



PLANNING COMMISSION MEETING

Monday, August 24, 2026 at 6:30 PM
Sandy City Hall and via Zoom

AGENDA

TO ATTEND THE MEETING IN-PERSON:

Come to Sandy City Hall (lower parking lot entrance) - 39250 Pioneer Blvd., Sandy, OR 97055

TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/87346962607>

Or by phone: (253) 215-8782; Meeting ID: 87346962607

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Approval of Minutes for June 22, 2026

REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS

The Commission welcomes your comments at this time. Please see the instructions below:

- If you are participating online, click the "raise hand" button and wait to be recognized.
- If you are participating via telephone, dial *9 to "raise your hand" and wait to be recognized.

DIRECTOR'S REPORT

COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

NEW BUSINESS

- [2.](#) File No. 26-029 ZC - Zoning Map Amendment - Bornstedt Views subdivision
- [3.](#) File No. 26-028 MP/VAR/FSH - 19124 Jacoby Road - 2-parcel Partition

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) or (Email: recorder@ci.sandy.or.us) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

Sandy Planning Commission Regular Meeting Monday, June 22, 2026

Chair Malone called the meeting to order at 6:30 p.m.

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Lee – Present
Commissioner Zawaski – Present
Commissioner O’Leary – Absent
Commissioner Wegener – Present
Vice Chair Crosby – Present
Chair Malone – Present

Council Liaison Ramseyer – Present

Staff present: Development Services Director Kelly O’Neill Jr., City Attorney Josh Soper, Development Services Specialist II Rebecca Markham

3. APPROVAL OF MINUTES – May 11, 2026

Chair Malone asked for any edits to the draft minutes. With no edits requested, the minutes were declared approved at 6:31 p.m.

4. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS:

None

5. DIRECTOR’S REPORT

Development Services Director Kelly O’Neill Jr. told the Commission that there’s no July Planning Commission meeting. The next meeting will be on August 24, 2026, which will likely include two hearings. He said that one will be a unique partition on Jacoby Road and the other will address the FSH overlay in the Bornstedt Views subdivision which was a condition of that subdivision back in 2021.

O’Neill updated the Commissioners on the City Council’s approval of the “wastewater facility amendment” which was adopted on June 8 with the preferred method of “groundwater discharge”. O’Neill also said that City Council adopted “moratorium 5.0” which staff is currently working on creating forms for the anticipated distribution programs.

6. LEGISLATIVE UPDATE FROM THE CITY ATTORNEY

City Attorney Josh Soper updated the Commission on two legislative bills. The two bills are Senate Bill (SB) 974 and House Bill (HB) 4037 which both become effective on July 1, 2026. Soper went through a PowerPoint presentation on both bills and how they will affect residential land use decisions.

Soper provided an overview of both bills which included what it applies to, the land it affects, and the required procedures, which includes “noticing” landowners, and how the City must process any application related to the two bills.

Chair Malone asked Soper who he believes is behind all these new bills and Soper explained that there seems to be widespread perception at the legislative level that cities are creating obstacles for affordable housing.

Soper concluded with the next steps for the City which will include staff working with the City Council and City Administration to determine the desired approach for implementation. This could include development code changes, but it will first be brought before the Planning Commission for their review and recommendations before being brought before the City Council for adoption.

7. COUNCIL LIAISON REPORT

City Councilor Kristina Ramseyer updated the Commission on the adoption of the wastewater facility plan that was recently adopted and which they are happy to see move forward. She also mentioned that utility rates were raised again, but explained that the City Council did expand the "utility customer assistance program" that allows for additional eligibility.

Ramseyer also said that the "Longest Day" event was held on Thursday June 18 at Deer Pointe Park and brought out a lot of people who expressed that they loved the new park.

Ramseyer said that City Council adopted Resolution 2026-19 which expressed condolences to the victims of the May 31st tragedy and expressed gratitude to the first responders. It also included a commitment to community healing and resilience.

Ramseyer also stated that Mt. Festival will be held in the next few weeks and reminded the Commission that Meinig Park will be closing the day after the festival ends until Winterfest for park renovations. These updates include additional ADA accessibility and one more restroom. O'Neill also noted that upgrading the lower parking lot behind Joe's Donuts as well as the Joe's Donuts parking lot will be included with this project.

Lastly, Ramseyer noted that the Transit Department will be promoting a "park trolley" in order to take residents to other open parks in the community during the renovation since it's a big impact to users of Meinig Park.

8. NEW BUSINESS:

8.1. Chapter 17.74 Temporary Uses and Structures (File No. 26-016 DCA)

Chair Malone opened the legislative hearing on File No. 26-016 DCA at 7:03 p.m. Malone called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Development Services Director O'Neill explained how this "piggybacks" off Council goal 6.10, which is to continue to improve and refine code language. O'Neill gave an example from 2023 when a business had a kitchen fire and needed a temporary food cart on site longer than the code allowed. Administration asked staff to start making modifications to the code chapter which staff then brought before the Planning Commission in 2023, 2024, and 2025, and recently there was a work session with City Council in March of 2026. O'Neill stated that through those recent meetings they revised the code chapter that is before them now.

O'Neill went over some key changes and explained how they "carved out" a section specifically for the Mt. Hood Farmers Market or substantially similar event as approved by the City Manager

that could be permitted longer than 90 days as requested by the City Council at the work session in March.

He also explained that during the March work session, the City Council also asked to define that the federal government, State of Oregon, and the City of Sandy can declare an emergency instead of naming specific titles or people.

Motion: Motion to close the public hearing at 7:12 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Lee

Yes votes: All Ayes

No votes: None

Abstentions: None

Discussion:

The Commission and staff discussed the definition of “temporary structures and uses” and defined what determines each application.

Commissioner Wegener asked about “temporary vehicles” such as food carts and where those would come into play. O’Neill stated that temporary food carts are allowed for up to three days at events as defined in the food cart section of Chapter 17.74 and not in the temporary structures section. Wegener also asked about temporary bathrooms and O’Neill said that temporary bathrooms are regulated by OSHA and he’d hate to have our regulations conflict with theirs.

The Commission asked specifically about Music Fair and Feast and the stage and how that’s permitted each year. O’Neill stated that both the Mt. Festival in Meinig Park and the Music Fair and Feast in Centennial Plaza obtain City Council approval and do not go through a temporary land use application. Wegener stated that he’d like to see more similar festivals in the city and wants to make sure there’s a path forward for them. O’Neill believes the safer route would be that anyone wanting to have a similar festival go before the City Council for approval and not go through the land use process.

Soper stated that the City could create an exemption in the code for City sponsored events which could be broad by saying any events sponsored by the City whether on public or private property. Wegener stated that he liked that option.

Motion: Move to recommend approval of Ordinance 2026-10 with the modifications to Chapter 17.74 and add a provision for City sponsored events to get approval from the City Council.

Moved By: Commissioner Wegener

Seconded By: Vice Chair Crosby

Yes votes: All Ayes

No votes: None

Abstentions: None

8.2. Senate Bill 1561 – Non-Conforming Development (File No. 26-019 DCA)

Chair Malone opened the legislative hearing on File No. 26-019 DCA at 7:27 p.m. Malone called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Development Services Director O’Neill explained that this legislation was written following the

2020 fires around the State of Oregon and will allow for easier construction of damaged or destroyed dwellings following a natural disaster. O'Neill also noted that the City Attorney's office did most of the code writing for this code to ensure it was in compliance with Senate Bill 1561 and then staff added some code references that were specific to Sandy.

City Attorney Soper explained that the language they are reviewing is almost verbatim from what's in the legislation and what the City must also allow.

Staff recommend the Commission give a recommendation of approval to the City Council.

Motion: Motion to close the public hearing at 7:31 p.m.

Moved By: Commissioner Lee

Seconded By: Vice Chair Crosby

Yes votes: All Ayes

No votes: None

Abstentions: None

Discussion:

Commissioner Wegener stated that he's happy to see this legislation and would also like to see some internal policies on emergency building permitting as well. O'Neill stated that the Development Services Department already does a good job of prioritizing permits for urgent situations, but in his experience the insurance companies are the hold up on moving construction forward. He also noted that if there were a large number of permits that came through due to a natural disaster, he would have to consider hiring more staff to assist in processing permits.

Motion: Move to recommend approval of Ordinance 2026-17 to the City Council.

Moved By: Commissioner Wegener

Seconded By: Vice Chair Crosby

Yes votes: All Ayes

No votes: None

Abstentions: None

9. ADJOURNMENT

Chair Malone adjourned the meeting at 7:38 p.m.

Attest:

Chair Linda Malone

Kelly O'Neill Jr.,
Development Services Director

Date signed: _____

PLANNING COMMISSION STAFF REPORT TYPE IV DECISION

MEETING DATE:	August 24, 2026
FILE NO.:	26-029 ZC
PROJECT NAME:	Bornstedt Views FSH Overlay Map Amendment
APPLICANT/OWNER:	Alex Flikkema, NW Executive Homes & Dev. LLC
MAP/TAX LOTS:	24E24CA01000, 24E24CA01100, 24E24CA04500 24E24BD03600, 24E24BD10700, 24E24BD10600
APPLICABLE CRITERIA:	Chapter 17.26 – Zoning District Amendments
EXISTING ZONING:	Single Family Residential (SFR)
PROPOSED ZONING:	Single Family Residential (SFR) with FSH Overlay
COMP. PLAN DESIGNATION:	Low Density Residential
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND

The applicant is requesting this hearing to add the Flood and Slope Hazard (FSH) Overlay to multiple properties in the Bornstedt Views subdivision. This proposal is being reviewed as a Type IV zone change. The purpose of the hearing is for the Planning Commission to decide if the application conforms to the applicable criteria and make a recommendation to the City Council.

The Bornstedt Views subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. Condition A.7., of this approval included the following language: “A.7. Submit concurrence from the Oregon Department of State Lands (DSL) prior to any development activities on the site. If DSL determines there’s an intermittent stream and/or a significant wetland on the subject property, the applicant shall submit an application and receive approval for an update to the FSH overlay district on the subject property in compliance with Ordinance 2019-16.”

On August 6, 2024, the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property. This delineation and concurrence identified a 0.03-acre wetland at the northern boundary of the site and a non-jurisdictional ephemeral stream traversing the property from south to north. The mapping concludes at the Bornstedt Views subdivision’s north property line. The blue dotted line shown in the Bornstedt Views FSH Overlay Sketch Map (Figure 1) is not included in this rezoning request as no wetland mapping of that area has been performed.

The purpose of this land use application is to fulfill the requirements of Condition A.7. from File No. 21-021. The applicant has submitted an application requesting the City amend its Zoning Map to include this small wetland area with a 25-foot buffer around the perimeter of the wetland and 50-foot setback from the ephemeral stream’s top of bank as specified in Section 17.60.30 - Required Setback Areas, of the Sandy Development Code (see sketch map on the following page). As detailed in Note 3 of the plat, Tract B was conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.

BORNSTEDT VIEWS FSH OVERLAY SKETCH MAP

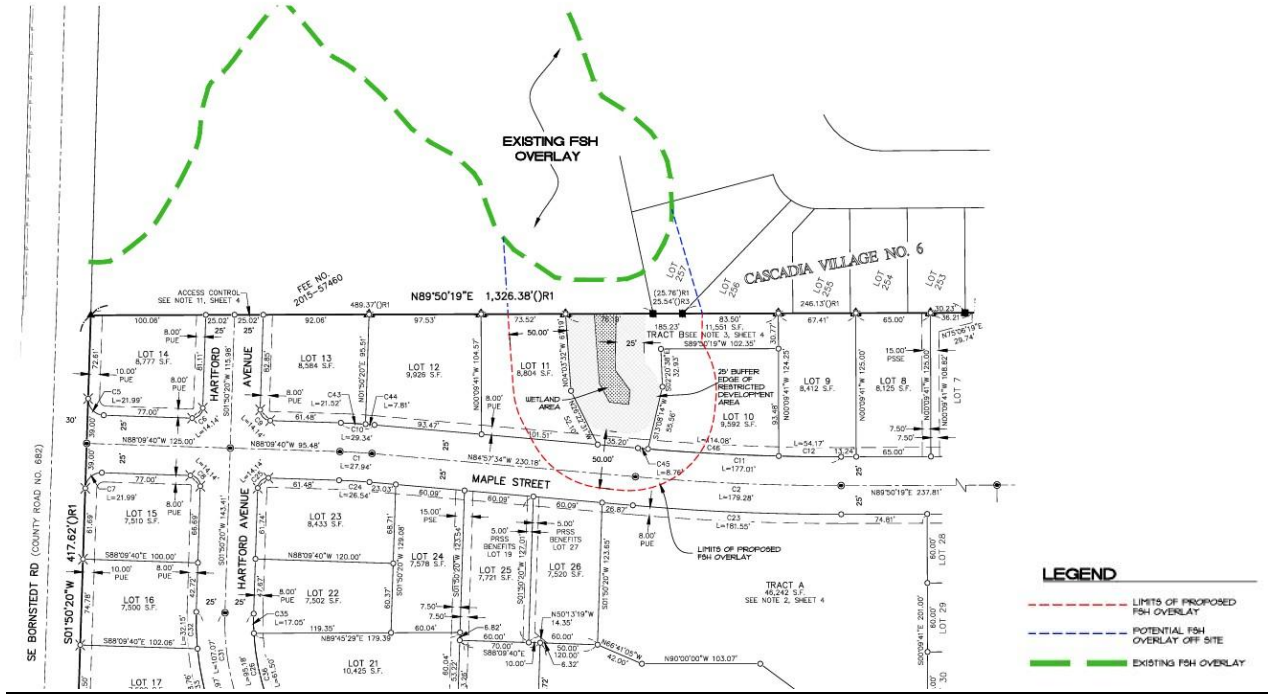


Figure 1

AGENCY AND DEPARTMENT COMMENTS

- **Oregon Department of State Lands (DSL):** Review letter (WD #2024-0397)
- **Fire District:** None
- **SandyNet:** None
- **Public Works Department:** None
- **Building Official:** None

EXHIBITS

Applicants' Submittals:

- Land Use Application
- Project Narrative
- Bornstedt Views FSH Overlay Map
- DSL Letter (WD #2024-0397)
- Zoning Map

FINDINGS OF FACT

Finding 1. These findings are based on the applicant's submittals and payment received on June 11, 2026. Staff deemed the application complete on July 9, 2026, with a 120-day deadline of November 6, 2026.

Finding 2. This report is based upon the exhibits listed in this document, as well as the criteria in Chapter 17.26 - Zoning District Amendments.

- Finding 3.** Notification of the proposal was mailed to property owners within 500 feet of the subject property on July 28, 2026. A general legal notice containing a link to the City's webpage that lists upcoming public hearings was published in the Sandy Post prior to the hearing dates. No public comments were received when the final packet was uploaded to the meeting platform. (May need to be modified after August 11).
- Finding 4.** The required notice regarding this zone change request was sent to the Department of Land Conservation and Development (DLCD) on July 20, 2026. DLCD File #: 004-26.
- Finding 5.** The Bornstedt Views Subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. The final Plat No. 4813 was recorded on June 25, 2026.
- Finding 6.** The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of Single Family Residential (SFR).
- Finding 7.** It is important to note that this zone change does not require a Comprehensive Plan Map amendment as the latter designation will remain low density residential underneath the new overlay zoning.
- Finding 8.** The property to the north is zoned Low Density Residential (R-1)/Bornstedt Village (S.A.P.) Overlay/FSH Overlay, the property to the east and west is zoned Single Family Residential (SFR), and the property to the south is outside City limits/inside the UGB and has a comprehensive Plan designation of Low Density Residential (See Figure 2: Surrounding Zoning).

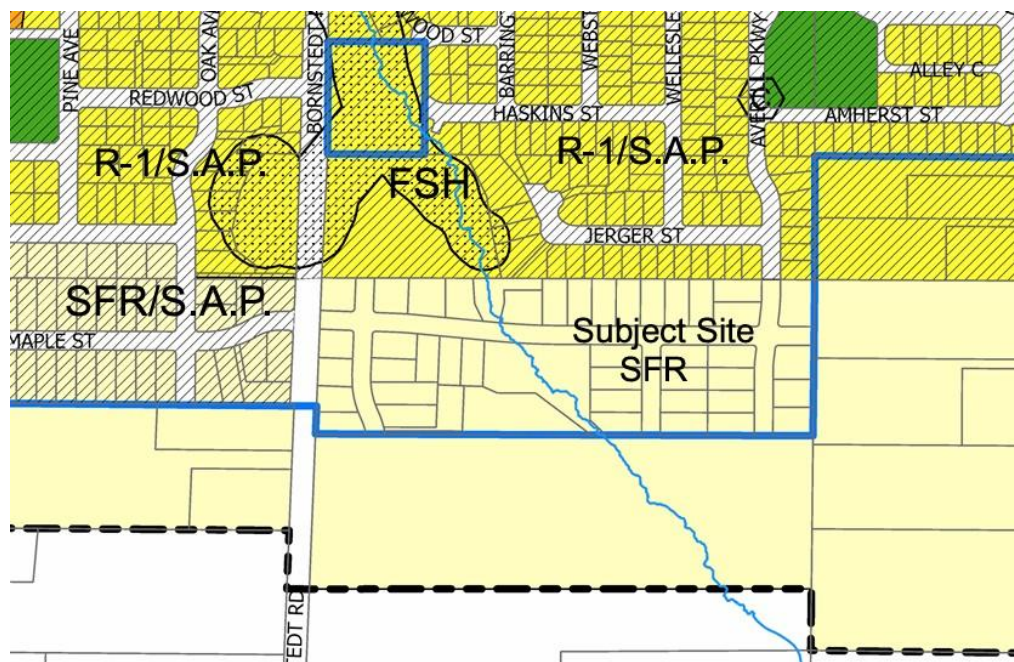


Figure 2: Surrounding Zoning

FINDINGS APPLYING DECISION CRITERIA

17.26 – Zoning District Amendments

Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.

Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.

Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services.

Finding 9. The proposed zone change should not negatively impact public facilities or create service capacity shortfalls. The level of service for any potential use allowed in the underlying SFR district will remain identical and not have any additional impact on the sanitary sewer and water facilities. The subdivision's stormwater system is designed to channel runoff into a primary detention facility. The stormwater runoff will be detained for a short time and slowly release into Tract B from underneath Maple Street and continue into an engineered drainage system traveling north.

Conclusion: *Criterion (B)(1) is met.*

Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of this chapter.

Finding 10. Adherence to this chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to maintain sound, stable, and desirable development within the city and permit changes in zoning district boundaries where appropriate. The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. A series of steps in the review process shall be followed to maintain the integrity of this chapter and the Development Code as a whole.

- A. Adequate public involvement through noticing affected property owners and holding two public hearings meets this criterion.
- B. **Section 17.26.50. Staff evaluation.** This staff report was compiled following the criteria set forth in this chapter.
- C. **Section 17.26.60. Action by hearing body.** Both the Planning Commission and the City Council will hold a public hearing. The criterion has been met.
- D. Because this zone change is not changing the Comprehensive Plan Map designation from residential, a decision can be made.

Conclusion: *Criterion (B)(2) is met.*

Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan.

Finding 11. Multiple goals and policies support the City utilizing the Flood and Slope Hazard (FSH) Overlay District to minimize wetland and stream impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flow to significant wetlands or streams regulated by the FSH Overlay District. Tract B was conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.

NATURAL RESOURCES

Goal 26: Protect forest, river, and wetland ecosystems and the native species they support.

- Policy 26.5 Update the 1997 Wetlands Inventory and mapping of approximate areas of known stream corridors, wetlands, and associated buffers.
- Policy 26.6 Where feasible, preserve natural vegetation resource sites through public acquisition, conservation easements, or other available methods to permanently limit development.

Goal 28: Protect and conserve open space.

- Policy 28.2 Employ development regulations to preserve and protect open space and environmentally sensitive lands, integrate the natural environment of Sandy into project designs, minimize the creation of impervious surface, and incentivize the protection of native trees and other vegetation.

Goal 29: Ensure ecologically sound development.

- Policy 29.2 Notify applicable state and federal natural resource protection agencies of development proposals potentially impacting important natural features including the Department of State Lands (DSL) for any development that will occur in an area with wetlands or other waters of the state.
- Policy 29.3 Identify and inventory significant natural features during the development process to preserve natural features or mitigate losses by placing conditions upon development using city, state, and federal government regulations to achieve this objective.

Given that the City is working towards implementing protections around all existing and proposed development conforms with the Sandy Municipal Code and the goals and policies of the Comprehensive Plan, staff find that these criteria have been met.

Conclusion: Criterion (B)(3) is met.

Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

Finding 12. The following statewide planning goals are being met:

- A. **Goal 1: Citizen Involvement.** The Planning Commission is holding a public hearing for this application on August 24, 2026. The City Council will hold a public hearing on October 5, 2026, to consider the recommendation of the Planning Commission. A legal notice was published in the Sandy Post and a notice of the proposal was sent to the Department of Land Conservation and Development (DLCD). Public notices have been sent for these respective meetings.
- B. **Goal 2: Land Use Planning.** Comprehensive plans must comply with the requirements of each applicable statewide planning goal and must be supported by an adequate factual base. The Department of Land Conservation and Development (DLCD) reviewed Sandy's Comprehensive Plan and confirmed it is in compliance with the statewide planning goals.

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implement regulations. Cities and counties must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning. The proposed zone change to add the FSH Overlay to the subject properties is supported by the policies codified into the Comprehensive Plan adopted in 2024 and the regulations adopted to create the City's development code.

- C. **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Space.**

Goal 5 is a broad statewide planning goal that covers more than a dozen resources. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. Wetlands are one of these resources.

Resource sites are assessed and significant sites are protected. Some Goal 5 resource categories rely on inventories and assessments that have been conducted by state or federal entities. The City has created a local wetland inventory and continues to add areas that are identified during development and infrastructure projects.

Local governments developed their own protections in support of Goal 5 through their development codes and comprehensive plans. The City implements protections through Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District and adds new areas requiring protection through the rezoning process. The City decides on a level of protection appropriate for each resource site through the adopted codes to put their policies into effect.

Conclusion: Criterion (B)(4) is met.

CHAPTER 17.60 – FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT

Finding 13. Chapter 17.60 is intended to promote the public health, safety, and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides, or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP).

Finding 14. Chapter 17.60 is consistent with Statewide Planning Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Space) and provides provisions for the protection of wetlands and the responsibility to reach out to all jurisdictions where oversight applies. Section 17.60.10. Interpretation and mapping requires the City to notify the Oregon Department of State Lands (DSL) whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350.

On July 28, 2022, the City of Sandy Planning Commission conditioned their approval that the developer for the Bornstedt Views subdivision perform a wetland inventory. The developer commissioned AKS Engineering and Forestry LLC to map the area surrounding the intermittent stream to determine if the stream is accompanied by any significant wetlands. On August 6, 2024, the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property.

Finding 15. Section 17.60.60. has approval standards and conditions for development proposed within restricted development areas of the FSH overlay district. Section 17.60.60.B. *Approval Standards for Residential Construction*. Any future development proposed on Lot 10 or Lot 11 in the Bornstedt Views Subdivision will be subject to the requirements found in this section, although the restricted development area is entirely located on Tract B.

CONCLUSION

Staff concludes that the required findings for the zoning map amendment support those required in Chapter 17.26 – Zoning Amendments and are incorporated here in support of this application. Staff recommend the Planning Commission pass a motion to recommend approval of the requested zone change to the City Council with additional conditions if identified.

RECOMMENDED MOTION

I MOVE THAT:

The findings, as presented in the staff report dated August 24, 2026, shall be adopted and the Planning Commission hereby recommends approving File No. 26-029 ZC to the City Council to amend the Zoning Map to add the Flood and Slope Hazard (FSH) Overlay to the subject properties.



General Land Use Application

1 page

Name of Project:	Bornstedt Views FSH Map Amendment
Location or Address:	19618 SE Bornstedt Road

Map & Tax Lot #	T: 2S	R: 4E	Section: 24C	Tax Lot (s): 100
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Request: Type IV Zoning Map Amendment to map the FSH Overlay boundary on Tract B of the subject property as required by Condition A.7 of this approval.

- I am the (check one) ☒ owner ☐ lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.
- With submission of this application, I authorize representatives of the City of Sandy to access the property for the purpose of site investigation associated with this application.

Applicant (if different than owner) Alex Flikkema, NW Executive Homes & Dev. LLC	Owner
Address P.O. Box 818	Address
City/State/Zip Boring, OR 97009	City/State/Zip
Email alexflikkema@gmail.com	Email
Phone 971-777-2198	Phone
Signature 	Signature
Date of Signature 06/16/26	Date of Signature

Staff Use Only

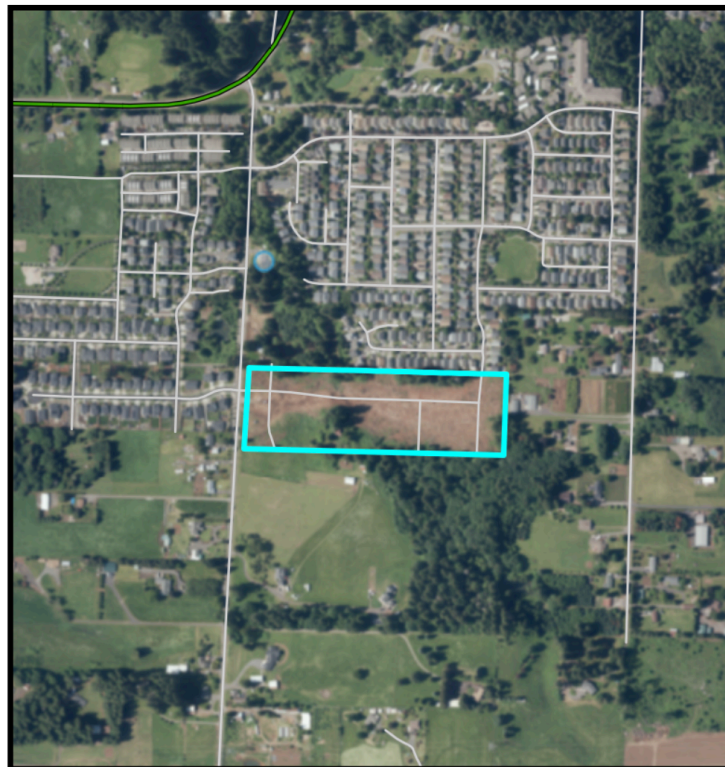
File #: 26-029 ZC	Date: Pd 6/11/26	Fee\$: \$5,804.05	Planner: P Depa	
Type of review:	Type I ☐	Type II ☐	Type III ☐	Type IV ☒
Has applicant attended a pre-app?	Yes ☐	No ☒	If yes, date of pre-app meeting:	

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

Email: planning@ci.sandy.or.us

**City of Sandy
Zoning Map Amendment**

**19618 SE Bornstedt Road
24E24C tax lot 100
Tract B of the Bornstedt Views Subdivision**



**Prepared by Tracy Brown Planning Consultants, LLC
June, 2026**

Project Details

Project Location: Tract B - 19618 SE Bornstedt Road

Legal Description: 24E24C tax lot 100

Zoning District: Single Family Residential (SFR)

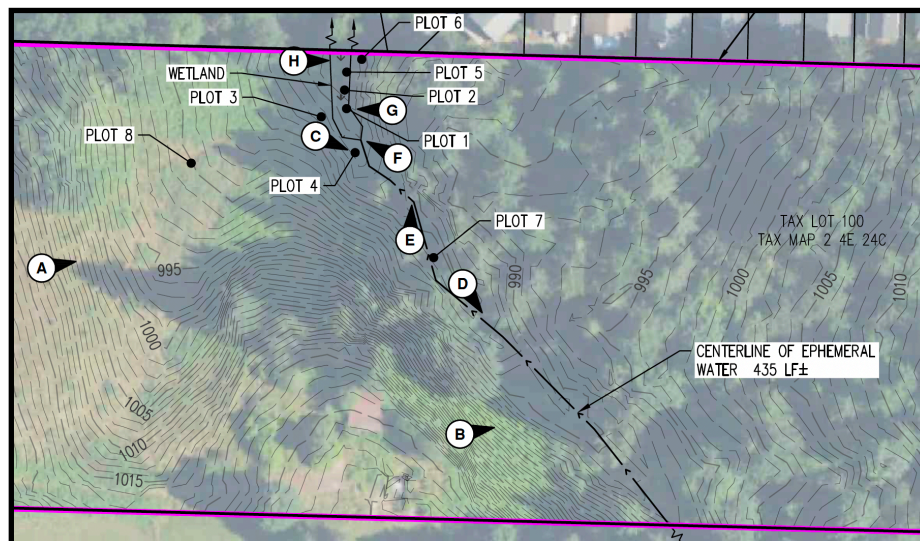
Approval File: File No. 21-021 SUB/VAR/TREE/HD

1. Project Description and Background

The Bornstedt Views Subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. Condition A.7, of this approval included the following language:

A.7. Submit concurrence from the Oregon Department of State Lands (DSL) prior to any development activities on the site. If DSL determines there's an intermittent stream and/or a significant wetland on the subject property, the applicant shall submit an application and receive approval for an update to the FSH overlay district on the subject property in compliance with Ordinance 2019-16.

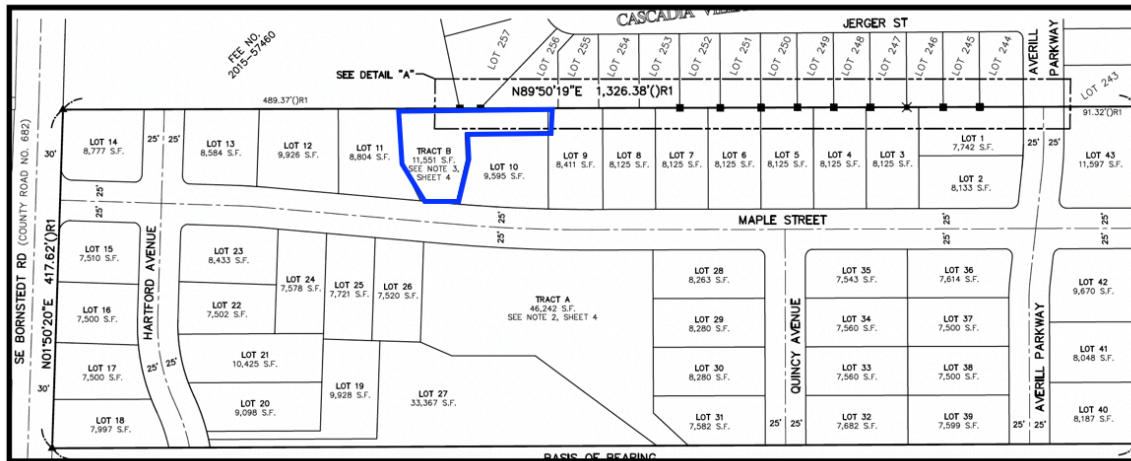
On August 6, 2024 the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property. This delineation and concurrence identified a 0.03 acre wetland at the northern boundary of the site and a non-jurisdictional ephemeral drainage traversing the property from south to north as shown below.



In order to fulfill the requirements of Condition A.7, the applicant has submitted an application requesting the City amend its Zoning Map to include this small wetland area with a 25-foot buffer around the perimeter of the wetland as

specified in Section 17.60.30 - Required Setback Areas, of the Sandy Development Code.

The wetland area is located on Tract B of the Bornstedt Views Subdivision as identified on the image below. As detailed in Note 3 of the plat, Tract B will be conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.



The submission of this application was coordinated with City of Sandy Planning staff and it was determined that a pre-application conference would not be required prior to submitting the application.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type IV Zoning Map Amendment to include a wetland boundary and buffer located on Tract B of the Bornstedt Views Subdivision.

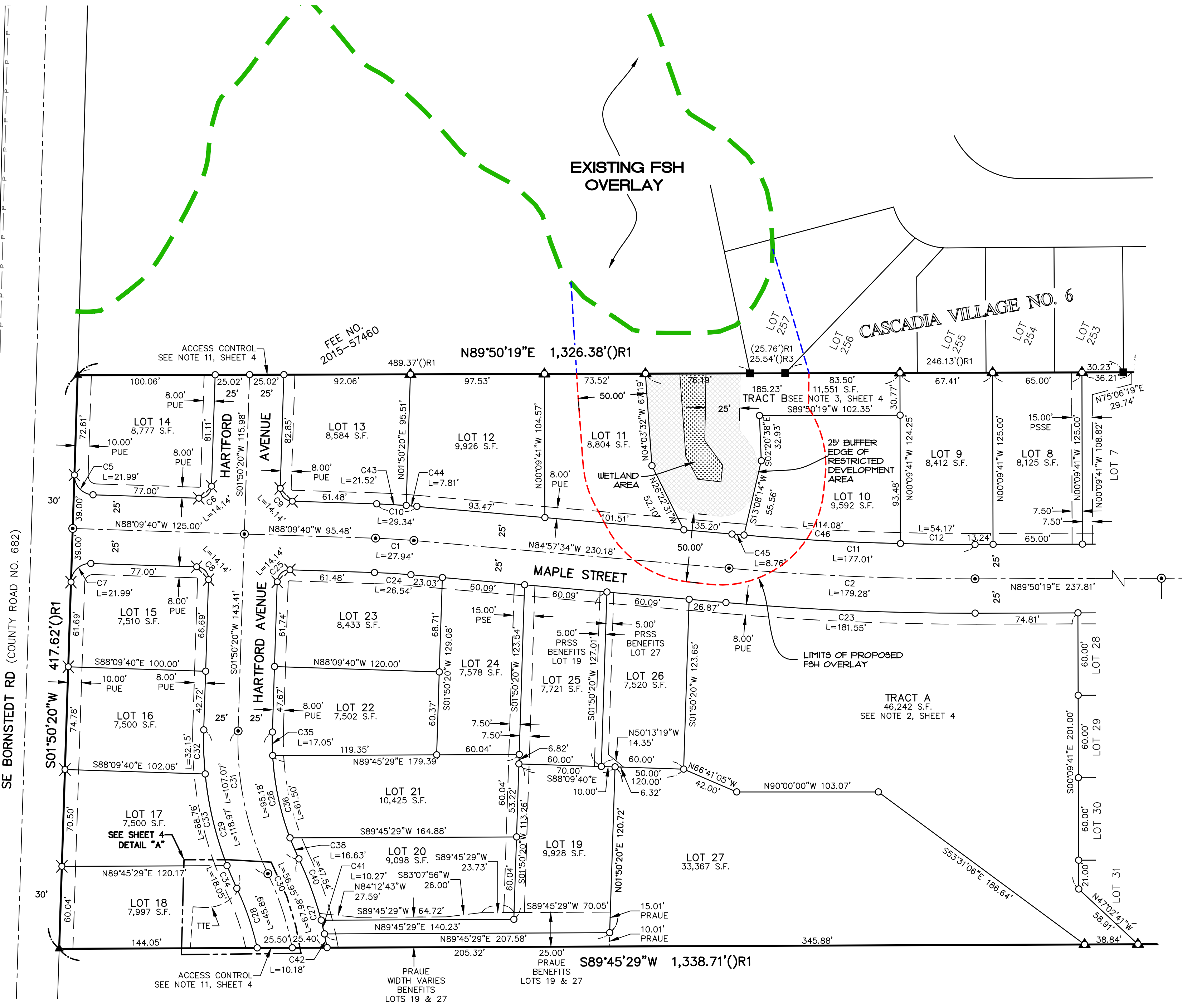
III. Items Submitted With This Application

- Land Use Application
- Project Narrative
- Wetland Boundary and Buffer Map
- DSL Concurrence (WD #2024-0397)

V. Conclusion

The applicant proposes an amendment to the City's Zoning Map to include the wetland boundary and a buffer as FSH Overlay located on Tract B of the Bornstedt Views Subdivision. This application has been submitted to fulfill the requirements of Condition A.7 of the subdivision approval. As noted above, concurrence of the wetland boundary was received from the Department of State Lands and as shown on the Final Plat for this subdivision, Tract B containing this feature will be conveyed to the City of Sandy.

BORNSTEDT VIEWS FSH OVERLAY SKETCH MAP



LEGEND

- LIMITS OF PROPOSED FSH OVERLAY
- POTENTIAL FSH OVERLAY OFF SITE
- EXISTING FSH OVERLAY

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Ray L. Moore
OREGON
JULY 15, 2003
RAY L. MOORE
49710
RENEWAL DATE: 12/31/26



SCALE : 1" = 50'
0' 25' 50'

ALL COUNTY
SURVEYING | PLANNING | ENGINEERING

ALL COUNTY SURVEYORS & PLANNERS, INC
CONTACT: RAY L. MOORE
P.O. BOX 955 SANDY, OR 97055
PHONE: 503.668.3151
DWG NUMBER: 24-017-FSH MAP.dwg
DATE OF PLOT: 6-23-26



Oregon

Tina Kotek, Governor

EXHIBIT D

Item # 2.

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

August 6, 2024

State Land Board

Even Better Homes, Inc

Attn: Mac Even

PO Box 2021

Gresham, OR 97030

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Re: WD # 2024-0397 **Approved**
Wetland Delineation Report for SE Bornstedt Road
Clackamas County; T2S R4E S24C TL100

Tobias Read

State Treasurer

Dear Mac Even:

The Department of State Lands has reviewed the wetland delineation report prepared by AKS Engineering & Forestry, LLC for the site referenced above. Based upon the information presented in the report, a site visit on July 31, 2024, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland, totaling approximately 0.03 acres) and one waterway (Ephemeral Water) were identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The waterway is exempt per OAR 141-085-0510(49) and therefore, is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Steveson, PWS the Wetland Ecologist for Clackamas County at (503) 798-7622.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Stacey Reed, PWS, AKS Engineering & Forestry, LLC
City of Sandy Planning Department
Morgan Hall, Corps of Engineers
Michael De Blasi, DSL
Hannah Smiley, DEQ

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Item # 2.

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- ❖ Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information
☒ Applicant ☒ Owner Name, Firm and Address:

Attn: Mac Even
Even Better Homes, Inc.
PO Box 2021
Gresham, OR 97030

Business phone #

Mobile phone # (optional)

E-mail: mac@EvenBetterHomes.com

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name:

Signature: Mac EvenDate: 7/16/24

Special instructions regarding site access:

Project and Site Information

Project Name: SE Bornstedt Road

Latitude: 45°22'54.51"N

Longitude: 122°15'46.34"W

decimal degree - centroid of site or start & end points of linear project

Proposed Use:

Tax Map # 2 4E 24C

Residential Development

Tax Lot(s) 100

Tax Map #

Project Street Address (or other descriptive location):

Tax Lot(s)

19618 SE Bornstedt Road

Township 2S

Range 4E

Section 24

QQ

Use separate sheet for additional tax and location information

City: Sandy

County: Clackamas

Waterway: NA

River Mile: NA

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Phone # (503) 563-6151

Stacey Reed, PWS

Mobile phone # (if applicable)

AKS Engineering & Forestry, LLC

E-mail: StaceyR@aks-eng.com

12965 SW Herman Road, Suite 100

Tualatin, OR 97062

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: SheelDate: 7/16/24

Primary Contact for report review and site access is ☒ Consultant ☒ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present?

☒ Yes ☐ No

Study Area size: 12.24 Acres

Total Wetland Acreage: 0.0300

Check Applicable Boxes Below☐ R-F permit application submitted☐ Fee payment submitted \$ _____☐ Mitigation bank site☐ Resubmittal of rejected report (\$100)☐ EFSC/ODOE Proj. Mgr: _____☐ Request for Reissuance. See eligibility criteria. (no fee)☐ Wetland restoration/enhancement project (not mitigation)

DSL # _____ Expiration date _____

☒ Previous delineation/application on parcel☐ LWI shows wetlands or waters on parcelIf known, previous DSL # WD2022-0290

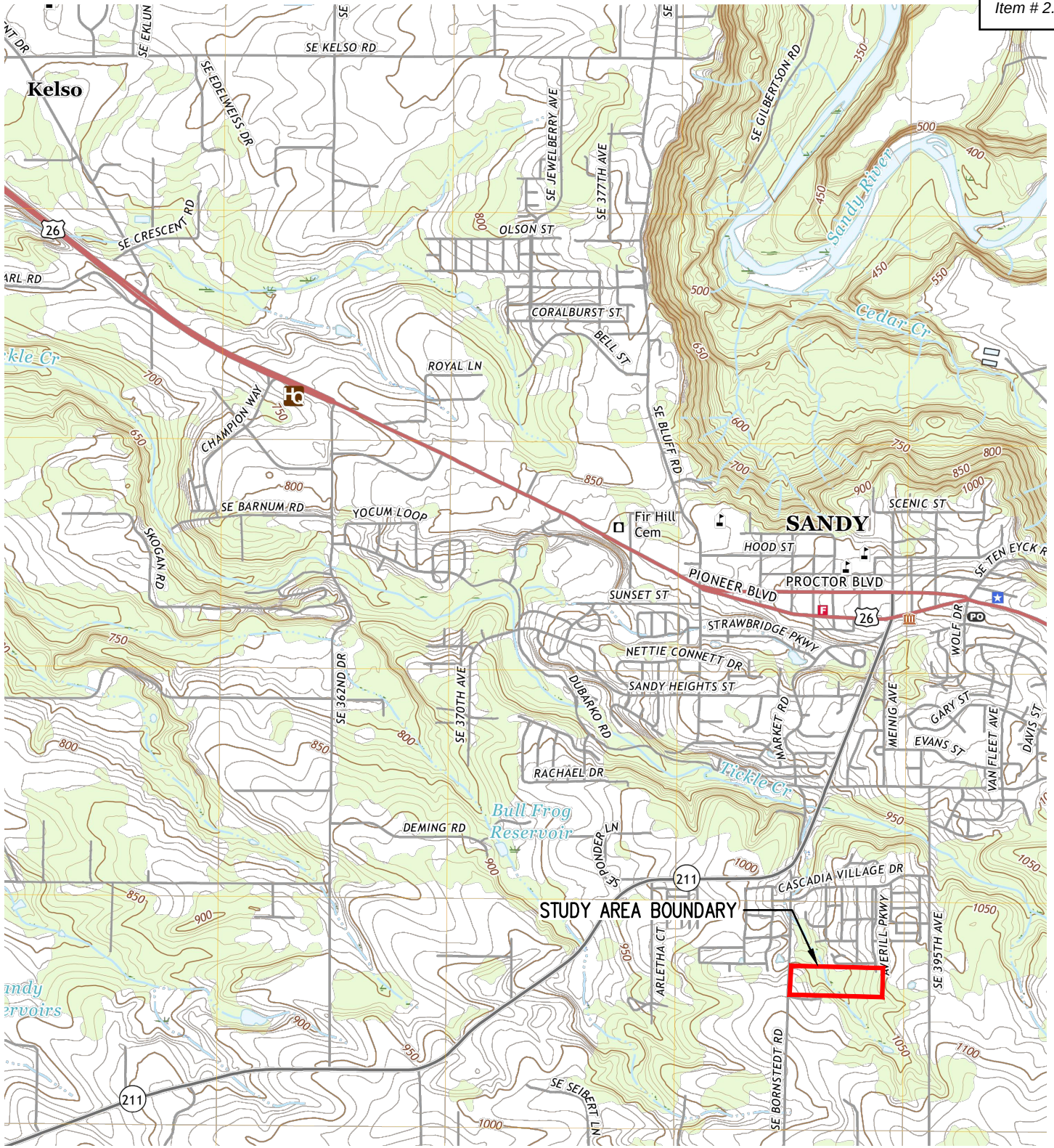
Wetland ID code _____

For Office Use OnlyDSL Reviewer: CS

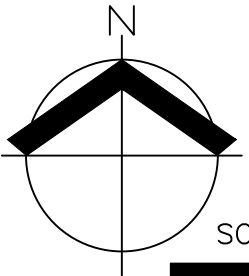
Fee Paid Date: _____ / _____ / _____

DSL WD # 2024-0397Date Delineation Received: 07 / 18 / 2024

DSL App.# _____



USGS 7.5' TOPOGRAPHIC SERIES
QUADRANGLE: SANDY, OR (2020)



SCALE: 1" = 2000 FEET

2000 0 400 1000 2000
ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 01/24/2024

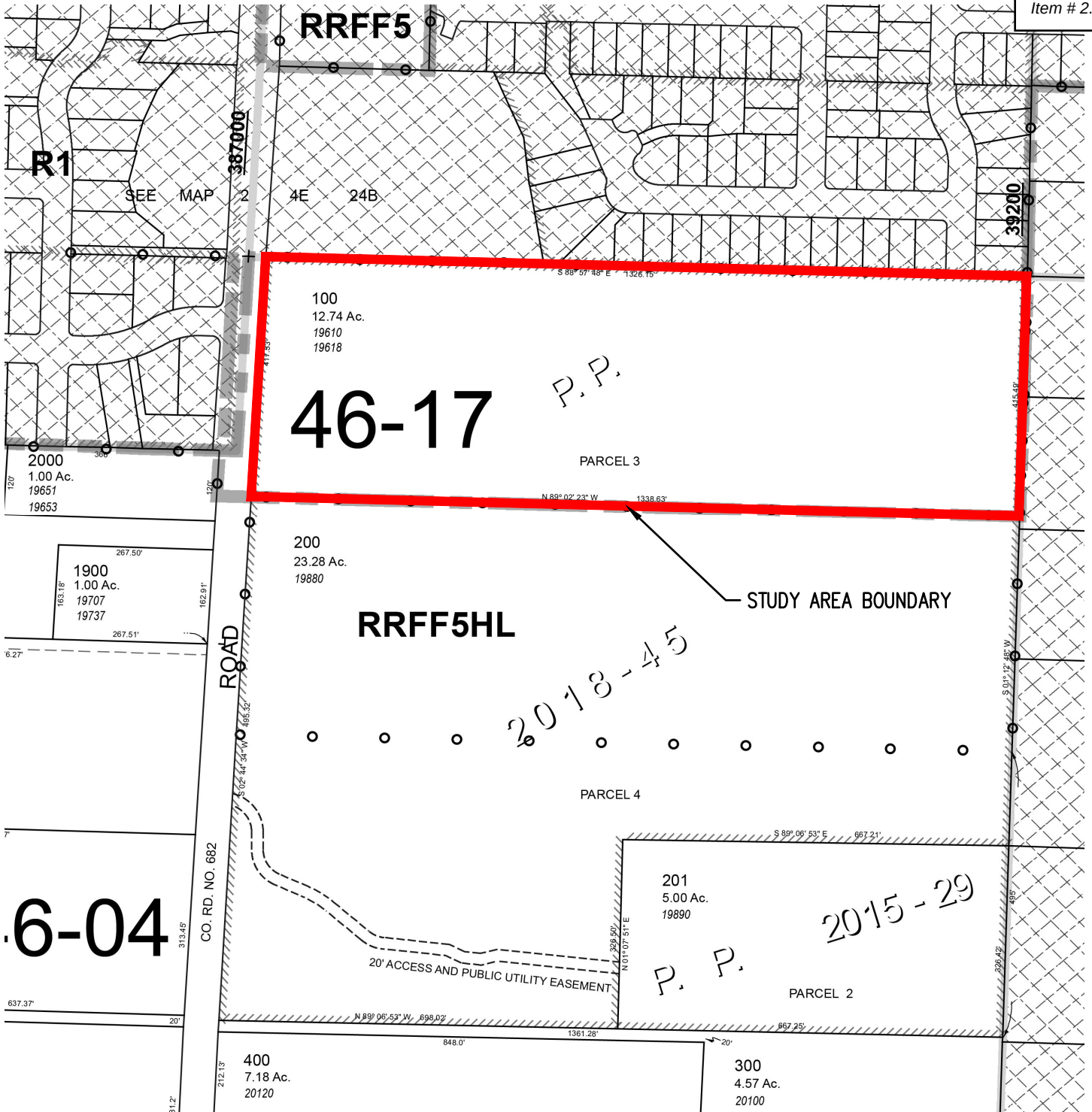
**USGS VICINITY MAP
SE BORNSTEDT ROAD WETLAND AND WATERS DELINEATION REPORT**

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

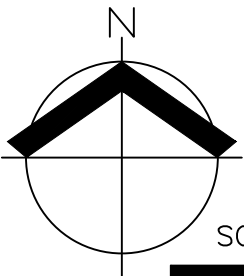


**FIGURE
1**

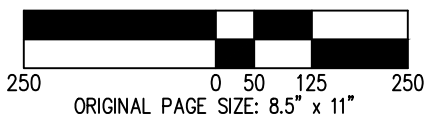
DRWN: GPM
CHKD: SKD
AKS 21
10/10



CLACKAMAS COUNTY
TAX LOT 100
TAX MAP 2 4 E 24C



SCALE: 1" = 250 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 01/24/2024

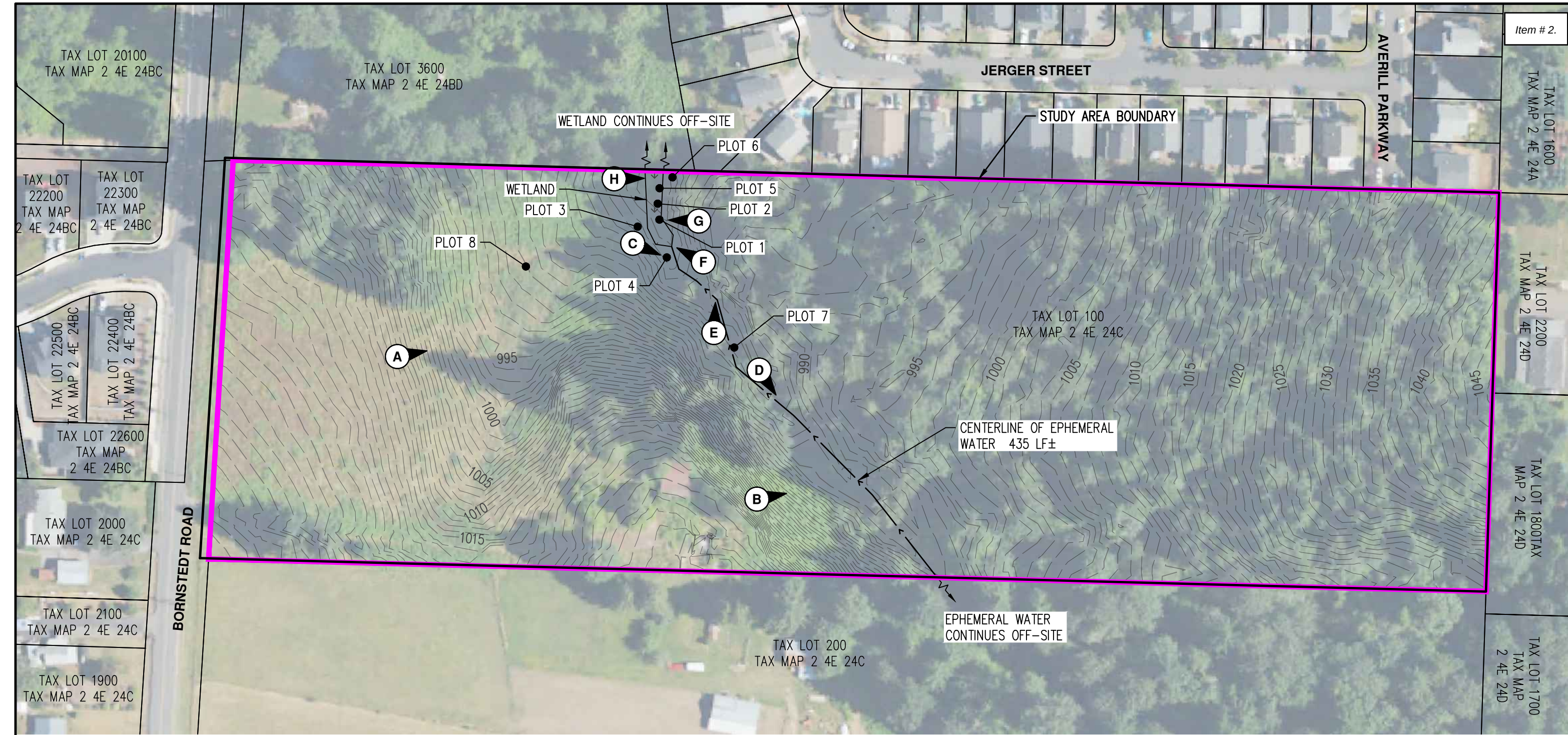
TAX MAP (MAP 2 4 E 24C)
SE BORNSTEDT ROAD WETLAND AND WATERS DELINEATION REPORT

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



FIGURE
2

DRWN: GPM
CHKD: SKD
AKS 22



LEGEND:

 ON-SITE PEM/SLOPE HEADWATER WETLAND AREA: 1,390 SF± (0.03 ACRES±)

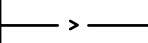
 ON-SITE CENTERLINE OF EPHEMERAL WATER: 453 LF± (±3 FT WIDE)

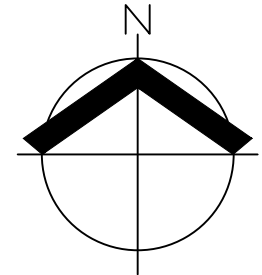
 PHOTO POINT LOCATION AND ORIENTATION

WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC (AKS) ON JULY 28, 2023 AND APRIL 16, 2024. WETLAND BOUNDARIES, CENTERLINES AND DATA PLOTS SHOWN WERE MAPPED BY AKS WITH SUB-METER ACCURACY USING A TRIMBLE R10 GPS RECEIVER AND TSC3 DATA COLLECTOR.

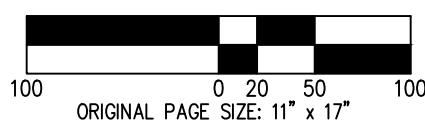
PROPERTY BOUNDARIES AND STUDY AREA DERIVED FROM GIS DATA BASE RESULTING IN ±5FT ACCURACY.

1-FOOT INTERVAL CONTOURS DERIVED FROM ALL COUNTY PROFESSIONAL LAND SURVEY (MAY 2015).

AERIAL DERIVED FROM NAIP (2022)



SCALE: 1"=100 FEET



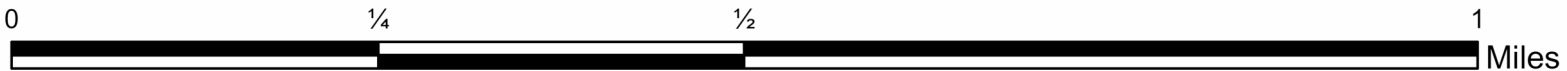
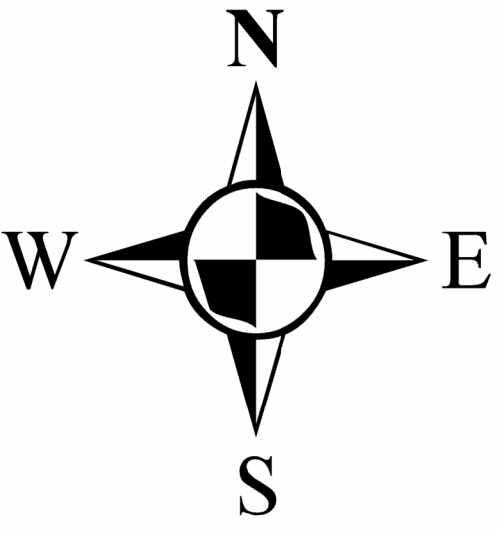
DSL WD # 2024-0397
Approval Issued 8/6/2024
Approval Expires 8/6/2029

DATE: 06/07/2024

WETLAND AND WATER DELINEATION MAP		FIGURE
SE BORNSTEDT ROAD WETLAND AND WATER DELINEATION REPORT		6
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: GPM CHKD: SAR AKS 23 10

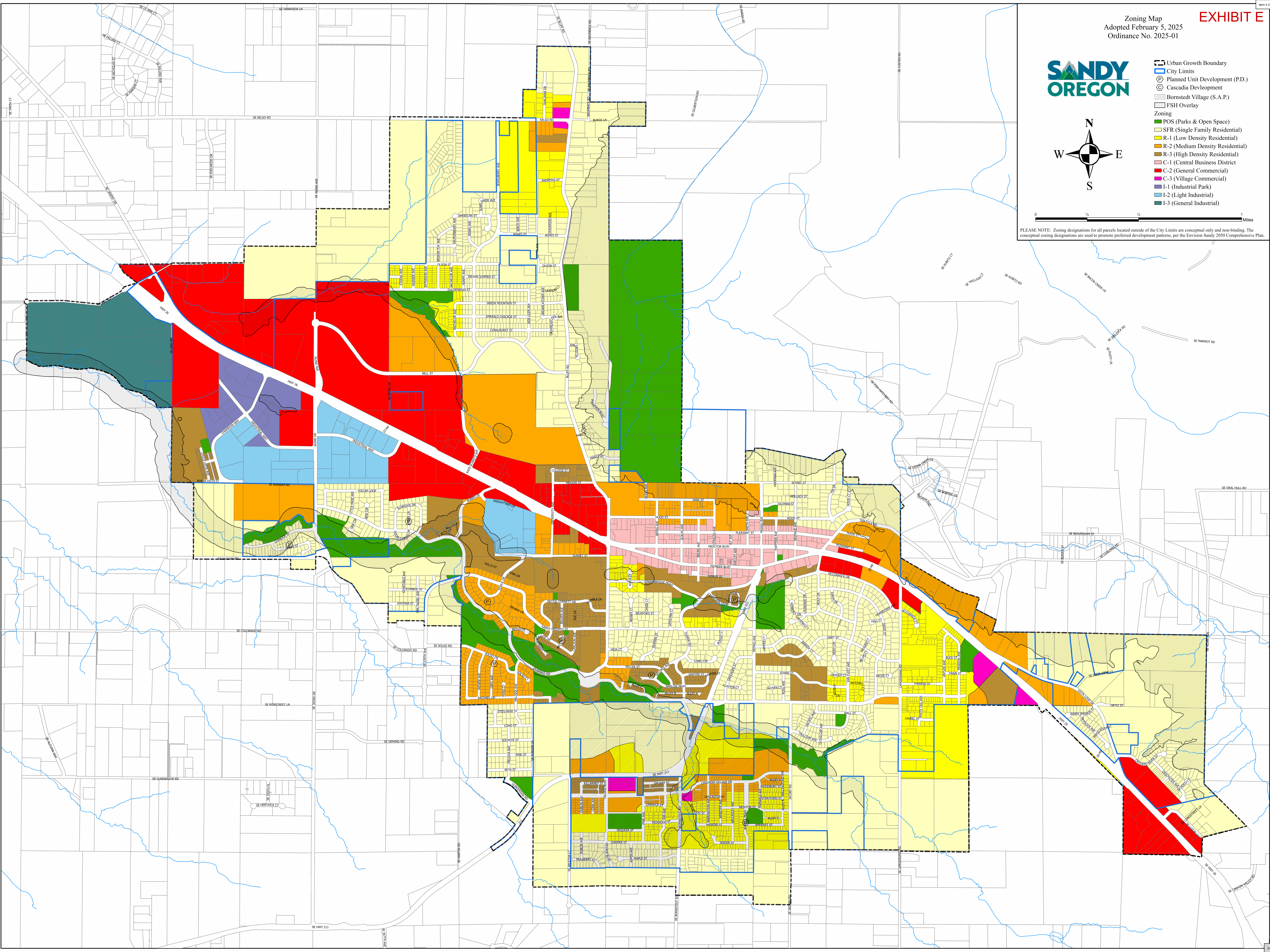


Zoning Map
Adopted February 5, 2025
Ordinance No. 2025-01



PLEASE NOTE: Zoning designations for all parcels located outside of the City Limits are conceptual only and non-binding. The conceptual zoning designations are used to promote preferred development patterns, per the Envision Sandy 2050 Comprehensive Plan.

- Urban Growth Boundary
- City Limits
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- Zoning
 - POS (Parks & Open Space)
 - SFR (Single Family Residential)
 - R-1 (Low Density Residential)
 - R-2 (Medium Density Residential)
 - R-3 (High Density Residential)
 - C-1 (Central Business District)
 - C-2 (General Commercial)
 - C-3 (Village Commercial)
 - I-1 (Industrial Park)
 - I-2 (Light Industrial)
 - I-3 (General Industrial)



PLANNING COMMISSION STAFF REPORT TYPE III APPLICATION

MEETING DATE:	August 24, 2026
FILE NO:	26-028 MP/VAR/FSH
PROJECT NAME:	Jacoby Road – Two parcel partition
ADDRESS:	19124 SE Jacoby Road
TAX LOT/MAP:	24E24A 02300
ZONING:	Single Family Residential (SFR)/FSH Overlay
OWNER/APPLICANT:	Cory Knight
SIZE OF PROPERTY:	9.64 Acres
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND

The property is mostly wooded and has one dwelling that was built in 1966 and is approximately 4,500 square feet in size. The dwelling is served by an onsite septic system and private well. The site is subject to the FSH Overlay due to steep slopes and a portion of Tickle Creek that travels through the northeast corner of the property. The FSH mapped area is not affected by the partition of this property.

The applicant has had three previous pre-application conferences, one in 2018, one in 2022, and one in 2026. All three pre-application conferences focused on the future development of a twenty-seven (27) lot subdivision called Jacoby Heights; however, the 2026 pre-application conference mainly discussed the two-parcel partition and the proposed request to postpone the timing of site improvements.

PROPOSAL

The applicant is requesting a land division review for the purpose of partitioning their 9.64-acre site into two parcels. One parcel would result in a 381,998 square feet piece of land or 8.77 acres (Parcel 1). The other parcel would retain the existing house on a 32,857 square feet piece of land or 0.75 acres (Parcel 2). The remaining 0.12 acres would be dedicated to the City for right-of-way in the final plat which includes 10 feet of property abutting Jacoby Road and a 20-foot-wide strip of right-of-way leading from the house to Jacoby Road (See Figure 1 next page).

As required, the applicant has submitted a conceptual “shadow plat” to illustrate how the property could be further subdivided in the future, subject to a separate land use application and full compliance with all applicable development standards in effect at that time. The required infrastructure improvements and dedications were identified during the initial review and in the comprehensive pre-application notes.

Various sections of the development code address the timing of site improvements. Any partition of a parcel initiates a review of the required density of the property based on the zoning district and all

Where specific approval for a phasing plan has been granted for a subdivision, improvements may similarly be phased in accordance with that plan, but there is no similar process for a partition. Therefore, the applicant has asked the City to process their request to divide the property into two parcels as a Type III Partition and to request the approval of two “Special Variances” postponing the timing of the required improvements.

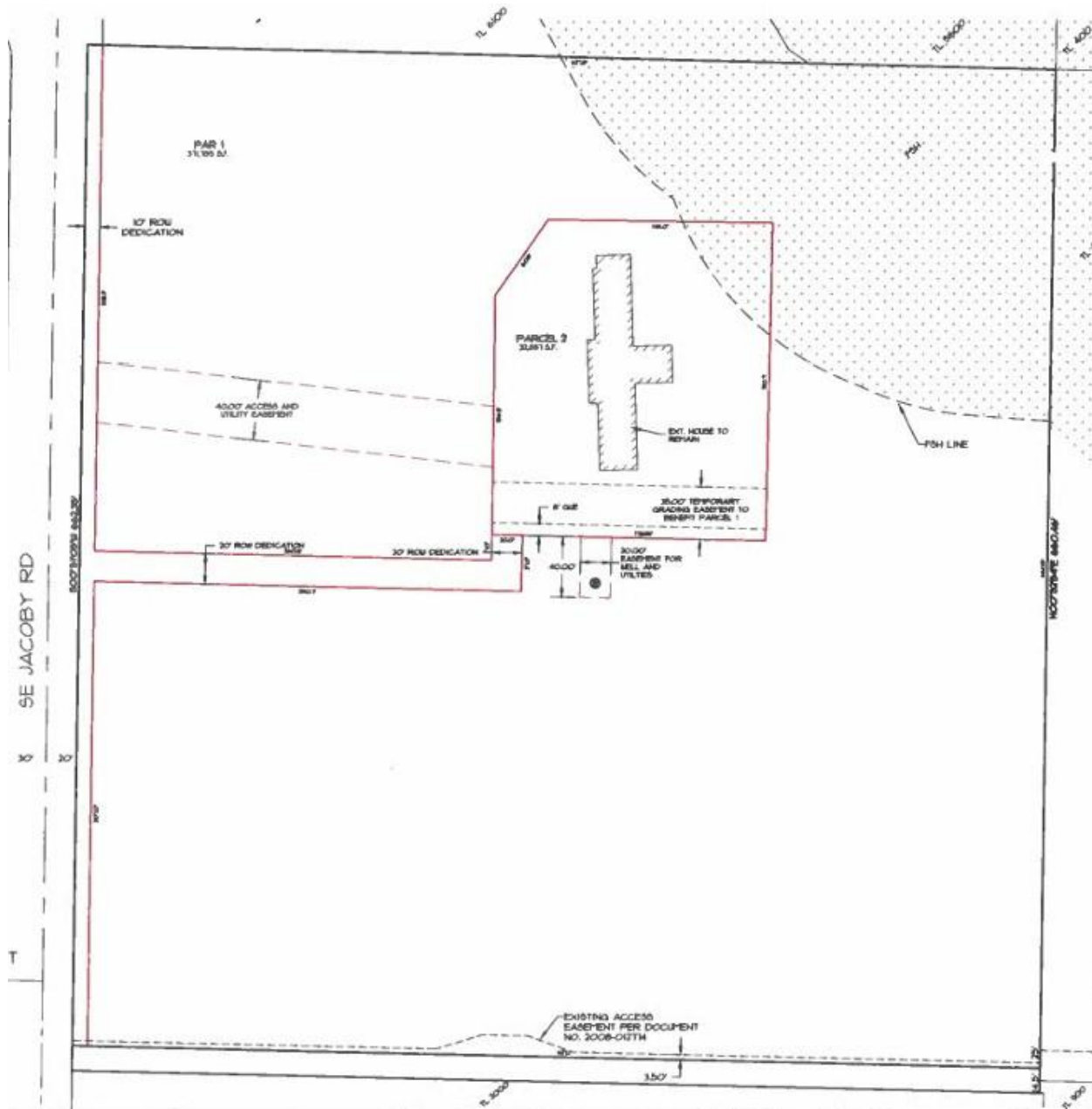


Figure 1

EXHIBITS

Exhibit A: Application

Exhibit B: Narrative

Exhibit C: Proposed Partition/Preliminary Plat Map

Exhibit D: Existing Conditions/FSH Area

Exhibit E: Shadow Plat Map

DEPARTMENT AND AGENCY REVIEW

- **Fire District:** see attached comments from the fire marshal (**Exhibit F**)
- **Public Works:** see attached letter (**Exhibit G**)
- **Parks and Recreation:** see attached letter (**Exhibit H**)
- **SandyNet:** no comments

MORATORIUM

The City is under a moratorium (Resolution 2026-04), restricting the increase in new sanitary sewer connections and increases in sanitary sewer flow, with some exceptions. The City of Sandy (City) has outgrown our decades-old wastewater system and faces enforcement proceedings by the Oregon Department of Environmental Quality (DEQ) and the United States Environmental Protection Agency (EPA). To comply with state and federal regulatory requirements, the City of Sandy is improving our infrastructure prior to allowing new commercial development and subsequent sewer connections.

Due to the moratorium, new sanitary sewer connections cannot be made at this time, and additional flows cannot be allowed at this time. The City of Sandy will likely be receiving more sanitary sewer capacity from EPA/DEQ later in 2026 and has adopted a distribution program for those ERUs.

FINDINGS APPLYING DEVELOPMENT CODE CRITERIA

CHAPTER 17.34 – SINGLE FAMILY RESIDENTIAL (SFR)

Section 17.34.00. Intent.

This 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 primarily allow single-family dwellings and duplexes, as urban services become available. Density shall not be less than three or more than 5.8 units per net acre.

Finding 1. This review shall ensure that the SFR zoning district density requirements are met for the underlying shadow plat, including calculating net site area after removal of right-of-way and dedicated area to determine minimum and maximum density. Density shall not be less than 3 or more than 5.8 units per net acre. The gross subject property minus road right-of-way is approximately 6.95 acres. Based on that acreage, density would need to be between 21 and 40 units. Density calculations should be adjusted if/when

TRACT A
30,430 S.F.

LOT 24
10,471 S.F.

LOT 23
16,300 S.F.

LOT 22
5,975 S.F.

LOT 21
8,094 S.F.

LOT 20
15,000 S.F.

LOT 19
30,991 S.F.

LOT 18
15,000 S.F.

LOT 17
13,000 S.F.

LOT 16
13,000 S.F.

LOT 15
13,000 S.F.

LOT 14
13,000 S.F.

LOT 13
13,000 S.F.

LOT 12
13,000 S.F.

LOT 11
13,000 S.F.

LOT 10
13,000 S.F.

LOT 9
8,364 S.F.

LOT 8
13,000 S.F.

LOT 7
17,000 S.F.

LOT 6
17,000 S.F.

LOT 5
17,000 S.F.

LOT 4
13,000 S.F.

LOT 3
13,000 S.F.

LOT 2
13,000 S.F.

LOT 1
8,301 S.F.

PARCEL 2
3,817 S.F.

PARCEL 3
3,817 S.F.

WOODSTOCK ST.

NEUTRON ST.

JACOBY RD.

30' ROW DEDICATION

EXT. SEPTIC AND REPAIR AREA

EXT. HOME TO REPAIR

EXT. WELL

EXT. TEMPORARY GRADING EASEMENT TO ADJACENT PARCELS

DOWNSIDE WILL TO BE DECOMMISSIONED AND EASEMENT VACATED AT TIME OF SUBDIVISION CONSTRUCTION

DOWNSIDE ACCESS EASEMENT PER DOCUMENT NO. 2008-00274

2008

Section 17.34.10. Permitted uses.

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured home subject to design standards in Chapter 17.90;
3. Duplex.
4. Single room occupancy with up to six SRO units.

Finding 2. The existing house on Parcel 2 will retain its single detached dwelling classification.

Section 17.34.30. Development Standards.

Type		Standard
<i>A. Minimum Lot Area</i>	Single detached dwelling or duplex	7,500 square ft.
	Other permitted uses	No minimum
<i>B. Minimum Average Lot Width</i>	Single detached dwelling or duplex	60 ft.
<i>C. Minimum Lot Frontage</i>		20 ft.
<i>D. Minimum Average Lot Depth</i>	No minimum	
<i>E. Setbacks (Except Garage/Carport)</i>	Front yard	10 ft. minimum
	Rear yard	20 ft. minimum
	Side yard (interior)	7.5 ft. minimum
	Corner Lot	10 ft. minimum on side abutting the street ¹
<i>F. Setbacks (Garage/Carport)</i>		22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street 5 ft. minimum for alley or rear access
<i>G. Projections into Required Setbacks</i>		See Chapter 17.74
<i>H. Accessory Structures in Required Setbacks</i>		See Chapter 17.74
<i>I. Structure Height</i>		35 ft. maximum
<i>J. Building Site Coverage</i>		No minimum
<i>K. Off-Street Parking</i>		See Chapter 17.98

Finding 3. Parcel 2 will maintain the minimum lot area of 7,500 square feet. The minimum required twenty (20) foot wide lot frontage for the house will be accomplished along the front of the lot with right-of-way dedication that will be part of the partition plat. **Parcel 2 shall maintain all required setbacks for the existing house.** All other development standards for the existing house have been met.

Section 17.34.40. Minimum requirements.

- A. Shall connect to municipal water in accordance with the 2022 Water System Master Plan.
- B. Shall connect to municipal sewer if service is currently within 200 feet of the site, as measured from the nearest property line. Sites more than 200 feet from municipal sewer, shall only 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 required under Chapter 17.84;

3. The minimum size of the property is one acre or is a pre-existing legal lot, as determined by the City;
4. Site consists of a legal lot(s) created through dividing property in the city, which is less than five acres in size.

Finding 4. The house on Parcel 2 is currently on an existing well and septic system with a drain field. The septic system and drain field will be located on Parcel 2 and the well will be located on Parcel 1 via an easement. The house will remain on septic and the existing well after the partition but will connect to City infrastructure when the future subdivision improvements are completed. Both the well and septic system with the drain field will be decommissioned in accordance with applicable regulations once the existing house is connected to City infrastructure.

C. Shall have frontage or approved access to public streets.

Finding 5. Parcel 2 is proposed to front on to an unimproved right-of-way that will be dedicated on the partition plat. The future right-of-way will connect to Jacoby Road but is proposed to remain unimproved until Parcel 1 is further divided through a subdivision process.

Access to Parcel 2 is proposed to remain in the existing driveway location and is proposed to include a temporary access easement from Jacoby Road across Parcel 1. This easement shall be dissolved when a subdivision is installed, and the parcel is provided with an improved street frontage and direct access at that time.

CHAPTER 17.60 FLOOD AND SLOPE HAZARD OVERLAY

Section 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 and areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study (FIS) for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs). This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

Finding 6. An area of the northeast corner of the subject property is encumbered by the FSH Overlay District. If the partition is approved, a portion of both parcels will remain in

the FSH Overlay District. However, because there is no development proposed with this application, review under the provisions of this chapter is not required.

Section 17.60.20. Permitted uses and activities.

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

B. *Permitted Uses.* Permitted uses within restricted development areas are limited to the following:

1. Open space and trails provided they are constructed consistent with standards in the 2022 Parks and Trails Master Plan.

Finding 7. A future trail is identified in the 2022 Parks and Trails Master Plan as Trail 43 on Map 14. See Chapter 17.86 Parkland and Open Space and Section 17.100.40.D.8 Approval Criteria and Exhibit H for the Parks and Trails Advisory Boards recommendations.

Section 17.60.30. Required setback areas.

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to, and upland from the protected feature.

A. *Required Setbacks.* The required special setback(s), as illustrated in Figure 1, shall be:

1. Eighty feet from the top of bank of Tickle Creek and other fish-bearing streams (this supersedes the setback in Figure 1).
2. Fifty feet from the top of bank along other perennial streams, except for "No Name Creek" east of Towle Drive, as provided in Subsection 17.60.30.C.2.
3. Twenty-five feet around the edge of any mapped locally significant wetland.
4. Twenty-five feet from the top of any 25 percent slope break where the slope break occurs within the FSH overlay district as mapped by the City.

Finding 8. Constructing a trail directly along the top of bank is highly restricted and requires special permitting. Under the City's Flood and Slope Hazard (FSH) regulations, there is a restricted setback distance of 80 feet required from the top of the creek's bank. Trails outlined in the 2022 Parks and Trails Master Plan are a permitted use within the restricted development area.

While a public multi-use trail already exists (the 1.8-mile Tickle Creek Trail), expanding or building a new trail within this 80-foot buffer requires an FSH development permit and an environmental review to ensure there are no negative impacts to water quality, fish habitat, or bank stability.

Any future plans submitted for the development of Parcel 1 shall provide the wetland delineation area on every civil and engineering plan sheet to determine setbacks from all improvements.

CHAPTER 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Section 17.84.00. Intent.

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters.

Section 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.

Finding 9. As stated in Section 17.84.20.B., there is a clause that allows phasing of improvements for a subdivision with separate phases. There is no similar process for a partition.

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.

Finding 10. Frontage improvements along Jacoby Road are required with development of the property. The improvements include half-street improvements along Jacoby Road. Frontage improvements for Jacoby Road shall extend to the edge of the property boundaries. Sidewalks along Jacoby Road and all internal streets shall be setback sidewalks that are 6 feet in width. The planter strip is required to include street trees at 30 feet on center. Jacoby Road is a Collector per the Transportation System Plan (TSP); therefore, the standards in Chapter 17.80 and Chapter 17.82 apply.

Finding 11. The applicant included two special variance requests with this partition. Both variances are related to the required improvements associated with and triggered by the partition. The applicant is requesting that the required improvements be deferred which are in conflict with Section 17.84.20 Timing of Improvements and Section 17.100.310 Required Improvements.

The deferral would consist of all the required public improvements, specifically the construction of frontage improvements along Jacoby Road and the utility extensions. The request is reviewed under Section 17.66.80 Type III Special Variances in this staff report.

Finding 12. One item that would not be deferred at the time of partition is the dedication of ten (10) feet of property along the west property line to the City for future right-of-way added to Jacoby Road. Currently Jacoby Road has a fifty (50) foot wide right-of-way but has deficient right-of-way width on the east side of the road. The ten (10) foot dedication of land along the entire west property line of the subject property will guarantee that Jacoby Road aligns with other collector road widths. The dedication would be recorded with the approval of the partition (see Exhibit C).

CHAPTER 17.86 PARKLAND AND OPEN SPACE

Section 17.86.40. Fee in lieu of dedication.

Finding 13. Per Section 17.86.10, Minimum Parkland Dedication Requirements, the project would need to provide 0.57 acres for parks ($28 \times 3 \times .0068 = 0.5712$ rounded to 0.57 acres). If the number of dwelling units is less or more than the proposed 28 dwelling units, the parks fee in lieu would be recalculated based on the updated number of dwelling units. If 28 dwelling units are proposed at time of land use submission then the fee in-lieu will be based on 28 dwelling units, but additional fee in-lieu will be necessary and calculated on a per-lot basis if any lots are constructed or converted to a duplex (i.e., the fee in-lieu for that lot will be doubled).

The calculation for 0.57 acres of parks fee in lieu would lead to a future payment of \$478,778.49 ($27 \times 3 \times .0068 \times \$869,242$). As Section 17.86.10.A. 2. states, the required parkland shall be dedicated as a condition of approval with the tentative plat for a subdivision or partition. This partition will trigger the payment of parks fee in

lieu for the existing house on Parcel 2. **The applicant shall pay \$17,732.54 (1 x 3 x .0068 x \$869,242) in parks fee in lieu prior to the recording of the partition plat.**

Finding 14. The 2050 Sandy Comprehensive Plan addresses the continued need to develop a diverse and accessible park and trail system that is clean, safe, and functional, serving the needs of the residents.

Goal 24: Create a looped network of trails connecting parks, neighborhoods, and natural open spaces that provide opportunities for alternative transportation and recreation throughout the city.

Policy 24.5 Connect natural open spaces through multi-purpose trails identified in the PTMP.

Finding 15. Tickle Creek travels through the northeast corner of the subject property. The 2022 Parks and Trails Master Plan identify Trail 43 on Map 14 to be a future trail corridor along Tickle Creek in the general area of the subject property. The Parks and Trails Advisory Board (PTAB) met on July 8, 2026, to review the Knight partition at 19124 Jacoby Road. At the above-mentioned meeting, the PTAB considered the latest Comprehensive Plan and the 2022 Parks and Trails Master Plan goals consistent with residential development in this area and recommends that the Planning Commission obtain a trail easement dedication approximately 100 feet from the top of bank along Tickle Creek. This easement would in no way replace the applicant's obligation to the park land dedication requirement or the fee in lieu option.

CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 17.98.10. General provisions.

N. Location of Required Parking.

1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes shall be provided on the development site of the primary structure. At least two off-street vehicle parking spaces for detached single family homes and duplexes shall be located side-by-side.

Finding 16. Parcel 2 would retain the required off-street parking for the dwelling and continue to use the existing paved driveway access via a new recorded easement to Jacoby Road. The easement would be forty (40) feet wide and would be abandoned when the future subdivision is recorded.

Finding 17. The required 20 feet of frontage to proposed Parcel 2 is proposed via a twenty (20) foot wide dedicated right-of-way that connects Parcel 2 to Jacoby Road. The twenty (20) foot wide dedication will be located where future right-of-way is identified on the applicant's shadow plat. An additional thirty-four (34) feet will need to be dedicated upon future subdivision approval to meet the minimum fifty-four (54) foot wide local street right-of-way requirement.

CHAPTER 17.100. LAND DIVISION

Section 17.100.20. Land division classification—Type I, II or III procedures.

- F. *Type III Land Division (Major Partition or Subdivision)*. A partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist, the resulting parcels/lots do not comply with the standards of the zoning district, the partition or subdivision does not meet the criteria in this chapter, or the applicant is requesting one or more variances.

Finding 18. The proposed partition is being processed as a Type III- Major Partition because the applicant is proposing multiple variances.

Section 17.100.40. Minor and major partitions and replats.

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.

Finding 19. A pre-application conference was conducted 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.

Finding 20. All application requirements have been met for the purposes of this review.

- 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 replated;
 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 replated, including setbacks to proposed parcel boundaries;

6. Location, names, and widths of streets, sidewalks, and bikeways within the property to be partitioned or replated 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 replated;
8. Location and size of sanitary sewer, water, and stormwater drainage facilities proposed to serve the property to be partitioned or replated;
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.

Finding 21. A future tentative partition plat will be required and meet the requirements of this section after the Planning Commission makes a decision on the applicant's proposal.

- 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.
 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.
 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.
 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.
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.
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.
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.
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.

Finding 22. The applicant is requesting a variance to defer all approval criteria as required under Section 17.100.40.D. and Section 17.100.310. for this major partition until future development occurs and additional equivalent residential units (ERUs) are allocated to the subject property, or the sanitary sewer moratorium is terminated. The variances requested are not due to a physical issue or hardship with the land or a dimensional request to code requirements therefore, they shall be reviewed under and be consistent with Section 17.66.80 Type III Special Variances.

E. *Conditions.* The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative partition plan or replat as necessary to ensure compliance with the applicable standards and criteria.

Finding 23. The Director requests that if the Planning Commission approves the major partition and subsequent variances that the 10-foot right-of-way dedication along the east side of Jacoby Road, the 20-foot right-of-way dedication from Parcel 2 to Jacoby Road, and the PTAB recommendation to obtain a 100-foot easement from the top of bank of Tickle Creek be included on the partition plat.

Finding 24. All remaining subsections of Section 17.100.40 Minor and major partitions and replats are still required and will be reviewed for the purposes of recording the final plat including the following: ***Section 17.100.40. F-K. Approval of Tentative Partition Plan, Tentative Plat Expiration Date, Submission of Final Plat, the Information on Plat, Supplemental Information with Plat, and the Approval Signatures for the Final Partition Plan.***

Finding 25. 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.
 - Add City of Sandy Planning File No. "26-028 MP/VAR/FSH " to the final partition plat submittal.
 - Scale, 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 the required fee for City review.
3. Submit a digital version of the recorded partition plat as approved by the City and Clackamas County.

Section 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.

Finding 26. The applicant is proposing the dedication of right-of-way at 20 feet in width from Jacoby Road to proposed Parcel 2. This will allow the new lot to have street frontage on a public street for at least 20 feet as required by Section 17.100.220.B. The proposed parcel will not have frontage on two parallel streets and will eventually take access to a local street once the future subdivision as identified on the shadow plat is installed.

Section 17.100.330. Options for improvements.

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

- A. *Install Improvements.* The applicant may install the required improvements for the partition or subdivision prior to recording the final partition or subdivision plat. If this procedure is to be used, the partition or subdivision plat shall contain all the required certifications except the County Surveyor. The City shall keep the partition or subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final partition or subdivision plat for certification by the County Surveyor and then to the County Clerk for recording; or
- B. *Agree to Install Improvement.* The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance bond equal to 130 percent of the value of the guaranteed improvements shall be required, except when an alternative assurance is allowed under Section 17.100.340. Performance bonds shall be issued by a surety registered to do business in Oregon. The value of the guaranteed improvements may include engineering, construction management, legal, and other related expenses necessary to complete the work. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or
- C. *Form Improvement District.* The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a partition or subdivision during a construction year and may limit the area of the final partition or subdivision plat to the area to be improved. The performance bond described in Subsection B. above shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely at the discretion of the City Council.

Finding 27. The applicant cannot move forward with the traditional path of a subdivision since no ERU's are available for new development. The applicant will have the opportunity to

apply for the ERU lottery when it comes available but, it doesn't guarantee they will be selected.

If the applicant's project is selected through the ERU lottery process they will then have the ability to move forward and develop the remaining 8.77 acres of land (Parcel 1) through the standard subdivision process as required under Chapter 17.100 Land Division. If the applicant's project is not selected through the ERU lottery process then the property will not be allowed any further partitions of subdivision under the existing conditions related to the sanitary sewer moratorium. The formation of an improvement district or agreement to install improvements would be unrealistic without a guarantee that the property can obtain additional ERUs.

CHAPTER 17.102 URBAN FORESTRY

Section 17.102.50 Tree retention and protection requirements.

- A. *Tree Retention.* The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees, 11 inches DBH or greater, are to be retained for every one acre of contiguous ownership, except in the Bornstedt Village Overlay (BVO) in accordance with Section 17.54.140.

Finding 28. The applicant is not proposing to remove any trees under their proposed partition so a tree retention plan was not required. The applicant has submitted a map of their property labeled "Existing Conditions" that shows the location of the all the existing trees on site (Exhibit D). The applicant is proposing this partition as a preliminary stage to progress towards the larger goal of building a twenty-seven (27) lot subdivision.

Finding 29. The landowner will remain responsible for retention and protection of trees for every acre of contiguous ownership. Even though the resultant Parcel 2 will be smaller than an acre, staff recommends that **all the tree retention and protection standards shall be applied to the pre-partition gross acreage to maintain the intent of the urban forestry chapter.**

CHAPTER 17.66 ADJUSTMENTS AND VARIANCES

Section 17.66.80. Type III special variances.

The Planning Commission may grant a special variance waving 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.

One of the following sets of criteria shall be applied as appropriate.

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

Finding 30. The applicant is requesting two special variances in conjunction with their Major Partition application.

Variance No. 1 – Variance to Section 17.84.20. Timing Requirements, Section 17.100.260. Underground Utilities, Section 17.100.270. Sidewalks, Section 17.100.310. Required improvements.

Variance No. 2 – Variance to Section 17.100.40.D. Approval Criteria.

Finding 31. Applying for variances outside the realm of a physical hardship due to something pertaining to the land shall be processed as a Type III special variance. Any variance requested shall include a narrative addressing one of the three above criteria options and evidence and facts that support the criteria. Staff reviewed the variances under Section 17.66.80.A.

Variance No. 1

Finding 32. Variance to Sections 17.84.20. Timing Requirements and Section 17.100.310. Required improvements. No major partition can be approved without meeting the timely installation of the required improvements. The unique nature of this request is that the current sanitary sewer moratorium prevents additional development from occurring and therefore diminishes the need to install infrastructure, such as utilities or roads with the approval of the partition. Since no improvements are being proposed, the sites' use and function will continue as the status quo after the partition.

The current state of affairs in the City of Sandy due to the sanitary sewer moratorium precludes new subdivision applications from being accepted unless the applicant receives the relative number of sanitary hookups (i.e., ERUs) or the moratorium is terminated. The applicant claims that there is currently no pathway to obtain the rights to connect to the City's sanitary sewer system.

Approval of the partition and the special variances deferring the required improvements signifies that physical conditions of the parcels can remain the same and the intent and purpose of the regulations and of the provisions to be waived will not be violated. The existing home and the property will remain in their current state after the partition. Parcel 2, where the house is located, can apply for building permits for general maintenance or improvements that do not expand beyond the setbacks to the new property lines. No further development on the remaining 8.77 acres (Parcel 1) can occur, except tree maintenance that follows Chapter 17.102 Urban Forestry. Criterion for Variance No. 1 can be met.

Variance No. 2

Finding 33. Variance to Section 17.100.40.D. Approval Criteria. If the approval criteria are not applied due to no eminent development of the land, then deferring the required improvements will not be materially detrimental to the public welfare. Granting this partition and deferring improvements until further development takes place would essentially cause less harm to the public or neighbors than if development occurred, as right-of-way and utility construction would not occur until the subdivision is installed.

The intent and purpose of the regulations and of the provisions in the Sandy Municipal Code are meant to be applied in preparation of development and consistent with planned extension of the City's utilities and roads. The required improvements would only be deferred until full development of Parcel 1 is proposed and approved, which would not violate the regulations in the Sandy Municipal Code, but would rather just postpone them to a future date. Parcel 1 will not be allowed to be subdivided any further if these variances are approved without meeting the Single-Family Residential density requirements. All requirements pertaining to Chapter 17.102.50 Tree retention and protection requirements still apply and any request for tree removal must meet all the applicable standards under Chapter 17.102.30 Procedures and application requirements. Criterion for Variance No. 2 can be met.

CONCLUSION

The applicant remains steadfast and committed to the future development of a twenty-seven (27) lot subdivision on this property having completed multiple pre-application conferences and having submitted multiple maps of the property including one with existing conditions and one with a tentative shadow plat layout. The maps reflect the applicant's intent to maintain the integrity of the FSH Overlay and protect the area along a portion of Tickle Creek that travels through the property.

The applicant's commitment to a future subdivision is evident in their preparation of the proposed partition maps that shows conveyance of road right-of-way to the City through the dedication of a ten (10) foot strip of land to Jacoby Road. The City is also requesting that any approval of the partition includes the dedication of a one hundred (100) foot easement along the top of bank of Tickle Creek.

City staff believe that due to the applicants' continued progress towards the larger goal of constructing a twenty-seven (27) lot subdivision, the City could support these variances to defer only the required utility and road improvements that coincide when development of the subdivision occurs. Section 17.66.80(A) is the only criteria that applies to the requested variances, and staff finds that the criterion found in Section 17.66.80(A) has been met.

RECOMMENDATION

For the reasons described above in the findings of fact, staff recommend the Planning Commission **approve** both the Major Partition and the two (2) Special Variance requests as described below and subject to the recommended conditions of approval below.

1. **Variance 1**

Pursuant to Sandy Municipal Code Chapter 17.84 (Public Improvements). All public improvements including frontage improvements required in conjunction with land divisions can be deferred under a variance to Section 17.84.20., Section 17.100.260., Section 17.100.270., and Section 17.100.310. due to the existing sanitary sewer moratorium (Resolution 2026-04) where sanitary sewer service is unavailable at this time.

2. **Variance 2**

Pursuant to Sandy Municipal Code Section 17.100.40.D. Approval Criteria, utility and road right-of-way improvements will be deferred until further development is approved for Parcel 1 except for:

- i. Dedication of ten (10) feet along the entire west property boundary of the subject land for future right-of-way per Section 17.100.40.D.15., which will expand the right-of-way to meet the minimum width of a collector street per the 2023 Transportation System Master Plan.
- ii. Designation of a one hundred (100) foot wide easement in the restricted development area adjacent to Tickle Creek per the PTAB recommendation for a segment of the future T43 trail per the 2022 Parks and Trails Master Plan.
- iii. Dedication of twenty feet (20) of right-of-way width to connect Parcel 2 to Jacoby Road in accordance with the applicant's submission.

RECOMMENDED CONDITIONS OF APPROVAL

A. Prior to signing of the Final Plat all the following conditions shall be satisfied:

1. The applicant shall pay \$17,732.54 (1 x 3 x .0068 x \$869,242) in parks fee in lieu.
2. 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.

- Add City of Sandy Planning File No. “26-028 MP/VAR/FSH ” to the final partition plat submittal.
 - Scale, 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”.
3. Submit two paper copies of a Final Plat with the 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. Special Variance approval shall be void after two (2) years per Section 17.66.190 from the date of the Final Order unless the applicant has submitted plans for building permit review.
2. Approval of this partition 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.
3. Future development of Parcel 1 requires approval of a land use application in accordance with applicable regulations, including that Parcel 1 cannot be further subdivided without meeting the density requirements of the underlying zoning district.
4. Parcel 2 shall maintain a minimum lot area of 7,500 square feet; the minimum required twenty (20) foot wide lot frontage on a public right-of-way and maintain all required setbacks for the existing house.
5. The existing house shall remain on septic with a drain field and the existing well after the partition, but shall connect to City utilities in the future when the future subdivision improvements for Parcel 1 are completed. Both the well and septic with the drain field will be decommissioned in accordance with applicable regulations once the connection to the City utilities is complete.

6. Parcel 2 shall front on to an unimproved right-of-way that will be dedicated to the City of Sandy on the partition plat. The right-of-way will connect to Jacoby Road but will remain unimproved until Parcel 1 is further divided. Access to Parcel 2 will remain in its current location and will contain a temporary access easement from Jacoby Road across Parcel 1. This easement shall be terminated at time Parcel 1 is further divided and the parcel is provided with an improved street frontage and direct vehicular access at that time. This dedication shall be displayed on the final plat.
7. The ten (10) foot right-of-way dedication of land along the entire west property line will ensure the width of Jacoby Road is consistent with other collector road widths. The dedication shall be recorded with the final partition/replat (see Exhibit C). This dedication shall be displayed on the final plat.
8. Consistent with the 2022 Parks and Trails Master Plan (PMMP) Trail 43 on Map 14, the applicant shall dedicate a trail easement along the top of bank along Tickle Creek at a width of 100 feet. This easement would in no way replace the applicant's obligation to the future park land dedication requirement or the fee in lieu option.
9. Even though the resultant Parcel 2 will be smaller than an acre all the tree retention and protection standards shall be applied to the pre-partition gross acreage to maintain the intent of the urban forestry chapter.
10. The existing home and the property will remain in their current state after the partition. Parcel 2, where the house is located, can apply for building permits for general maintenance or improvements that do not expand beyond the setbacks to the new property lines.
11. 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.
12. Any future development applications shall include a traffic study in accordance with Section 17.84.50.
13. In accordance with Chapter 17.60 which regulates the City's Flood and Slope Hazard (FSH) Overlay, all plans submitted for the further development of Parcel 1 shall provide the wetland delineation area on every civil and engineering plan sheet to determine setbacks from all improvements.
14. All future public utility installations shall conform to the City's facilities master plans.
15. The applicant shall apply for a tree removal permit prior to any tree removal. All the tree retention and protection standards shall be applied to the pre-partition gross acreage to maintain the intent of the urban forestry chapter.
16. Successors-in-interest of the applicant shall comply with the requirements of this partition approval prior to recording of the partition plat.



General Land Use Application

1 page

Name of Project:	Cory Knight Partition
Location or Address:	19124 SE Jacoby Road

Map & Tax Lot #	T:2S	R:4E	Section:24A	Tax Lot (s):2300
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Request: Type III Partition to divide the property into two parcels and two Special Variances.

- I am the (check one) ☒ owner ☐ lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.
- With submission of this application, I authorize representatives of the City of Sandy to access the property for the purpose of site investigation associated with this application.

Applicant (if different than owner) Cory Knight	Owner Same as applicant
Address 11994 SE Revenue Road	Address
City/State/Zip Boring, OR 97009	City/State/Zip
Email cory.knight25@gmail.com	Email
Phone 503-481-7789	Phone
Signature 	Signature
Date of Signature 6/1/2026	Date of Signature

Staff Use Only

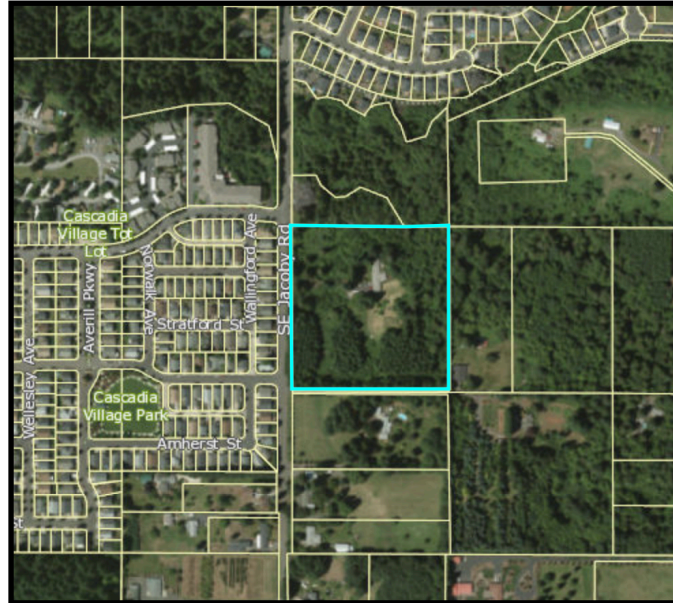
File #: 26-028 MP/VAR	Date: 6/4/26	Fee\$:	Planner: P Depa
Type of review:	Type I ☐	Type II ☐	Type III ☒ Type IV ☐
Has applicant attended a pre-app?	Yes ☒ No ☐	If yes, date of pre-app meeting: May 21 2026	

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

Email: planning@ci.sandy.or.us

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 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.*

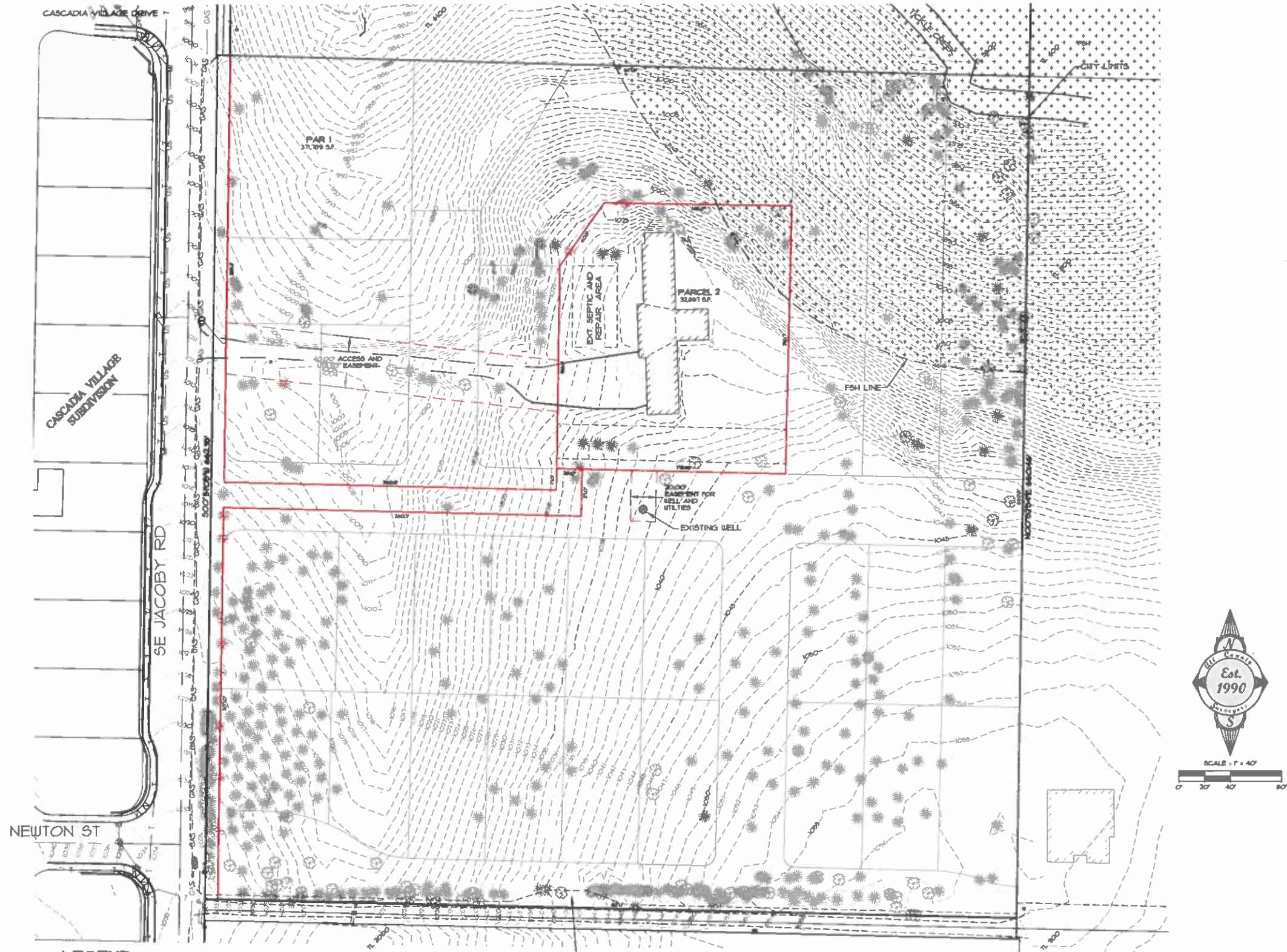
- C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

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.



LEGEND

EXISTING DECIDUOUS TREE

EXISTING CONIFEROUS TREE

TREE NOTES

NO TREES WILL BE REMOVED WITH THIS PARTITION

EXISTING ACCESS
EASEMENT PER DOCUMENT
NO. 2008-012714

DATE	NO.	REVISION	BY



SCALE	DATE	FILE	SECTION	TWP.	RANGE	4E
N/A	6-5-26	26-000 - PLANNING	24	25		

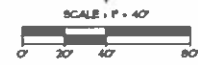
PROJECT: KNIGHT PARTITION
EXISTING CONDITIONS

LOCATION: 10124 SE JACOBY RD BANDY, OR 97055

ALL COUNTY
SURVEYING / PLANNING / ENGINEERING

ALL COUNTY SURVEYORS & PLANNERS, INC.
P.O. BOX 555 SANDY, OR 97055
PHONE: 503.669.3151
DATE OF PLOT: 6-5-26 26-000 - PLANNING

CORT KNIGHT
16153 SE ORCHARD VIEW LANE
DAMASCUS, OR 97089



A ALL COUNTY
SURVEYING & PLANNING | ENGINEERING

ALL COUNTY SURVEYORS & PLANNERS, INC.
CONTACT: RAY MOORE, PE, PLS

Clackamas Fire District #1



Pre-Application Comments:

To: Patrick Depa, Senior Planner, City of Sandy
From: Mike Boumann, Captain Deputy Fire Marshal, Clackamas Fire
Date: 5/11/2026
Re: Knight 2-Lot Partition at 19124 SE Jacoby Rd, Sandy, Oregon

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

- 1) A Fire Access and Water Supply plan for partitions, subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, type of construction, and shall provide fire flow tests per NFPA 291 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. Submit PDF directly to the Clackamas Fire District website at [clackamasfire.com](http://www.clackamasfire.com) once complete. Call with any questions regarding design and submittal requirements 503-742-2673.
- 2) Please see our design guide at: <http://www.clackamasfire.com/documents/fireprevention/firecodeapplicationguide.pdf>
- 3) If you have questions, please contact Clackamas Fire District @503-742-2673.

Date: June 16, 2026

To: Patrick Depa, Senior Planner

From: Thomas Fisher, PW Project Manager

Re: Cory Knight Pre-App Notes (19124 SE Jacoby)

19124 SE Jacoby Pre-App
Public Works Comments

Frontage Improvements

Chapter 17.84 of the Sandy Municipal Code requires full right-of-way improvements as part of the proposed parcel partition. Required improvements include paving, striping, curb, planter strip, sidewalk, street trees and street lighting. As shown on the submitted shadow plat, a 10-foot right-of-way dedication will also be required along the entire frontage of Jacoby Road.

Sincerely,



Thomas Fisher
PW Project Manager
City of Sandy
503-489-2161





38348 Pioneer Blvd.,
Sandy, OR 97055
503-668-5569

To: Planning Commission

Date: July 8th, 2026

From: The Parks & Trails Advisory Board

Subject: Recommendation Regarding Trail Easement Dedication – Knight Partition

At its July 8, 2026 meeting, the Sandy Parks and Trails Advisory Board considered the Knight Partition land use application and discussed opportunities to preserve future park and trail connectivity associated with the proposed development.

Following discussion, the Parks Board voted to recommend that the Planning Commission require the dedication of a trail easement extending approximately 100 feet from the top of the stream bank as a condition of approval for the Knight Partition.

The Board recognizes that the 2022 Parks and Trails Master Plan does not identify Trail 43 as a near-term capital project. However, preserving a future trail corridor at the time of development is consistent with the City's long-term vision for a connected parks and trails network and helps ensure that future recreational opportunities are not foreclosed by subsequent development.

The Board also considered the alternative of requiring a park land dedication. While acquisition of additional park land supports the City's long-term recreation goals, accepting ownership would create ongoing maintenance, operational, and financial responsibilities for the City. At this time, the Board believes that a trail easement represents a more practical and fiscally responsible approach because it preserves the opportunity for future trail development without creating immediate maintenance obligations.

This recommendation is consistent with the City's adopted Parks and Trails Master Plan, the 2025–2027 City Council Goals to expand recreational opportunities and preserve future park and open space opportunities, and the authority provided in Sandy Municipal Code Chapters 17.86 and 17.100 for the dedication of land and easements during the land division process.

Accordingly, the Sandy Parks and Trails Advisory Board respectfully recommends that the Planning Commission include, as a condition of approval for the Knight Partition, the dedication of a trail easement extending approximately 100 feet from the top of the stream bank to preserve a future public trail corridor.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Toogood", is written over a faint, light gray background graphic that resembles a trail map or a stylized 'X' shape.

Will Toogood, Parks and Trails Advisory Board Chair