identification of land exceeding a 25 percent slope;
11. Tree preservation plan detailing building footprints and critical root zones of trees proposed for retention;
12. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.

Response: *All of the items applicable to this application are included with the plan set.*

D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor partition, major partition, or replat based on the classification procedure (Type I, II or III) and the following approval criteria:

1. 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.

Response: The existing home on Parcel 2 will comply with all applicable setbacks. This section will be addressed in more detail with the future subdivision application.

2. The proposed partition or replat meets the requirements of the Bornstedt Village Overlay (BVO), if the proposed partition or replat is located in the BVO, or other specific area plan, if the proposed partition or replat is located in another specific plan area, as required in Chapter 17.54.
3. The proposed partition or replat meets the requirements of hillside development as required in Chapter 17.56.
4. The proposed partition or replat meets the requirements of the flood and slope hazard overlay district as required in Chapter 17.60.
5. The proposed partition or replat meets the additional setback standards on collector and arterial streets as required in Chapter 17.80.
6. The proposed partition or replat meets the building orientation standards on transit streets as required in Chapter 17.82.

Response: *These sections are not applicable at this time. The details of these sections will be addressed as applicable with the future subdivision application.*

7. 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.

Response: *The applicant has requested a variance to the requirements of this section as reviewed in Chapter 17.66 below.*

8. The proposed partition or replat includes the dedication of land, or a fee in-lieu of land as required in Chapter 17.86 and the 2022 Parks and Trails Master Plan.
9. The proposed partition or replat will meet the requirements of Chapter 17.90 at the time of building construction.

10. The proposed partition or replat meets the landscaping requirements of Chapter 17.92.
11. The proposed partition or replat provides on-street parking, off-street parking, driveway spacing, and driveway widths as required in Chapter 17.98.
12. The proposed partition or replat provides tree retention as required in Chapter 17.102.
13. The proposed partition or replat provides 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.
14. The proposed street layout includes the siting of all collector and arterial streets substantially as depicted in the 2023 Transportation System Master Plan, Figure 11. "Substantially as depicted" means that the streets' proposed location is within 100 feet of the depicted location in any direction.
Response: *These sections are not applicable to the current partition application. The details of these sections will be addressed as applicable with the future subdivision application.*
15. 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 18 through 24 of the 2023 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).
16. The proposed partition or replat is consistent with the design standards set forth in this chapter.
Response: *The applicant has requested a variance to the requirements of these sections as reviewed in Chapter 17.66 below.*
17. The proposed partition or replat creates traffic volumes that do not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
Response: *The details of this section will be addressed with the future subdivision application.*
18. The proposed subdivision includes utilities that meet the requirements of the 2022 City of Sandy Water System Master Plan and the City of Sandy Wastewater System Facilities Plan.
Response: *The applicant has requested a variance to the requirements of this section as reviewed in Chapter 17.66 below.*
19. The proposed partition or replat includes the installation of all utilities underground, including electric, natural gas, fiber, telecommunication lines, water, and sanitary sewer, and the required easements for such utilities.
Response: *The applicant has requested a variance to the requirements of this section as reviewed in Chapter 17.66 below.*

As noted above, the applicant is requesting approval of this application as an interim step during the City's current sanitary sewer moratorium. Given limitations on subdividing the property further, the applicant is also requesting a Special Variance to several of the requirements of this section as noted above. To ensure no further development will occur until approval of a future subdivision application, the applicant will record a deed restriction preventing development of the parcels until such time the City is no longer subject to the terms of the sewer moratorium.

17.100.220 - Lot design

- A. The lot dimensions shall comply with the minimum standards of the Development Code as specified in the underlying zoning district, with the exception of a lot created through the middle housing land division process.
- B. The lot or parcel width shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet, with the exception of a lot created through the middle housing land division process.
- C. The creation of a lot with street frontage on two parallel sides of the lot is not allowed.
- D. Lots shall not take access from major arterials, minor arterials, or collector streets if access to a local street exists. When driveway access from major or minor arterials is necessary for several adjoining lots, and individual driveway accesses would not meet the minimum access spacing standards in Section 17.98.80, such lots shall be served by a common access drive in order to limit traffic conflicts on such streets.

***Response:** As shown on the preliminary plat, the applicant proposes dedicating a 20-foot right of way to connect Parcel 2 to Jacoby Road. The proposal complies with this section.*

17.100.310 - Required Improvements

The following improvements shall be installed at no expense to the City, consistent with the standards of Chapter 17.84, Chapter 17.100, 2023 Transportation System Master Plan, City of Sandy Street Tree Standard Planting Detail, 2020 Sandy Transit Master Plan, 2022 Water System Master Plan, Sanitary Sewer Master Plan, and Oregon Standard Details.

- A. Lot, street, and perimeter monumentation.
- B. Mailboxes and concrete slabs for mounting the mailboxes.
- C. Sanitary sewer lines, required pump stations, water distribution lines, and fire hydrants.
- D. Stormwater drainage facilities, including required plantings.
- E. Sidewalks, planter strips or swales or tree wells with decorative grates, ADA ramps, and truncated domes.
- F. Streetlight fixtures and electrical lines for the streetlights.
- G. Street name signs, traffic control devices, and traffic control signs.
- H. Street trees, including required stakes, ties, and mulch.
- I. Streets, including curbs and asphalt.
- J. Transit benches and concrete slabs for mounting benches.
- K. Underground communication lines, including broadband (fiber) for SandyNet and telecommunication lines. Franchise agreements will dictate whether telephone and cable lines are required.

- L. Underground electric and natural gas.
- M. Erosion control measures for all areas without improvements or landscaping.
Response: The applicant is also requesting a variance to the requirements of this section. As noted above, the applicant requests approval of this application as an interim step during the City's current sanitary sewer moratorium. To ensure no further development will occur until approval of a future subdivision application, the applicant will record a deed restriction preventing development of the parcels until such time as the City is no longer subject to the terms of the sewer moratorium.

CHAPTER 17.66 - ADJUSTMENTS AND VARIANCES

Adjustments and variances are procedures to vary development standards normally applied to a particular district.

Response: The applicant is requesting two Special Variances with this application as follows:

- *Variance No. 1 - Type III Special Variance to Section 17.100.40(D) to defer construction of improvements as required by this section until submission and approval of a future subdivision application.*
- *Variance No. 2 - Type III Special Variance to Sections 17.84.20 and 17.100.310 to defer construction of required improvements until submission and approval of a future subdivision application.*

17.66.80 - SPECIAL VARIANCES

The Planning Commission may grant a special variance waiving a specified provision under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

Variance No. 1 - The applicant requests approval of a Type III Special Variance to Section 17.100.40(D) to defer construction of improvements as required by this section until submission and approval of a future subdivision application.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

Response: The applicant has requested a variance to the provisions of this section given the current sewer moratorium limiting the submission and approval of a subdivision application. The applicant does not propose any development with the current application and intends to record to a temporary deed restriction on the property stating that no development will occur without approval of a future land use application. This criterion is met.

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: Because no development is proposed or will be permitted with approval of the proposed partition application, *approval of the requested special variance will have no effect on the public welfare or will it be injurious to other property in the area compared to the effects of development otherwise permitted. The requested partition will essentially allow the existing dwelling on the site (Parcel 2) to be separated from the rest of the property (Parcel 1). This criterion is met.*

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

Response: *The applicant's request to allow approval of a two parcel partition and to defer the construction of all public improvements until approval of a future subdivision is the minimum variance needed to permit practical division of the property. This criterion is met.*

- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

Response: *This request does not involve the restoration or replacement of a nonconforming development and this criterion is not applicable.*

Variance No. 2 - The applicant requests approval of a Type III Special Variance to Sections 17.84.20 and 17.100.310 to defer construction of required improvements until submission and approval of a future subdivision application. These sections relate to the timing of required improvements.

- A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and

Response: *The applicant has requested a variance to the provisions of these sections given the current sewer moratorium limiting the submission and approval of a subdivision application. The applicant does not propose any development with this application and will record a temporary deed restriction on the property stating that no development will occur without approval of a future land use application. This criterion is met.*

2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

Response: Because no development is proposed or will be permitted with approval of the partition application, *approval of the requested special variance will have no effect on the public welfare or will it be injurious to other property in the area compared with the effects of development otherwise permitted. The requested*

partition will essentially allow the existing dwelling on the site (Parcel 2) to be separated from the rest of the property (Parcel 1). This criterion is met.

- B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.
Response: The applicant's request to allow approval of a two parcel partition and to defer the construction of all public improvements until approval of a future subdivision is the minimum variance needed to permit practical division of the property. This criterion is met.
- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.
Response: This request does not involve the restoration or replacement of a nonconforming development and this criterion is not applicable.

V. Conclusion

The applicant proposes partitioning the property into two parcels. Parcel 2 is proposed to contain 32,857 square feet and will contain the existing dwelling. Parcel 1 containing 381,998 square feet includes the rest of the property. The applicant is proposing the partition as an interim step in developing the property. Because of the City's current sanitary sewer moratorium, the applicant is prevented from submitting a subdivision application for the property at this time. Approval of this partition will allow the owner to sell the existing home while he is waiting to develop the property in the future.

As required by Resolution 2026-04, Section 3.r, the applicant will record a deed restriction on both parcels, preventing a sanitary sewer connection for either parcel until such time as the City is no longer subject to the terms of the sewer moratorium. The applicant has requested two Special Variance with this application in order to defer construction of any public improvements until a future subdivision application can be submitted and approved. The applicant respectfully requests this application be approved.