



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, September 21, 2020

Meeting Time: 7:00 p.m.

Page

1. MEETING FORMAT NOTICE

The City Council will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

- To login to the electronic meeting online using your computer, click this link: <https://us02web.zoom.us/j/89127244795>
- If you would rather access the meeting via telephone, dial (253) 215-8782. When prompted, enter the following meeting number: 891 2724 4795
- If you do not have access to a computer or telephone and would like to take part in the meeting, please contact City Hall by Friday September 18 and arrangements will be made to facilitate your participation.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CHANGES TO THE AGENDA

5. PUBLIC COMMENT

Please note: there will be an opportunity to comment on the proposed Development Code changes during the public hearing later in the meeting.

The Council welcomes your comments on other topics 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.

6. CONSENT AGENDA

- 6.1. **City Council Minutes**
[City Council - 08 Sep 2020 - Minutes](#)

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- 6.2. **Amendment to Agreement between Skyview Acres Water Company and the City** 15 - 29
[Amendment to the Water Purchase Agreement with Skyview Acres Water Assn.](#)

7. ORDINANCES

- 7.1. **Ordinance 2020-24** 30 - 288
Code amendments to Chapters 17.10, 17.84, and 17.100
[City Council Staff Report - Ordinance 2020-24 - 9/21/2020](#)
[Planning Commission Staff Report - 7/27/2020](#)
[Planning Commission Staff Report - 8/24/2020](#)

8. OLD BUSINESS

- 8.1. **Code of Conduct for Boards and Commissions** 289 - 308
[Code of Conduct for Boards and Commissions - Pdf](#)

9. REPORT FROM THE CITY MANAGER

10. COMMITTEE /COUNCIL REPORTS

11. STAFF UPDATES

- 11.1. [Monthly Reports](#)

12. ADJOURN



MINUTES
City Council Meeting
Tuesday, September 8, 2020 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, John Hamblin, Councilor, Laurie Smallwood, Councilor, Jan Lee, Councilor, Carl Exner, Councilor, and Bethany Shultz, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Mike Walker, Public Works Director, Tyler Deems, Finance Director, Jeff Aprati, City Recorder, Angie Welty, HR Manager, Kelly O'Neill, Development Services Director, and Greg Brewster, IT/SandyNet Director, Lieutenant Sean Lundry

MEDIA PRESENT: Sandy Post

1. MEETING FORMAT NOTE

The City Council conducted this meeting electronically using the Zoom video conference platform. A video recording is available on the City's YouTube channel: https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg

2. URBAN RENEWAL BOARD MEETING - 6:00 PM

Note: Chief Schneider and Executive Director Jones were absent from the Urban Renewal Board meeting.

2.1. Growing Together Mural - Public Input Results

Staff Report - 0318

The **Finance Director** presented the public input regarding the proposed "Growing Together" mural gathered through email, social media, and two listening sessions hosted by the Arts Commission:

Listening Sessions - 8/06/2020 and 8/12/2020

2 comments in favor

14 comments in opposition

Emails Received - 5/21/2020 – 8/21/2020

10 emails in favor
40 emails in opposition

Facebook Comment Thread – Sandy Community Information – 7/6/2020 – 8/6/2020

10 comments in favor from 10 individuals
140 comments in opposition from 113 individuals

In light of the public input, staff recommended the Urban Renewal Board choose one of the following alternatives:

Option 1: Confirm the \$11,000 contribution to the mural project.

Option 2: Withdrawal the \$11,000 contribution to the mural project.

Option 3: Suspend authorization of the \$11,000 contribution, pending the Arts Commission's development of an Arts Master Plan that prioritizes needed arts investments in the city and that includes a robust public involvement process to shape the future of art in Sandy.

Councilor Exner asked whether Option 3 would include a commitment of urban renewal dollars to fund an Arts Master Plan. He stated that sufficient dollars should be dedicated to support a robust planning effort. The **Finance Director** stated that because the plan would apply to the city as a whole, urban renewal dollars could not be the only source of funding.

Councilor Lee expressed her support for Option 3, as it would provide strategic direction rather than piecemeal funding of projects. She also expressed support for adding additional commission members from within the city limits.

Mayor Pulliam praised the efforts of the property owner and the volunteers who serve on the Arts Commission. He expressed hesitancy at proceeding without a strategic plan for arts in the city and without specific provisions within the municipal code regulating murals. He stated he would like to see the project remain alive for possible future implementation once such measures are in place.

Councilor Exner noted that nearly \$8,000 was raised by Ms. Hawley for the project, and that the mural could potentially be funded privately with the only City involvement being Sign Code approval. He also stated his personal support of the Growing Together concept and his appreciation for the property owner.

Mayor Pulliam acknowledged that there is meaningful support in the community for the project, and that it could potentially proceed in a private capacity.

Councilor Shultz stated her support for the mural project, but indicated she is open to Option 3. She noted that proceeding with this project would not preclude other art in the community that some may find more appealing.

Council President Pietzold noted that a public process was undertaken, and questioned how many of the unsupportive comments were from non-city residents. He stated regret for the personal nature of some of the comments, and noted the misunderstanding by some of the spending restrictions on urban renewal funds. He noted that art is subjective, but stated his openness to Option 3.

Councilor Smallwood expressed support for the master planning concept, but agreed that art is subjective. She expressed frustration that a public process was undertaken, but the project was stalled after the fact by criticism begun by a single individual.

Councilor Lee offered a motion to adopt Option 3.

Councilor Exner asked whether Option 3 could include dedicated City support for the master planning effort. **Councilor Lee** agreed that such support should be provided.

Councilor Hamblin seconded the motion. He expressed his support for the mural, but noted the need for additional public process.

Moved by Jan Lee, seconded by John Hamblin

Suspend authorization of the Urban Renewal Board's \$11,000 contribution to the Growing Together mural project, pending the development of an Arts Master Plan that prioritizes needed arts investments in the city and that includes a robust public involvement process to shape the future of art in Sandy. Development of the Arts Master Plan is to be supported by the City with necessary resources.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Jan Lee,
Carl Exner, and Bethany Shultz

Absent: Laurie Smallwood

3. CITY COUNCIL WORK SESSION - 6:30 PM

3.1. Wastewater System Improvements and Discharge Alternatives Update

Staff Report - 0320

Project team members from Murraysmith presented an update on the wastewater discharge alternatives study and other components of the City's major wastewater system improvement project. Their presentation slides were included in the agenda packet.

Councilor Exner expressed concern that the possible Sandy River outflow site near Revenue Bridge could prove problematic given the public popularity of the site. The **City Manager** noted that some preliminary feasibility analysis was necessary before a formal public outreach program is initiated.

Councilor Exner also noted that local watershed councils have expressed interest in being involved in this analytical work, and encouraged staff to reach out. He also asked why outflow to Roslyn Lake could not occur during winter months. Murraysmith staff responded that the anticipated rainfall during winter, if combined with outflow, would overwhelm the capacity of the lake given the area of property the team envisions being able to secure through an agreement with Trackers Earth.

Mayor Pulliam praised the efforts and creativity of the project team, and commended the positive progress. He also stressed the importance of working to secure State financial support for the project.

4. CITY COUNCIL REGULAR MEETING - 7:00 PM

5. Pledge of Allegiance

6. Roll Call

7. Changes to the Agenda

8. Consent Agenda

8.1. City Council Minutes - 08/03/2020

8.2. Amendment to Intergovernmental Agreement for Hwy 26 Pedestrian Project

Staff Report - 0314

Moved by Bethany Shultz, seconded by John Hamblin

Staff Report - 0314

Adopt the Consent Agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

9. Public Comment

- 9.1. Nicole O'Neill, 17724 Van Tassel: (NOTE: Ms. O'Neill read the following comments aloud, and also submitted a written letter for the record) 11 - 12
- "Three times in the past two years irate community members have threatened my family. Each time council members and the city manager have expressed support and concern for my husband, Planning and Building Director Kelly O'Neill, but no concrete action has ever been taken. City leadership has not followed up with these community members or put in place any policies or procedures to address members of the public who cross the line and threaten or harass city staff. Written and verbal expressions of support are appreciated, but they are not sufficient. Concrete action must be taken to protect all staff, especially members of the building and planning department. One incident is scary. Three incidents is a pattern that needs to be addressed. Sandy is one of the fastest growing cities in Oregon, and as we are all aware, our community is experiencing growing pains. Tension between developers and current property owners is the highest it has been in the ten years we have lived in Sandy. I think everyone hoped that tensions would ease after the Bailey Meadows decision. Sadly that was not the case, and political rhetoric about corruption and property rights is putting planning staff, especially code enforcement and building officials, at increasing risk. City leadership cannot prevent community members from making threatening or harassing statements, but city leadership can control how the city responds to those statements once they are made. Right now, there is no response, which sends the community the message that this kind of behavior is acceptable and allowed. Council needs to direct the city manager to put in place policies and safety plans that protect all staff members, especially building and planning staff out in the field. I don't think city leadership has fully considered the implications of what happened last week. One community member threatened my husband and a developer with gun violence. Then a neighboring community member confronted Kelly when he was out in the field. No one from the city's leadership team has followed up with the community members who threatened and confronted staff, but building department staff has to continue to go back to this location. I will repeat that. Building department staff is being asked to return, unaided,

to a place where they have been threatened with guns, and confronted by angry neighbors. Clearly, this is a volatile, dangerous situation. Under no circumstances should any city staff members be going out to this property alone. This needs to be taken very seriously by city leadership, and immediate steps need to be taken to better protect staff both now, and the next time these kinds of threats and confrontations happen. I know that council cares deeply about the safety and well-being of city staff. I know that council would be heartbroken if anything were to happen to any staff members, either on or off the job. Unfortunately we are now in an environment where good intentions are no longer enough. Development is not going to stop, and the political environment is tense and growing tenser. It is time to demonstrate your concern and caring by directing the city manager to put in place policies and safety plans that protect all staff members, especially my husband, the planning director as well as the city's code enforcement and building officials. Thank you for your time."

Rich Sheldon: the final order issued for the Bailey Meadows development states that tree protection fences need to extend one foot for every inch in tree diameter. He stated the fencing being installed is insufficient, and asked why the City is not enforcing its own code and final order. He stated that threats of gun violence are unacceptable, but noted that individuals are angry and frustrated at the lack of satisfactory explanation from city staff. He stated that the developers should not be allowed to continue their work until this matter is resolved.

Kathleen Walker, 15920 SE Bluff: the Bailey Meadows developers began cutting trees early in the morning immediately preceding the neighborhood meeting, which was a poor way to begin the conversation. She stated that no rationale was given for why provisions of the final order were not being implemented/enforced, and that the level of trust is low. She stated that the City's push to be developer friendly is coming at the expense of the residents.

Brandon Emery, 37356 Rachael Dr: the high winds over the past 24 hours highlight the importance of protecting trees near construction sites. He stated that requirements related to tree protection fencing and signage that are required by the code are not being followed at the Bailey Meadows site. He stated that city staff are claiming discretion regarding final order implementation, and he disagreed that such discretion exists.

[Letter from Nicole O'Neill - 9.8.2020](#)

10. Resolutions

10.1. Resolution 2020-23

Jurisdiction Transfer of Highway 211

Staff Report - 0311

The **City Manager** stated that the City and the Oregon Department of Transportation (ODOT) have negotiated an agreement to transfer the jurisdictional control of the portion of highway 211 that is within the city's limits (mile post 4.40 to 5.94). He noted that transferring the jurisdiction from ODOT to the City of Sandy would give the City direct control and maintenance responsibility in order to plan and construct future pedestrian and safety improvements, as well as enable the city to manage projects under our rules and processes such as the intersection with the new Gunderson Road. In consideration of the maintenance and ADA improvement needs, ODOT will pay the city \$500,000. The transfer agreement also includes the commitment that ODOT will upgrade the traffic signal systems on Highway 26 at the Bluff Road, Strauss Ave, Shelley Sve, Meing Ave, and Ten Eyck/Wolf Road.

Councilor Exner asked whether the City would be able to adjust the speed limit on this portion of the highway. The **City Manager** responded that there would still be a required process to follow including traffic studies. There may be an opportunity to extend the 45 mph zone, but additional traffic calming measures would also likely be necessary. **Councilor Exner** emphasized that the City should be able to exercise its jurisdiction over the road.

Moved by Laurie Smallwood, seconded by Jeremy Pietzold

Approve Resolution 2020-23.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

11. New Business

11.1. Intergovernmental Agreement for Transportation System Plan (TSP)

Staff Report - 0316

The **City Manager** noted that updating the City's Transportation System Plan (TSP) is a Council goal, and that approving this intergovernmental agreement would allow the City to move forward with the project and secure funds from ODOT under the Transportation Growth Management grant program. The TSP update will take roughly one year from the notice to proceed. The public involvement process includes forming a community advisory committee,

creating a public involvement plan, holding tabling events and community meetings, and City Council workshops and meetings.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Authorize the City Manager to sign the intergovernmental agreement with the Oregon Department of Transportation for the update of the City's Transportation System Plan.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, Carl Exner, and Bethany Shultz

12. Report from the City Manager

The **City Manager** stated that the Public Works Department will accept woody storm debris from residents to facilitate the cleanup from the recent storm. He noted that the City received a sustainability award from the Pacific Northwest Clean Water Association in recognition of the wastewater recycling program. He shared the Development Services Department's plans to allow temporary outdoor uses (in tent-like structures) to facilitate ongoing business operations during the colder months consistent with COVID-19 physical distancing requirements, noting that other cities like Bend are also taking such actions. He also referred to the draft code of conduct for boards and commissions that staff have been developing, noting that it will be brought up for Council action in the near future. **Councilor Smallwood** stated that she supports specific language in the code preventing board members from reporting false information to the public or misrepresenting the City's actions. **Mayor Pulliam** concurred, noting that city officials represent the community and must treat each other with decorum and respect. He expressed concern that some board members may have recently been involved in actions that fell short of such standards.

13. Committee /Council Reports

Councilor Shultz: recently took part in a town hall with Anna Williams and shared recent developments from Sandy including the recent parking code changes and childcare incentive program. She asked staff whether employee safety plans are in place, with respect to the concerns raised by Ms. O'Neill during public comment. The **City Manager** stated that the issue is being worked on internally, and that credible threats would be handled through law enforcement channels. **Councilor Shultz** emphasized the importance of employee safety, and the City Manager concurred. **Councilor Smallwood** asked about the legality of surreptitiously recording private conversations, and stated more clarity is needed. **Mayor Pulliam** suggested that additional precautions may be appropriate given the currently charged environment. The **City Manager** mentioned the ongoing work seeking to enhance security at City Hall.

Councilor Exner: stressed the importance of coming together and supporting each other as a community given the recent challenges. He stated he met with the Police Chief recently; he noted the extreme workload the officers have been under lately and expressed his appreciation for their efforts. He called for calm and respectful dialogue when discussing difficult issues. He noted the upcoming Arts Commission meeting on September 16th. He stated that the intersection of Hwy 26 and Wolf/Ten Eyck is in need of traffic improvement.

Councilor Lee: she is meeting monthly with the group working on the climate resiliency project, sharing ideas and strategies. She expressed concern that the Code Enforcement Officer was recently mistreated by certain advisory board members.

Councilor Hamblin: concurred with **Councilor Lee** and agreed that the City should be proactive in mitigating conflict and protecting employees. He commended City staff, as well as Sandy Fire, the Sheriff's Office, and members of the community for supporting each other after the recent storm.

Councilor Smallwood: met recently with AntFarm staff and will encourage them to brief the Council in the future on their efforts to assist local residents who have been affected by COVID-19. She noted the upcoming Parks Board meeting on September 9th.

Council President Pietzold: OBAC is conducting a survey concerning broadband in local communities. He stated that the storm highlighted the advantages of undergrounding the city's fiber infrastructure. He praised the Public Works program to assist in cleaning up woody debris. He commended the Associate Planner's recent informational video explaining the Bull Run Terrace subdivision application process.

Mayor Pulliam: praised the City's progress on the wastewater system improvements, including the potential Roslyn Lake wetland. He also noted the importance of the Hwy 211 jurisdictional transfer for the future quality of life in the city. He stated that recent comments by Council candidate Kathleen Walker concerning the Council's policies on growth are inaccurate, saying that the Council has been focused on supporting commercial growth to create jobs in the community, not residential growth. He stated that the absence of such efforts to grow local small business would eventually result in more big box stores instead, like Walmart. He noted that the Council has also taken action to create additional controls over the annexation process. He noted that the New York Times recently profiled Sandy. He thanked local firefighters for their efforts, and noted the recent article in the Hoodview News featuring **Councilor Smallwood**. **Councilor Lee** asked the group to confirm that the intention of the Council when amending its growth policy in January 2019 was to

facilitate commercial growth, not residential growth. The Council confirmed that this was the case.

14. Adjourn

15. CITY COUNCIL EXECUTIVE SESSION

The Sandy City Council met in executive session pursuant to ORS 192.660(2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Mayor, Stan Pulliam

City Recorder, Jeff Aprati

Draft

Pubic comments given to Sandy City Council on 9/8/2020 by Nicole O'Neill of 17724 Van Tassel Ave.

Three times in the past two years irate community members have threatened my family. Each time council members and the city manager have expressed support and concern for my husband, Planning and Building Director Kelly O'Neill, but no concrete action has ever been taken. City leadership has not followed up with these community members or put in place any policies or procedures to address members of the public who cross the line and threaten or harass city staff. Written and verbal expressions of support are appreciated, but they are not sufficient. Concrete action must be taken to protect all staff, especially members of the building and planning department. One incident is scary. Three incidents is a pattern that needs to be addressed.

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I know that council cares deeply about the safety and wellbeing of city staff. I know that council would be heartbroken if anything were to happen to any staff members, either on or off the job. Unfortunately we are now in an environment where good intentions are no longer enough. Development is not going to stop, and the political environment is tense and growing tenser. It is time to demonstrate your concern and caring by directing the city manager to put in place policies and safety plans that protect all staff members, especially my husband, the

planning director as well as the city's code enforcement and building officials. Thank you for your time.



Staff Report

Meeting Date: September 21, 2020

From Mike Walker, Public Works Director
Amendment to the Water Purchase Agreement between the City and
SUBJECT: Skyview Acres Water Assn.

Background:

The City and Skyview Acres Water Co. entered into a water purchase agreement in June 2014. Skyview serves about seventy homes on Virginia Court, Hauglum, Hudson, Bluff and Lusted roads. Skyview had formerly been a wholesale customer of the Portland Water Bureau (PWB) and connected to the City system as part of the PWB Intertie project. Skyview has maintained their wholesale connection to PWB but has not used it since connecting to our system. The agreement between the City and Skyview obligates them to purchase all their water from the City of Sandy.

Skyview has requested that we change Section 1 of the Agreement and allow them to purchase some water from PWB. Skyview has been having trouble meeting regulatory standards for disinfection by-products (DBPs) in one distant part of their system that serves about a dozen customers. They believe that they can comply with the DBP standards if they purchase water for this part of their system from PWB.

There are other provisions in the agreement that we would like to make while it is being considered for changes. One relates to meter testing and one to the notice procedure and timing of any rate changes. We are also proposing to clarify Skyview's obligation to immediately pay for improvements installed by the City if the agreement is terminated prior to Skyview reimbursing us for these costs. These changes are also marked up in the agreement.

Recommendation:

Authorize staff to sign Amendment No. 1 to the water supply agreement between the City and Skyview Acres water company.

Suggested Motion:

"Authorize staff to sign Amendment No. 1 to the agreement between the City and Skyview Acres water company."

List of Attachments/Exhibits:

[Exhibit A: Amendment No. 1 to Water Supply Agreement](#)

[Exhibit B: Existing agreement showing proposed changes](#)

[Exhibit C: Request from Skyview Acres](#)

Exhibit A

AMENDMENT NO. 1 TO THE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF SANDY AND SKYVIEW ACRES WATER COMPANY

The Water Supply Agreement between the City of Sandy and Skyview Acres Water Company dated July 1, 2014 is hereby amended as follows:

Section 1 Obligation to purchase is amended to read: Obligation to Purchase: Skyview will purchase water from Sandy as may be needed to operate their system and supply their customers. However, Sandy acknowledges that Skyview may explore opportunities for development of independent water sources. Sandy shall complete those certain improvements depicted in the plans and specifications prepared by Murray, Smith and Associates dated March, 2014 and attached as Exhibit A no later than January 1, 2015.

Section 3 Obligation to Monitor Consumption is amended to read: Obligation to Monitor Consumption: Skyview will receive its domestic water supply through a Sandy master meter located in the right-of-way of Hauglum Rd. near the Skyview connection point to the Sandy system. The master meter will be constructed by Skyview and will be conveyed to Sandy prior to the date water is first delivered, at which point it will be owned and operated by Sandy. Sandy will provide Skyview with 24-7 access to master meter readings, flow rates, user-configurable alerts and other features through its web-based customer portal on the same basis as all other Sandy water customers. Skyview will have the meter tested by a mutually-agreed third party as Skyview sees fit. The master meter will be available for inspection by Skyview or its contractors upon making prior arrangements with the City for access. Skyview personnel or contractors will be responsible for complying with all applicable OR-OSHA regulations regarding confined-space entry, obtaining right-of-way permits from Clackamas County for work in Hauglum Rd. and providing traffic control per the Oregon Temporary Traffic Control Handbook. The results of any testing of the meter shall be shared with Sandy. Should the meter be found to over or under-register it will be repaired or calibrated by Sandy to conform with the original factory calibration or ANSI/AWWA standards C701-10 and 702-10. Sandy will not be responsible to Skyview for any other costs that result from over-registration. The location of the meter is set forth on Ex. A.

Section 7c Water Supply Rates is amended to read: Water Supply Rates: The rate is subject to annual review and adjustment between the parties, upon either party providing written notice of its intention to review rates. Any rate changes shall be implemented on the same basis and schedule as all other Sandy water customers. Notification of rate changes will include rate calculation, volume rate, base fee, and any other fees included in the monthly billing. If Sandy must purchase water from other sources because its sources are inadequate to supply the demands of Skyview and other wholesale customers, and the cost of the purchased water is greater than the rate then in effect for Skyview purchases from Sandy, then the monthly bill to Skyview for each such month will include the increased cost of the water purchased from other sources and supplied to Skyview.

Section 16 Duration of Agreement is amended to read: Duration of Agreement: This Agreement will remain in effect until June 30, 2034. After that date the Agreement shall be

considered as a continuing five (5) year term. Beginning on July first (1st) of each year, the Agreement will be considered renewed for an additional five (5) year term, unless at least ninety (90) days prior to July first (1st) on any year either party notifies the other of intent to terminate the Agreement. Upon the filing of such notice, the parties will have an Agreement which will terminate on July 1st which is five years from the date of the last renewal prior to the notice of termination. If any balance remains on the funds due to Sandy for the improvements made on Skyview's behalf per the schedule in Exhibit B Skyview shall immediately pay off the remaining balance upon termination. If Skyview secures an independent water source prior to contract expiration, Sandy will consider a re-negotiation of the existing contract that could include termination of this Agreement.

All other terms of the Agreement remain unchanged and in full force and effect.

For City of Sandy:

Signed

Name

Title

Date

For Skyview Acres Water Company:

Signed

Name

Title

Date

Exhibit B

WATER SUPPLY AGREEMENT

THIS AGREEMENT is effective July 1, 2014 between the City of Sandy, an Oregon municipal corporation, (Sandy), Skyview Acres Water Company, an Oregon corporation organized under ORS Chapter 65 (Skyview) are also referred to individually as "party", and collectively as "parties".

RECITALS

The parties agree upon the following Recitals:

- A. Skyview supplies its system users with domestic water for their needs and has been a long-time purchaser of water from the City of Portland (Portland) via connection to the Portland transmission pipeline.
- B. Sandy has recently executed a twenty-year Water Sales Agreement with Portland and is constructing improvements to connect Sandy's Water System with the Portland transmission pipeline.
- C. The Parties agree it is beneficial and economic for Skyview to connect to the Sandy pipeline and purchase water from Sandy. Sandy agrees to supply Skyview with its domestic water requirements.
- D. Sandy will supply water to Skyview with the supplies and sources developed and available to Sandy, and Skyview will purchase water from Sandy to supply the water requirements of its water system users.
- E. Skyview understands that water to be provided by Sandy may have different characteristics than the water currently being supplied by City of Portland. Sandy's point of connection to the Portland system is at a different location than Skyview's current connection. As a result, the disinfectant type (free chlorine) and concentration is different than the disinfectant type (chloramine) and concentration currently furnished by Portland.
- F. The Parties understand that each has or will make improvements to their respective water system infrastructure for Sandy to deliver water to Skyview and for Skyview to connect to the Sandy system. Sandy's

obligation to sell water and Skyview's obligation to buy is contingent upon each completing the necessary improvements by January 1, 2015.

- G. Sandy and Skyview wish to make definite the terms of their understandings, with regard to the supply of water, by this agreement.
- H. Sandy has authority to enter into this Agreement under its Charter and this Agreement has been authorized by the Sandy City Council.
- I. The Skyview Board of Directors has power to enter into this Agreement and doing so has been authorized by the Board.

AGREEMENT

In consideration of their mutual promises, covenants and undertakings, Sandy and Skyview agree that Sandy will furnish domestic water supply to Skyview for the present and future water users of Skyview. Skyview will purchase all of this domestic water supply from Sandy under the following terms and conditions:

- 1) Obligation to Purchase: Skyview will purchase ~~all of its water supply~~ from Sandy ~~as may be needed to operate their system and supply their customers.~~ However, Sandy acknowledges that Skyview may explore opportunities for development of independent water sources. Sandy shall complete those certain improvements depicted in the plans and specifications prepared by Murray, Smith and Associates dated March, 2014 and attached as Exhibit A no later than January 1, 2015.

- 2) Obligations to Supply Water: Skyview shall complete those improvements described in Exhibit A necessary to connect to Sandy no later than January 1, 2015. Skyview will develop and maintain a Plan that includes projections on population growth, number and types of customer connections, and average, peak day and maximum instantaneous water demand. Skyview will deliver to Sandy a copy of its Plan within eighteen months of the date water is first delivered to Skyview, and upon adoption of any updates to the Plan. Skyview has been unable to provide to Sandy with complete records of actual consumption and peak day usage for its system. Recognizing this, Sandy will supply domestic water to Skyview, subject to a maximum demand of 60,000 gallons per day and a maximum flow rate of 200 gallons per minute until such time as the Plan is completed. Based on the projections developed in the Plan Skyview and the City may revise the maximum day demand and maximum flow rate amounts listed above.

- 3) Obligation to Monitor Consumption: Skyview will receive ~~all of its~~ domestic water supply through a Sandy master meter located in the right-of-way of Hauglum Rd. near the Skyview connection point to the Sandy system. The master meter will be constructed by Skyview and will be conveyed to Sandy prior to the date water is first delivered, at which point it will be owned and operated by Sandy ~~and will be available for inspection by Skyview at all times.~~ Sandy will provide Skyview with 24-7 access to master meter readings, flow rates, user-configurable alerts and other features through its web-based customer portal on the same basis as all other Sandy water customers. ~~Sandy-Skyview~~ will have the meter tested by a mutually-agreed third party ~~every year ending in a odd number~~ as Skyview sees fit. The master meter will be available for inspection by Skyview or its contractors upon making prior arrangements with the City for access. Skyview personnel or contractors will be responsible for complying with all applicable OR-OSHA regulations regarding confined-space entry, obtaining right-of-way permits from Clackamas County for

work in Hauglum Rd. and providing traffic control per the Oregon Temporary Traffic Control Handbook. The results of any testing of the meter shall be shared with Sandy. Should the meter be found to over or under-register it will be repaired or calibrated by Sandy to conform with the original factory calibration or ANSI/AWWA standards C701-10 and 702-10. ~~Should Skyview determine that there are indications of meter inaccuracy it may request a meter accuracy test performed by a mutually-agreed third party at any time. If the meter is found to be under-registering or operating within the original factory calibration or ANSI/AWWA standards C701-10 and C702-10 Skyview shall reimburse the City for the cost of testing at the next billing cycle. Sandy will pay all costs associated with the bi-annual test and calibration of the master meter.~~ Sandy will not be responsible to Skyview for any other costs that result from over-registration. The location of the meter is set forth on Ex. A.

- 4) Skyview System: Skyview will provide, at its sole expense and discretion all water distribution system infrastructure. Skyview shall be solely responsible for all operation, maintenance repair, replacement and capital improvements of its water system to the point of connection to Sandy's system shown on Exhibit A.
- 5) Cross Connections: Skyview will provide and install, at its sole expense, a double check valve in its line to prevent water backflow into Sandy's transmission line. The backflow device will be located downstream of the master meter. Skyview will conduct the initial test of the double check valve before the new connection is put into service and furnish the results of the initial test to Sandy within thirty (30) days of its completion. Thereafter, the double check valve will be tested annually and maintained by Skyview. Skyview shall furnish results of annual tests to Sandy within thirty (30) days of their completion. If the double check valve fails a test, repairs must be made within thirty (30) days of the testing. Skyview will install at its sole expense, a pressure-reducing valve downstream of the master meter to reduce main pressures from Sandy transmission lines. Said pressure-reducing valve shall be owned, operated and maintained by Sandy. Skyview will not install, construct or store materials on Sandy property without the prior written approval of Sandy.
- 6) Curtailment Measures: Sandy and Skyview Water users will be treated equally in times of curtailment or shortage. Skyview and its water users are subject to the same water use regulations, water conservation practices and curtailment measures as are imposed upon Sandy wholesale and retail customers under the Sandy Water Management and Conservation Plan, Section 13.04.220 of the Sandy Municipal Code and/or its water purchase agreement with the City of

Portland. In the event of extreme water shortage in the Sandy system, Sandy will notify Skyview of this condition and Skyview agrees to adopt immediately the same curtailment measures as are imposed on other wholesale and retail customers of Sandy.

Sandy will notify Skyview when curtailment measures are necessary and when those measures can be rescinded. Sandy will share copies of its water use regulations and curtailment measures with Skyview. If Skyview fails to take immediate action to adopt and enforce curtailment measures, after direction to do so by Sandy, Sandy may reduce the volume of water provided to Skyview to a level consistent with the Sandy curtailment direction.

- 7) Water Supply Rates: Sandy agrees that it will sell and Skyview agrees that it will buy water at a rate to be fixed annually by Sandy. The annual water rate will be calculated based on Sandy's existing water rate model generally described as follows unless the parties mutually agree otherwise at the time of rate review:
- a) The rate paid by Sandy to the City of Portland applied to the volumetric amount of water provided to Skyview.
 - b) The proportionate share of Sandy's operation, maintenance, repair and replacement costs based on the volumetric amount of water provided by that portion of the Sandy Water System assets described on Ex. 1 plus an amount for depreciation of those identified assets on a straight line basis of 50 years for pump stations, reservoirs and equipment and 100 years for pipelines.
 - c) The rate is subject to annual review ~~in December of each year~~ and adjustment between the parties, upon either party providing written notice of its intention to review rates. ~~at or before November 1st of any calendar year. Any re-adjusted rate is effective no sooner than July 1st of the following calendar year.~~ Any rate changes shall be implemented on the same basis and schedule as all other Sandy water customers. Notification of rate changes will include rate calculation, volume rate, base fee, and any other fees included in the monthly billing. If Sandy must purchase water from other sources because its sources are inadequate to supply the demands of Skyview and other wholesale customers, and the cost of the purchased water is greater than the rate then in effect for Skyview purchases from Sandy, then the monthly bill to Skyview for each such month will include the increased cost of the water purchased from other sources and supplied to Skyview.

- 8) Obligation for System Improvements for Connection. In order to facilitate the connection of Skyview's Water System to the City, certain capital investments were made on behalf of Skyview by the City. Costs associated with the capital investments to facilitate Skyview's connection to Sandy's system (currently estimated at \$160,469.37) will be repaid according to the amortization schedule incorporated into this document as Exhibit B. The principal cost shall be actual costs of design and construction of the of the City's transmission line from the Portland connection to the terminal reservoir and those portions of the existing Sandy distribution and treatment system that benefit Skyview . Skyview will pay a proportionate share of the actual cost of these facilities based on that proportion of water delivered to Skyview compared to the total capacity of Sandy's system. As per Section 2 above Skyview has been unable to provide complete records on actual consumption and peak day usage. After one year of metered water sales Sandy may revise the calculations in Exhibit B to reflect the average day demand and peak day demand recorded by the master meter. In addition, capital costs shall include those engineering and actual construction costs associated with initiation of service delivery from Sandy and the construction of facilities necessary to facilitate receipt of water service from Sandy. Interest shall be charged at a rate of 3.27% annually. Fully amortized payments of principal and interest for capital investments addressed in this section shall be paid over 20 years on a monthly basis, separate from the water rates and charges assessed for volumetric consumption by Skyview. Skyview may prepay all or a portion of this obligation at any time without penalty. Skyview will indicate at the time of any prepayment the preference to either reduce the term of the loan or reamortize the loan based on the reduced principal balance.
- 9) Compliance with Laws: Skyview will comply with all local, regional, state and federal agency regulations pertaining to water systems of its size and kind, including, but not limited to, requisite sampling to assure compliance with any applicable Federal requirements for testing and water quality.

Sandy will furnish water that meets or exceeds all Oregon Health Authority-Drinking Water Program (OHA-DWP) and United States Environmental Protection Agency (USEPA) standards for drinking water at Skyview's point of connection. Due to the difference in connection locations and disinfection methods (as described in section E of the Recitals) higher concentrations of regulated Disinfection Byproducts (DBPs) may be formed in the water delivered to Skyview. If it is determined that the levels of regulated DBPs exceed OHA-DWP or USEPA standards Skyview and Sandy will make any necessary improvements or changes to the system to comply with OHA-DWP and USEPA regulations.

If the required improvements benefit both Sandy and Skyview users the costs will be apportioned in the manner described in Section 7. If the required improvements solely benefit Skyview users the costs will be borne by Skyview. If the improvements must be made to the Skyview system, then Skyview will make those improvements to its system and recover those costs from its system users. If the improvements must be made to the Sandy system and the required improvements solely benefit Skyview, then Skyview may elect to pay for the improvements through methods other than rates if full payment of the Skyview share is made prior to completion of construction. Otherwise they will be recovered by Sandy in the manner for capital investment cost recovery described in Section 8 excepting that the interest rate and rate of return shall be based on Sandy's then- current yield for long-term investments per the City's Master Fee Resolution.

- 10) Operation and Maintenance of System: Skyview will improve, operate and maintain its water distribution system in such a manner as to minimize losses, leakage and overuse of the water, and promptly repair any ruptures, breaks, or significant leaks in the pipes, pump stations, storage tanks, or other parts of the system which cause loss of water.

Skyview will furnish contact information (name, telephone and email address) to Sandy for a person or persons designated by Skyview to receive information on system operation or changes. Sandy will furnish similar contact information to Skyview. Sandy will provide information on changes in water source or anticipated water quality through this method.

- 11) Payment of Charges: Skyview will be billed by Sandy monthly for the water provided under this Agreement. The bill will show the billing period, volume of water used, total costs and any surcharges. Skyview agrees to pay the charges to Sandy within 30 days after billing is mailed. If Skyview disputes the billing, it will pay the undisputed amount and provide a written statement as to the basis of the dispute within the 30 day period. The provisions of Section 12 regarding dispute resolution will be followed. If any part of the disputed amount is paid to Sandy as a result of the dispute resolution process, Sandy will also recover interest from the date of the original invoice based on Sandy's then current yield for long term investments per the City's Master Fee Resolution. If Skyview does not pay or commence dispute resolution within 30 days of receipt of invoice, Sandy may provide a 30 day notice of contract termination and shut off the water supply on the date of contract termination. If Skyview has given proper notice and the matter is in dispute resolution, Sandy cannot terminate the contract or shut off water.

- 12) Dispute Resolution and Remedies: Unless there is an extension of time by mutual consent in writing, the failure or unreasonable delay by either party to substantially perform any term or provision of this Agreement constitutes a default. In the event of an alleged default of this Agreement (other than non-payment of charges described in Section 11) the party alleging such default will give the other party not less than 60 days notice in writing specifying the nature of the alleged default and the manner in which the default may be cured satisfactorily. During this 60 day period, the party charged will not be in default for purposes of termination or instituting legal proceedings.

The Parties hereby agree that resolution of any and all disputes arising out of the terms of this Agreement or interpretation thereof shall follow a prescribed process beginning with negotiation and subsequently moving to meditation, provided the dispute remains unresolved. If a dispute arises between the parties regarding this Agreement, the parties shall follow the dispute resolution provisions below before legal proceedings can be commenced.

Written Notice. A written notice regarding the dispute (Dispute Notice) shall be sent to the other party. The notice shall describe the dispute in sufficient detail to enable the other party to meaningfully respond.

Negotiations. Within thirty (30) days following receipt of the Dispute Notice, the parties shall assign a representative to participate in good faith negotiations for a period not to exceed sixty (60) days after appointment of the representatives.

If after the sixty (60) day period of negotiation (or a period not to exceed ninety (90) days following the receipt date of the Dispute Notice), the dispute(s) cannot be resolved, the Parties agree to submit the matter to non-binding mediation. The Parties shall attempt to agree on a mediator in a period not to exceed one hundred twenty (120) days following the receipt date of the Dispute Notice and proceed accordingly.

Litigation. If the Parties cannot agree on a mediator with the allocated time, or if the mediator cannot resolve the dispute(s) within one hundred eighty (180) days following the date of the Dispute Notice, either of the Parties may initiate litigation in the Circuit Court of the State of Oregon for Clackamas County and seek all available remedies. Moreover, each Party shall bear its own legal and expert witness fees at all stages of the dispute resolution process, including at trial or on any appeals. In addition, nothing shall prevent the Parties from waiving any of the dispute resolution steps by mutual consent.

- 13) New Connections: Skyview's service territory consists primarily of agricultural, resource and rural residential zoned lands with limited potential for development under current Oregon land use law. Recognizing this, Skyview will obtain Sandy's written approval prior to installation of any new connection to Skyview's system that exceeds one and a half inches (1-1/2") in diameter or a total of ten (10) connections of any size in a calendar year. Such approval may be given or withheld at Sandy's sole discretion. A request for any such connection will include a description of the nature of the use for which the connection is needed, the approximate flow rate and annual demand anticipated. Each such connection request must be accompanied by a statement from Skyview's operator that the proposed connection is consistent with the current Plan and that adequate pressure and volume are available at the proposed point of connection to meet applicable service standards.
- 14) Limitation on Liabilities: Notwithstanding any other provision of this Agreement, the parties agree that Sandy will not be liable for breach of this Agreement, or damages, or both, including damages resulting from fire, if Sandy is unable to provide water to Skyview due to inadequate water supply availability by reason of interruptions in Sandy's water system due to breakdowns, emergency shut-off, unavailability of water from the City of Portland or due to any reason other than interruptions caused by the intentional misconduct or gross negligence of Sandy, its agents and employees.
- 15) No Third-Party Beneficiaries: Sandy and Skyview are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives any benefit or right, whether directly or indirectly, to third persons.
- 16) Duration of Agreement: This Agreement will remain in effect until June 30, 2034. After that date the Agreement shall be considered as a continuing five (5) year term. Beginning on July first (1st) of each year, the Agreement will be considered renewed for an additional five (5) year term, unless at least ninety (90) days prior to July first (1st) on any year either party notifies the other of intent to terminate the Agreement. Upon the filing of such notice, the parties will have an Agreement which will terminate on July 1st which is five years from the date of the last renewal prior to the notice of termination. **If any balance remains on the funds due to Sandy for the improvements made on Skyview's behalf per the schedule in Exhibit B Skyview shall immediately pay off the remaining balance upon termination.** If Skyview secures an independent water source prior to contract expiration, Sandy will consider a re-negotiation of the existing contract that could include termination of this Agreement.

- 17) Notice to Parties: Written notices and correspondence under this Agreement may be sent by postage prepaid first-class mail addressed as below set forth, and if so sent, are deemed received three days after deposited in the United States Mail. Written notices and correspondence transmitted in any other manner are deemed given when actually delivered to the other party. Either party to this Agreement may change its address by notice to the other party in the manner provided above.

Notice to Skyview will be addressed as follows:

President
Skyview Acres Water
Company PO Box 2072
Sandy, OR 97055

Notice to Sandy will be addressed as follows:

City Manager
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

- 18) Enforced Delay; Extension of Time of Performance: Performance by either party will not be in default where delay is due to insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, contamination of water supply, governmental restrictions imposed or mandated by governmental entities other than Sandy, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within reasonable control of a party.
- 19) Applicable Law: The laws of the State of Oregon apply to this Agreement should either party bring any legal action under this Agreement or to enforce any provision.
- 20) Recordkeeping: The parties will maintain all fiscal records relating to this Agreement, in accordance with generally accepted accounting principles consistently applied. In addition, the parties will maintain any other records pertinent to this Agreement to clearly document the party's performance. All such fiscal records, books, documents, papers, plans, and writings will be retained by the parties and kept accessible for a minimum of four years, except as required longer by law, following final payment and termination of this Agreement, or until the conclusion of any audit or litigation related to this Agreement.

- 21) Access to Records: Sandy agrees that Skyview and its authorized representatives will have access at reasonable times to all books, documents, papers and records of Sandy which are directly related to the Agreement, for the purpose of making any audit, examination, copies, excerpts and transcripts. Likewise, Skyview agrees that Sandy and its authorized representatives will have access at reasonable times to all books, documents, papers and records of Skyview which are directly related to the Agreement, for the purpose of making any audit, examination, copies, excerpts and transcripts.
- 22) Severability: The parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
- 23) Assignment: This Agreement may not be assigned by either party, without the prior written approval of the other party.
- 24) Other Necessary Acts: Each party will execute and deliver to the other all documents reasonably necessary to carry out this Agreement. The parties will separately contract for compensation for any services provided by one party to the other as a result of this Agreement.
- 25) Nonwaiver: Failure by either party, at any time, to require performance by the other party of any provision does not affect the first party's rights to enforce the same provision. A waiver by either party of default will not be a waiver of any succeeding default.

Exhibit C



Skyview Acres Water Company

P. O. Box 2072 Sandy, OR 97055

July 24, 2020

Mike Walker
Director of Public Works
City of Sandy, Oregon

Dear Mike;

I'm writing on behalf of Skyview Acres Water Company to request an exception to the Water Supply Agreement between the City of Sandy and SAWC. This would be a temporary exception in that it will no longer be needed after the water treatment issues involving Sandy/Portland are resolved by 2027.

Skyview has been dealing with problematic testing results regarding Halo acetic acids and Trihalomethanes. Skyview is currently operating under a Bilateral Agreement with the Oregon Health Authority to address our testing issues. The action plan under that agreement includes installation of a full system filtration plant and a flushing regime for the two mile main line along Lusted Road ending at Dodge Park Blvd. These efforts have so far not produced satisfactory testing results. The next step in our action plan is to separate the 13 customers served by the main line along Lusted Road, and serve those customers with water from another source. We believe this action would result in satisfactory test results for both groups of Skyview customers.

REQUEST

Skyview is requesting an exception to Section 1 of the Agreement which states that Skyview will purchase all water from Sandy. Skyview intent would be to isolate the 13 customers at the end of our main line along Lusted Road from the existing water system and serve those customers with water purchased from another source.

Please let me know if you need additional information about this request. We will proceed with planning and preparations to implement the above in anticipation of approval from you.

Thank you for your consideration of this request.

A handwritten signature in black ink that reads "Mike Persons". The signature is written in a cursive, slightly slanted style.

Mike Persons, president, SAWC
503-668-0717
mikepersons23@yahoo.com



Staff Report

Meeting Date: September 21, 2020

From Emily Meharg, Senior Planner

SUBJECT: 20-023 DCA Code Amendments to Chapters 17.10, 17.84, and 17.100

Background:

File No. 20-023 DCA amends Chapters 17.10, 17.84, and 17.100 of the Development Code, which contain definitions, improvements required with development, and the procedures for land divisions, respectively. The primary goal of the amendments is to incorporate average daily traffic (ADT) standards into the development code. The current development code does not contain a clear and objective criterion that requires subdivisions and other land division applications to adhere to the ADT standards for local streets. ADT relates to livability, whereas peak hour trips relate to capacity. The proposed code edits add a clear and objective criterion related to ADT standards and clear and objective language related to transportation impact studies.

Staff has worked closely with the City's Transportation Engineer, the City Attorney, and the Planning Commission to revise the proposed code. Below is a summary of the proposed amendments.

Chapter 17.10 Definitions

- Added definition of average daily traffic (ADT).
- Added ADT limit for local streets.
- Revised language regarding green streets.

Chapter 17.84 Improvements Required with Development

- Revised cul-de-sac standard to be clear and objective.
- Added clear and objective language related to transportation impact analysis requirements.

Chapter 17.100 Land Divisions

- Specified compliance with ADT standards on local streets in criteria for land divisions.
- Exempted ADT standard compliance on local streets for outright permitted development within the Central Business District, C-1. *Note:* Without this exemption the redevelopment of Pleasant Street would be problematic. The proposed language only exempts outright permitted uses (similar language is also included in Chapter 17.10 amendments); whether or not to exempt conditional uses is a policy call for Council.

- Increased tentative plat approval to 2 years with the ability for the Director to grant a 1 year extension. *Note:* Staff originally proposed a second extension to be granted by the Planning Commission, but the Planning Commission recommended to remove the second extension.
- Added clarifications to street signs, street surfacing, and street lighting sections (Sections 17.100.190, 17.100.200, and 17.100.210).
- Added clarifications regarding bonds and performance guarantee.

In addition, all three code sections include grammatical edits as well as the incorporation of gender-neutral terminology, as requested by the Planning Commission.

Recommendation:

Staff recommends the City Council **approve** the proposed modifications to Chapters 17.10, 17.84, and 17.100.

Suggested Motion:

"Approve the first reading of Ordinance 2020-24."

(If first vote is unanimous): "Approve the second reading of Ordinance 2020-24."

List of Attachments/Exhibits:

- A. Chapter 17.10 Code Modifications – clean copy
- B. Chapter 17.84 Code Modifications – clean copy
- C. Chapter 17.100 Code Modifications – clean copy
- D. Chapter 17.10 Code Modifications – track changes copy
- E. Chapter 17.84 Code Modifications – track changes copy
- F. Chapter 17.100 Code Modifications – track changes copy
- G. Memo from Public Works Director
- H. Memo from City Attorney
- I. Written Public Testimony – Kathleen Walker
- J. Planning Commission Staff Report from July 27, 2020 with Exhibits
- K. Planning Commission Staff Report from August 24, 2020 with Exhibits



NO. 2020-24

AN ORDINANCE AMENDING CHAPTERS 17.10, 17.84, and 17.100 OF TITLE 17 OF THE SANDY MUNICIPAL CODE AND DECLARING AN EMERGENCY.

Whereas, the City Council wants to incorporate clear and objective standards related to average daily traffic (ADT) and transportation impact analysis in the Development Code; and

Whereas, the City Council wants to exempt development in the Central Business District (C-1) from the local street ADT standards; and

Whereas, the City Council wants to increase the tentative plat expiration date from 1 year to 2 years; and

Whereas, the City Council wants to amend certain sections of Chapter 17.100 to reflect current practices with regards to street signs, street surfacing, street lighting, bonds, and performance guarantee; and

Whereas, the City Council wants to update the code language to be gender neutral; and

Whereas, in addition, the City Council wants to make other minor code changes as contained below; and

Whereas, on June 22, 2020, the City provided notice of the proposed amendments to DLCD in conformance with ORS 197.610; and

Whereas, the Planning Commission held a public hearing to review the amendments on July 27, 2020 and a second public hearing on August 24, 2020 and forwarded a recommendation of approval with a few minor changes to the City Council; and

Whereas, the City Council then held a public hearing to review the proposal on September 21, 2020; and

Whereas, the city finds that the public health, safety and general welfare of the city, its residents and its visitors necessitates and requires the adoption of this ordinance incorporating clear and objective language related to ADT standards and transportation impact analyses and for it to take effect immediately upon its adoption;

#2020-24

Ordinance 2020-24

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS,

Section 1: Sandy Municipal Code Chapter 17.10 is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2: Sandy Municipal Code Chapter 17.84 is amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3: Sandy Municipal Code Chapter 17.100 is amended as detailed in Exhibit C, attached and incorporated by reference.

Section 4: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately upon its adoption.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 21 day of September 2020

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2020-24

Ordinance 2020-24

**CHAPTER 17.10
DEFINITIONS**

17.10.00 INTENT

These definitions are intended to provide specific meanings for words and terms commonly used in zoning and land use regulations.

17.10.10 MEANING OF WORDS GENERALLY

All words and terms used in this Code have their commonly accepted dictionary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicated to the contrary.

17.10.20 MEANING OF COMMON WORDS

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word “shall” is mandatory and the word “may” is permissive.
- D. The word “building” includes the word “structure.”
- E. The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- F. The word “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.
- G. The word “person” may be taken for persons, associations, firms, partnerships or corporations.

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be shown through continuous operation of a portion of the facility, maintenance of sewer, water and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

Abandonment, Discontinued Use: Discontinued use shall mean nonuse and shall not require a determination of the voluntary or involuntary use or intent to resume the use.

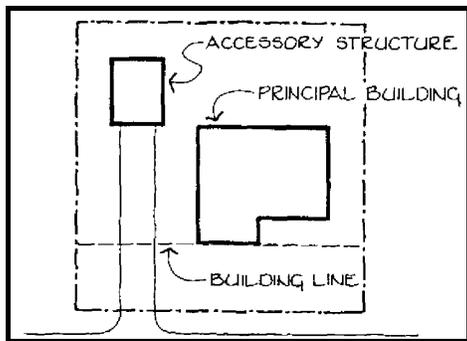
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

Access: The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use or parking space.

Accessory Dwelling Unit: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure (Detached): A structure that is clearly incidental to and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.



Accessory Structure Example

Accessory Structure (Attached): A structure that is clearly incidental to and subordinate to the main use of the property; attached to the principal structure by the wall or roof of the latter or by the roof over a breezeway connecting the accessory and principal structures.

Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Acre, Gross: Gross acre means an acre area of land, which includes in its measurement public streets or other areas to be dedicated or reserved for public use.

Acre, Net: Net acre means an acre area of land, which does not include in its measurement public streets or other areas to be dedicated or reserved for public use.

Activate (as in “activate wall”): Make the exterior of a building inviting to pedestrians through a combination of elements, such as an enhanced customer entrance, weather protecting features (such as canopies or awnings), pedestrian-scale signage, and transparent windows allowing for views into and from interior building spaces.

Actual Construction: The placing of construction materials in a permanent position and fastened in a permanent manner.

17.10 - 2

Revised by Ordinance 2019-01 effective 1/07/19

Ordinance 2020-24

Adjacent Lot: Adjacent means the same as abutting lot.

AE Zone (floodway): Area of special flood hazard with water surface elevations determined as depicted on the FIRM.

Affordable Housing: Housing for households with incomes at or below the Clackamas County median, as determined by the U.S. Department of Housing and Urban Development (HUD), on the assumption that these households do not spend more than 30 percent of their income for housing costs. Housing costs for renters include rent and heating. Housing cost for homeowners includes principal on the mortgage plus interest, taxes, insurance, and heating. *Note: Median income figures depend upon the household size assumed. These numbers are updated annually by HUD.*

A-Frame building: A building with steeply angled sides that meet at the top of the building in the shape of an “A”; more than half of the two side elevations comprise the primary roof form.

After School Program: A program designed to provide care for and educational enhancement to children immediately following school release.

Agriculture: Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, and poultry for commercial use; does not include processing, slaughtering, large scale poultry raising, commercial forestry and similar uses.

Aisle: The driving portion of the parking area. The aisle provides access to each space.

Alley: A public or private way permanently reserved as a means of access to abutting property, usually with principal access from another street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing building or structure.

Amendment: A change in the wording, context, or substance of the Development Code, or a change in the zone boundaries or area district boundaries upon the zoning map.

Anchor space/store/building: The largest single use, or the largest space designed for a single store or use, on a site.

Ancillary structure/store/building: An accessory structure, store, or building. See also, Accessory Use

Angled: Any parking space that is not parallel to the curb or driving aisle.

Apartment: A dwelling unit, which is located within a multi-family dwelling but excluding condominiums. (Multi-family dwelling is defined under Building Types.)

Appeal, floodplain: A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

Application: For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

Area of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average Daily Traffic (ADT): Two-direction, 24-hour total count of vehicles crossing a line perpendicular to the road on an average weekday.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

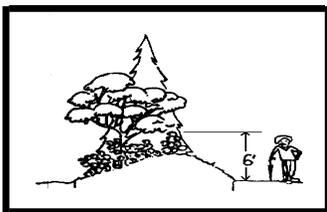
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of a building having its floor subgrade below ground level on all sides.

Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Berm: An earthen mound designed to provide a visual interest, screen undesirable views, and/or decrease noise.



Berm Example

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Revised by Ordinance 2019-01 effective 1/07/19

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Big-box, or Large-Format Commercial/Industrial: Any single building containing more than 30,000 square feet of gross floor area in the C-1 zone, or greater than 60,000 square feet of gross floor area in any other commercial or industrial zone.

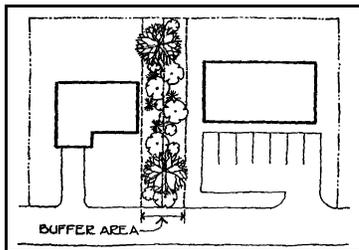
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

Boarding, Lodging or Rooming House: An establishment with lodging for not less than five persons nor more than 10 persons not including members of the owner-occupant or tenant-occupant family, other than a hotel or motel, where lodging, with or without meals, is provided.

Bond: Any form of security (including a cash deposit, surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Breezeway: A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, generally reduce impacts of adjacent development, or separate and screen incompatible land uses from each other.



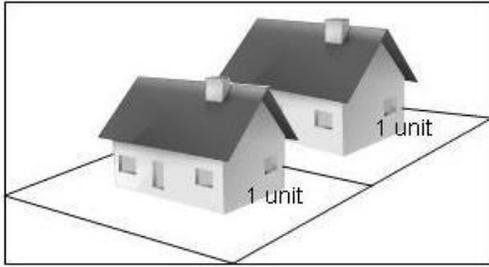
Buffer Example

Building: Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind. If within an Area of Special Flood Hazard then the definition of “Structure” provided in Chapter 17.10 shall apply.

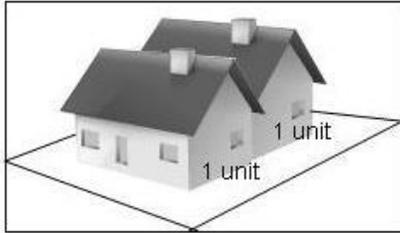
Building Types:

A. Nonresidential: That group of building types comprising the following:

- 1. Detached:** A single main building, freestanding and structurally separated from other buildings.



2. **Attached:** Two or more main buildings placed side by side so that some structural parts are touching one another.

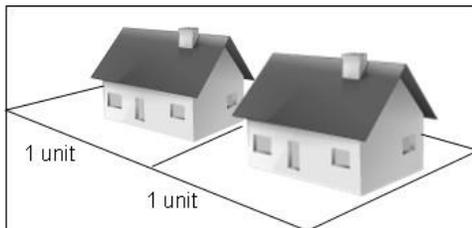


B. Residential: That group of building types comprising the following:

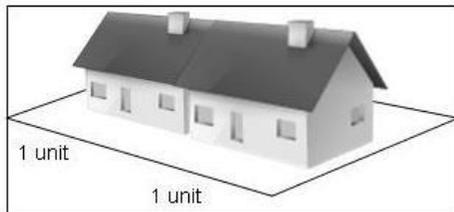
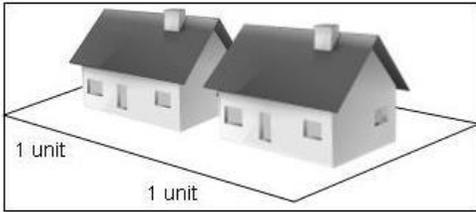
1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



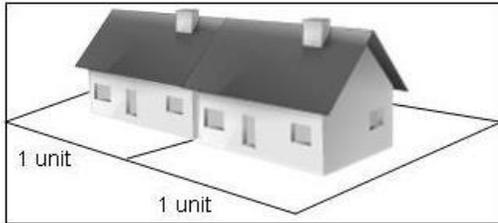
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



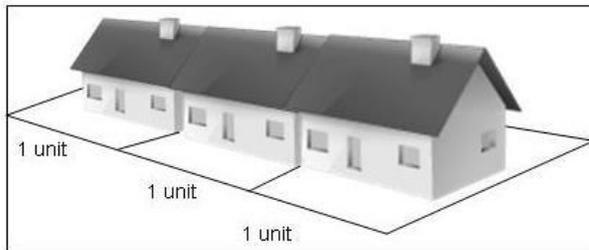
3. **Duplex:** A dwelling containing two independent dwelling units.



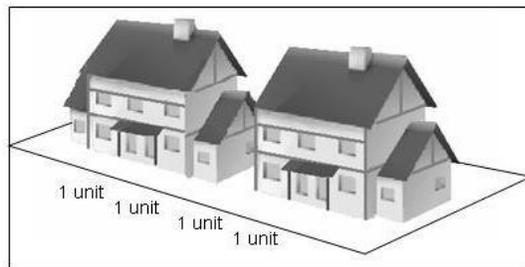
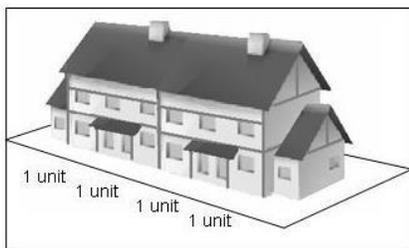
4. Single Attached (Zero Lot Line): Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



5. Attached (Row House): More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.



6. Multi-Family Dwelling: At least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site. An existing dwelling may be utilized as part of a multi-family dwelling when redevelopment of the site occurs and does not have to be attached to another structure.



7. Manufactured Dwelling Park: A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.

C. The following commonly used terms are **not** considered building types for purposes of this Code.

1. **Cluster:** An arrangement of building types designed to retain open space areas equal to or greater than the cumulative total open space areas normally required and maintaining the permitted gross density of a site.
2. **Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

Building Envelope: That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height: See Height of Buildings definition.

Building Line: A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum or maximum distance as prescribed by this Code between the property line abutting a street and the closest point of the foundation of any building or structure related thereto. Building line means a line established by this title to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement.

Bulk Plant: An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle or container.

Carport: A stationary-roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

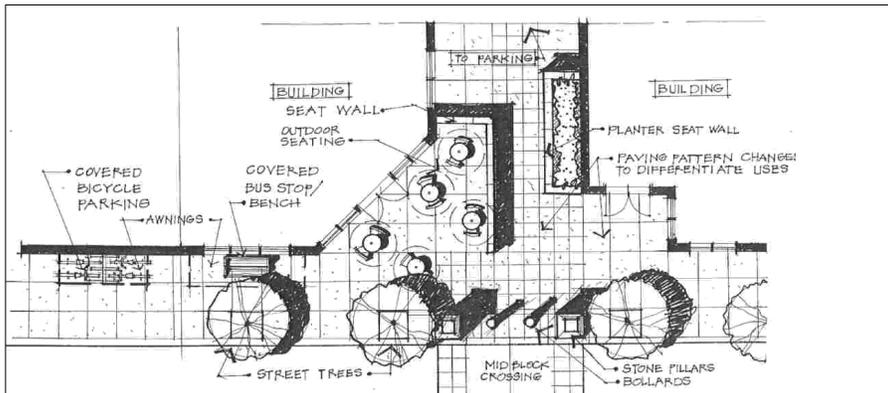
Cemetery: Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Change of Zone: The legislative act of rezoning one or more lots or parcels

Church: An institution that people regularly attend to participate in or hold religious services, meetings and other activities.

City: The City of Sandy, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Civic Space: A public or quasi-public gathering space, such as a plaza, square, outdoor seating area, bus waiting area, garden, fountain, sculpture or public art display, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.



Civic Space Example

Clinic: A building or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities, including medical, dental and psychiatric services.

Commercial Day Care Facility: Any business other than a family day care home providing adult supervision for children or adolescents.

Commission: The Planning Commission.

Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

Comprehensive Plan: The comprehensive development plan for the City of Sandy, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development or redevelopment of the city.

Community Service Use: A community use, including but not limited to, schools, churches, community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings.

Concrete Form: A method of concrete construction where members are cast horizontally near their eventual location and integrate textures or patterns replicating other materials.

Conditional Use: A use that would not be generally appropriate within a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

Condominium: A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

Congregate Housing: A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located,

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shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

Consolidation: The elimination of a property line or lines of unplatted land to create a single unit of land where more than one unit previously existed.

Contiguous: The same as abutting.

Cooperative: A group or association which has taken a deed or lease to property and which issues stock upon which the tenant's rights to proprietary leases are based. The stock, or other evidence of interest in the cooperative corporation or association, shall be purchased by persons who are tenants in the occupancy of at least 80% of the accommodations in the structure and are entitled by reason of such ownership to proprietary leases of such accommodations.

Critical Facilities (floodway): Hospitals, fire stations, police stations, storage of critical records, and similar facilities.

Cross-gable: Where one gable-ending roof intersects another gable-ending roof. (See graphic below.)



Gables (cross-gables) Example

Curtain windows (flush glazing): Preassembled wall units or continuous window glazing providing a flush surface; windows may be separated by metal framing members which may be set entirely behind the glass panes or units. This type of glazing does not allow for the division of windows into small panes with trim.

Day Care Facility: A child care facility certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed other than a single family dwelling. Also known as a “Certified Child Care Center” as defined in OAR 414, Division 300.

Day Care, Family: Baby-sitting, care of 12 or fewer children, including resident family members, as accessory to any residential use regardless of full-time or part-time status. Family day care is subject to the definition of home business.

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Day(s): Shall mean calendar days unless working days are specified.

Density, Gross: The number of residential dwelling units per gross acre of land

Density, Net: The number of dwelling units per net acre (based on the total area of the parcel) excluding areas dedicated for public use.

Density Transfer Receiving Areas: Unconstrained buildable land on the same site as land that is partially covered by the FSH overlay zone. Density may be transferred from constrained and unbuildable land to buildable density transfer receiving areas as prescribed in Chapter 17.60.120.

Detached: A single main building, freestanding and structurally separated from other buildings.

Detention, Stormwater: The release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage.

Detention Facility, Stormwater: A facility that collects water from developed areas and releases it at a slower rate than it enters the collection systems.

Developer: The owners of property or their agents or contractors, or their successors or assigns, who have undertaken or are proposing development.

Development Site: A legally established lot or parcel of land occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this Code and having frontage upon a street.

Development: Any human-made change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, compaction, paving, excavation or drilling operations, storage of equipment or materials, stream alteration or channeling, vegetation removal or other similar activities.

Director: Planning and Development Director of the City of Sandy, or the Director's official designee, with responsibility for administration of this Code.

District: A land use area or zone established by this title for the designated intent.

Drainageway: A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Drip line (of a tree): A line projected to the ground delineating the outermost extent of foliage in all directions.

Drive-in Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling Unit: An independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and rooming and boarding units, which are used primarily for transient tenancy, shall not be considered as dwelling units.

Easement: A right that a person has to use someone’s land for a specific purpose such as for access or for utilities.

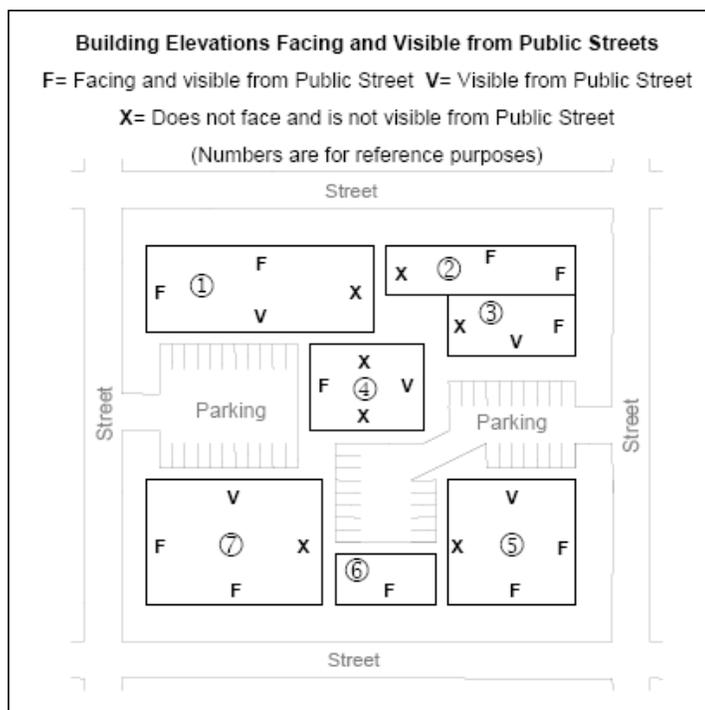
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

Erosion: Detachment and movement of soil, rock fragments, refuse, or any other material, organic or inorganic.

Established Grade: The curb line grade established by the City.

Excavation: The process of altering the natural (grade) elevation by cutting and/or filling the earth or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

Facing (Building Elevation): A building elevation that is typically parallel and adjacent to a public street or civic space.



Facing and visible from a Public Street example

Family: Any number of individuals living together in a dwelling unit related by blood, marriage, legal adoption or guardianship; or a group of not more than 5 persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

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Fast-Food Restaurant – This type of restaurant is characterized by a large carryout clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

Fence, Sight-obscuring: A fence or evergreen planting of such density and so arranged as to obstruct vision.

Fill: Placement of any soil, sand, gravel, clay, mud, debris, refuse, or any other material, organic or inorganic.

Finished Grade (ground level): The average of finished ground levels at the center of all walls of the building unless otherwise specified.

Flag Lot: A lot that has access to a public right-of-way by means of a narrow strip of land.



Flag Lot Example

Flood or Flooding: (A) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source. See “Flood or Flooding.” The lowland and relatively flat areas adjoining inland waters including, at a minimum, that area identified as the Area of Special Flood Hazard.

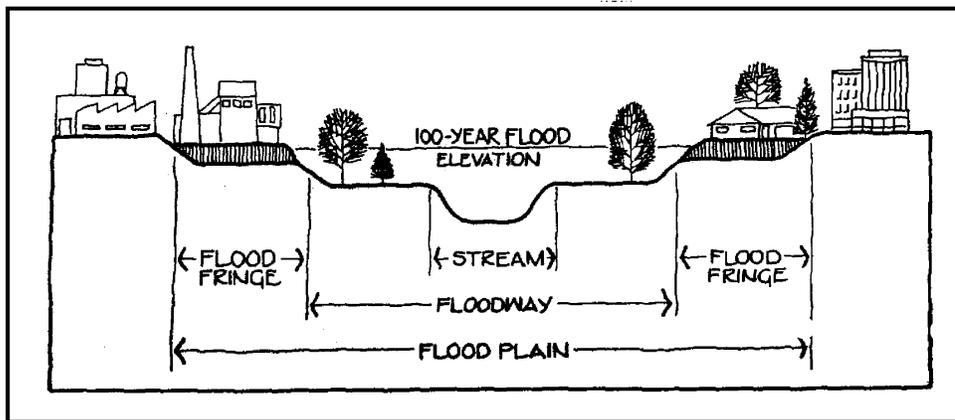
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

- **Buildable Areas:** Accessible lands of less than 25% slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).
- **Restricted Development Areas:** As shown on the City of Sandy Zoning Map including:
 1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in section 17.60.30.

Floodway (Regulatory Floodway): The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway: The channel of a river or stream and those portions of the adjoining floodplains required to carry and discharge the base flood flow.



Floodway Example

Floor Area: The sum of the area of several floors of a building including areas used for human occupancy. It does not include cellars, unenclosed porches, or attics not designed for human occupancy, or any floor space in any accessory building or any interior building parking areas, exclusive of vent shafts.

Floor, Habitable: A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination of the above. A floor used only for storage or parking is not a “habitable floor.”

Foster Home, Adult: Any family home or facility in which residential care is provided for 5 or fewer adults who are not related to the provider by blood or marriage.

Frontage: That portion of a development site that abuts a public or private street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under “yards” in the definition section.

Flood and Slope Hazard (FSH) Overlay District: An overlay zoning district defining water quality, flood, and slope hazard areas within the City identified on the City of Sandy Zoning Map.

Gabled roof: The generally triangular portion of a wall between the lines of a sloping roof. The shape of the gable and how it is detailed depends on the structural system being used (which is often related to climate and materials) and aesthetic concerns. The City of Sandy requires minimum roof pitch on some buildings which supports the use of gables.

Garage, Private: A portion of a main building or an accessory building, shelter or carport used for the parking or temporary storage of private automobiles, trailers, mobile homes, boats or other vehicles owned or used by occupants of the main building.

Garage, Public: A building designed and used for the storage, care, or repair of motor vehicles, including both minor and major mechanical overhauling, paint, and body work or where such vehicles are parked or stored for compensation, hire or sale.

Grade: Given in reference to the slope of land or in reference to construction: is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gross Area: The total usable area including accessory space dedicated to such things as streets, easements and uses out of character with the principal use, but within a unit of area being measured.

Ground floor: The floor of a building that is at or nearest the ground level.

Ground floor elevation: The elevation of a building that is at or nearest the ground level measured from the ground to a point 12-feet above the ground. (This definition is used to measure the ground floor area subject to window requirements in Chapter 17.90).

Group Care Home: A home or residential institution maintained and operated for the supervision, care or training of physically, mentally, or socially handicapped persons, but not including foster homes or detention facilities.

Grove: A stand of three or more trees of the same species or mix, which form a visual and biological unit.

Guest House: An accessory, detached dwelling without kitchen facilities, designed for and used to house transient visitors or guests of the occupants of the main building without compensation.

Half-story: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than 5 feet above the top floor level. A half-story containing one or more dwelling units shall be counted as a full story.

Half-Street improvement: A ½ street improvement includes curb and pavement 2 feet beyond the centerline of the right-of-way. A ¾ street improvement includes curbs on both sides of the street and full pavement between curb faces.

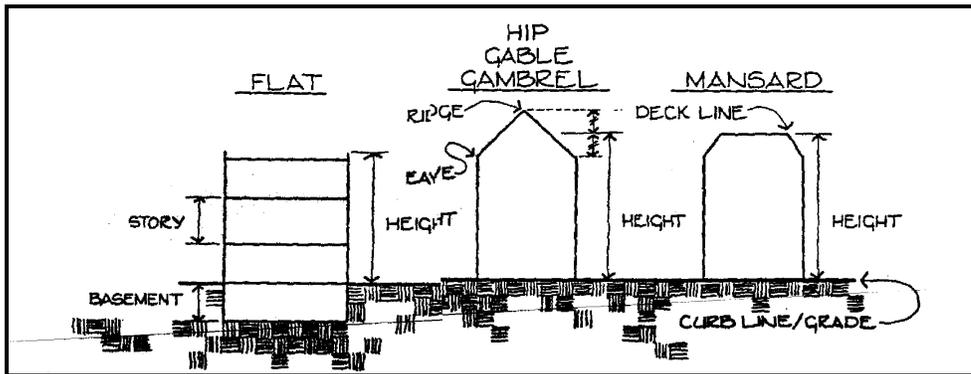
Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

Hearing Authority: The City Council, Planning Commission or an agency or officer of the Council designated by this Code to conduct public hearings prior to acting on applications for development.

Heavy timber: Exposed timber framing or detailing consisting of larger wooden members, commonly with dimensions in the range of 6" to 12", as opposed to common wood framing which uses many more timbers with dimensions usually in the 2" to 10" range. The methods of fastening the frame members also differ; in conventional framing the members are joined using nails or other mechanical fasteners while timber framing uses mortice and tenon (wood joint) or metal fasteners.

Height of Buildings: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item "A" above is more than 10 feet above lowest grade.

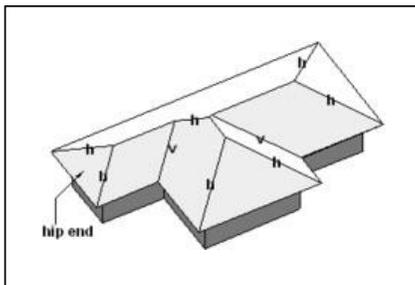


Determining Building Height Example

High-Turnover Sit Down Restaurant – This type of restaurant consists of a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. This restaurant type is different than fast-food and quality restaurants as defined in the Institute of Transportation Engineers, Trip Generation manual.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hipped roof. A type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope. Thus it is a roof with no gables or other vertical sides to the roof. A square hip roof is shaped like a pyramid. Hip roofs on rectangular houses will have two triangular sides and two trapezoidal ones. Hip roofs often have dormers. Where two hipped (“h”) roof forms adjoin, the edge is called a valley (“v”). See graphic.



Hipped Roof Example

Historic Resource Alteration: Historic resource alteration means the change, addition, removal, physical modification or repair, which affects the exterior appearance of a landmark, excluding, however, routine maintenance and painting.

Historic Resource Alteration, Major: Means exterior alteration, which is not a minor alteration.

Historic Resource Alteration, Minor: Means exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or duplicates or

restores the affected exterior features and material as determined from historic photos, building plan or other evidence or original features or material.

Historic Structure (Area of Special Flood Hazard): Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.

Home Business: A lawful commercial activity commonly carried on within a dwelling or attached or detached accessory structure.

Homeowners Association: An incorporated, nonprofit organization operating under recorded land agreements through which a) each lot owner of a planned development or other described land area is automatically a member; and b) subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospital: An establishment, which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service.

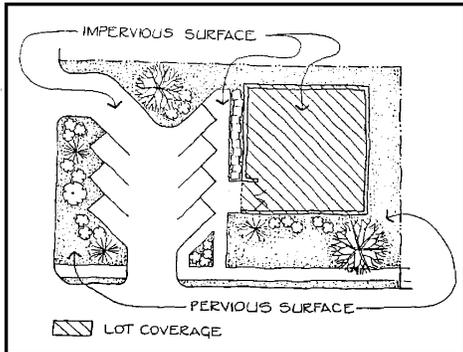
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Household: A domestic establishment including a member or members of a family and/or others living under the same roof.

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious area shall include graveled driveways and parking areas.



Impervious Surface Example

Irrigation System: Method of supplying water (which can be manually or mechanically controlled) to a needed area.

Junkyard: An area used for the dismantling, storage or handling in any manner of junked vehicles or other machinery, or for the purpose of storage of dismantled material, junk and scrap, and/or where wastes and used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles, if such activity is not incidental to the principal use of the same lot.

kennel: Any premises or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation or sale.

Kitchen: Any room used, intended or designed for preparation and storage of food, including any room having a sink and provision for a range or stove.

Land Area, Net: That land area remaining after all area covered by impervious surfaces has been excluded (subtracted).

Land Division: Land divided to create legally separate parcels in one of the following ways:

- A. Partition:** A division of land that creates three or fewer lots within a calendar year when such parcel exists as a unit or contiguous units of land under single ownership at the beginning of the year. See also, "Replat, Minor."

A partition does not include division of land resulting from any of the following:

1. Establishment or modifications of a "tax lot" by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots;
3. An adjustment of a property line by relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable development district criteria established by this Code;
4. Sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or

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right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See “Property Line Adjustment.”

B. Subdivision: Division of an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. See also, “Replat, Major.”

Land, Intensity of: Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

Land, Parcel of: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established. Also, a unit of land created by a partition.

Landscape Management Corridor: The required yards abutting Highway 26 within the C-2, I-I and I-2 zoning districts where the Development Code requires native conifer and deciduous landscaping, creating the appearance of a forested corridor; openings or breaks in the landscape corridor are minimized, allowing for transportation access and framed views into development sites.

Landscaping: The arrangement of trees, grass, bushes, shrubs, flowers, gardens, fountains, patios, decks, outdoor furniture, and paving materials in a yard space. It does not include the placing or installation of artificial plant materials.

Legislative Decision: Involves formulation of policy and as such, it is characteristic of the actions by a city council. *Ex-parte* contact requirements are not applicable to legislative hearings. Personal notice to citizens advising them of proposed changes is not required in most cases, although the Sandy Development Code specifies that in some cases notice shall be mailed to property owners if a decision will change the land-use designation. In general, the burden of being informed rests on the citizen. (See definition for “Limited Land Use Decision” and “Quasi-judicial Decision.”)

Lien Foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

Limited Land Use Decision: A land use decision made by staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.015.

Loading Space: An off-street space within a building or on the same lot with a building for the temporary parking of commercial vehicles or trucks while loading or unloading merchandise or materials and which space has direct access to a street.

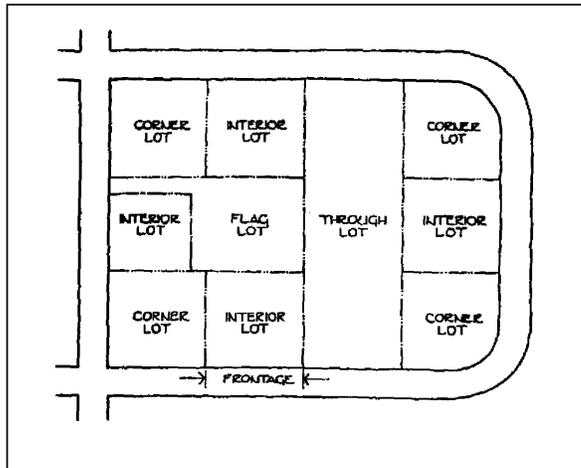
Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.

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Lot Corner Example

Lot Coverage: Unless otherwise noted in a zoning district, percent of a development site covered, including all gravel and paved surface areas and areas encompassed by buildings.

Lot Depth: The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

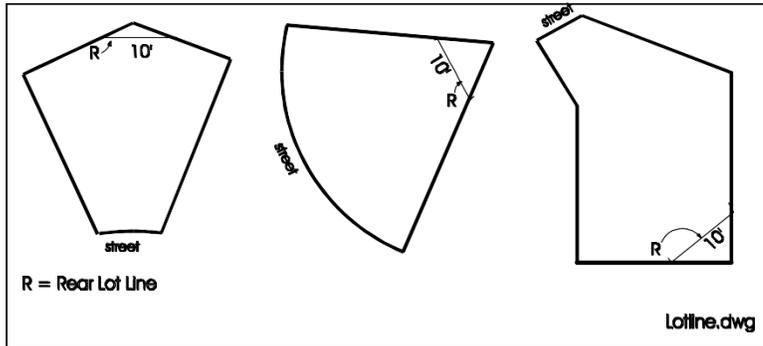
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

Lot Line, Front: In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Side: Any lot boundary not a front or rear lot line (see figure under “Lot Line, Rear”).

Lot Line, Rear: The recorded lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or lot with more than four sides, however, the rear lot line shall mean a straight line 10 feet in length that: a) is parallel to the front lot line or its chord and, b) intersects the other lot lines at points most distant from the front line (see figure below).



Rear Lot Line Example

Lot of Record: A lot or parcel created through applicable land division regulations before adoption of this Code.

Lot, Reversed Corner: A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

Lot, Tax: One parcel of real property shown on the County Assessor’s map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record.

Lot, Through: A lot of record whose front and rear lot lines both abut streets.

Lot Width: The horizontal distance between the midpoints of the side lot lines.

Lowest Floor: The lowest floor of the lowest enclosed area (including a “Basement”). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor if the building falls within the “Area of Special Flood Hazard,” provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Mansard roof: A style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water. This form may accommodate an additional building story. Often the decorative potential of the Mansard is expressed through the use of convex or concave curvature and with elaborate dormer window surrounds.



Mansard Roof Example

Manufactured Dwelling Park (also Mobile Home Park or Trailer Park): A parcel (or contiguous parcels) of land with two or more manufactured dwelling lots for rent or sale. A parcel under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes. Manufactured home park means a privately owned place where four or more manufactured homes, mobile homes, or any combination of the above, used for human occupancy are placed on a lot, tract of parcel of land under the same ownership.

Manufactured Dwelling: A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standard and constructed for movement on public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is used for residential purposes and was constructed, and met the requirements of federal manufactured housing construction and safety standards and regulations in effect at the time of construction. All manufactured homes are to meet the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended on August 22, 1981, consistent with HB 2863 Oregon Laws, 1989, and current Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards as embodied in the most recent Federal Register. Within a “Special Flood Hazard Area” a manufactured dwelling shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle.”

Manufactured Dwelling Space: Any portion of a manufactured dwelling park (See “Manufactured Dwelling Park”) which is designated or used for occupancy of one manufactured home or mobile home, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Dwelling Stand: That portion of the manufactured home space reserved for the location of the manufactured home or mobile home.

Marijuana Dispensary: Those facilities registered and/or licensed by the state of Oregon as medical marijuana dispensaries and marijuana retailers.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

Medical Facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients or animals including clinic, hospital, and laboratory, but excluding medical marijuana facility, as authorized by state law.

Medical Marijuana Grow Site: Those facilities defined, registered and/or licensed by Oregon Health Authority to grow medical marijuana for more than one registered medical marijuana cardholder.

Mini-storage Facility: A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home: A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976 which met the construction requirements of Oregon Mobile Home Law in effect at the time of construction and which exhibits an Oregon Department of Commerce Insignia of Compliance that indicates conformance with U.S. Department of Housing and Urban Development, HUD, standards.

Modular Structure: A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motel: A building or group of buildings on the same lot designed or used primarily for providing sleeping accommodations for automobile travelers and providing automobile parking conveniently located on the premises.

National Geodetic Vertical Datum: An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

New Construction (Area of Special Flood Hazard): For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Development: A lawful existing structure or use that does not conform to requirements of the district, but which was already in existence on the effective date of this Code or any amendment to it became effective.

Notice of Decision: A written communication that specifies the action of a hearing authority or Director concerning a development proposal.

Nuisance: Activity or use that is annoying, unpleasant or obnoxious.

Nursing Home: Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

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Office: A place where the following civic and commercial uses are conducted: Administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

On the Record: Refers to review by the Planning Commission or City Council based on written submissions received by the Director or at the hearing and/or review of a non-verbatim transcript of the prior proceedings and decision. If requested, the Planning Commission or City Council shall allow the applicant and/or appellant to present an oral summary of the evidence and Code sections that support their position. No new evidence shall be allowed. The Planning Commission or City Council may allow further oral comments of a summary nature.

Open Space, Group: Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state. Group open spaces may include swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails but do not include off-street parking, maneuvering or loading areas or driveways.

Open Space, Private: Areas intended for the private use by residents of an individual dwelling unit, designed for outdoor living and recreation or the retention of an area in its natural state. Private open spaces may include patios and landscaped areas but does not include off-street parking, maneuvering, loading or delivery areas.

Order: Final disposition of a case. It can be affirmative, negative, injunctive, or declaratory in form. The grant, denial, or grant with conditions of an application for development is an order.

Other Marijuana Facility: Those facilities defined, registered and/or licensed by the state of Oregon including marijuana processing sites, marijuana producers, marijuana processors, marijuana wholesalers, and marijuana testing laboratories.

Overlay District: A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for redevelopment.

Overnight Lodging – A building or group of buildings designed and used primarily for overnight lodging. This definition includes hotels, motels, hostels, bed breakfast inns and similar uses.

Owner: The owner of record of real property as shown on the latest tax rolls of Clackamas County, or by the deed records of such county, or a person who is purchasing property under contract. In terms of violations and binding agreements between the city and owner, the owner shall also mean leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement or of violation of agreement or the provisions of this Code. Owner shall also mean authorized representative.

Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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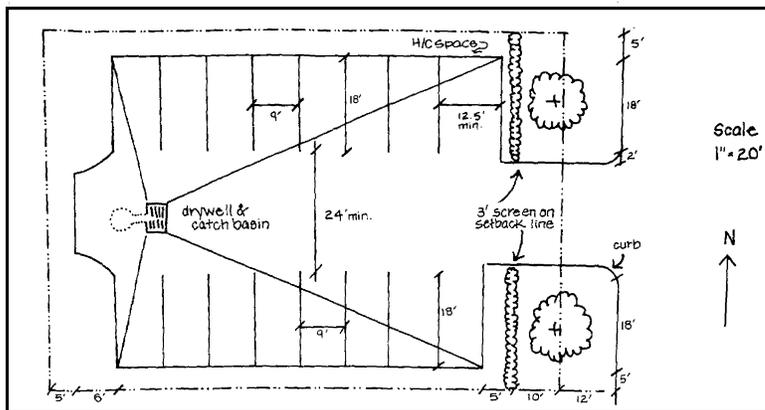
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Parking area, Private: A privately owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this title and not open for use by the general public.

Parking area, Public: An area permanently available, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public which is open for use by the general public, either free or for remuneration. Public parking areas may include parking lots, which may be required by this title for retail customers, patrons, and clients.

Parking Bay: Rows of parking separated by an aisle. A parking bay may be single-loaded (parking on one side only) or double-loaded (on both sides).

Parking Space: Parking space means an area permanently available for the parking of an automobile.



Typical Parking Area Example

Participant: A person or entity that submitted written or oral comments in compliance with the time lines set in the procedure type, or at the public hearing. Merely signing a petition does not constitute participation.

Pedestrian-scale: The placement, proportioning, and detailing of building and site design elements resulting in an environment that is comfortable and inviting to pedestrians. Examples of elements that are regulated with the intent of creating pedestrian scale include, but are not limited to: pedestrian ways, parking facilities, street furnishings, civic spaces, building entrances, building articulation, divisions between first and second building stories, weather protecting canopies or awnings, transparent storefront windows, fences, walls, and landscape screening and buffering.

Percent of Slope: The ratio of vertical distance to horizontal distance (rise divided by run times 100). For example, a 1:4 slope (one-foot rise over a four foot run times 100) is a 25% slope.

Pergola: A structure forming a shaded walk or passageway. Pillars support cross beams and a sturdy open lattice, upon which woody vines are typically trained. It may also be part of a building, as protection for an open terrace or civic space.

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Pergola Example

Person: An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development: A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, useable open spaces, and the preservation of significant natural features. Planned development means the proposed land development project as finally approved by the Planning Commission, and shall include a plat, all covenants, grants of easement, and other conditions relating to use, location and bulk of building, density of development, common open space and public facilities. The plan shall include such information as required by this zoning title.

Plat: Refers to a final subdivision plat, replat or partition plat.

Plat, Partition: A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision: A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Portico: A porch leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls.

Practicable: Capable of being effected, feasible.

Preschool: A facility providing care for children 36 months of age to school age that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.

Primary structure/store/building: The structure or building housing the largest use on a site, as determined by floor area, occupancy rating, trip generation, or similar criteria.

Professional Office: An office of a practitioner of an occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.

Property Line Adjustment: The relocation of a common property boundary where an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Public Facility: Public facilities include, but are not limited to, sanitary sewer, water, storm drainage, street, communication, electrical and natural gas facilities necessary to support development. There are two types of public facilities:

- **Public Facility, Major:** Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.
- **Public Facility, Minor:** Minor utility structures (e.g., poles, lines, pipes); minor sewer, water and storm drainage structures and collection system improvements (e.g., pump stations, lines, maintenance holes, valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas); and transportation improvements identified in the adopted Transportation System Plan.

Quasi-judicial Decision: Similar to a court proceeding where affected parties are afforded more procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission. Personal notice must be mailed to property owners and occupants living within a prescribed distance of the affected area. Unlike legislative decisions, Planning Commission members are expected to avoid outside discussion of the business at hand, and they must declare *ex parte* contacts. (See “Legislative Decision.”)

Recreational Vehicle: A vacation trailer or other vehicle or portable unit built on a single chassis, which is either self-propelled or towed or is carried by a motor vehicle and which is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle (Area of Special Flood Hazard): A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for recreational vehicles of the general

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public as temporary living quarters, for recreation or vacation purposes. An RV park is intended for use on a temporary basis by campers, vacationers, or travelers.

Remand: A remand shall be conducted in compliance with the procedure type issued by the decision maker upon its initial review of the application unless otherwise specified in the remand order.

Replat, Major: The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots, deletion of 4 or more lots, or reconfiguring of 4 or more lots.

Replat, Minor: The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created, deletion of 3 or fewer lots, or reconfiguring of 3 or fewer lots.

Reserve Strip: A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

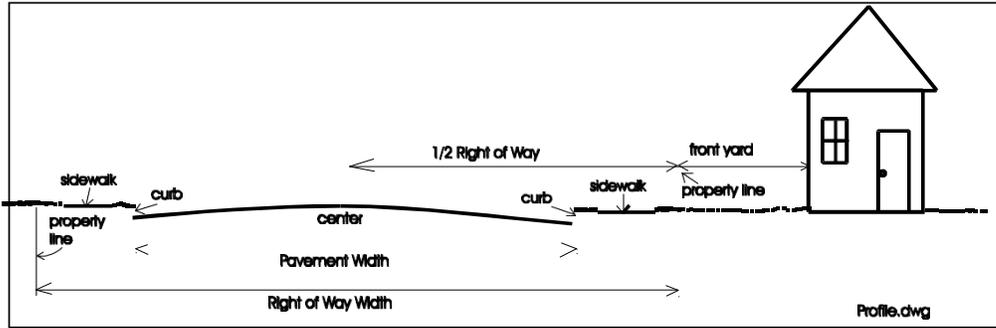
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Required staff persons shall not be counted in the number of residents and need not be related to each other, the residents or the facility owner or operator. This definition includes adult foster homes. All exclusions set forth in ORS 443.715 are excluded from this definition.

Restaurant, Drive-In: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast Food: An establishment that offers quick food service of items already prepared and held for service, or prepared, fried, griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Retention Facility: A facility to collect and hold stormwater runoff with no surface outflow.

Right-of-way: A public way dedicated for vehicular, bicycle or pedestrian use.



Right-of-way example

Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Row House: More than 2 units, often with 2 stories and with ground floor access, on individual lots.

Rusticated: A texture produced in ashlar (i.e., dressed stone work) masonry with deep cut 'V' or square joints to contrast with smooth masonry.



Rusticated stone work example

Sandy Style: An architectural style developed in the City of Sandy, Oregon that expresses elements of or reflects Cascadian Architecture by adapting appropriate elements of English Arts and Crafts Style (1900-1920) and Oregon Rustic Style (1915-1940) or similar elements.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools.

Sediment: Any material that is in suspension, is being transported, or has been moved from its site of origin by water, wind, or gravity as a result of erosion.

Senior Housing Complex: A housing development designed for or occupied solely of persons over the age of sixty years.

Service Building: A structure in a manufactured (mobile) home or recreational vehicle park containing laundry, restrooms or showers, intended to serve the needs of the residents of the park.

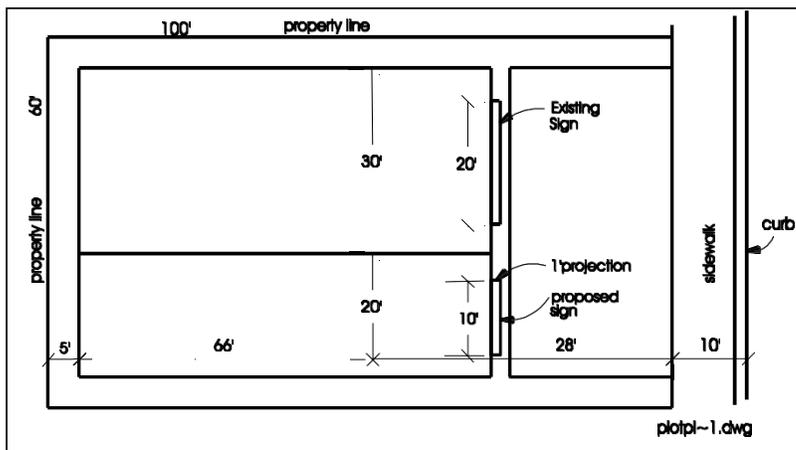
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

Shed dormer: Often used in gable-roofed structures, a shed dormer has a single-planned roof, pitched (sloping away from the structure) at a shallower angle than the main roof.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk Café: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.



Site Plan Example

Site: The property subject to a development permit or erosion control plan.

Span (roof): The horizontal distance between the outside faces of bearing wall plates measured at the shortest dimension across the building.

Special Flood Hazard Area (SFHA): See “Area of Special Flood Hazard.”

Split-face concrete: Concrete masonry units or blocks with a split face, a technique that results in two blocks being manufactured as one unit and later split into two. This gives the blocks a rough face replicating the appearance of natural, quarried stone.



Split-face Concrete Example

Standing seam: A raised joint or rib on a sheet of metal roofing; provides visual relief and may help manage rainwater and snow.

Start of Construction (Area of Special Flood Hazard): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stepped parapet: A parapet with breaks in elevation, usually in a symmetrical pattern, that provides visual relief along a building elevation and a transition between buildings of dissimilar height. May also screen rooftop equipment such as electrical and mechanical equipment.

Stockpile: On-site storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse or any other material, organic or inorganic, in a concentrated state.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.

Stream Bank, Top Of: The land area immediately above and regularly confining a water body, including a stream, river or associated wetland. The bank has a notably steeper slope than the surrounding landscape. The "bankfull stage" means the stage or elevation at which water overflows the natural banks or streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull state. The first major break in the slope between the top of the bank at waterline and the surrounding landscape shall be the "top of bank."

Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding human-made irrigation and drainage channels.

Street: Designated in the City of Sandy Transportation System Plan as follows:

- A. Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. Arterial, Minor:** These interconnect and support the major arterial system and link major commercial, residential, industrial, and institutional areas.
- C. Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. Right-of-way width shall not be less than 62 feet nor more than 82 feet (or 88 feet if it's a green street with swales on both sides), street shall be a minimum three-lane cross section, and may include on-street parking.
- D. Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet (or 82 feet if it's a green street with swales on both sides).
- E. Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet (or up to 56 feet if it's a green street with swales on both sides). Average daily traffic (ADT) shall not exceed 1,000 vehicles/day. Proposed projects that result in more than 1,000 ADT on an existing or proposed local street shall be modified to not exceed the 1,000 ADT threshold on the local street or the proposal may be processed through the procedures in Chapter 17.66 of the Sandy Development Code. Proposed outright permitted projects in the C-1, Central Business District, are exempt from adherence to the ADT standards on local streets.
- F. Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.
- G. Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Swales shall be a minimum of 8 feet wide. ADT standards and dimensional standards shall adhere to the above classifications depending on the street classification.

Structure: A building or other improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Structure (Area of Special Flood Hazard): For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, repair, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “Substantial Damage,” regardless of the actual repair work performed.

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Director or their designee and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Surface Water Management System: All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainage ways, stream corridors, rivers, ponds, wetlands and impoundments. A surface or stormwater facility serves one or more of three primary functions:

- **Detention Facility:** A facility to temporarily store stormwater runoff and subsequently release it at a slower rate than would otherwise occur.
- **Retention Facility:** A facility to collect and hold stormwater runoff with no surface outflow.
- **Water Quality Facility:** A facility, which physically, chemically or biologically removes pollutants and sediments from stormwater before reaching natural wetlands or streams.

T1-11 Siding: A composite panel (plywood) siding material with vertical grooves used extensively in the 1980s; prone to dry rot if not sealed and maintained properly.

Temporary use: A use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building.

Trailer: A structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962, and, in the case of a mobile home, met the construction requirements of Oregon Mobile Home Law in effect at the time of construction, but has not been demonstrated to conform to the requirements of the building code for other residences.

Transfer of development rights: The conveyance of development rights by deed, easement, or other legal instrument authorized by local or state law to another parcel of land and the recording of that conveyance.

Tree: Any living, standing woody plant having a trunk six inches or more in diameter, maximum cross section, at a point 24 inches above mean ground level at the base of the trunk.

Truck Terminal: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use: An activity or a purpose, for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Variance, Area: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a deviation from dimensional (i.e., height, bulk, yard, setbacks) requirements of the Code because of unusual or unique conditions.

Variance (Area of Special Flood Hazard): A grant of relief by a community from the terms of a floodplain management regulation.

Variance, Special: A dispensation permitted for use of structures or buildings as a method of alleviating unnecessary hardship by allowing a reasonable use of a building or structure, which because of unusual or unique circumstances, is denied by the terms of the Code. This type of variance should not be utilized as a substitute for the rezoning process.

Vegetation, Native: Vegetation that appears on a list of native vegetation species on file in the Planning Department. In contrast to native vegetation, invasive, exotic or introduced vegetation was imported to Sandy over the last few centuries, and can crowd out native vegetation species.

Vegetation Removal: Removal of vegetation within constrained or unbuildable areas governed by the FSH Overlay District.

Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vicinity Map: A drawing or diagram, to scale, showing the location of the proposed development in relation to abutting properties, major streets and other known landmarks.

Violation (Area of Special Flood Hazard): The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

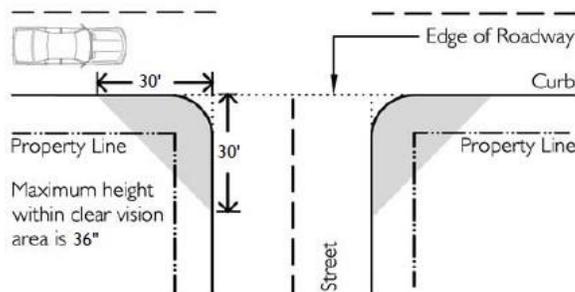
Visible (Building Elevation): A building elevation that can be seen from an abutting public street or civic space. See related figure for "Facing (Building Elevation)"

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Revised by Ordinance 2019-01 effective 1/07/19

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Vision Clearance Area: A triangular area located at the intersection of two streets or a street and an alley; two sides of which are measured from the curb line, or when curbs are absent from the edge of asphalt. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Chapter 17.74. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides.



Vision Clearance Example

Visual Obstruction: Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 3 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Warehousing and Distribution: A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage or materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Water Area: The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding human-made farm ponds.

Water Quality: Water quality for any stream or wetland is measured in terms of the Oregon Water Quality Index (OWQI). The higher the OWQI score, the higher the quality of the water. The OWQI considers the following parameters:

- (a) water temperature;
- (b) percentage and concentration of dissolved oxygen;
- (c) biochemical oxygen demand;
- (d) pH;
- (e) total suspended solids;
- (f) ammonia and nitrate nitrogens;
- (g) total phosphorous; and
- (h) fecal coliforms.

Water quality is degraded when the mean OWQI score for a stream or wetland decreases (or can be expected to decrease) below existing conditions as a result of development.

Wetland: Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar wet areas. Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Hydrophytic vegetation typically is adapted for life in saturated soils, and under normal circumstances would be found in wetlands.

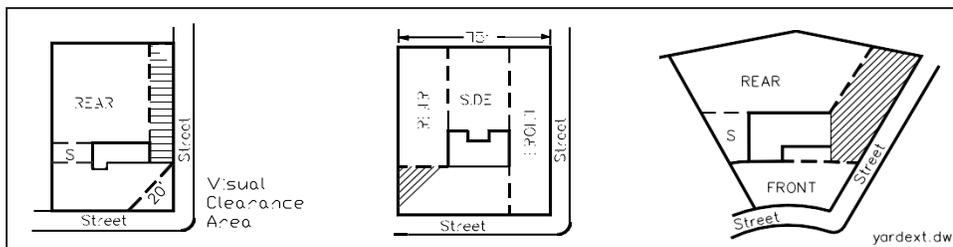
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

Wheel Stop: A physical obstruction used to prevent a car from moving beyond a predetermined point, usually installed on the pavement.

Yard: An open space unobstructed from the ground upward except as otherwise provided in this Code.

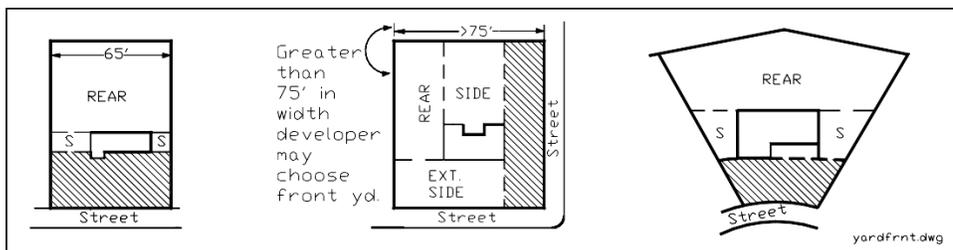
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

Yard, Exterior Side: A yard extending from the front lot line to the rear lot line on the street side of a corner lot.



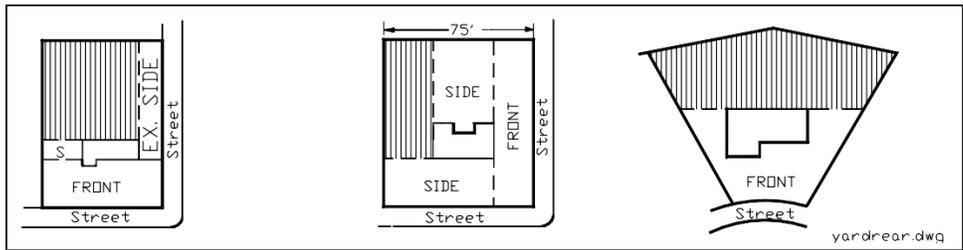
Side Yard (Exterior) Example

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



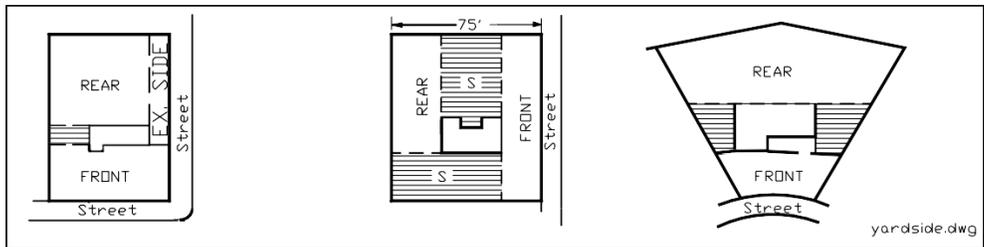
Front Yard Example

Yard, Rear: A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.



Rear Yard Example

Yard, Side: A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.



Side Yard Example

Zoning District: An area of land within the Sandy City limits, designated for specific types of permitted developments, subject to the development requirements of that district.

**CHAPTER 17.84
IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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.

17.84.10 EXCEPTIONS

Single family residential development on existing lots is exempt from this chapter, with the exception of 17.84.30 Pedestrian and Bicyclist Requirements.

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 planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of five (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of six (6) ft. wide.
 - 3. Sidewalk improvements shall be made according to City standards, unless the City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than four (4) feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:
 1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.
 2. To meet the intent of “B” above, rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
 3. 12 ft. wide pathways shall be provided in areas with high bicycle volumes or multi-use by bicyclists, pedestrians, and joggers.
 4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five (5) feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five (5) feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

- C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with

development. Dedication of the trail to the City shall be provided in accordance with 17.84.90(D).

- D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.
- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
 - 1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

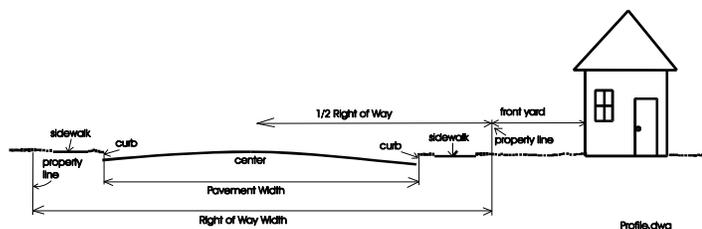
- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require a transportation impact study that evaluates the impact of the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study in accordance with the following:
 - 1. A proposal establishing the scope of the study shall be submitted for review to the City Traffic Engineer. The scope shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. Large projects shall assess intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved scope of the study, the applicant shall submit the results of the study as part of its development application. Failure to submit a required study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering.
 - 2. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

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- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development adds more than 20 vehicles during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
 2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
 3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
 4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
 5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.
 6. A transportation impact study is not required under this section if:
 - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
 - c) The application only proposes to convert an existing detached single family dwelling to a duplex.
- C. Transportation Impact Study (Dwellings) – Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose to follow the process in Section 17.84.50(A).
- D. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
1. Arterial streets should generally be spaced in one-mile intervals.

2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.
- E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
 2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the two rights-of-way.
 3. Cul-de-sacs shall not exceed 400 ft. in length nor serve more than 20 dwelling units, unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.. Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.
- F. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
 2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
 3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.
 4. Reimbursement agreements for three-quarter-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
 5. A half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A three-quarter-street improvement includes curbs on both sides of the side and full pavement between curb faces.



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- G. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-around, subject to the approval of the Fire Marshal.
 2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.
- H. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.
- I. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.
- J. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network are not adversely affected. The following standards shall apply:
1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
 2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
 3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.
 4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
 5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.

- 6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.
- K. Private streets may be considered within a development site provided all the following conditions are met:
 - 1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
 - 2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner's association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
 - 3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City's facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
 - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian

improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
 - 1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and,
 - 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
 - 1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 - 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation

impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
 - 1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
 - 2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 - 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 - 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
 - 1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform to the City's standard construction specifications. Actual mailbox units shall conform to the Post Office standards for mail delivery facilities.
- D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.

**CHAPTER 17.100
LAND DIVISION**

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plat and conditions, the Director shall have the authority to approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

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1. Existing streets are stubbed to the property boundaries and are linked by the land division.
 2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the City and shall be accompanied by:
1. Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;

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4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;
 7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access, are classified as Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition 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.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;

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6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
 8. Location and size of sanitary sewer, water and stormwater drainage facilities proposed to serve the property to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 5. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
 6. The plan preserves the potential for future redivision of the parcels, if applicable.
- 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 as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the City.
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the City. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 7. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

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- A. Preapplication Conference. The applicant for a subdivision 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. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.

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15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
 18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Chapter 17.12 and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
 5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 6. All proposed improvements meet City standards.
 7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivision shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within two (2) years following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request, grant an extension of the tentative plat approval for up to one (1) additional year. The one year extension by the Director is the maximum extension that may be granted for a subdivision.
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

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- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
 2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land that is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

9. Certification by the City Engineer or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the City, the plat and supplemental information shall be reviewed by the City Engineer and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.
1. The City Engineer may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and City representatives may enter the subdivision property for this purpose.
 2. If the City Engineer or Director determines that full conformance has not been made, they shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the City Engineer shall indicate approval of the final plat. After the plat has been approved by all city and county officials, a digital copy of the plat and a digital copy of any recorded documents shall be delivered to the Director within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the City shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within 30 days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

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17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.
- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement.:
 - 1.
- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.

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- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties that have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Local streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

- G. Exemptions.

1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
2. Standards for street connections do not apply to freeways and other highways with full access control.
3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.
- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets provide direct access to abutting property and connect to collector streets. Local streets shall be spaced no less than 8 and no more than 10 streets per mile, except as the city may otherwise approve through an adjustment or variance pursuant to Chapter 17.66. Local

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streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard for local streets shall not apply to outright permitted development within the C-1 zone.

- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.

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- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

- 1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
- 2. The construction of a local street is determined to be unnecessary.

B. Design

- 1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
- 2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. Such easements shall be recorded in the Deed Records of Clackamas County.
- 3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
- 4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
- 5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

- 1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.

2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

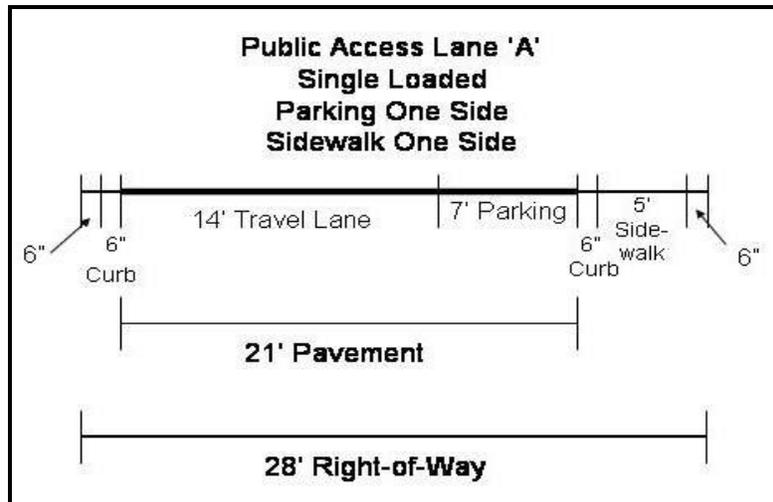
B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting may be required in public access lanes for traffic and pedestrian safety.

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)
 - a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
 - c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
 - d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
 - e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane that abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane ‘A’



2. Public Access Lane Option ‘B’ (Figure 17.100 - B).

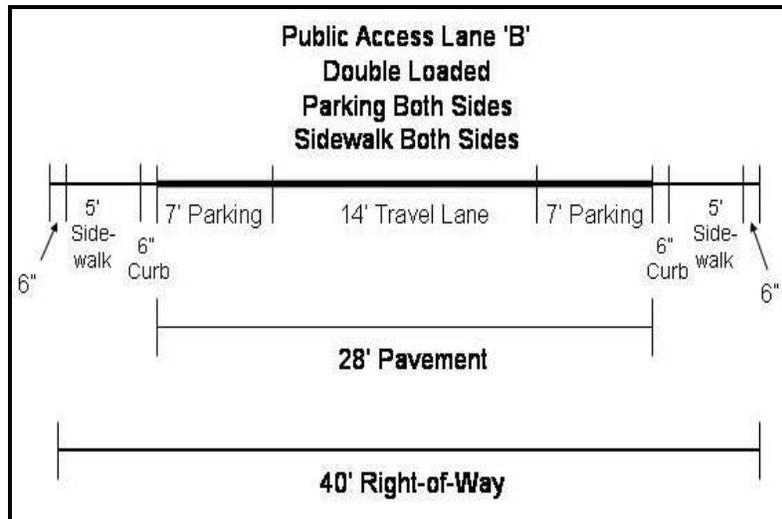
- a) Public access lane ‘B’ is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on both sides of a public access lane ‘B’ as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

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Figure 17.100 – B: Public Access Lane ‘B’



17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.
- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

The City Engineer shall specify the type and location of traffic control signs, street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the Oregon Standard Specifications. All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve or fronts on an arterial street. Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line 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. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel that is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.
- E. 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 may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit traffic conflicts on such streets. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

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17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with American Water Works Association and the Oregon Standard Specifications standards of the Fire District, the City, and the Oregon Health Authority Drinking Water Services section.

If the City requires the subdivider to install water lines in excess of eight inches, the City may participate in the oversizing costs. Any oversizing agreements shall be approved by the City manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

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, except as otherwise provided in relation to oversizing.

- A. Lot, street and perimeter monumentation
- B. Mailbox delivery units
- C. Sanitary sewers
- D. Stormwater drainage facilities
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic control devices and signs
- K. Underground communication lines, including broadband (fiber), telephone, and cable.
Franchise agreements will dictate whether telephone and cable lines are required.
- L. Underground power lines
- M. Water distribution lines and fire hydrants

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at their own option shall conform to the standards of Chapter 17.84 and improvement standards and

specifications adopted by the City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the City is notified. If work is discontinued for any reason it shall not resume until the City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. As-constructed plans in both digital and hard copy formats shall be filed with the City Engineer upon completion of the improvements.

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 subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor. The City shall keep the 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 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 110 percent of the value of the guaranteed improvements shall be required. 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

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- 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 subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. The performance bond described in section B above shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 percent of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 2. Supply certification by a bank or other reputable lending institution that an irrevocable letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision, has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
- D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

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**CHAPTER 17.10
DEFINITIONS**

17.10.00 INTENT

These definitions are intended to provide specific meanings for words and terms commonly used in zoning and land use regulations.

17.10.10 MEANING OF WORDS GENERALLY

All words and terms used in this Code have their commonly accepted, dictionary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicated to the contrary.

17.10.20 MEANING OF COMMON WORDS

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word “shall” is mandatory and the word “may” is permissive.
- D. The word “building” includes the word “structure.”
- E. The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- F. The word “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.
- G. The word “person” may be taken for persons, associations, firms, partnerships or corporations.

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be shown through continuous operation of a portion of the facility, maintenance of sewer, water and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

Abandonment, Discontinued Use: Discontinued use shall mean nonuse and shall not require a determination of the voluntary or involuntary use or intent to resume the use.

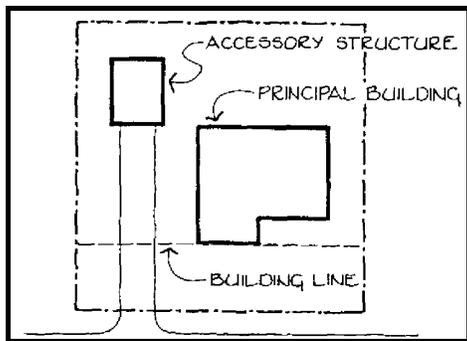
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

Access: The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use or parking space.

Accessory Dwelling Unit: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

Accessory Structure (Detached): A structure that is clearly incidental to and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.



Accessory Structure Example

Accessory Structure (Attached): A structure that is clearly incidental to and subordinate to the main use of the property; attached to the principal structure by the wall or roof of the latter or by the roof over a breezeway connecting the accessory and principal structures.

Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Acre, Gross: Gross acre means an acre area of land, which includes in its measurement public streets or other areas to be dedicated or reserved for public use.

Acre, Net: Net acre means an acre area of land, which does not include in its measurement public streets or other areas to be dedicated or reserved for public use.

Activate (as in “activate wall”): Make the exterior of a building inviting to pedestrians through a combination of elements, such as an enhanced customer entrance, weather protecting features (such as canopies or awnings), pedestrian-scale signage, and transparent windows allowing for views into and from interior building spaces.

Actual Construction: The placing of construction materials in a permanent position and fastened in a permanent manner.

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Exhibit D - 17-10 CC final track changes

Adjacent Lot: Adjacent means the same as abutting lot.

AE Zone (floodway): Area of special flood hazard with water surface elevations determined as depicted on the FIRM.

Affordable Housing: Housing for households with incomes at or below the Clackamas County median, as determined by the U.S. Department of Housing and Urban Development (HUD), on the assumption that these households do not spend more than 30 percent of their income for housing costs. Housing costs for renters include rent and heating. Housing cost for homeowners includes principal on the mortgage plus interest, taxes, insurance, and heating. *Note: Median income figures depend upon the household size assumed. These numbers are updated annually by HUD.*

A-Frame building: A building with steeply angled sides that meet at the top of the building in the shape of an “A”; more than half of the two side elevations comprise the primary roof form.

After School Program: A program designed to provide care for and educational enhancement to children immediately following school release.

Agriculture: Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, and poultry for commercial use; does not include processing, slaughtering, large scale poultry raising, commercial forestry and similar uses.

Aisle: The driving portion of the parking area. The aisle provides access to each space.

Alley: A public or private way permanently reserved as a means of access to abutting property, usually with principal access from another street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing building or structure.

Amendment: A change in the wording, context, or substance of the Development Code, or a change in the zone boundaries or area district boundaries upon the zoning map.

Anchor space/store/building: The largest single use, or the largest space designed for a single store or use, on a site.

Ancillary structure/store/building: An accessory structure, store, or building. See also, Accessory Use

Angled: Any parking space that is not parallel to the curb or driving aisle.

Apartment: A dwelling unit, which is located within a multi-family dwelling but excluding condominiums. (Multi-family dwelling is defined under Building Types.)

Appeal, floodplain: A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

Application: For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

Area of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average Daily Traffic (ADT): Two-direction, 24-hour total count of vehicles crossing a line perpendicular to the road on an average weekday.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

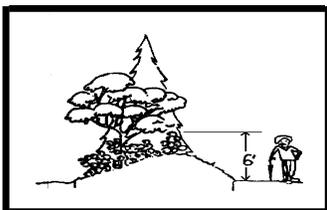
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of a building having its floor subgrade below ground level on all sides.

Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Berm: An earthen mound designed to provide a visual interest, screen undesirable views, and/or decrease noise.



Berm Example

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Exhibit D - 17-10 CC final track changes

Big-box, or Large-Format Commercial/Industrial: Any single building containing more than 30,000 square feet of gross floor area in the C-1 zone, or greater than 60,000 square feet of gross floor area in any other commercial or industrial zone.

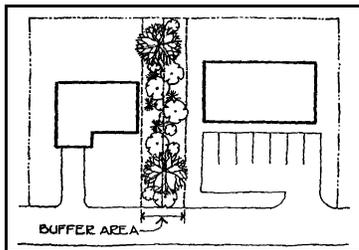
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

Boarding, Lodging or Rooming House: An establishment with lodging for not less than five persons nor more than 10 persons not including members of the owner-occupant or tenant-occupant family, other than a hotel or motel, where lodging, with or without meals, is provided.

Bond: Any form of security (including a cash deposit, surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

Breezeway: A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, generally reduce impacts of adjacent development, or separate and screen incompatible land uses from each other.



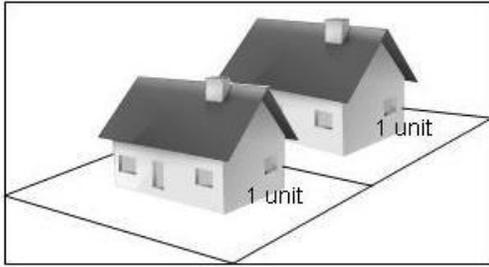
Buffer Example

Building: Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind. If within an Area of Special Flood Hazard then the definition of “Structure” provided in Chapter 17.10 shall apply.

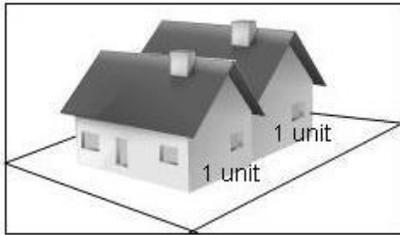
Building Types:

A. Nonresidential: That group of building types comprising the following:

- 1. Detached:** A single main building, freestanding and structurally separated from other buildings.



2. **Attached:** Two or more main buildings placed side by side so that some structural parts are touching one another.

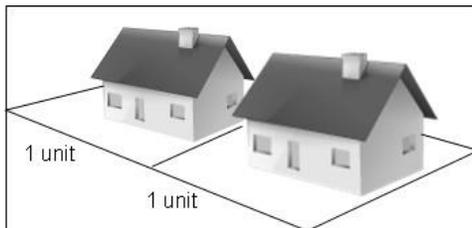


B. Residential: That group of building types comprising the following:

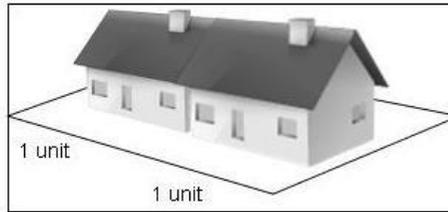
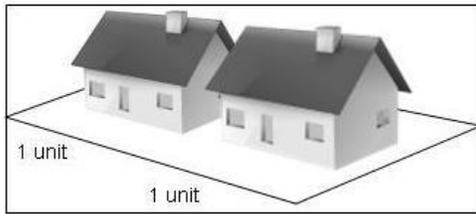
1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



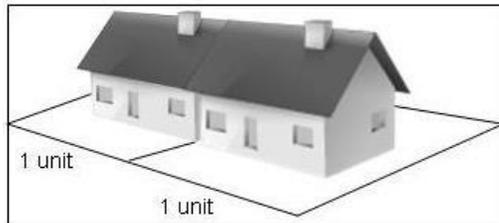
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



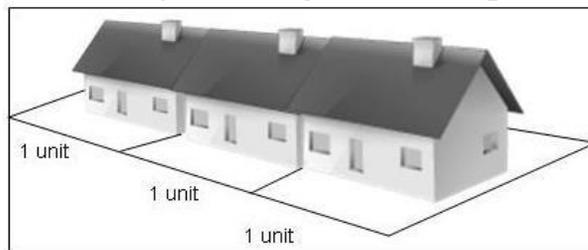
3. **Duplex:** A dwelling containing two independent dwelling units.



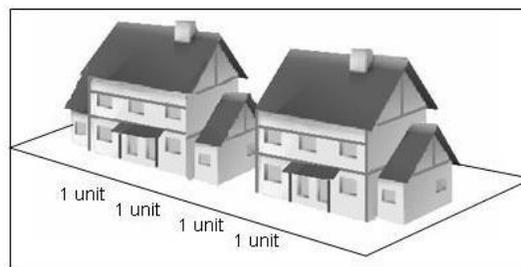
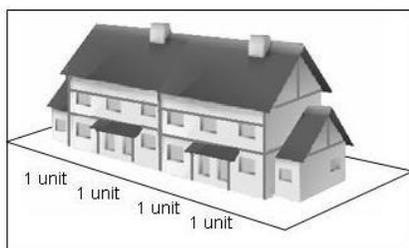
- 4. Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



- 5. Attached (Row House):** More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.



- 6. Multi-Family Dwelling:** At least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site. An existing dwelling may be utilized as part of a multi-family dwelling when redevelopment of the site occurs and does not have to be attached to another structure.



- 7. Manufactured Dwelling Park:** A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.

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C. The following commonly used terms are **not** considered building types for purposes of this Code.

1. **Cluster:** An arrangement of building types designed to retain open space areas equal to or greater than the cumulative total open space areas normally required and maintaining the permitted gross density of a site.
2. **Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

Building Envelope: That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height: See Height of Buildings definition.

Building Line: A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum or maximum distance as prescribed by this Code between the property line abutting a street and the closest point of the foundation of any building or structure related thereto. Building line means a line established by this title to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement.

Bulk Plant: An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle or container.

Carport: A stationary-roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

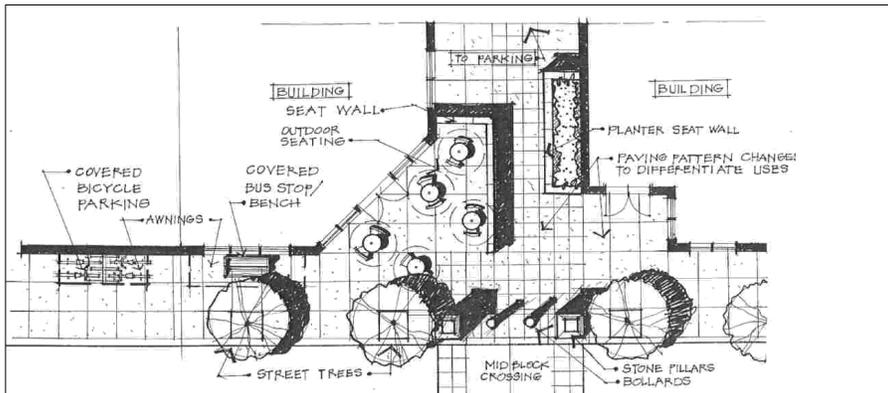
Cemetery: Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Change of Zone: The legislative act of rezoning one or more lots or parcels

Church: An institution that people regularly attend to participate in or hold religious services, meetings and other activities.

City: The City of Sandy, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

Civic Space: A public or quasi-public gathering space, such as a plaza, square, outdoor seating area, bus waiting area, garden, fountain, sculpture or public art display, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.



Civic Space Example

Clinic: A building or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities, including medical, dental and psychiatric services.

Commercial Day Care Facility: Any business other than a family day care home providing adult supervision for children or adolescents.

Commission: The Planning Commission.

Common Open Space: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

Comprehensive Plan: The comprehensive development plan for the City of Sandy, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development or redevelopment of the city.

Community Service Use: A community use, including but not limited to, schools, churches, community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings.

Concrete Form: A method of concrete construction where members are cast horizontally near their eventual location and integrate textures or patterns replicating other materials.

Conditional Use: A use that would not be generally appropriate within a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

Condominium: A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

Congregate Housing: A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located,

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shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

Consolidation: The elimination of a property line or lines of unplatted land to create a single unit of land where more than one unit previously existed.

Contiguous: The same as abutting.

Cooperative: A group or association which has taken a deed or lease to property and which issues stock upon which the tenant's rights to proprietary leases are based. The stock, or other evidence of interest in the cooperative corporation or association, shall be purchased by persons who are tenants in the occupancy of at least 80% of the accommodations in the structure and are entitled by reason of such ownership to proprietary leases of such accommodations.

Critical Facilities (floodway): Hospitals, fire stations, police stations, storage of critical records, and similar facilities.

Cross-gable: Where one gable-ending roof intersects another gable-ending roof. (See graphic below.)



Gables (cross-gables) Example

Curtain windows (flush glazing): Preassembled wall units or continuous window glazing providing a flush surface; windows may be separated by metal framing members which may be set entirely behind the glass panes or units. This type of glazing does not allow for the division of windows into small panes with trim.

Day Care Facility: A child care facility certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed other than a single family dwelling. Also known as a “Certified Child Care Center” as defined in OAR 414, Division 300.

Day Care, Family: Baby-sitting, care of 12 or fewer children, including resident family members, as accessory to any residential use regardless of full-time or part-time status. Family day care is subject to the definition of home business.

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Day(s): Shall mean calendar days unless working days are specified.

Density, Gross: The number of residential dwelling units per gross acre of land

Density, Net: The number of dwelling units per net acre (based on the total area of the parcel) excluding areas dedicated for public use.

Density Transfer Receiving Areas: Unconstrained buildable land on the same site as land that is partially covered by the FSH overlay zone. Density may be transferred from constrained and unbuildable land to buildable density transfer receiving areas as prescribed in Chapter 17.60.120.

Detached: A single main building, freestanding and structurally separated from other buildings.

Detention, Stormwater: The release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage.

Detention Facility, Stormwater: A facility that collects water from developed areas and releases it at a slower rate than it enters the collection systems.

Developer: The owners of property or their agents or contractors, or their successors or assigns, who have undertaken or are proposing development.

Development Site: A legally established lot or parcel of land occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this Code and having frontage upon a street.

Development: Any [human](#)-made change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, compaction, paving, excavation or drilling operations, storage of equipment or materials, stream alteration or channeling, vegetation removal or other similar activities.

Director: Planning and Development Director of the City of Sandy, or the Director's official designee, with responsibility for administration of this Code.

District: A land use area or zone established by this title for the designated intent.

Drainageway: A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Drip line (of a tree): A line projected to the ground delineating the outermost extent of foliage in all directions.

Drive-in Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling Unit: An independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and rooming and boarding units, which are used primarily for transient tenancy, shall not be considered as dwelling units.

Easement: A right that a person has to use someone’s land for a specific purpose such as for access or for utilities.

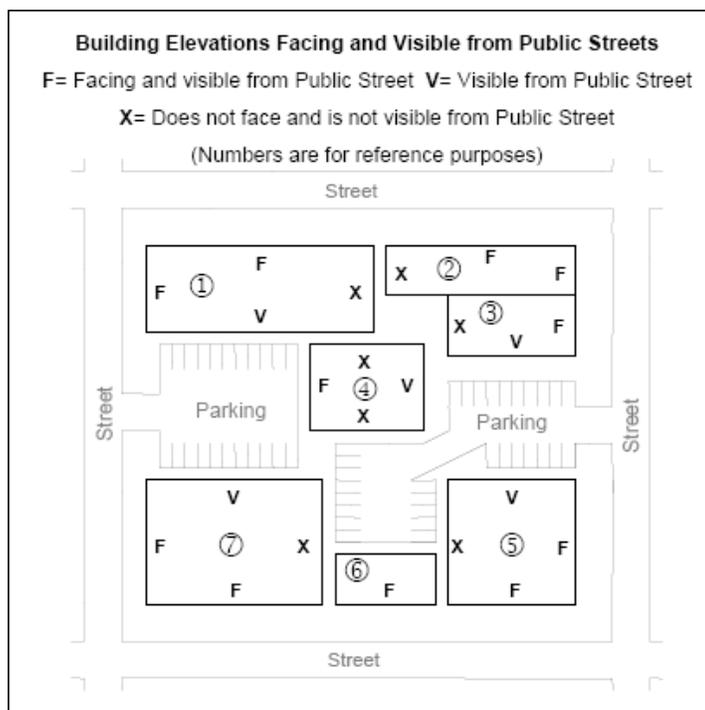
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

Erosion: Detachment and movement of soil, rock fragments, refuse, or any other material, organic or inorganic.

Established Grade: The curb line grade established by the City.

Excavation: The process of altering the natural (grade) elevation by cutting and/or filling the earth or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

Facing (Building Elevation): A building elevation that is typically parallel and adjacent to a public street or civic space.



Facing and visible from a Public Street example

Family: Any number of individuals living together in a dwelling unit related by blood, marriage, legal adoption or guardianship; or a group of not more than 5 persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

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Fast-Food Restaurant – This type of restaurant is characterized by a large carryout clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

Fence, Sight-obscuring: A fence or evergreen planting of such density and so arranged as to obstruct vision.

Fill: Placement of any soil, sand, gravel, clay, mud, debris, refuse, or any other material, organic or inorganic.

Finished Grade (ground level): The average of finished ground levels at the center of all walls of the building unless otherwise specified.

Flag Lot: A lot that has access to a public right-of-way by means of a narrow strip of land.



Flag Lot Example

Flood or Flooding: (A) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source. See “Flood or Flooding.” The lowland and relatively flat areas adjoining inland waters including, at a minimum, that area identified as the Area of Special Flood Hazard.

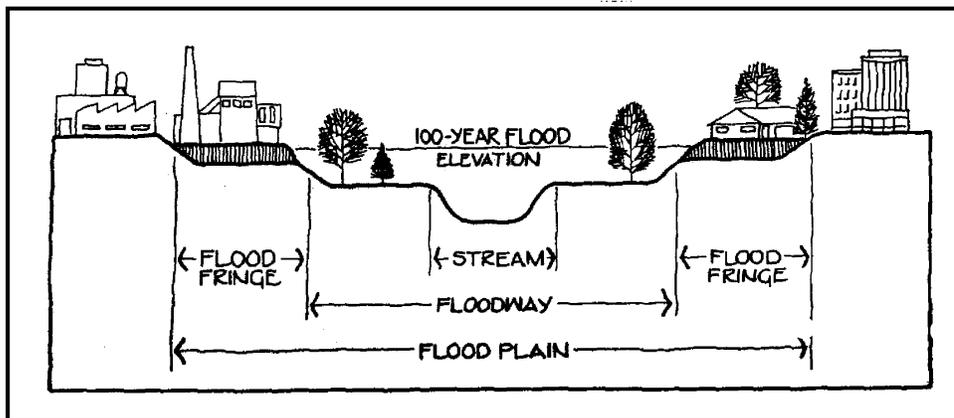
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

- **Buildable Areas:** Accessible lands of less than 25% slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).
- **Restricted Development Areas:** As shown on the City of Sandy Zoning Map including:
 1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in section 17.60.30.

Floodway (Regulatory Floodway): The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floodway: The channel of a river or stream and those portions of the adjoining floodplains required to carry and discharge the base flood flow.



Floodway Example

Floor Area: The sum of the area of several floors of a building including areas used for human occupancy. It does not include cellars, unenclosed porches, or attics not designed for human occupancy, or any floor space in any accessory building or any interior building parking areas, exclusive of vent shafts.

Floor, Habitable: A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination of the above. A floor used only for storage or parking is not a “habitable floor.”

Foster Home, Adult: Any family home or facility in which residential care is provided for 5 or fewer adults who are not related to the provider by blood or marriage.

Frontage: That portion of a development site that abuts a public or private street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under “yards” in the definition section.

Flood and Slope Hazard (FSH) Overlay District: An overlay zoning district defining water quality, flood, and slope hazard areas within the City identified on the City of Sandy Zoning Map.

Gabled roof: The generally triangular portion of a wall between the lines of a sloping roof. The shape of the gable and how it is detailed depends on the structural system being used (which is often related to climate and materials) and aesthetic concerns. The City of Sandy requires minimum roof pitch on some buildings which supports the use of gables.

Garage, Private: A portion of a main building or an accessory building, shelter or carport used for the parking or temporary storage of private automobiles, trailers, mobile homes, boats or other vehicles owned or used by occupants of the main building.

Garage, Public: A building designed and used for the storage, care, or repair of motor vehicles, including both minor and major mechanical overhauling, paint, and body work or where such vehicles are parked or stored for compensation, hire or sale.

Grade: Given in reference to the slope of land or in reference to construction: is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Gross Area: The total usable area including accessory space dedicated to such things as streets, easements and uses out of character with the principal use, but within a unit of area being measured.

Ground floor: The floor of a building that is at or nearest the ground level.

Ground floor elevation: The elevation of a building that is at or nearest the ground level measured from the ground to a point 12-feet above the ground. (This definition is used to measure the ground floor area subject to window requirements in Chapter 17.90).

Group Care Home: A home or residential institution maintained and operated for the supervision, care or training of physically, mentally, or socially handicapped persons, but not including foster homes or detention facilities.

Grove: A stand of three or more trees of the same species or mix, which form a visual and biological unit.

Guest House: An accessory, detached dwelling without kitchen facilities, designed for and used to house transient visitors or guests of the occupants of the main building without compensation.

Half-story: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than 5 feet above the top floor level. A half-story containing one or more dwelling units shall be counted as a full story.

Half-Street improvement: A ½ street improvement includes curb and pavement 2 feet beyond the centerline of the right-of-way. A ¾ street improvement includes curbs on both sides of the street and full pavement between curb faces.

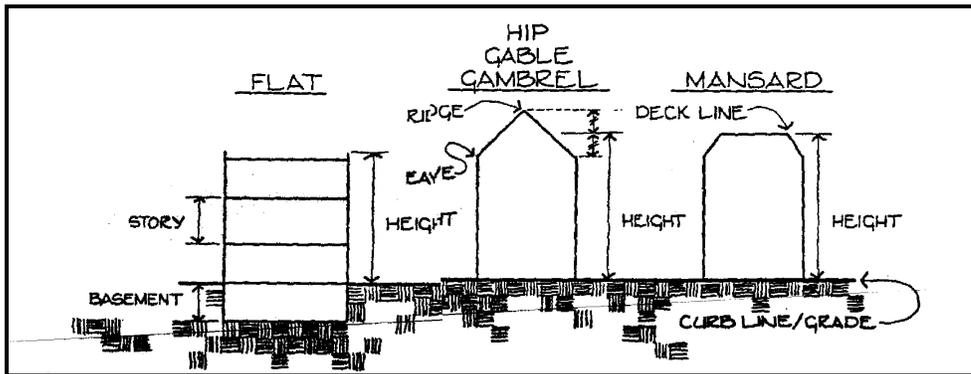
Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

Hearing Authority: The City Council, Planning Commission or an agency or officer of the Council designated by this Code to conduct public hearings prior to acting on applications for development.

Heavy timber: Exposed timber framing or detailing consisting of larger wooden members, commonly with dimensions in the range of 6" to 12", as opposed to common wood framing which uses many more timbers with dimensions usually in the 2" to 10" range. The methods of fastening the frame members also differ; in conventional framing the members are joined using nails or other mechanical fasteners while timber framing uses mortice and tenon (wood joint) or metal fasteners.

Height of Buildings: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item "A" above is more than 10 feet above lowest grade.

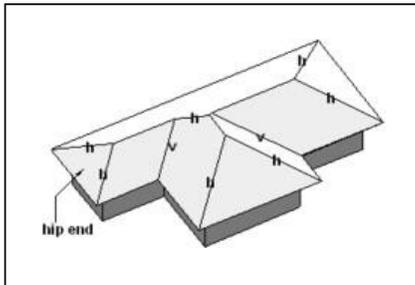


Determining Building Height Example

High-Turnover Sit Down Restaurant – This type of restaurant consists of a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. This restaurant type is different than fast-food and quality restaurants as defined in the Institute of Transportation Engineers, Trip Generation manual.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hipped roof. A type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope. Thus it is a roof with no gables or other vertical sides to the roof. A square hip roof is shaped like a pyramid. Hip roofs on rectangular houses will have two triangular sides and two trapezoidal ones. Hip roofs often have dormers. Where two hipped (“h”) roof forms adjoin, the edge is called a valley (“v”). See graphic.



Hipped Roof Example

Historic Resource Alteration: Historic resource alteration means the change, addition, removal, physical modification or repair, which affects the exterior appearance of a landmark, excluding, however, routine maintenance and painting.

Historic Resource Alteration, Major: Means exterior alteration, which is not a minor alteration.

Historic Resource Alteration, Minor: Means exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or duplicates or

restores the affected exterior features and material as determined from historic photos, building plan or other evidence or original features or material.

Historic Structure (Area of Special Flood Hazard): Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.

Home Business: A lawful commercial activity commonly carried on within a dwelling or attached or detached accessory structure.

Homeowners Association: An incorporated, nonprofit organization operating under recorded land agreements through which a) each lot owner of a planned development or other described land area is automatically a member; and b) subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hospital: An establishment, which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service.

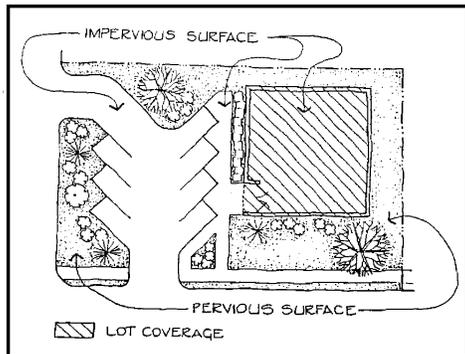
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Household: A domestic establishment including a member or members of a family and/or others living under the same roof.

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious area shall include graveled driveways and parking areas.



Impervious Surface Example

Irrigation System: Method of supplying water (which can be manually or mechanically controlled) to a needed area.

Junkyard: An area used for the dismantling, storage or handling in any manner of junked vehicles or other machinery, or for the purpose of storage of dismantled material, junk and scrap, and/or where wastes and used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles, if such activity is not incidental to the principal use of the same lot.

kennel: Any premises or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation or sale.

Kitchen: Any room used, intended or designed for preparation and storage of food, including any room having a sink and provision for a range or stove.

Land Area, Net: That land area remaining after all area covered by impervious surfaces has been excluded (subtracted).

Land Division: Land divided to create legally separate parcels in one of the following ways:

- A. Partition:** A division of land that creates three or fewer lots within a calendar year when such parcel exists as a unit or contiguous units of land under single ownership at the beginning of the year. See also, "Replat, Minor."

A partition does not include division of land resulting from any of the following:

1. Establishment or modifications of a "tax lot" by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots;
3. An adjustment of a property line by relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable development district criteria established by this Code;
4. Sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or

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right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See “Property Line Adjustment.”

B. Subdivision: Division of an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. See also, “Replat, Major.”

Land, Intensity of: Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

Land, Parcel of: Any quantity of land capable of being described with such definiteness that its location and boundaries may be established. Also, a unit of land created by a partition.

Landscape Management Corridor: The required yards abutting Highway 26 within the C-2, I-I and I-2 zoning districts where the Development Code requires native conifer and deciduous landscaping, creating the appearance of a forested corridor; openings or breaks in the landscape corridor are minimized, allowing for transportation access and framed views into development sites.

Landscaping: The arrangement of trees, grass, bushes, shrubs, flowers, gardens, fountains, patios, decks, outdoor furniture, and paving materials in a yard space. It does not include the placing or installation of artificial plant materials.

Legislative Decision: Involves formulation of policy and as such, it is characteristic of the actions by a city council. *Ex-parte* contact requirements are not applicable to legislative hearings. Personal notice to citizens advising them of proposed changes is not required in most cases, although the Sandy Development Code specifies that in some cases notice shall be mailed to property owners if a decision will change the land-use designation. In general, the burden of being informed rests on the citizen. (See definition for “Limited Land Use Decision” and “Quasi-judicial Decision.”)

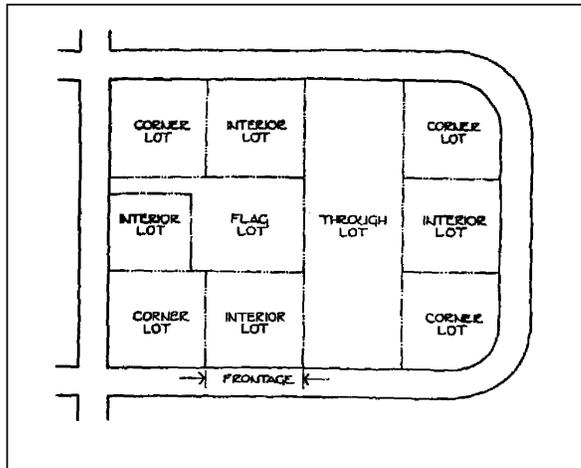
Lien Foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

Limited Land Use Decision: A land use decision made by staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.015.

Loading Space: An off-street space within a building or on the same lot with a building for the temporary parking of commercial vehicles or trucks while loading or unloading merchandise or materials and which space has direct access to a street.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.



Lot Corner Example

Lot Coverage: Unless otherwise noted in a zoning district, percent of a development site covered, including all gravel and paved surface areas and areas encompassed by buildings.

Lot Depth: The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

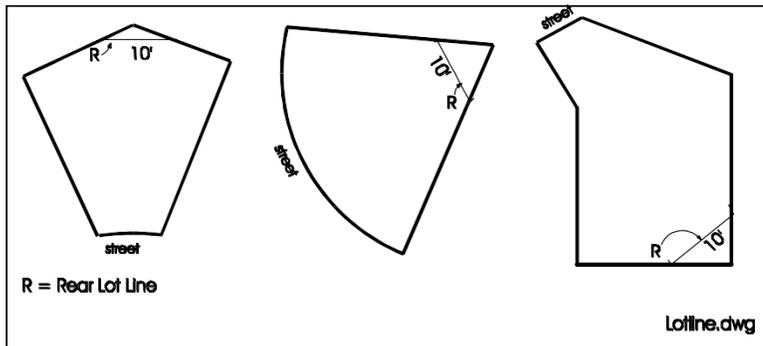
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

Lot Line, Front: In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

Lot Line, Side: Any lot boundary not a front or rear lot line (see figure under “Lot Line, Rear”).

Lot Line, Rear: The recorded lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or lot with more than four sides, however, the rear lot line shall mean a straight line 10 feet in length that: a) is parallel to the front lot line or its chord and, b) intersects the other lot lines at points most distant from the front line (see figure below).



Rear Lot Line Example

Lot of Record: A lot or parcel created through applicable land division regulations before adoption of this Code.

Lot, Reversed Corner: A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

Lot, Tax: One parcel of real property shown on the County Assessor’s map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record.

Lot, Through: A lot of record whose front and rear lot lines both abut streets.

Lot Width: The horizontal distance between the midpoints of the side lot lines.

Lowest Floor: The lowest floor of the lowest enclosed area (including a “Basement”). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor if the building falls within the “Area of Special Flood Hazard,” provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Mansard roof: A style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water. This form may accommodate an additional building story. Often the decorative potential of the Mansard is expressed through the use of convex or concave curvature and with elaborate dormer window surrounds.



Mansard Roof Example

Manufactured Dwelling Park (also Mobile Home Park or Trailer Park): A parcel (or contiguous parcels) of land with two or more manufactured dwelling lots for rent or sale. A parcel under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes. Manufactured home park means a privately owned place where four or more manufactured homes, mobile homes, or any combination of the above, used for human occupancy are placed on a lot, tract of parcel of land under the same ownership.

Manufactured Dwelling: A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standard and constructed for movement on public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is used for residential purposes and was constructed, and met the requirements of federal manufactured housing construction and safety standards and regulations in effect at the time of construction. All manufactured homes are to meet the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended on August 22, 1981, consistent with HB 2863 Oregon Laws, 1989, and current Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards as embodied in the most recent Federal Register. Within a “Special Flood Hazard Area” a manufactured dwelling shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle.”

Manufactured Dwelling Space: Any portion of a manufactured dwelling park (See “Manufactured Dwelling Park”) which is designated or used for occupancy of one manufactured home or mobile home, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Dwelling Stand: That portion of the manufactured home space reserved for the location of the manufactured home or mobile home.

Marijuana Dispensary: Those facilities registered and/or licensed by the state of Oregon as medical marijuana dispensaries and marijuana retailers.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

Medical Facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients or animals including clinic, hospital, and laboratory, but excluding medical marijuana facility, as authorized by state law.

Medical Marijuana Grow Site: Those facilities defined, registered and/or licensed by Oregon Health Authority to grow medical marijuana for more than one registered medical marijuana cardholder.

Mini-storage Facility: A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home: A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June 15, 1976 which met the construction requirements of Oregon Mobile Home Law in effect at the time of construction and which exhibits an Oregon Department of Commerce Insignia of Compliance that indicates conformance with U.S. Department of Housing and Urban Development, HUD, standards.

Modular Structure: A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motel: A building or group of buildings on the same lot designed or used primarily for providing sleeping accommodations for automobile travelers and providing automobile parking conveniently located on the premises.

National Geodetic Vertical Datum: An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

New Construction (Area of Special Flood Hazard): For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Development: A lawful existing structure or use that does not conform to requirements of the district, but which was already in existence on the effective date of this Code or any amendment to it became effective.

Notice of Decision: A written communication that specifies the action of a hearing authority or Director concerning a development proposal.

Nuisance: Activity or use that is annoying, unpleasant or obnoxious.

Nursing Home: Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

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Office: A place where the following civic and commercial uses are conducted: Administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

On the Record: Refers to review by the Planning Commission or City Council based on written submissions received by the Director or at the hearing and/or review of a non-verbatim transcript of the prior proceedings and decision. If requested, the Planning Commission or City Council shall allow the applicant and/or appellant to present an oral summary of the evidence and Code sections that support their position. No new evidence shall be allowed. The Planning Commission or City Council may allow further oral comments of a summary nature.

Open Space, Group: Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state. Group open spaces may include swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails but do not include off-street parking, maneuvering or loading areas or driveways.

Open Space, Private: Areas intended for the private use by residents of an individual dwelling unit, designed for outdoor living and recreation or the retention of an area in its natural state. Private open spaces may include patios and landscaped areas but does not include off-street parking, maneuvering, loading or delivery areas.

Order: Final disposition of a case. It can be affirmative, negative, injunctive, or declaratory in form. The grant, denial, or grant with conditions of an application for development is an order.

Other Marijuana Facility: Those facilities defined, registered and/or licensed by the state of Oregon including marijuana processing sites, marijuana producers, marijuana processors, marijuana wholesalers, and marijuana testing laboratories.

Overlay District: A development district created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for redevelopment.

Overnight Lodging – A building or group of buildings designed and used primarily for overnight lodging. This definition includes hotels, motels, hostels, bed breakfast inns and similar uses.

Owner: The owner of record of real property as shown on the latest tax rolls of Clackamas County, or by the deed records of such county, or a person who is purchasing property under contract. In terms of violations and binding agreements between the city and owner, the owner shall also mean leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement or of violation of agreement or the provisions of this Code. Owner shall also mean authorized representative.

Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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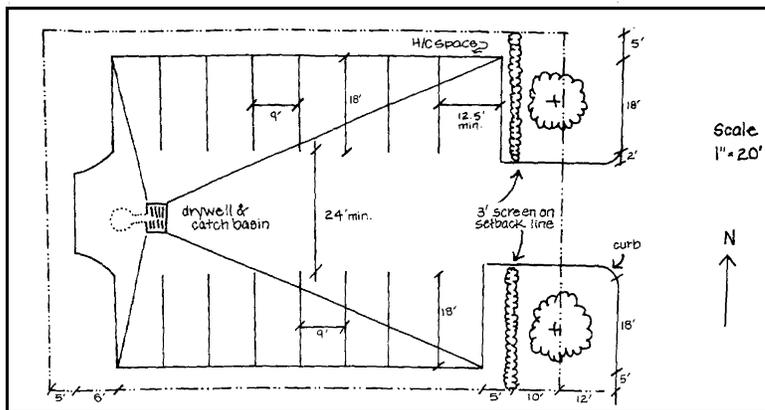
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Parking area, Private: A privately owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this title and not open for use by the general public.

Parking area, Public: An area permanently available, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public which is open for use by the general public, either free or for remuneration. Public parking areas may include parking lots, which may be required by this title for retail customers, patrons, and clients.

Parking Bay: Rows of parking separated by an aisle. A parking bay may be single-loaded (parking on one side only) or double-loaded (on both sides).

Parking Space: Parking space means an area permanently available for the parking of an automobile.



Typical Parking Area Example

Participant: A person or entity that submitted written or oral comments in compliance with the time lines set in the procedure type, or at the public hearing. Merely signing a petition does not constitute participation.

Pedestrian-scale: The placement, proportioning, and detailing of building and site design elements resulting in an environment that is comfortable and inviting to pedestrians. Examples of elements that are regulated with the intent of creating pedestrian scale include, but are not limited to: pedestrian ways, parking facilities, street furnishings, civic spaces, building entrances, building articulation, divisions between first and second building stories, weather protecting canopies or awnings, transparent storefront windows, fences, walls, and landscape screening and buffering.

Percent of Slope: The ratio of vertical distance to horizontal distance (rise divided by run times 100). For example, a 1:4 slope (one-foot rise over a four foot run times 100) is a 25% slope.

Pergola: A structure forming a shaded walk or passageway. Pillars support cross beams and a sturdy open lattice, upon which woody vines are typically trained. It may also be part of a building, as protection for an open terrace or civic space.

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Pergola Example

Person: An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development: A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, useable open spaces, and the preservation of significant natural features. Planned development means the proposed land development project as finally approved by the Planning Commission, and shall include a plat, all covenants, grants of easement, and other conditions relating to use, location and bulk of building, density of development, common open space and public facilities. The plan shall include such information as required by this zoning title.

Plat: Refers to a final subdivision plat, replat or partition plat.

Plat, Partition: A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat, Subdivision: A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

Portico: A porch leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls.

Practicable: Capable of being effected, feasible.

Preschool: A facility providing care for children 36 months of age to school age that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.

Primary structure/store/building: The structure or building housing the largest use on a site, as determined by floor area, occupancy rating, trip generation, or similar criteria.

Professional Office: An office of a practitioner of an occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.

Property Line Adjustment: The relocation of a common property boundary where an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

Public Facility: Public facilities include, but are not limited to, sanitary sewer, water, storm drainage, street, communication, electrical and natural gas facilities necessary to support development. There are two types of public facilities:

- **Public Facility, Major:** Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.
- **Public Facility, Minor:** Minor utility structures (e.g., poles, lines, pipes); minor sewer, water and storm drainage structures and collection system improvements (e.g., pump stations, lines, ~~manholes~~ [maintenance holes](#), valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas); and transportation improvements identified in the adopted Transportation System Plan.

Quasi-judicial Decision: Similar to a court proceeding where affected parties are afforded more procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission. Personal notice must be mailed to property owners and occupants living within a prescribed distance of the affected area. Unlike legislative decisions, Planning Commission members are expected to avoid outside discussion of the business at hand, and they must declare *ex parte* contacts. (See “Legislative Decision.”)

Recreational Vehicle: A vacation trailer or other vehicle or portable unit built on a single chassis, which is either self-propelled or towed or is carried by a motor vehicle and which is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational Vehicle (Area of Special Flood Hazard): A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for recreational vehicles of the general

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public as temporary living quarters, for recreation or vacation purposes. An RV park is intended for use on a temporary basis by campers, vacationers, or travelers.

Remand: A remand shall be conducted in compliance with the procedure type issued by the decision maker upon its initial review of the application unless otherwise specified in the remand order.

Replat, Major: The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots, deletion of 4 or more lots, or reconfiguring of 4 or more lots.

Replat, Minor: The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created, deletion of 3 or fewer lots, or reconfiguring of 3 or fewer lots.

Reserve Strip: A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

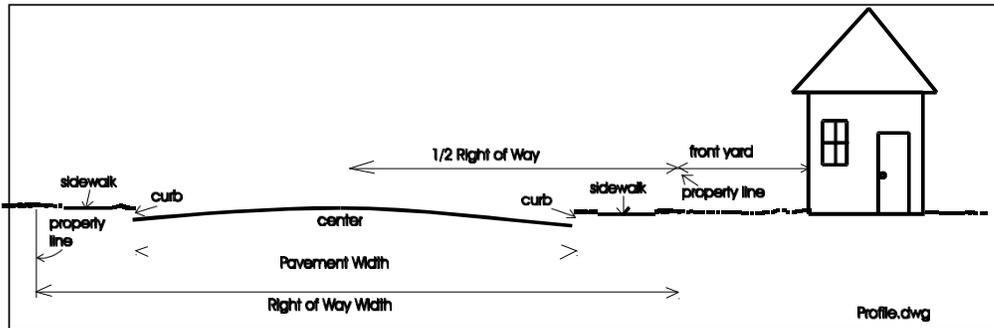
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Required staff persons shall not be counted in the number of residents and need not be related to each other, the residents or the facility owner or operator. This definition includes adult foster homes. All exclusions set forth in ORS 443.715 are excluded from this definition.

Restaurant, Drive-In: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast Food: An establishment that offers quick food service of items already prepared and held for service, or prepared, fried, griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Retention Facility: A facility to collect and hold stormwater runoff with no surface outflow.

Right-of-way: A public way dedicated for vehicular, bicycle or pedestrian use.



Right-of-way example

Riparian Area: The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Row House: More than 2 units, often with 2 stories and with ground floor access, on individual lots.

Rusticated: A texture produced in ashlar (i.e., dressed stone work) masonry with deep cut 'V' or square joints to contrast with smooth masonry.



Rusticated stone work example

Sandy Style: An architectural style developed in the City of Sandy, Oregon that expresses elements of or reflects Cascadian Architecture by adapting appropriate elements of English Arts and Crafts Style (1900-1920) and Oregon Rustic Style (1915-1940) or similar elements.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools.

Sediment: Any material that is in suspension, is being transported, or has been moved from its site of origin by water, wind, or gravity as a result of erosion.

Senior Housing Complex: A housing development designed for or occupied solely of persons over the age of sixty years.

Service Building: A structure in a manufactured (mobile) home or recreational vehicle park containing laundry, restrooms or showers, intended to serve the needs of the residents of the park.

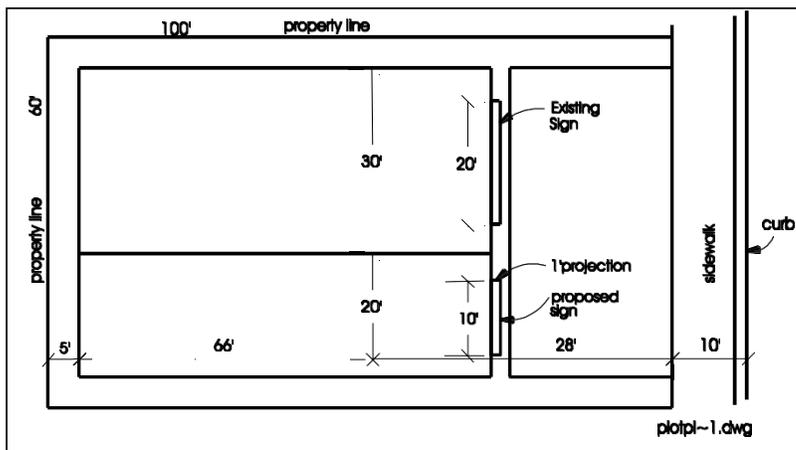
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

Shed dormer: Often used in gable-roofed structures, a shed dormer has a single-planned roof, pitched (sloping away from the structure) at a shallower angle than the main roof.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk Café: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.



Site Plan Example

Site: The property subject to a development permit or erosion control plan.

Span (roof): The horizontal distance between the outside faces of bearing wall plates measured at the shortest dimension across the building.

Special Flood Hazard Area (SFHA): See “Area of Special Flood Hazard.”

Split-face concrete: Concrete masonry units or blocks with a split face, a technique that results in two blocks being manufactured as one unit and later split into two. This gives the blocks a rough face replicating the appearance of natural, quarried stone.



Split-face Concrete Example

Standing seam: A raised joint or rib on a sheet of metal roofing; provides visual relief and may help manage rainwater and snow.

Start of Construction (Area of Special Flood Hazard): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stepped parapet: A parapet with breaks in elevation, usually in a symmetrical pattern, that provides visual relief along a building elevation and a transition between buildings of dissimilar height. May also screen rooftop equipment such as electrical and mechanical equipment.

Stockpile: On-site storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse or any other material, organic or inorganic, in a concentrated state.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.

Stream Bank, Top Of: The land area immediately above and regularly confining a water body, including a stream, river or associated wetland. The bank has a notably steeper slope than the surrounding landscape. The "bankfull stage" means the stage or elevation at which water overflows the natural banks or streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull state. The first major break in the slope between the top of the bank at waterline and the surrounding landscape shall be the "top of bank."

Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding human-made irrigation and drainage channels.

Street: Designated in the City of Sandy Transportation System Plan as follows:

- A. ~~Arterial Highways~~Arterial, Major: These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~Arterial, Minor: These interconnect and support the major arterial highway system and link major commercial, residential, industrial, and institutional areas.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. Paved-Right-of-way width of shall not be less than 6238 feet to nor more than 50-82 feet (or 88 feet if it's a green street with swales on both sides), street shall be a minimum three-lane cross section, and may include on-street parking.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet (or 82 feet if it's a green street with swales on both sides).
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet (or up to 56 feet if it's a green street with swales on both sides). Average daily traffic (ADT) shall not exceed 1,000 vehicles/day. Proposed projects that result in more than 1,000 ADT on an existing or proposed local street shall be modified to not exceed the 1,000 ADT threshold on the local street or the proposal may be processed through the procedures in Chapter 17.66 of the Sandy Development Code. Proposed outright permitted projects in the C-1, Central Business District, are exempt from adherence to the ADT standards on local streets.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.
- F.G. **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Swales shall be a minimum of 8 feet wide. ADT standards and dimensional standards shall adhere to the above classifications depending on the street classification.

Structure: A building or other improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Structure (Area of Special Flood Hazard): For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, repair, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “Substantial Damage,” regardless of the actual repair work performed.

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Director or ~~his or her~~their designee and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Surface Water Management System: All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainage ways, stream corridors, rivers, ponds, wetlands and impoundments. A surface or stormwater facility serves one or more of three primary functions:

- **Detention Facility:** A facility to temporarily store stormwater runoff and subsequently release it at a slower rate than would otherwise occur.
- **Retention Facility:** A facility to collect and hold stormwater runoff with no surface outflow.
- **Water Quality Facility:** A facility, which physically, chemically or biologically removes pollutants and sediments from stormwater before reaching natural wetlands or streams.

T1-11 Siding: A composite panel (plywood) siding material with vertical grooves used extensively in the 1980s; prone to dry rot if not sealed and maintained properly.

Temporary use: A use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building.

Trailer: A structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962, and, in the case of a mobile home, met the construction requirements of Oregon Mobile Home Law in effect at the time of construction, but has not been demonstrated to conform to the requirements of the building code for other residences.

Transfer of development rights: The conveyance of development rights by deed, easement, or other legal instrument authorized by local or state law to another parcel of land and the recording of that conveyance.

Tree: Any living, standing woody plant having a trunk six inches or more in diameter, maximum cross section, at a point 24 inches above mean ground level at the base of the trunk.

Truck Terminal: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Use: An activity or a purpose, for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Variance, Area: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a deviation from dimensional (i.e., height, bulk, yard, setbacks) requirements of the Code because of unusual or unique conditions.

Variance (Area of Special Flood Hazard): A grant of relief by a community from the terms of a floodplain management regulation.

Variance, Special: A dispensation permitted for use of structures or buildings as a method of alleviating unnecessary hardship by allowing a reasonable use of a building or structure, which because of unusual or unique circumstances, is denied by the terms of the Code. This type of variance should not be utilized as a substitute for the rezoning process.

Vegetation, Native: Vegetation that appears on a list of native vegetation species on file in the Planning Department. In contrast to native vegetation, invasive, exotic or introduced vegetation was imported to Sandy over the last few centuries, and can crowd out native vegetation species.

Vegetation Removal: Removal of vegetation within constrained or unbuildable areas governed by the FSH Overlay District.

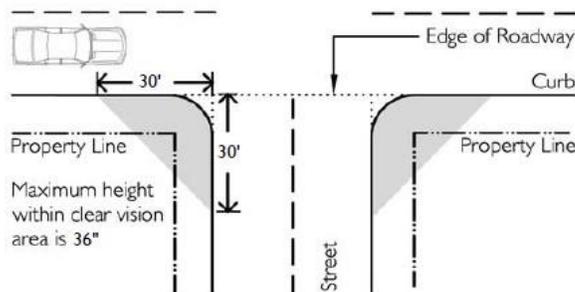
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Vicinity Map: A drawing or diagram, to scale, showing the location of the proposed development in relation to abutting properties, major streets and other known landmarks.

Violation (Area of Special Flood Hazard): The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Visible (Building Elevation): A building elevation that can be seen from an abutting public street or civic space. See related figure for "Facing (Building Elevation)"

Vision Clearance Area: A triangular area located at the intersection of two streets or a street and an alley; two sides of which are measured from the curb line, or when curbs are absent from the edge of asphalt. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Chapter 17.74. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides.



Vision Clearance Example

Visual Obstruction: Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 3 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Warehousing and Distribution: A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage or materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Water Area: The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding [human-made farm ponds](#).

Water Quality: Water quality for any stream or wetland is measured in terms [of the Oregon Water Quality Index \(OWQI\)](#). The higher the OWQI score, the higher the quality of the water. The OWQI considers the following parameters:

- (a) water temperature;
- (b) percentage and concentration of dissolved oxygen;
- (c) biochemical oxygen demand;
- (d) pH;
- (e) total suspended solids;
- (f) ammonia and nitrate nitrogens;
- (g) total phosphorous; and
- (h) fecal coliforms.

Water quality is degraded when the mean OWQI score for a stream or wetland decreases (or can be expected to decrease) below existing conditions as a result of development.

Wetland: Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar wet areas. Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Hydrophytic vegetation typically is adapted for life in saturated soils, and under normal circumstances would be found in wetlands.

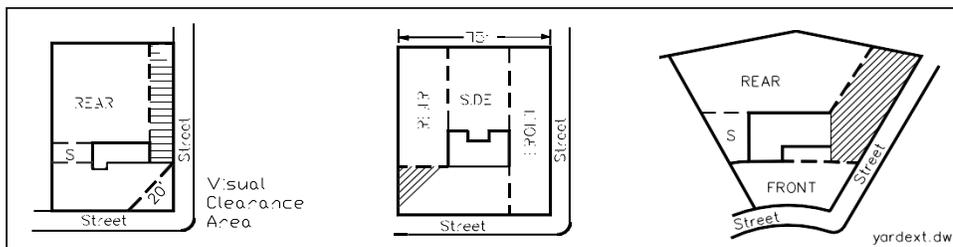
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

Wheel Stop: A physical obstruction used to prevent a car from moving beyond a predetermined point, usually installed on the pavement.

Yard: An open space unobstructed from the ground upward except as otherwise provided in this Code.

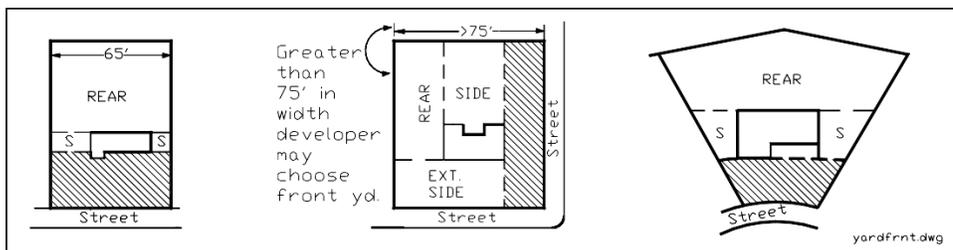
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

Yard, Exterior Side: A yard extending from the front lot line to the rear lot line on the street side of a corner lot.



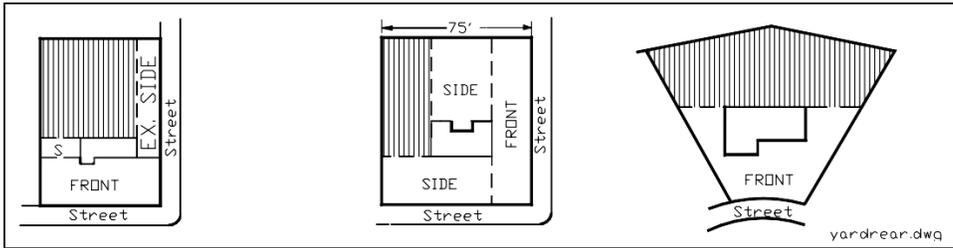
Side Yard (Exterior) Example

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



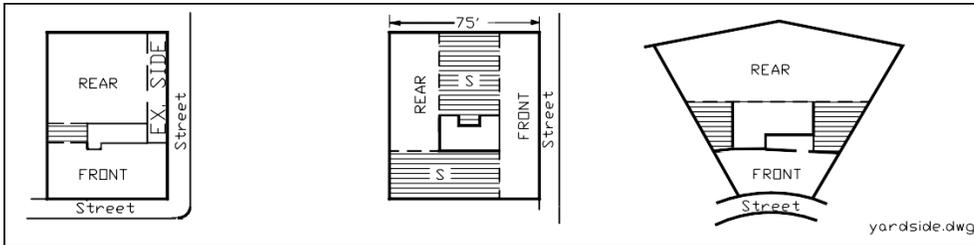
Front Yard Example

Yard, Rear: A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.



Rear Yard Example

Yard, Side: A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear lot line. The width of the required side yard shall be measured horizontally ~~from~~ from the nearest point of the side lot line to the nearest part of the main building.



Side Yard Example

Zoning District: An area of land within the Sandy City limits, designated for specific types of permitted developments, subject to the development requirements of that district.

**CHAPTER 17.84
IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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.

17.84.10 EXCEPTIONS

Single family residential development on existing lots ~~are~~is exempt from this chapter, with the exception of 17.84.30 Pedestrian and Bicyclist Requirements.

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 planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of five (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of six (6) ft. wide.
 - 3. Sidewalk improvements shall be made according to ~~city~~City standards, unless the ~~city~~City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than four (4) feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.
2. To meet the intent of “B” above, ~~rights-of-ways~~ connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
3. ~~12 feet-ft.~~ wide pathways shall be provided in areas with high bicycle volumes or ~~multiple-use~~multi-use by bicyclists, pedestrians, and joggers.
4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five (5) feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five (5) feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) ~~Pedestrians~~ amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with

development. Dedication of the trail to the City shall be provided in accordance with 17.84.
~~8090(D).180.~~

~~C.~~D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

~~D.~~E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.
- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; ~~determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared~~ in accordance with the following:
1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City ~~Traffic~~ Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess ~~all nearby key~~ intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation study has been approved~~, the applicant shall ~~present~~ submit the results of the study with and an overall site development proposal as part of its development application. Failure to submit a required study will result in an incomplete application. If required by the City Engineer, such eEvaluations A traffic impact study shall bear the signed sealed by of a ~~Licensed~~ Professional Civil Engineer ~~or Licensed~~

~~Professional Traffic Operations Engineer~~-licensed in the State of Oregon and qualified in traffic or civil engineering.

2. If the ~~traffic evaluation~~study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with ~~a~~ the proposed development ~~proposal~~.
- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional ~~Civil Engineer or Professional Traffic Operations Engineer~~-licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development adds more than 20 vehicles during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
 2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
 3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
 4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
 5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.
 6. A transportation impact study is not required under this section if:
 - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or

c) The application only proposes to convert an existing detached single family dwelling to a duplex.

C. Transportation Impact Study (Dwellings) – Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose to follow the process in Section 17.84.50(A).

D. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.

E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

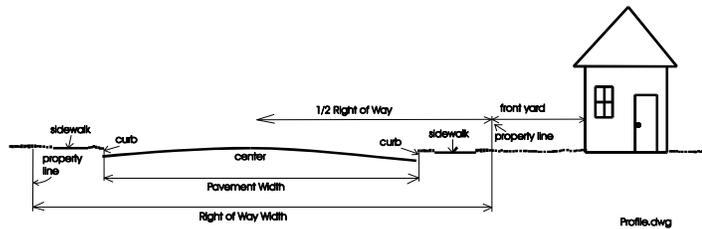
1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2-two rights-of-way.
3. Cul-de-sacs ~~should generally~~ shall not exceed 400 ft. in length nor serve more than 20 dwelling units, unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code. ~~except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area.~~ Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

F. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.
4. Reimbursement agreements for three-quarter~~34~~-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.

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5. A ~~1/2~~ half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ~~three-quarter~~^{3/4}-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- G. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-arounds, subject to the approval of the Fire Marshal.
 2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

H. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

I. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

~~H.-J.~~ Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network ~~is~~^{are} not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.

4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

~~L-K.~~ Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner's association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in "A" above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City's facilities master plans.

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Exhibit E - 17-84 CC final track changes

- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
 1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);

2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
 2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of ~~5~~eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.

- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
 - 1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not

accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.

C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform ~~with~~to the City's standard construction specifications. Actual mailbox units shall conform ~~with~~to the Post Office standards for mail delivery facilities.

D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.

**CHAPTER 17.100
LAND DIVISION**

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, ~~sewage~~ sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, ~~units per gross acre, and~~ dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, ~~for~~ other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to ~~approval~~ approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

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Revised by Ordinance No. 2013-04 (effective 07/03/13)

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
 2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:
1. ~~Eight~~ Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;

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4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;
 7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access, ~~is~~ are classified as ~~a~~ Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with ~~city~~ 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.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;

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6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
 8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the [property tract](#) to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 - ~~4.5.~~ [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
 - ~~5.6.~~ The plan preserves the potential for future redivision of the parcels, if applicable.
- 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 as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~ [City](#).
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may ~~except~~exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the ~~city~~City. In lieu of excepting an improvement, the Planning Commission may recommend to the ~~city~~City council~~Council~~ that the improvement be installed in the area under special assessment financing or other facility extension policies of the ~~city~~City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the ~~city~~City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the ~~city~~City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 6-7. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

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- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with ~~city~~ 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. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.

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15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
 18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section~~ [Chapter 17.12](#) and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
 - 3-5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 - 4-6. All proposed improvements meet City standards.
 - 5-7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one~~ [two \(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year. The one year extension by the Director is the maximum extension that may be granted for a subdivision.](#)
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

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- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
 2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the ~~city~~ City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land ~~which~~ that is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

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9. Certification by the ~~city-City engineer-Engineer~~ or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the ~~city-City~~, the plat and supplemental information shall be reviewed by the ~~city-City engineer-Engineer~~ and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.
1. The ~~city-City engineer-Engineer~~ may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and ~~city-City~~ representatives may enter the subdivision property for this purpose.
 2. If the ~~city-City engineer-Engineer~~ or Director determines that full conformance has not been made, ~~they~~ shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the ~~city-City engineer-Engineer~~ shall indicate approval of the final plat. After the plat has been approved by all city and county officials, ~~two prints of all data (plat face, dedications, certificates, approvals and one a~~ digital copy of ~~the plat and a digital copy of any~~ recorded ~~documents restrictive and~~ ~~protective covenants)~~ shall be ~~delivered returned~~ to the ~~Director city-engineer~~ within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the ~~city-City~~ shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within ~~thirty-30~~ days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the

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subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.
- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement. ~~Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:~~
 - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
 - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

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- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties ~~which~~-that have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

~~Where practicable, local~~ Local roads-streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

- G. Exemptions.
 1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
 2. Standards for street connections do not apply to freeways and other highways with full access control.
 3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

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- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets provide direct access to abutting property and connect to collector streets. Local streets shall be spaced no less than 8 and no more than 10 streets per mile, except as the city may otherwise approve through an adjustment or variance pursuant to Chapter 17.66. Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard for local streets shall not apply to outright permitted development within the C-1 zone. ~~Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended.~~
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such

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accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

- 1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
- 2. The construction of a local street is determined to be unnecessary.

B. Design

- 1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
- 2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. [Such easements shall be recorded in the Deed Records of Clackamas County.](#)
- 3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.

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4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
- ~~5-6.~~ [Street lighting may be required in public access lanes for traffic and pedestrian safety.](#)

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)
 - a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
 - c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
 - d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
 - e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane ~~which~~ [that](#) abuts lot

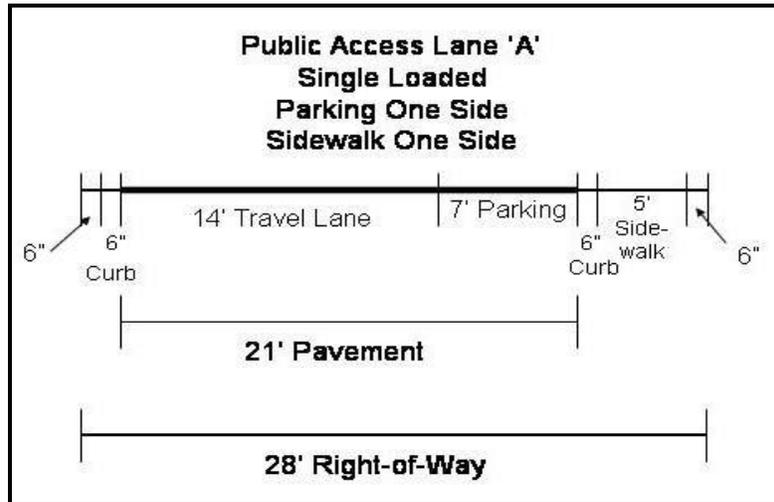
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frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane ‘A’



2. Public Access Lane Option ‘B’ (Figure 17.100 - B).

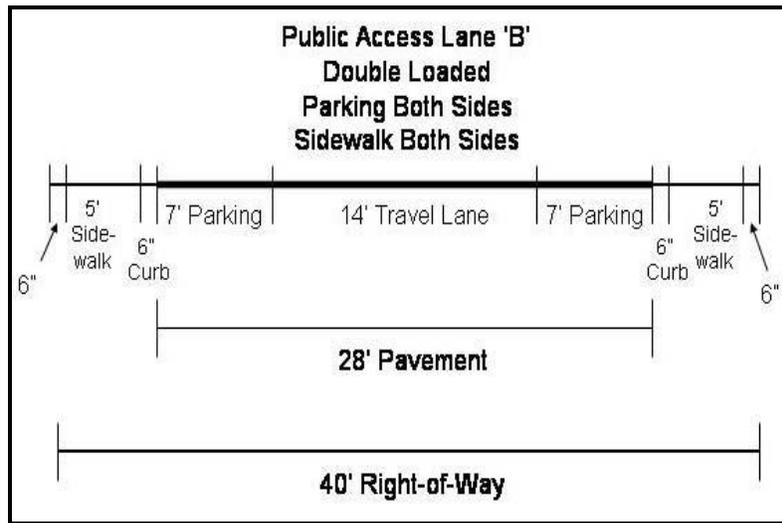
- a) Public access lane ‘B’ is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks are required along both sides of the access lane to achieve specified- dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on both sides of a public access lane ‘B’ as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane ‘B’

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17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.
- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

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~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ [traffic control signs](#), street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ [Oregon Standard Specifications](#). ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development.~~ [All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing.](#) Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve [or fronts on](#) an arterial street. [Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines.](#) ~~Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.~~

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line 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. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel ~~which~~ [that](#) is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

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- E. Lots shall ~~avoid deriving~~not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazard~~traffic conflicts on such streets. Where possible, driveways ~~should~~shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with ~~the American Water Works Association and the Oregon Standard Specifications~~ standards of the Fire District, the City, and the ~~State~~Oregon Health Authority Drinking Water Services section.

If the Ccity requires the subdivider to install water lines in excess of eight inches, the Ccity may participate in the oversizing costs. Any oversizing agreements shall be approved by the Ccity manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the Ccity may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the Ccity may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

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17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the [cityCity](#), consistent with the [design](#) standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A. Drainage facilities~~

~~B. A. Lot, street and perimeter monumentation~~

~~C. B. Mailbox delivery units~~

~~D. C. Sanitary sewers~~

D. Stormwater drainage facilities

E. Sidewalks

F. Street lights

G. Street name signs

H. Street trees

I. Streets

J. Traffic [control devices and](#) signs

K. Underground communication lines, including broadband (fiber), telephone, and cable. Franchise agreements will dictate whether telephone and cable lines are required.

L. Underground power lines

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M. Water distribution lines and fire hydrants

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at ~~his~~ their own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~ City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the ~~city engineer~~ City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the ~~city~~ City is notified. If work is discontinued for any reason it shall not resume until the ~~city~~ City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the ~~city engineer~~ City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed ~~as to workmanship and material~~ for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. ~~A map showing public improvements as built~~ As-constructed plans in both digital and hard copy formats shall be filed with the ~~city engineer~~ City Engineer upon completion of the improvements.

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 subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the 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 subdivision plat for certification by the ~~Board of County Commissioners~~ 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

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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 ~~guarantee bond equal to 110 percent of the value of the guaranteed~~ improvements shall be required. 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 subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A-The performance guarantee bond described in section B above~~ shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 ~~percent~~ percent of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
 - ~~3.~~2. Supply certification by a bank or other reputable lending institution that an irrevocable letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~ released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 - ~~4.~~3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

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M E M O R A N D U M

TO: EMILY MEHARG, SENIOR PLANNER
FROM: MIKE WALKER, PUBLIC WORKS DIRECTOR
RE: CHANGES TO SECTION 17.100 SMC
DATE: AUGUST 13, 2010

I understand that the Planning Commission had some questions on the proposed changes to section 17.100 of the Municipal Code. My responses or clarifications are below:

- The changes proposed to 17.100.190 through 210 reflect current practice and reduce the administrative burden on City staff.
- The changes to 17.100.300 reflect our current practice. It is important to clearly define the amount of the performance bond (110% of the approved estimate). The requirement to use a surety registered in Oregon and including soft costs also mirrors current practice. If a developer fails to follow through on their obligation to complete improvements the City shouldn't be on the hook for additional legal, engineering and construction management expenses that were not included or were too low in the original estimate.
- The option in 17.100.340B(2) to provide a letter from a bank or lending institution that funds are being held guaranteeing the completion of public improvements subjects the City to greater risk and is very complicated to administer. The City gets involved in approving pay requests and gets in the middle of a contractual relationship between a contractor and a developer.
- The language in the next section more clearly defines the current requirements for a Letter of Credit to guarantee completion of public improvements.

Please let me know if you have any questions or need more information.



MEMORANDUM

TO: Sandy Planning Commission

FROM: David Doughman, City Attorney's Office 

SUBJECT: Text Amendments for August 24, 2020 Meeting

DATE: August 20, 2020

I was recently out of the office with my family and was not able to review the revised draft text amendments before they were published. In lieu of that, staff requested that I submit a memo for the PC's consideration addressing any comments or concerns that I have with the current version of the amendments.

As I mentioned at the last meeting, it is challenging to draft land use standards that are both "clear and objective" and able to be implemented in a reasonable manner for applicants and staff. However, with respect to housing applications, the consequence of not having clear and objective ("C&O") standards, procedures and conditions is significant. It can result in the city being unable to impose the standard, procedure or condition at issue.

CHAPTER 17.84

17.84.50(B) – Transportation Impact Study for Housing Applications

While this section is not an approval criterion, it does provide the city with information necessary to determine whether approval criteria are satisfied. Because the C&O requirement applies not only to approval criteria and conditions of approval, but to "procedures" as well, the draft amendments contain a new set of standards to determine when a housing application must perform a transportation impact study ("TIS").

- **Subsection (B)(1):** I would recommend changing the language regarding how to determine whether more than 20 vehicle trips are added to affected streets and intersections. I am concerned that using the word "predicted" results in a subjective standard, because one can reasonably ask "who does the predicting and how do they do it?" My preference would be to measure this in accordance with a published standard, for example using trip generation rates from the Institute of Transportation Engineers ("ITE") *Trip Generation Manual*. Use of the ITE manual is already proposed in a related section of the code addressing exemptions from the TIS requirement. See subsection (B)(6)(a).
- **Subsection (B)(6)(c):** This exception to an exemption is very likely not C&O. While LUBA has humorously said there are few exercises less clear or more subjective than determining what constitutes a C&O standard, the overriding principle it uses to guide the determination is asking whether the standard requires a decision maker to engage in "subjective, value-laden analyses that are designed to balance or mitigate impacts of the development." What constitutes "safe access" is not defined in an objective way, will mean different things to

different people and would require a decision maker to engage in a “value-laden analysis” in order to determine whether the exception applies.

- **Subsection (B)(6)(d):** Whether an application proposing a duplex is “in concert with the goals of HB 2001” may reasonably mean different things to different people and is likely not C&O. I would prefer it read “The application only proposes to convert an existing detached single family dwelling to a duplex.”

17.84.50(C) - Transportation Impact Study for Housing Applications (Discretionary Track)

Oregon law allows local governments to adopt and apply discretionary standards to housing applications, but *only* if an applicant retains the option of proceeding under a process that meets the C&O requirements. Therefore, this new subsection is permissible and I think it is wise to include it. I would suggest we revise it to simply refer back to 17.84.50(A), which contains the existing criteria for when a TIS is triggered. Going forward, this subsection would apply to applications that do not propose any dwelling units, and under my proposed revision, to housing applicants who choose to use it.

CHAPTER 17.100

17.100.100(B) – Transportation Impact Studies

The changes to this subsection of the code are meant to consolidate the procedures for a TIS in Chapter 17.84, which is a logical change. Chapter 17.100 only applies to land divisions. While a TIS is generally warranted for land divisions, they are also warranted in several other contexts where an applicant is not proposing to divide land.

Although not all land divisions result in residential land uses, most do. Therefore, I would prefer if the language in this subsection were revised to be C&O. For example, it could be revised to state: “An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84, unless those standards exempt the application from the requirement.”

17.100.110(E) – Local Street Standards

Of all of the subsections of 17.100.110, this subsection in particular should be revised to be C&O. I would recommend the following: “Local streets provide direct access to abutting property and connect to collector streets. Local streets shall be spaced no less than 8 and no more than 10 streets per mile, except as the city may otherwise approve through an adjustment or variance pursuant to Chapter 17.66. Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard for local streets shall not apply to development within the C-1 zone.”

It is not clear to me what is meant by the current draft language that would not apply the local street ADT standard to development “adjacent to land zoned C-1.” While the code does not clearly define “adjacent,” it does define “adjacent lot,” which ultimately means “[t]wo or more lots joined by a common boundary line or point.” We just need to clarify the intent of the term “adjacent to land zoned C-1” in this standard.

EXHIBIT I

Dear Planning Commission:

August 24, 2020

I am glad to hear that the City is working on the development code to close the large loop hole made by the Bailey Meadows developers, their high paid land use lawyer, and their paid consultants, including Mr. Mobley, our planning commissioner.

It is with extreme skepticism that I hear you have been working with the Bailey Meadows developer's traffic consultant to make changes to City Code. The intent of the Code changes are to ensure that developers pay for the roads (both local and their share of arterials) that are needed for their developments.

I find it incredulous that, after City residents call out the huge conflict of interest of having a planning commissioner who is most often having to recuse himself because he is working for developers, that you would rely on this particular traffic consultant to "fix" the problems with our City code that are benefitting developers and forcing City residents to pay for their roads. This appears to be a serious issue when we have developer consultants rewriting our code. You have plenty of traffic engineers who are not up to their stinky armpits in carrying water for the developers to use.

The changes recommended by Mr. Mobley highlighted in orange and should be tossed out completely. Please provide me with a copy of all changes made at his behest and any written comments he provided. If he wants to offer his comments on something, like any member of the public, he is welcome to do it. He should have no more influence than any other member of the public. It is totally inappropriate to have a developer's consultant rewriting our code! Our transportation code needs to be written to be resident friendly - not developer friendly. Our City lawyer should be working to ensure that the resident friendly policies can survive any land use lawyer wanting to drive a log truck through a loop hole.

There needs to be ADT standards for minor and major arterials, just like there are on the local streets. The lack of clear and objective standards, including ADT's for arterials leave the same loop hole as to when these upgrades be done, and who should be paying for them.

Regarding changes to the Plat approval deadlines which were normally due within one year, with a possible extension of one more year. Now you are proposing they be due in two years, with a possible extension of a third year by the Planning Director and a fourth year by the Planning Commission! So we have gone from two to four years. This is bad because code changes, and developers are now able to get grandfathered in for four years after a code change that was done to help improve a development. Please eliminate this change entirely. You may still have discretionary review of extending a plat.

Section 7.100.100 should clarify the responsibility that developers must all local streets and arterial streets that are necessary to maintain ADT standards on local streets. They can do this with Local improvement districts or other ways. Residents should not be paying for these arterials. Further, there should not be the ability for them to earn "SDC credit" beyond what they have deposited, nor transfer it to other projects or other developers.

Please revise these standards to incorporate the resident friendly changes and leave out the standards that allow developers more lee way. As one of the fastest growing cities in Oregon, we can afford to slow our roll and make our development code work for residents first. If that costs developers, more

time or money, at least we, who will be stuck living with development, know that the City leaders took all possible effort to minimize the traffic and taxpayer cost impacts us as residents.

Kathleen Walker
15920 SE Bluff Road.



Staff Report

Meeting Date: July 27, 2020
From Emily Meharg, Senior Planner
SUBJECT: 20-023 DCA Chapters 17.10, 17.84, and 17.100 Code Amendments

Background:

File No. 20-023 DCA amends Chapters 17.100, 17.84, and 17.10 of the Development Code, which contain the procedures for land divisions, improvements required with development, and definitions, respectively. The primary goal of the amendments is to incorporate average daily traffic (ADT) standards into the development code. The current development code does not contain a clear and objective criterion that requires subdivisions and other land division applications to adhere to the ADT standards for streets. The proposed code edits add a clear and objective criterion related to ADT standards.

Chapter 17.10 Definitions (*Note: only the 2 pages with edits are included.*)

- Added definition of average daily traffic (ADT).
- Updated definition of each street classification to include ADT standards.

Chapter 17.84 Improvements Required with Development

- Revised cul-de-sac standard to be clear and objective.
- Added clear and objective language related to transportation impact analysis.
- Other housekeeping amendments.

Chapter 17.100 Land Divisions

- Added compliance with ADT standards to the criteria for land divisions.
- Added clarifying language to allow the Planning Commission to grant an extension of the tentative plat approval.
- Added clarifications to street signs, street surfacing, and street lighting sections (Sections 17.100.190, 17.100.200, and 17.100.210).
- Added clarifications regarding bonds and performance guarantee.
- Other housekeeping amendments.

The Commission's role in this process is to review the proposed code amendments and forward a recommendation to the City Council.

Recommendation:

Staff recommends the Planning Commission hold a public hearing to take testimony regarding modifications to Chapters 17.100, 17.84, and 17.10 and forward a recommendation of approval to the City Council.

Code Analysis:

Chapter 17.10 Draft Code
Chapter 17.84 Draft Code
Chapter 17.100 Draft Code

Budgetary Impact:

None

Application: For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

Area of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average Daily Traffic (ADT): [Two-direction, 24-hour total count of vehicles crossing a line on an average weekday. Unusual seasonal variations must be specified, or else the typical annual conditions are assumed. Use the following equation to calculate ADT: trip generation by ITE land use category x number of units = ADT.](#)

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

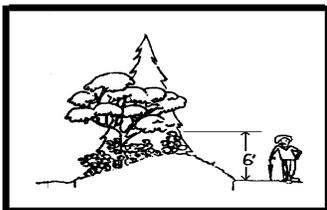
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of a building having its floor subgrade below ground level on all sides.

Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Berm: An earthen mound designed to provide a visual interest, screen undesirable views, and/or decrease noise.



Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street: Designated in the City of Sandy Transportation System Plan as follows:

- A. ~~Arterial Highways~~**Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~**Arterial, Minor:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas. Average daily traffic (ADT) shall not exceed 16,000 vehicles/day.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. ~~Paved~~Right-of-way width of shall not be less than 62~~38~~ feet ~~to~~ nor more than 50-82 feet, street shall be a minimum three-lane cross section, and may include on-street parking. Average daily traffic (ADT) shall not exceed 10,000 vehicles/day.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet. Average daily traffic (ADT) shall not exceed 6,000 vehicles/day.
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet. Average daily traffic (ADT) shall not exceed 1,000 vehicles/day.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units except through approval of a Special Variance.
- F.G. **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Right-of-way width shall be 52 feet for a swale on one side and 55 feet for swales on both sides of a local street. ADT standards and dimensional standards shall adhere to the above classifications depending on the street type.

Structure: A building or other improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Structure (Area of Special Flood Hazard): For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

**CHAPTER 17.84
IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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.

17.84.10 EXCEPTIONS

Single family residential development on existing lots ~~are~~is exempt from this chapter, with the exception of 17.84.30 Pedestrian Requirements.

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 planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of five (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of six (6) ft. wide.
 - 3. Sidewalk improvements shall be made according to ~~city~~City standards, unless the ~~city~~City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than four (4) feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.
- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:
1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.
 2. To meet the intent of “B” above, ~~rights-of-ways~~ connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
 3. ~~12 feet-ft.~~ wide pathways shall be provided in areas with high bicycle volumes or ~~multiple-use~~multi-use by bicyclists, pedestrians, and joggers.
 4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five (5) feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five (5) feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) ~~Pedestrians~~ amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.
- C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with

development. Dedication of the trail to the City shall be provided in accordance with 17.84.
~~8090(D)180-~~

- D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.
- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
 - 1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

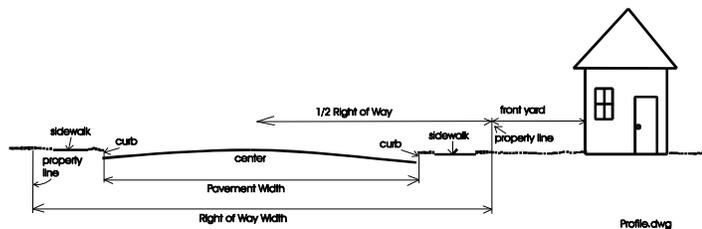
- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; ~~determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared in~~ accordance with the following:
 - 1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City Traffic Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess all nearby key intersections. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation~~ study has been approved, the applicant shall ~~present~~ submit the results of the study with and an overall site development proposal as part of its development application. Failure to submit a required study will result in an incomplete application. ~~If required by the City Engineer, such evaluations~~ A traffic impact study shall bear the signed sealed by of a Licensed Professional Civil Engineer or ~~Licensed~~ Professional Traffic Operations Engineer licensed in the State of Oregon.
 - 2. If the ~~traffic evaluation~~ study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan,

or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with a the proposed development proposal.

- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(5), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Civil Engineer or Professional Traffic Operations Engineer licensed in the State of Oregon. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections within a one mile radius of the development site.
 2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
 3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.).
 4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards.
 5. A transportation impact study is not required under this section if:
 - a) The proposed development will generate no more than 50 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation.
- C. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
1. Arterial streets should generally be spaced in one-mile intervals.
 2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.
- ~~ED.~~ Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and "T" intersections while maintaining pedestrian connectivity.
 2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2-two rights-of-way.
 3. Cul-de-sacs ~~should generally shall~~ not exceed 400 ft. in length nor serve more than 20 dwelling units, except ~~in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an areathrough approval of a Special Variance.~~ Cul-de-sacs longer than 400 feet

or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

- DE.** Development sites shall be provided with access from a public street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
 2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
 3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.
 4. Reimbursement agreements for ~~three-quarter~~^{3/4}-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
 5. A ~~1/2~~^{1/2} half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ~~three-quarter~~^{3/4}-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- F.** As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without ~~a~~^a turn-arounds, subject to the approval of the Fire Marshal.
 2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.
- G.** Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

H. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

G-I. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in “T” intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.
4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

H-J. Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner’s association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City’s facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
 - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
 - 1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
 - 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
 - 1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 - 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of ~~5~~-eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental

assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform ~~with~~to the City's standard construction specifications. Actual mailbox units shall conform ~~with~~to the Post Office standards for mail delivery facilities.
- D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

[Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.](#)

CHAPTER 17.100 LAND DIVISION

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, ~~sewage~~ sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, ~~units per gross acre, and~~ dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, ~~for~~ other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to ~~approval~~ approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
 2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:
1. ~~Eight~~ Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;

4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;
 7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access ~~is~~ are classified as ~~a~~ Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with ~~city~~ 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.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;

6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
 8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the [property tract](#) to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 - ~~4.5.~~ [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10. Definitions.](#)
 - ~~5.6.~~ The plan preserves the potential for future redivision of the parcels, if applicable.
- 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 as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~ [City](#).
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may ~~except~~ exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the ~~city~~ City. In lieu of excepting an improvement, the Planning Commission may recommend to the ~~city~~ City council ~~Council~~ that the improvement be installed in the area under special assessment financing or other facility extension policies of the ~~city~~ City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the ~~city~~ City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the ~~city~~ City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 6-7. Traffic volumes shall not exceed average daily traffic (ADT) standards for each street classification as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with ~~city~~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. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.

15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
 18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section Chapter~~ [Chapter 17.12](#) and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10, Definitions.](#)
 - 3-5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 - 4-6. All proposed improvements meet City standards.
 - 5-7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one~~ [two \(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year. The Planning Commission may, upon written request, grant an extension of the tentative plat approval for up to one \(1\) additional year beyond the extension if granted by the Director. The two extensions, one by the Director and one by the Planning Commission, are the maximum number of extensions that may be granted for a subdivision.](#)
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
 2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the ~~city~~ City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

9. Certification by the ~~city-City engineer-Engineer~~ or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the ~~city-City~~, the plat and supplemental information shall be reviewed by the ~~city-City engineer-Engineer~~ and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.
1. The ~~city-City engineer-Engineer~~ may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and ~~city-City~~ representatives may enter the subdivision property for this purpose.
 2. If the ~~city-City engineer-Engineer~~ or Director determines that full conformance has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the ~~city-City engineer-Engineer~~ shall indicate approval of the final plat. After the plat has been approved by all city and county officials, ~~two prints of all data (plat face, dedications, certificates, approvals and one a~~ digital copy of ~~the plat and a digital copy of any~~ recorded ~~documents restrictive and protective covenants)~~ shall be ~~delivered returned~~ to the ~~Director city-engineer~~ within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the ~~city-City~~ shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within ~~thirty-30~~ days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the

subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.
- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. Transportation impact studies commensurate with the scope of the development proposal may be required by the city engineer to assist the city to evaluate the traffic impacts of development proposals, determine reasonable and prudent transportation facility improvements and mitigation and justify modifications to the design standards. Such studies ~~will~~ shall be prepared in accordance with Chapter 17.84 ~~the following:~~
 - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
 - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

~~Where practicable, local~~ Local roads shall align and connect with other roads when crossing collectors and arterials per the criteria in 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

- G. Exemptions.
 1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
 2. Standards for street connections do not apply to freeways and other highways with full access control.
 3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals. [Minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential. [Residential minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals. [Collector streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended. [Local streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

- 1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
- 2. The construction of a local street is determined to be unnecessary.

B. Design

- 1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
- 2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. [Such easements shall be recorded in the Deed Records of Clackamas County.](#)
- 3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
- 4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.

5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.

5. Parking shall be prohibited in public access lane turnarounds.

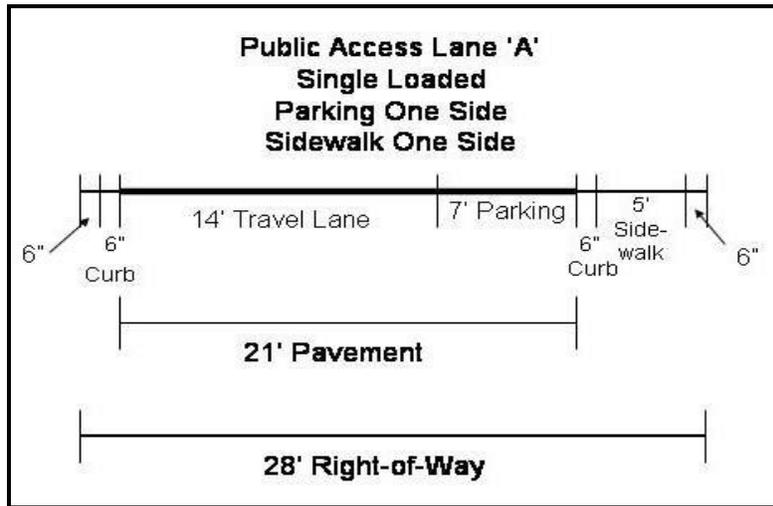
~~5-6.~~ [Street lighting may be required in public access lanes for traffic and pedestrian safety.](#)

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)

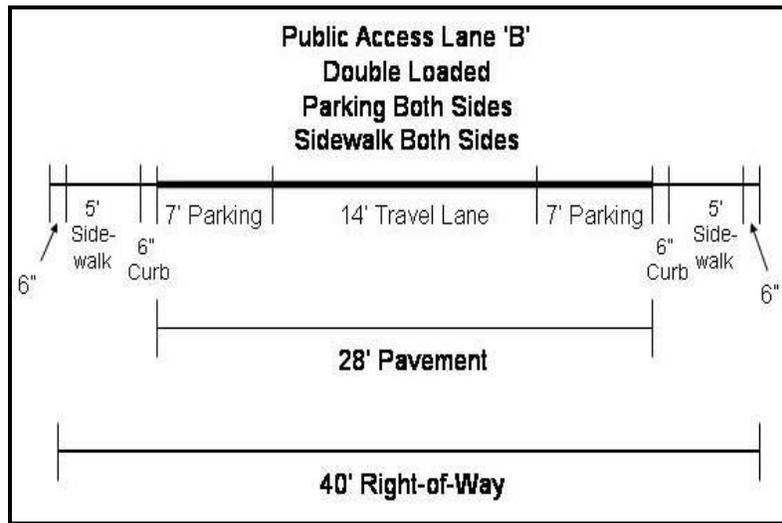
- a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane which abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane 'A'



2. Public Access Lane Option 'B' (Figure 17.100 - B).
- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
 - c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
 - d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
 - e) Parking is permitted on both sides of a public access lane 'B' as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane 'B'



17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.
- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ [traffic control signs](#), street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ [Oregon Standard Specifications](#). ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development~~ [All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing](#). Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve [or fronts on](#) an arterial street. [Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines](#) ~~Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.~~

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line 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. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

- E. Lots shall ~~avoid deriving~~not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazard~~traffic conflicts on such streets. Where possible, driveways ~~should~~shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with ~~the American Water Works Association and the Oregon Standard Specifications~~ standards of the Fire District, the City, and the ~~State~~Oregon Health Authority Drinking Water Services section.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the [cityCity](#), consistent with the [design](#) standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A.~~ [Drainage facilities](#)

A. Lot, street and perimeter monumentation

B. Mailbox delivery units

C. Sanitary sewers

[D. Stormwater drainage facilities](#)

~~D.~~ [E.](#) Sidewalks

~~E.~~ [F.](#) Street lights

~~F.~~ [G.](#) Street name signs

~~G.~~ [H.](#) Street trees

~~H.~~ [I.](#) Streets

~~I.~~ [J.](#) Traffic [control devices and](#) signs

~~J.~~ [K.](#) Underground communication lines, including broadband (fiber), telephone, and cable.

Franchise agreements will dictate whether telephone and cable lines are required.

~~K.~~ [L.](#) Underground power lines

~~L.M.~~ Water distribution lines and fire hydrants

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~ City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the ~~city engineer~~ City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the ~~city~~ City is notified. If work is discontinued for any reason it shall not resume until the ~~city~~ City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the ~~city engineer~~ City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. ~~A map showing public improvements as built~~ As-constructed plans in both digital and hard copy formats shall be filed with the ~~city engineer~~ City Engineer upon completion of the improvements.

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 subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the 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 subdivision plat for certification by the ~~Board of County Commissioners~~ 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 ~~guarantee bond equal to 110 percent of the value of the guaranteed improvements~~ shall be required. 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 subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A-The performance guarantee bond described in section B above~~ shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 ~~percent~~% of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
 - ~~3.~~2. Supply certification by a bank or other reputable lending institution that an irrevocable line letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 - ~~4.~~3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.



Staff Report

Meeting Date: August 24, 2020

From: Emily Meharg, Senior Planner

SUBJECT: 20-023 DCA Chapters 17.10, 17.84, and 17.100 Code Amendments

Background:

File No. 20-023 DCA amends Chapters 17.10, 17.84, and 17.100 of the Development Code, which contain definitions, improvements required with development, and the procedures for land divisions, respectively. The primary goal of the amendments is to incorporate average daily traffic (ADT) standards into the development code. The current development code does not contain a clear and objective criterion that requires subdivisions and other land division applications to adhere to the ADT standards for local streets. ADT relates to livability, whereas peak hour trips relate to capacity. The proposed code edits add a clear and objective criterion related to ADT standards.

Since the July 27, 2020 PC meeting, staff has worked closely with Commissioner Mobley (Mr. Mobley is a transportation engineer), the City's Transportation Engineer, and the City Attorney to revise the proposed code. Below is a summary of the changes made since the July 27, 2020 draft:

Chapter 17.10 Definitions (*Note: only the 2 pages with proposed edits are included.*)

- Revised definition of average daily traffic (ADT).
- Removed ADT limit from all street classifications, except local streets.
- Exempted projects in the C-1 from adherence to ADT standards on local streets.
- Revised language regarding green street widths.

Chapter 17.84 Improvements Required with Development

- Revised clear and objective language related to transportation impact analysis requirement.
 - Changed study area to include streets and intersections where the cumulative impact of development is predicted to add more than 20 vehicles during any peak hour, instead of a 1-mile radius as that was determined too burdensome and unnecessary.
 - Added language regarding mitigation.
 - Reduced the number of allowed vehicle trips that allow a development to be exempt from the TIA from 50 to 20, and added language regarding cumulative impact.
 - Added a timeline to annexation exemption.
 - Added language regarding safe access.

- Exempted conversion of a single family home to a duplex to meet the intent of House Bill 2001.

Chapter 17.100 Land Divisions

- Specified compliance with ADT standards on local streets in criteria for land divisions.
- Deleted ADT standard language from all street classifications, except local streets.
- Exempted ADT standard compliance on local streets within the Central Business District, C-1.

The Commission's role in this process is to review the proposed code amendments and forward a recommendation to the City Council.

Recommendation:

Staff recommends the Planning Commission hold a public hearing to take testimony regarding modifications to Chapters 17.10, 17.84, and 17.100 and forward a recommendation of approval to the City Council.

Code Analysis:

Budgetary Impact:

None

List of Attachments/Exhibits:

- A. Chapter 17.10 Code Modifications
- B. Chapter 17.84 Code Modifications
- C. Chapter 17.100 Code Modifications
- D. Staff Report from July 27, 2020 with Exhibits
- E. Memo from the Public Works Director (August 13, 2020)

Application: For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

Area of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average Daily Traffic (ADT): Two-direction, 24-hour total count of vehicles crossing a line on an average weekday.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

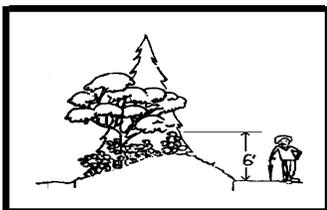
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of a building having its floor subgrade below ground level on all sides.

Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Berm: An earthen mound designed to provide a visual interest, screen undesirable views, and/or decrease noise.



Berm Example

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Revised by Ordinance 2019-01 effective 1/07/19

Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street: Designated in the City of Sandy Transportation System Plan as follows:

- A. ~~Arterial Highways~~**Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~**Arterial, Minor:** These interconnect and support the major arterial highway system and link major commercial, residential, industrial, and institutional areas.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. Paved Right-of-way width of shall not be less than 6238 feet to nor more than 50-82 feet (or 88 feet if it's a green street with swales on both sides), street shall be a minimum three-lane cross section, and may include on-street parking.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet (or 82 feet if it's a green street with swales on both sides).
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet (or up to 56 feet if it's a green street with swales on both sides). Average daily traffic (ADT) shall not exceed 1,000 vehicles/day. Proposed projects that result in more than 1,000 ADT on an existing or proposed local street shall be modified to not exceed the 1,000 ADT threshold on the local street or the proposal may be processed through the procedures in Chapter 17.66 of the Sandy Development Code. Proposed projects in the C-1, Central Business District, are exempt from adherence to the ADT standards on local streets.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.
- F.G. **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Swales shall be a minimum of 8 feet wide. ADT standards and dimensional standards shall adhere to the above classifications depending on the street classification.

Structure: A building or other improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

**CHAPTER 17.84
IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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.

17.84.10 EXCEPTIONS

Single family residential development on existing lots ~~are~~is exempt from this chapter, with the exception of 17.84.30 Pedestrian Requirements.

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 planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of ~~five~~ (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of ~~six~~ (6) ft. wide.
 - 3. Sidewalk improvements shall be made according to ~~city~~City standards, unless the ~~city~~City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than ~~four~~ (4) feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.
2. To meet the intent of “B” above, rights-of-ways connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
3. 12 feet-ft. wide pathways shall be provided in areas with high bicycle volumes or multiple-use~~multi-use~~ by bicyclists, pedestrians, and joggers.
4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five (5) feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five (5) feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) Pedestrians amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with

development. Dedication of the trail to the City shall be provided in accordance with 17.84.
~~8090(D).180.~~

~~C.~~D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

~~D.~~E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.
- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
 - 1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared in accordance with the following:
 - 1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City Traffic Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess ~~all nearby key~~ intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation study has been approved~~, the applicant shall ~~present~~ submit the results of the study with and an overall site development proposal as part of its development application. Failure to submit a required study will result in an incomplete application. If required by the City Engineer, such eEvaluations A traffic impact study shall bear the signed sealed by of a Licensed Professional Civil Engineer or Licensed

~~Professional Traffic Operations Engineer~~-licensed in the State of Oregon and qualified in traffic or civil engineering.

2. If the ~~traffic evaluation~~study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with a the proposed development proposal.

B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional ~~Civil Engineer or Professional Traffic Operations Engineer~~-licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:

1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development is predicted to add more than 20 vehicles during any peak hour. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.
6. A transportation impact study is not required under this section if:
 - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
 - c) Notwithstanding Section 17.84.50.B.6.a, a limited transportation analysis may be required for any development application to ensure safe access is provided; or

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d) The proposed development is to convert an existing single family home to a duplex in concert with the goals of HB 2001.

C. Transportation Impact Study (Dwellings) – Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose this discretionary track by coordinating with the City Transportation Engineer to determine the scope and requirements of the traffic impact study. This shall be processed as a discretionary review.

D. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.

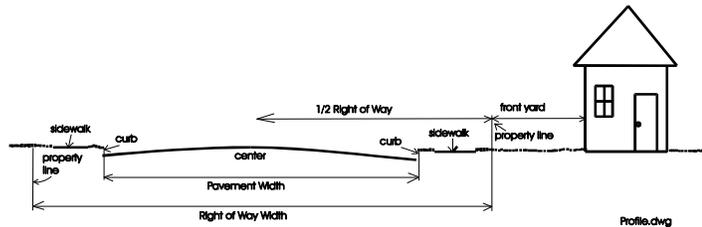
E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2-two rights-of-way.
3. Cul-de-sacs ~~should generally~~ shall not exceed 400 ft. in length nor serve more than 20 dwelling units, unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code. ~~except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area.~~ Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

F. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

4. Reimbursement agreements for three-quarter^{3/4}-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
5. A 1/2 half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A three-quarter^{3/4}-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- G. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-arounds, subject to the approval of the Fire Marshal.
 2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

H. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

I. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

H.-J. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street

alignments resulting in “T” intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.

4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

~~H-K.~~ Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner’s association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

- E. All public facility installations required with development shall conform to the City’s facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of **17.84.50 F** above); and
 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
 2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

- B. Public utility easements with a minimum width of ~~5~~-eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
 - 1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.

- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform ~~with~~to the City's standard construction specifications. Actual mailbox units shall conform ~~with~~to the Post Office standards for mail delivery facilities.
- D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

[Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.](#)

CHAPTER 17.100 LAND DIVISION

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, ~~sewage~~ sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, ~~units per gross acre, and~~ dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, ~~for~~ other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to ~~approval~~ approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

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1. Existing streets are stubbed to the property boundaries and are linked by the land division.
 2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:
1. ~~Eight~~ Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;

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4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;
 7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access ~~is~~ are classified as ~~a~~ Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with ~~city~~ 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.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;

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6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
 8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the ~~property tract~~ to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 - ~~4.5.~~ [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
 - ~~5.6.~~ The plan preserves the potential for future redivision of the parcels, if applicable.
- 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 as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~ [City](#).
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may ~~except~~ exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the ~~city~~ City. In lieu of excepting an improvement, the Planning Commission may recommend to the ~~city~~ City council ~~Council~~ that the improvement be installed in the area under special assessment financing or other facility extension policies of the ~~city~~ City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the ~~city~~ City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the ~~city~~ City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 6.7. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

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- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with ~~city~~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. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.

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15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
 18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section~~ [Chapter 17.12](#) and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
 - 3-5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 - 4-6. All proposed improvements meet City standards.
 - 5-7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one~~ [two \(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year. The Planning Commission may, upon written request, grant an extension of the tentative plat approval for up to one \(1\) additional year beyond the extension if granted by the Director. The two extensions, one by the Director and one by the Planning Commission, are the maximum number of extensions that may be granted for a subdivision.](#)
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

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- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
 2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the ~~city~~ City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

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9. Certification by the ~~city-City engineer-Engineer~~ or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the ~~city-City~~, the plat and supplemental information shall be reviewed by the ~~city-City engineer-Engineer~~ and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.
1. The ~~city-City engineer-Engineer~~ may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and ~~city-City~~ representatives may enter the subdivision property for this purpose.
 2. If the ~~city-City engineer-Engineer~~ or Director determines that full conformance has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the ~~city-City engineer-Engineer~~ shall indicate approval of the final plat. After the plat has been approved by all city and county officials, ~~two prints of all data (plat face, dedications, certificates, approvals and one a~~ digital copy of ~~the plat and a digital copy of any~~ recorded documents ~~restrictive and protective covenants)~~ shall be ~~delivered returned~~ to the ~~Director city-engineer~~ within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the ~~city-City~~ shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within ~~thirty-30~~ days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the

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subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.
- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. Transportation impact studies [commensurate with the scope of the development proposal](#) may be required by the ~~C~~eity ~~E~~ngineer [or his/her designee](#) to assist the city to evaluate the [traffic impacts](#) of development proposals, determine reasonable and prudent transportation facility improvements [and mitigation](#) and justify modifications to the design standards. Such studies ~~will~~ [shall](#) be prepared in accordance with [Chapter 17.84](#) ~~the following~~:
 - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
 - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

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- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

~~Where practicable, local~~ Local roads streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

- G. Exemptions.
 1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
 2. Standards for street connections do not apply to freeways and other highways with full access control.
 3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

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- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended. [Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard shall not apply within or adjacent to land zoned C-1.](#)
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

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A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

- 1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
- 2. The construction of a local street is determined to be unnecessary.

B. Design

- 1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
- 2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. [Such easements shall be recorded in the Deed Records of Clackamas County.](#)
- 3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
- 4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
- 5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

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17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.

5. Parking shall be prohibited in public access lane turnarounds.

~~5-6.~~ [Street lighting may be required in public access lanes for traffic and pedestrian safety.](#)

C. Public Access Lane Design

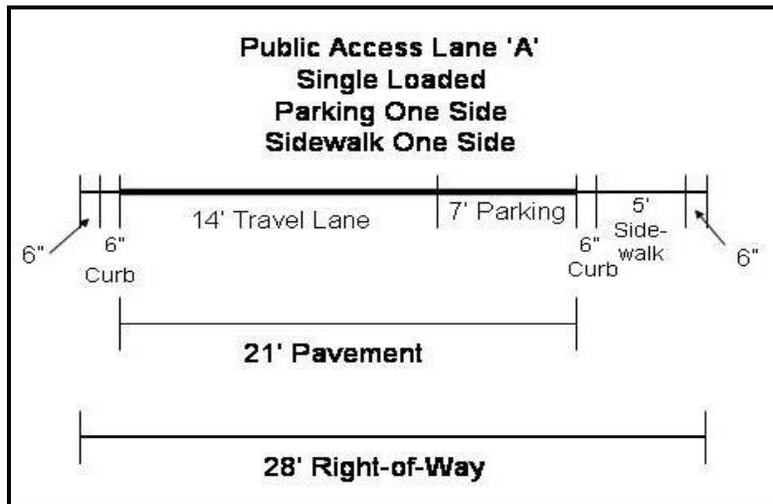
1. Public Access Lane 'A' (Figure 17.100 - A)
 - a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
 - c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
 - d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
 - e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane which abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane 'A'

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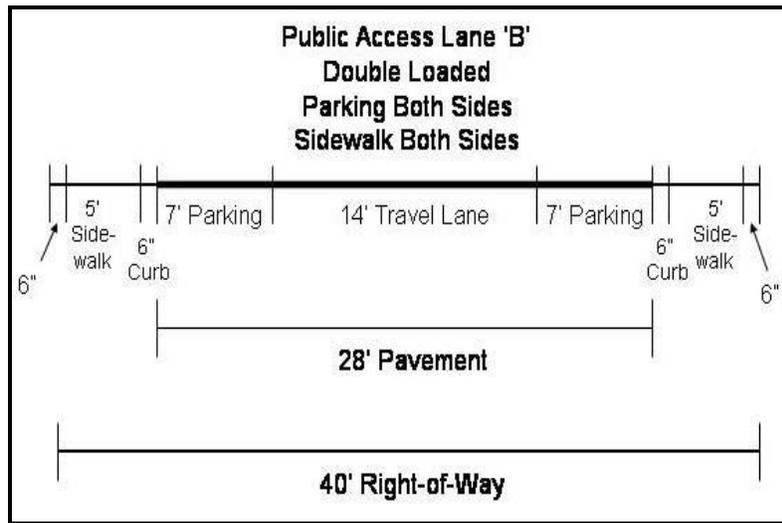
2. Public Access Lane Option 'B' (Figure 17.100 - B).
- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
 - c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
 - d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
 - e) Parking is permitted on both sides of a public access lane 'B' as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane 'B'

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17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.
- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

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~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ [traffic control signs](#), street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ [Oregon Standard Specifications](#). ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development~~ [All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing](#). Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve [or fronts on](#) an arterial street. [Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines](#) ~~Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.~~

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line 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. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

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- E. Lots shall ~~avoid deriving~~not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazard~~traffic conflicts on such streets. Where possible, driveways ~~should~~shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with ~~the American Water Works Association and the Oregon Standard Specifications~~ standards of the Fire District, the City, and the ~~State~~Oregon Health Authority Drinking Water Services section.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

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17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the [cityCity](#), consistent with the [design](#) standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A. Drainage facilities~~

~~B. A. Lot, street and perimeter monumentation~~

~~C. B. Mailbox delivery units~~

~~D. C. Sanitary sewers~~

D. Stormwater drainage facilities

E. Sidewalks

F. Street lights

G. Street name signs

H. Street trees

I. Streets

J. Traffic [control devices and](#) signs

K. Underground communication lines, including broadband (fiber), telephone, and cable. Franchise agreements will dictate whether telephone and cable lines are required.

L. Underground power lines

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M. Water distribution lines and fire hydrants

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the ~~city engineer~~City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the ~~city~~City is notified. If work is discontinued for any reason it shall not resume until the ~~city~~City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the ~~city engineer~~City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. ~~A map showing public improvements as built~~As-constructed plans in both digital and hard copy formats shall be filed with the ~~city engineer~~City Engineer upon completion of the improvements.

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 subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the 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 subdivision plat for certification by the ~~Board of County Commissioners~~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

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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 ~~guarantee bond equal to 110 percent of the value of the guaranteed~~ improvements shall be required. 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 subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A-The performance guarantee bond described in section B above~~ shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 ~~percent~~% of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
 - ~~3.~~2. Supply certification by a bank or other reputable lending institution that an irrevocable ~~line~~ letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 - ~~4.~~3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

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Staff Report

Meeting Date: July 27, 2020
From: Emily Meharg, Senior Planner
SUBJECT: 20-023 DCA Chapters 17.10, 17.84, and 17.100 Code Amendments

Background:

File No. 20-023 DCA amends Chapters 17.100, 17.84, and 17.10 of the Development Code, which contain the procedures for land divisions, improvements required with development, and definitions, respectively. The primary goal of the amendments is to incorporate average daily traffic (ADT) standards into the development code. The current development code does not contain a clear and objective criterion that requires subdivisions and other land division applications to adhere to the ADT standards for streets. The proposed code edits add a clear and objective criterion related to ADT standards.

Chapter 17.10 Definitions (*Note: only the 2 pages with edits are included.*)

- Added definition of average daily traffic (ADT).
- Updated definition of each street classification to include ADT standards.

Chapter 17.84 Improvements Required with Development

- Revised cul-de-sac standard to be clear and objective.
- Added clear and objective language related to transportation impact analysis.
- Other housekeeping amendments.

Chapter 17.100 Land Divisions

- Added compliance with ADT standards to the criteria for land divisions.
- Added clarifying language to allow the Planning Commission to grant an extension of the tentative plat approval.
- Added clarifications to street signs, street surfacing, and street lighting sections (Sections 17.100.190, 17.100.200, and 17.100.210).
- Added clarifications regarding bonds and performance guarantee.
- Other housekeeping amendments.

The Commission's role in this process is to review the proposed code amendments and forward a recommendation to the City Council.

Recommendation:

Staff recommends the Planning Commission hold a public hearing to take testimony regarding modifications to Chapters 17.100, 17.84, and 17.10 and forward a recommendation of approval to the City Council.

Code Analysis:

Chapter 17.10 Draft Code
Chapter 17.84 Draft Code
Chapter 17.100 Draft Code

Budgetary Impact:

None

Application: For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

Area of Shallow Flooding: A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

Automobile Wrecking Yard: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Average Daily Traffic (ADT): Two-direction, 24-hour total count of vehicles crossing a line on an average weekday. Unusual seasonal variations must be specified, or else the typical annual conditions are assumed. Use the following equation to calculate ADT: trip generation by ITE land use category x number of units = ADT.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

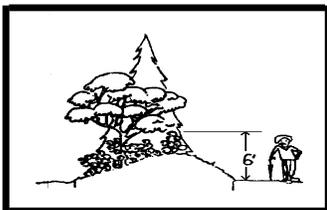
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of a building having its floor subgrade below ground level on all sides.

Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Berm: An earthen mound designed to provide a visual interest, screen undesirable views, and/or decrease noise.



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Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Street: Designated in the City of Sandy Transportation System Plan as follows:

- A. ~~Arterial Highways~~**Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~**Arterial, Minor:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas. Average daily traffic (ADT) shall not exceed 16,000 vehicles/day.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. ~~Paved~~Right-of-way width of shall not be less than 62~~38~~ feet ~~to nor more than 50-82~~ feet, street shall be a minimum three-lane cross section, and may include on-street parking. Average daily traffic (ADT) shall not exceed 10,000 vehicles/day.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet. Average daily traffic (ADT) shall not exceed 6,000 vehicles/day.
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet. Average daily traffic (ADT) shall not exceed 1,000 vehicles/day.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units except through approval of a Special Variance.
- ~~F.G.~~ **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Right-of-way width shall be 52 feet for a swale on one side and 55 feet for swales on both sides of a local street. ADT standards and dimensional standards shall adhere to the above classifications depending on the street type.

Structure: A building or other improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.

Structure (Area of Special Flood Hazard): For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

**CHAPTER 17.84
IMPROVEMENTS REQUIRED WITH DEVELOPMENT**

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.

17.84.10 EXCEPTIONS

Single family residential development on existing lots ~~are~~is exempt from this chapter, with the exception of 17.84.30 Pedestrian Requirements.

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 planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of ~~five~~ (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of ~~six~~ (6) ft. wide.
 - 3. Sidewalk improvements shall be made according to ~~city~~City standards, unless the ~~city~~City determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.
 - a) Narrow landscape strips
 - b) Narrow sidewalk or portion of sidewalk to no less than ~~four~~ (4) feet in width
 - c) Eliminate landscape strips
 - d) Narrow on-street improvements by eliminating on-street parking
 - e) Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:
 - a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.
 - b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
 - c) Where sidewalks on local streets abut common areas, tracts, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.
- B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:
1. For the purposes of this section, “safe and convenient” means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.
 2. To meet the intent of “B” above, rights-of-ways connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
 3. ~~12 feet~~ 12 ft. wide pathways shall be provided in areas with high bicycle volumes or ~~multiple-use~~ multi-use by bicyclists, pedestrians, and joggers.
 4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:
 - a) The pedestrian circulation system shall be at least five (5) feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.
 - b) Walkways at least five (5) feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.
 - c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - d) Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).
 - f) Pedestrians amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.
- C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with

development. Dedication of the trail to the City shall be provided in accordance with 17.84.
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- D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.
- B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
 - 1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

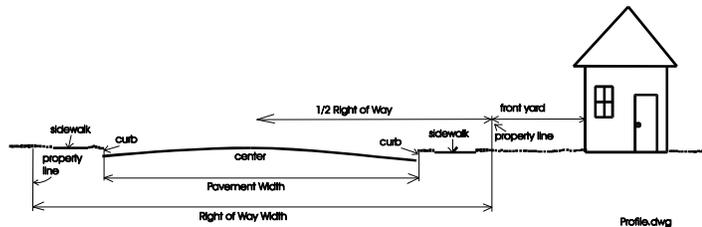
- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; ~~determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared in~~ accordance with the following:
 - 1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City Traffic Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess all nearby key intersections. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation~~ study ~~has been approved~~, the applicant shall ~~present~~ submit the results of the study with and an overall site development proposal as part of its development application. Failure to submit a required study will result in an incomplete application. If required by the City Engineer, such e Evaluations A traffic impact study shall bear ~~the signed sealed by of~~ a Licensed Professional Civil Engineer or ~~Licensed~~ Professional Traffic Operations Engineer licensed in the State of Oregon.
 - 2. If the ~~traffic evaluation~~ study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan,

or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with a the proposed development proposal.

- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(5), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Civil Engineer or Professional Traffic Operations Engineer licensed in the State of Oregon. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections within a one mile radius of the development site.
 2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
 3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.).
 4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards.
 5. A transportation impact study is not required under this section if:
 - a) The proposed development will generate no more than 50 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation.
- C. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
1. Arterial streets should generally be spaced in one-mile intervals.
 2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.
- ~~ED.~~ Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and "T" intersections while maintaining pedestrian connectivity.
 2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2-two rights-of-way.
 3. Cul-de-sacs ~~should generally shall~~ not exceed 400 ft. in length nor serve more than 20 dwelling units, except ~~in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area~~ through approval of a Special Variance. Cul-de-sacs longer than 400 feet

or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

- DE.** Development sites shall be provided with access from a public street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
 2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
 3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.
 4. Reimbursement agreements for ~~three-quarter~~^{3/4}-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
 5. A ~~1/2~~^{1/2} half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ~~three-quarter~~^{3/4}-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- F. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-arounds, subject to the approval of the Fire Marshal.
 2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.
- G.** Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

H. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

G-I. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in “T” intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.
4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

H-J. Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner’s association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City’s facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
 - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

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Exhibit K - August 24 Planning Commission staff report with exhibits

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
 - 1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
 - 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
 - 1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 - 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of ~~5~~-eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental

assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.
- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform ~~with~~to the City's standard construction specifications. Actual mailbox units shall conform ~~with~~to the Post Office standards for mail delivery facilities.
- D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

[Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.](#)

CHAPTER 17.100 LAND DIVISION

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, ~~sewage~~ sanitary sewer and stormwater drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, ~~units per gross acre, and~~ dimensional standards, setbacks, and building height are established in applicable zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

- A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.
- B. No sale or conveyance of any portion of a lot, ~~for~~ other than for a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.
- C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to ~~approval~~ approve final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III PROCEDURES

- A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.
- B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.
- C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

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1. Existing streets are stubbed to the property boundaries and are linked by the land division.
 2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
 3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.
- E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
 2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
 3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.
- F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

- A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:
1. ~~Eight~~ Two (2) copies of the property line adjustment map;
 2. The required fee;
 3. Any data or narrative necessary to explain the application.
- B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
 2. Scale of the drawing using an engineer's scale;
 3. North arrow and date;

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4. Legal description of the property;
 5. Dimensions and size of the parcels involved in the property line adjustment;
 6. Approximate locations of structures, utilities, rights-of-way and easements;
 7. Points of access, existing and proposed;
 8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 9. Approximate topography, particularly noting any area of steep slope.
- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
 2. All parcels meet the density requirements and dimensional standards of the base zoning district.
 3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access, is classified as a Type I minor partition. Partitions, which require creation or extension of a street for access ~~is~~ are classified as ~~a~~ Type II, major partitions.

- A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with ~~city~~ 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.
- B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
1. Eight copies of the tentative plan for the minor or major partition;
 2. The required fee;
 3. Any data or narrative necessary to explain the application;
 4. List of affected property owners.
- C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
1. The date, north point, engineering scale, and legal description;
 2. Name and address of the owner of record and of the person who prepared the partition plan;
 3. Zoning, size and dimensions of the tract to be partitioned;
 4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
 5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;

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6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
 7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
 8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the ~~property tract~~ to be partitioned;
 9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
 10. Approximate topography, particularly noting any area of steep slope;
 11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.
- D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
 2. The proposed partition is consistent with the design standards set forth in this chapter.
 3. Adequate public facilities are available or can be provided to serve the proposed partition.
 4. All proposed improvements meet City standards.
 - ~~4.5.~~ [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10. Definitions.](#)
 - ~~5-6.~~ The plan preserves the potential for future redivision of the parcels, if applicable.
- 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 as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.
- F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~City.
- G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:
1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
 2. Sign the plat to certify that the map is approved.
 3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
 4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.
- H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

- I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may ~~except~~ exempt specific improvements.
- J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the ~~city~~ City. In lieu of excepting an improvement, the Planning Commission may recommend to the ~~city~~ City council ~~Council~~ that the improvement be installed in the area under special assessment financing or other facility extension policies of the ~~city~~ City.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
 - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
 - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
 - 3. Special requirements may be imposed by the ~~city~~ City with respect to street, curb, gutter and sidewalk design and construction.
 - 4. Special requirements may be imposed by the ~~city~~ City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
 - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
 - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
 - 6.7. Traffic volumes shall not exceed average daily traffic (ADT) standards for each street classification as detailed in Chapter 17.10, Definitions.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

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- A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with ~~city~~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. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
- B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
 2. Required fee and technical service deposit;
 3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
 4. Preliminary title search;
 5. List of affected property owners.
- C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.
- D. Data Requirements for Tentative Plat.
1. Scale of drawing, north arrow, and date.
 2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
 3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
 4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
 5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
 6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
 7. Utilities: location of stormwater drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
 8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
 9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, and location of wooded areas.
 10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
 11. Location, width, and direction of flow of all water courses.
 12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
 13. Identification of any associated wetland and boundary of mandatory setback.
 14. Identification of any wetland and boundary of mandatory setback.

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15. Location of at least one temporary bench mark within the tract boundaries.
 16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
 17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
 18. Existing zoning and proposed land use.
 19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
 20. Proposed development phases, if applicable.
 21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.
- E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section~~ [Chapter 17.12](#) and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10, Definitions.](#)
 - 3-5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 - 4-6. All proposed improvements meet City standards.
 - 5-7. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.
- F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.
- G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.
- H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one~~ [two \(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year. The Planning Commission may, upon written request, grant an extension of the tentative plat approval for up to one \(1\) additional year beyond the extension if granted by the Director. The two extensions, one by the Director and one by the Planning Commission, are the maximum number of extensions that may be granted for a subdivision.](#)
- I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

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- J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
 2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
 3. Any building setback lines if more restrictive than the ~~city~~ City zoning ordinance.
 4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
 5. Easements and any other areas for public use dedicated without any reservation or restriction.
 6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
 7. The following certificates that may be combined where appropriate:
 - a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
 8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

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9. Certification by the ~~city-City engineer-Engineer~~ or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.
- K. Technical Plat Review. Upon receipt by the ~~city-City~~, the plat and supplemental information shall be reviewed by the ~~city-City engineer-Engineer~~ and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.
1. The ~~city-City engineer-Engineer~~ may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and ~~city-City~~ representatives may enter the subdivision property for this purpose.
 2. If the ~~city-City engineer-Engineer~~ or Director determines that full conformance has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.
 3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.
- L. Approval of Final Plat. The signatures of the Director and the ~~city-City engineer-Engineer~~ shall indicate approval of the final plat. After the plat has been approved by all city and county officials, ~~two prints of all data (plat face, dedications, certificates, approvals and one a~~ digital copy of ~~the plat and a digital copy of any~~ recorded documents ~~restrictive and protective covenants)~~ shall be ~~delivered returned~~ to the ~~Director city-engineer~~ within 20 working days of recording.
- M. Recording of Final Plat. Approval of the plat by the ~~city-City~~ shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within ~~thirty-30~~ days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the

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subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

- A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.
- B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.
- C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. Transportation impact studies [commensurate with the scope of the development proposal](#) may be required by the city engineer to assist the city to evaluate the [traffic impacts](#) of development proposals, determine reasonable and prudent transportation facility improvements [and mitigation](#) and justify modifications to the design standards. Such studies ~~will~~ [shall](#) be prepared in accordance with [Chapter 17.84](#) ~~the following:~~
 - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
 - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

~~Where practicable, local~~ Local roads shall align and connect with other roads when crossing collectors and arterials per the criteria in 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

- G. Exemptions.
 1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
 2. Standards for street connections do not apply to freeways and other highways with full access control.
 3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

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- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals. [Minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential. [Residential minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals. [Collector streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended. [Local streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

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17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

- 1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
- 2. The construction of a local street is determined to be unnecessary.

B. Design

- 1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
- 2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. [Such easements shall be recorded in the Deed Records of Clackamas County.](#)
- 3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
- 4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.

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5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.

5. Parking shall be prohibited in public access lane turnarounds.

~~5-6.~~ [Street lighting may be required in public access lanes for traffic and pedestrian safety.](#)

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)

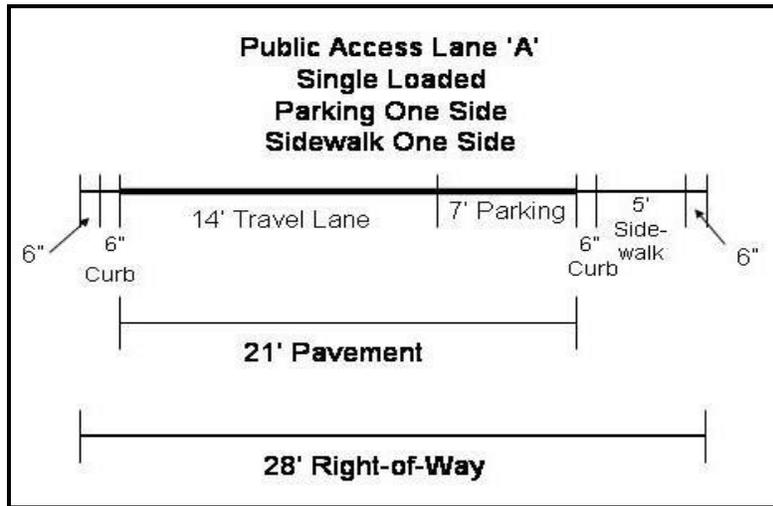
- a) Public access lane 'A' is designed to be single loaded and provide access to lots located on one side of the lane only.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on one side of a public access lane 'A' as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane which abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane 'A'

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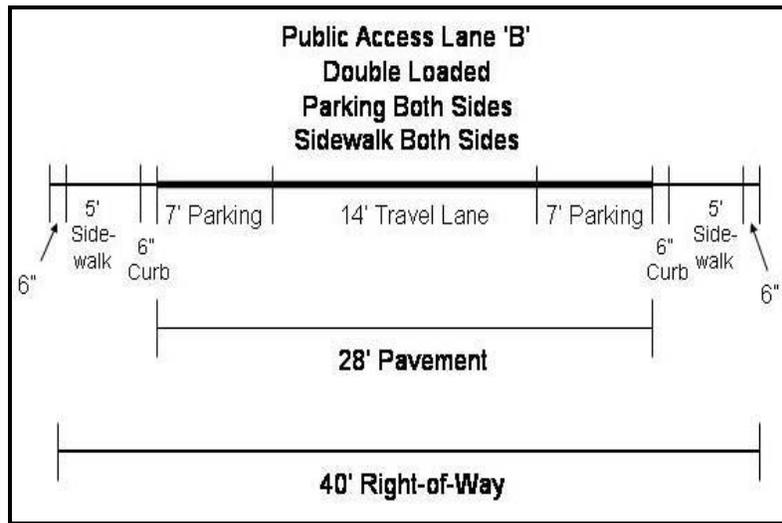
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2. Public Access Lane Option 'B' (Figure 17.100 - B).

- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on both sides of a public access lane 'B' as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane 'B'



17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.
- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

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~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ [traffic control signs](#), street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ [Oregon Standard Specifications](#). ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development~~ [All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing](#). Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve [or fronts on](#) an arterial street. [Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines](#) ~~Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.~~

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line 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. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

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- E. Lots shall ~~avoid deriving~~not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazard~~traffic conflicts on such streets. Where possible, driveways ~~should~~shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with ~~the~~ American Water Works Association and the Oregon Standard Specifications standards of the Fire District, the City, and the ~~State~~Oregon Health Authority Drinking Water Services section.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

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17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the [cityCity](#), consistent with the [design](#) standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A.~~ [Drainage facilities](#)

A. Lot, street and perimeter monumentation

B. Mailbox delivery units

C. Sanitary sewers

[D. Stormwater drainage facilities](#)

~~D.~~ [E.](#) Sidewalks

~~E.~~ [F.](#) Street lights

~~F.~~ [G.](#) Street name signs

~~G.~~ [H.](#) Street trees

~~H.~~ [I.](#) Streets

~~I.~~ [J.](#) Traffic [control devices and](#) signs

~~J.~~ [K.](#) Underground communication lines, including broadband (fiber), telephone, and cable.

Franchise agreements will dictate whether telephone and cable lines are required.

~~K.~~ [L.](#) Underground power lines

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~~L.M.~~ Water distribution lines and fire hydrants

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~City. Improvements shall be installed in accordance with the following general procedure:

- A. Improvement work shall not start until plans have been checked for adequacy and approved by the ~~city engineer~~City Engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.
- B. Improvement work shall not start until after the ~~city~~City is notified. If work is discontinued for any reason it shall not resume until the ~~city~~City is notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the ~~city engineer~~City Engineer.
- D. All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one (1) year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. ~~A map showing public improvements as built~~As-constructed plans in both digital and hard copy formats shall be filed with the ~~city engineer~~City Engineer upon completion of the improvements.

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 subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the 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 subdivision plat for certification by the ~~Board of County Commissioners~~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

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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 ~~guarantee bond equal to 110 percent of the value of the guaranteed~~ improvements shall be required. 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 subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A-The performance guarantee bond described in section B above shall be required~~ under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 ~~percent~~ percent of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
 - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
 - ~~3.~~2. Supply certification by a bank or other reputable lending institution that an irrevocable line letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~ released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 - ~~4.~~3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

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M E M O R A N D U M

TO: EMILY MEHARG, SENIOR PLANNER
FROM: MIKE WALKER, PUBLIC WORKS DIRECTOR
RE: CHANGES TO SECTION 17.100 SMC
DATE: AUGUST 13, 2010

I understand that the Planning Commission had some questions on the proposed changes to section 17.100 of the Municipal Code. My responses or clarifications are below:

- The changes proposed to 17.100.190 through 210 reflect current practice and reduce the administrative burden on City staff.
- The changes to 17.100.300 reflect our current practice. It is important to clearly define the amount of the performance bond (110% of the approved estimate). The requirement to use a surety registered in Oregon and including soft costs also mirrors current practice. If a developer fails to follow through on their obligation to complete improvements the City shouldn't be on the hook for additional legal, engineering and construction management expenses that were not included or were too low in the original estimate.
- The option in 17.100.340B(2) to provide a letter from a bank or lending institution that funds are being held guaranteeing the completion of public improvements subjects the City to greater risk and is very complicated to administer. The City gets involved in approving pay requests and gets in the middle of a contractual relationship between a contractor and a developer.
- The language in the next section more clearly defines the current requirements for a Letter of Credit to guarantee completion of public improvements.

Please let me know if you have any questions or need more information.



Staff Report

Meeting Date: September 21, 2020
From Jeff Aprati, City Recorder
SUBJECT: Code of Conduct for Boards and Commissions

Background:

As part of the ongoing efforts to refine the City's policies and procedures regarding boards and commissions, it has become apparent that there is currently a lack of specific guidelines for board and commission members regarding mutual expectations, decorum, and interactions with city officials and the public.

Many other cities in Oregon have such policies in place. The volunteers who serve on our boards and commissions are dedicated and talented individuals who strive to serve effectively, and by providing this guidance the City would be facilitating their ability to do so. Adopting a uniform Code of Conduct would also set consistent expectations across the City.

This draft code provided for the Council's consideration is adapted from a policy that has been in place for years at the City of Tigard. The language included is intended to reinforce that members of boards and commissions are regarded as representatives of the City, and that the Council may take conduct into account when making appointment decisions. The code also provides a certification document for members to sign in the interest of accountability.

None of the current bylaws of the City's boards and commissions speak to individual expectations or conduct in any substantial way. Two bodies (the Parks and Trails Advisory Board and the Library Advisory Board) have adopted "Roles and Responsibilities" documents that speak to some (though not all) of the issues addressed in the proposed Code of Conduct, but the remaining bodies have no such policies. Staff believes that nothing in the proposed Code of Conduct would conflict with the existing Roles and Responsibilities documents. (All existing bylaws and related documents are included in the agenda packet for the Council's reference).

Recommendation:

Staff recommends that the Council adopt the proposed Code of Conduct for Boards and Commissions. The Council may also elect to incorporate some or all of this language into the Council Rules when they are next amended.

Suggested Motion:

"Adopt the Code of Conduct for Boards and Commissions as proposed."

List of Attachments/Exhibits:

[Exhibit A: Draft Boards and Commissions Code of Conduct](#)

[Exhibit B: Parks & Trails Advisory Board Roles and Responsibilities](#)

[Exhibit C: Parks & Trails Advisory Board Bylaws](#)

[Exhibit D: Library Advisory Board Roles and Responsibilities](#)

[Exhibit E: Library Advisory Board Bylaws](#)

[Exhibit F: Municipal Code Ch. 2.16 - Planning Commission](#)

[Exhibit G: Arts Commission Bylaws](#)

CITY OF SANDY

BOARDS AND COMMISSIONS CODE OF CONDUCT

SCOPE

This Code of Conduct provides a framework to guide members of boards and commissions in their actions. The Code of Conduct operates as a supplement to existing statutes, including (but not limited to) Oregon ethics laws.

Advisory boards, commissions, and committees are referred to generally as “boards” in this code; members of boards, commissions, and committees are referred to generally as “board members.”

BOARD MEMBER CONDUCT

This section describes the manner in which board members will treat one another, other City officials (elected and appointed), members of the public, and City staff.

Board Conduct During Meetings

- Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to particular points of view, and criticism of ideas and information are legitimate elements of democratic governance. However, this does not allow board members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, purposefully offend others. If a board member is offended by the conduct or remarks of another board member, the offended board member is encouraged to address the matter directly with the offending board member at the earliest opportunity and work toward an amicable resolution.

Board Conduct Outside Public Meetings

- Continue respectful behavior outside of public meetings. Board members are viewed by the public as representatives of the City. As such, the same level of decorum and consideration for differing points of view deemed appropriate for board meeting deliberations (outlined above) should be maintained in other public settings and private conversations, particularly when discussing City business, City officials (elected and appointed), members of the public, and City staff.

- Practice courtesy, civility, and respect when participating in social media forums. Provide accurate information, speak truthfully, and represent the views and positions of the City, the Council, and other individuals forthrightly and in good faith.
- Be aware of the public nature of written notes, calendars, voicemail messages, emails, and social media posts. All written or recorded materials created as part of one's official capacity can potentially be considered public records under Oregon law.
- Understand proper political involvement. Board members, as private citizens, may support political candidates or issues, but such activities must be undertaken separately from their role as a board member.

Board Conduct with the Public

- Be welcoming to speakers at public meetings and treat them with respect. For many citizens, speaking in front of a board is a new and difficult experience. Board members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful, and professional.
- Make no commitments on behalf of the board in unofficial settings. Board members are sometimes asked to explain a board action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit commitments that the City will take specific actions, however, are to be avoided.

Board Conduct with City Staff

- Respect the professional duties of City staff. Board members should refrain from disrupting staff from conducting their duties; participating in administrative functions, including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.

BOARD MEMBER VALUES

The individual attitudes, words, and actions of board members should reflect the values of respect, integrity, and service to the community.

RESPECT

To show respect to others, board members are expected to:

- Treat board members, City officials (elected and appointed), members of the public, and City staff with patience, courtesy, and civility, even when they disagree on what is best for the community.
- Conduct themselves in a courteous and respectful manner at all times.
- Be honest with fellow board members, the public, and others.

INTEGRITY

To demonstrate integrity as a public official, board members are expected to:

- Make independent, objective, fair, and impartial judgments and avoid relationships and actions that give the appearance of compromising objectivity, independence, and honesty.
- Reject gifts, services, or other special considerations.
- Excuse themselves from participating in decisions when their financial interests may be affected by the board's action.
- Use public resources, such as staff time, equipment, supplies, or facilities, only for City-related business and only with authorization from the City Manager or applicable Department Director.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the City.

SERVICE

To serve the public effectively, board members are expected to:

- Review materials provided in advance of the meeting.
- Make every effort to attend meetings. If attendance is not possible, communicate absences with the board chair.
- Be prepared to make difficult decisions when necessary.

- Respect the distinction between the roles of citizens, elected officials, appointed board members, and staff.
- Promote meaningful public involvement in decision-making processes.
- Make decisions after prudent consideration of their long-term impacts to the community.

ACCOUNTABILITY

To ensure public confidence in the integrity of the City of Sandy, board members are held to a high standard. For this reason, the City Council believes the Code of Conduct is as important to the public process as other rules and procedures. It is recognized that there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

Early recognition of the questioned conduct is encouraged, and progressive counsel may occur with the board member (though it is not required). The City Council reserves the right to remove board members at its discretion.

IMPLEMENTATION AND CERTIFICATION

All board members will be given a copy of the Code of Conduct and will be required to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. The City Council may choose to review and update this code in the future to ensure it remains effective and useful.

CODE OF CONDUCT CERTIFICATION

As a member of a City of Sandy board, I affirm that:

- ✓ I have read and understand the Sandy Code of Conduct for members of Boards and Commissions, and I understand its application to my role and responsibilities while serving on a City Board.
- ✓ I pledge to conduct myself by the Sandy Boards and Commissions Code of Conduct.
- ✓ I understand that the City Council may remove me from my position if my conduct falls below these standards.

Print Name: _____

Signature: _____

Signed this _____ **day of** _____, **20**_____

Board / Commission Appointed to: _____

Exhibit B

CITY OF SANDY PARKS & TRAILS ADVISORY BOARD DRAFT ROLES AND RESPONSIBILITIES –FOR CITY COUNCIL REVIEW AND INPUT

The Parks & Trails Advisory Board (Board) exists to aid the City of Sandy in providing ample and diverse recreation opportunities for City residents by advising the City Council, through the City staff member in charge of supporting the Board, on the implementation of the Parks and Trails Master Plan. This document lists the objectives and responsibilities of the Board.

- **Plan for the Future.** The Board provides advisory input on site-specific details for parks and trails outlined in the City of Sandy Parks and Trails Master Plan. The Board should evaluate existing parks, trails, and recreation facilities for needs, and recommend priorities. The Board should help develop individual park and trail master plans and establish short and long-range park development goals.
- **Become Knowledgeable about Funding Sources.** The Board should become familiar with federal, state and county grant programs and other external funding sources. Understanding the various funding sources will assist the board in providing feedback and recommendations when city staff drafts the biennial budget and assist with identifying appropriate grant opportunities.
- **Develop Relationships.** The Board should create and maintain cooperative working relationships with citizens, community organizations, special interest groups, businesses, elected officials, school districts and government agencies that are essential for the Board to improve services and effectively serve the Sandy community.
- **Inform Community and Build Public Support.** The Board serves as an ambassador for parks, trails and recreation by educating local residents about parks and trails. The Board distributes approved materials, interacts with park users at events and assists when needed, in social media posts regarding parks and trails.
- **Recruit and Train New Members.** The Board helps recruit and orient new Board members. The Board should reach out to citizens of varying ages, genders, and ethnicities to ensure the Board represents a variety of interests. Board members should be encouraged to attend training opportunities where appropriate.
- **Stay Knowledgeable About Legislation and Ballot Proposals.** The Board advocates where appropriate, and with direction from City Council, for legislation that positively impacts parks and trails, and when advised contacts legislators at the local, state and national levels for their support.
- **Understand the Scope of Authority.** The board must read and be familiar with its bylaws and abide by them, and understand its authority, structure and legal responsibilities. The Board is an advisory board and does not make decisions. Individuals cannot make public representations about Board policies or positions unless the Board has approved that position as a group and the City Council has approved that position. The Board does not have the authority to expend funds, direct city staff, or implement projects without permission.

Exhibit C



Sandy Parks and Trails Advisory Board By-Laws

Article I: Name

The organization shall be known as the Sandy Parks and Trails Advisory Board (Board). It is established in accordance with Resolution 2018-14 of the Sandy City Council (May 22, 2018).

Article II: Purpose

Advise the Sandy City Council, through the Sandy City staff member in charge of supporting the Board on the evaluation and development of parks, trails, and facilities to meet current and future needs of the city of Sandy and its service area. Participate actively in the goals, aims, and purposes of parks and trails.

Article III: Membership and Terms

The Board should ideally consist of up to seven members. All members are appointed to a four-year term, with half of the members terms expiring on the even years and the other half on the odd years to avoid replacement of the entire board at any one time. Members may serve only two consecutive terms unless no other candidates apply. Terms of service shall commence on the first day of January in the year of their appointment. Appointments to fill an unexpected vacancy shall be made before the remainder of the unexpired term. Board members and applicants must be residents of Sandy with one Board member allowed to reside in the Urban Growth Boundary or Urban Reserve area outside city limits. Applicants for the Board will be interviewed by council or their designees.

To ensure representation of various interests of parks and trails users, the Board shall ideally include at least one member with interests in each of the following areas: playgrounds, youth and adult sports fields, dog parks, trails, and natural areas. A majority of the voting membership shall constitute a quorum.

A City Council liaison shall be a nonvoting ex officio member of the Board and shall take part in its discussions or deliberations. Ex Officio members shall not be counted toward the constitution of a quorum at any meeting.

Article IV: Officers

The officers of the advisory board shall be Chair, Vice Chair, and Secretary. They shall be elected at the last meeting of each fiscal year and shall serve for a one-year term. The Chair shall call and preside over meetings. The Vice Chair shall preside in the absence of the chair. The Secretary shall take meeting minutes.

Article V: Meetings

The Board shall meet monthly as needed, not less than six times a year. All meetings will be held in Council Chambers at Sandy City Hall, unless the room is unavailable in which case another room in city limits with suitable ADA accommodations will be used. A meeting date may be changed or canceled by the Chair, in consultation with the Sandy City staff member in charge of supporting the Board., with prior notice to the membership.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term.

Article VI: Amendments

These bylaws may be amended by City Council at their discretion at a regular scheduled meeting.

Exhibit D

Roles and Responsibilities of the Sandy/Hoodland Advisory Board

The board is advisory to the Library Director and has no decision making powers, other than that granted to it by the Library Director and the City Council. The responsibilities and duties listed below may change based on requests from the incumbent Library Director and/or City Council.

1. Taking an active role in the Library's strategic planning process. This includes, but is not limited to providing feedback on how best to engage the community in the strategic planning process; participating in community forums; reviewing strategic planning outcomes and goal achievement annually.
2. Representing the library to the community. This includes but is not limited to:
 - Attending public forums to gather community input;
 - Updating City Council on Board activities when appropriate;
 - Keeping the library in mind as a community resource and gathering place in discussions with community groups;
 - Being knowledgeable about library programs and services when talking to members of the community.
3. Reviewing specific library policies, as requested by the Library Director.
4. Advising the Library Director on various aspects of Library programs and services, current and planned.
 - Advising the Library Director regarding policies for the development of library services and facilities to best meet the current and future needs of the community;
 - Recruiting and recommending to the Library Director prospective advisory board members;
 - Representing the needs, interest and desires of the entire service area of the library district;
 - Participating actively in the goals, aims and purposes of the library;
 - Performing other such related duties as requested by the Library Director and/or City Council.

Expectations of Advisory Board Members

The role of an advisory board member is a significant one, as the board's deliberations and recommendations are an important source of community input to the Library Director and ultimately to the City Council. As an effective advisory board member, you can:

- Take every opportunity to build goodwill for the Library. Champion the Library's mission, purpose, and services with your friends, neighbors, and community groups.
- Maintain positive relationships with Friends of the Library.
- Support the Library Director.
- Educate yourself about the Library's policies, programs and services.
- Educate yourself about the community's needs, Library capacities, and the need for future Library services.
- Encourage community involvement with the Library.
- Educate yourself about current and prospective issues affecting public libraries and the Sandy and Hoodland Public Libraries.

In addition, Advisory Board members are expected to:

- Attend and participate in board meetings. Notify the board chair if you are unable to attend a board meeting.
- Familiarize yourself and abide by the board's by-laws and policies.
- Prepare for board meetings by reading materials pertinent to the agenda, which is sent out ahead of time.
- Recognize that the board is advisory only, and has no approval or veto authority regarding decisions the Library Director may make.
- Support the final decisions of the board and Library Director.
- Attend an orientation for new board members and such additional training as is made available.
- Attend Library community events whenever possible.
- Actively participate in Library and board processes, such as strategic planning.
- Assist in succession planning for new board members by identifying others to serve on the advisory board.

Exhibit E

Sandy / Hoodland Public Library Advisory Board By-Laws

Article I: Name

The organization shall be known as the Sandy / Hoodland Public Library Advisory Board. It is established in accordance with Resolution 2018-14 of the Sandy City Council (May 22, 2018).

Article II: Purpose

Advise the Library Director on the development of library services, programs, and facilities to meet needs of the Sandy and Hoodland Library Service Areas. Participate actively in the goals, aims, and purposes of the Libraries.

Article III: Membership

The library advisory board shall consist of up to seven members. Library advisory board members and applicants must be residents of the Sandy/Hoodland Library service area.

To ensure representation from the entire library service district, one third of advisory board members shall be from the Hoodland/mountain area and two thirds from the Sandy area. In addition advisory board membership shall seek to reflect the diversity of the library district service area. A majority of the voting membership shall constitute a quorum. A City Council liaison, Presidents of the Friends of Sandy Library and Friends of Hoodland Library (or a designee), as well as, the Library Director shall be non-voting ex officio members of the advisory board and shall take part in its discussions or deliberations. Ex Officio members shall not be counted toward the constitution of a quorum at any meeting.

Article IV: Officers

The officers of the advisory board shall be Chair, Vice Chair, and Secretary. They shall be elected at the last meeting of each fiscal year and shall serve for a one-year term. The Chair shall call and preside over meetings, and name committees. The Vice Chair shall preside in the absence of the chair. The Secretary shall take meeting minutes.

Article V: Meetings

The advisory board shall meet as often as necessary, not less than six times a year. April and November meetings will be held at the Hoodland Library, all other meetings will be held at Sandy Public Library. A meeting date may be changed or canceled by the Chair, in consultation with the Library Director, with prior notice to the membership.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she shall be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term. The rules contained in the current edition of Robert's Rules of Order Newly Revised, shall govern the Sandy / Hoodland Library Advisory Board in all matters to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Sandy / Hoodland Library Board may adopt.

Article VI: Committees

The Chair, with the approval of the advisory board, shall establish all standing and special or ad hoc committees. The Chair shall appoint chairs of the committees with the approval of the advisory Board.

Chairs shall select their committee members. Committee members may consist of the general public, library users, and/or library staff, depending on the nature and purpose of the committee. Charges to the committees will be expressly stated. Ad hoc committee terms shall coincide with the term of the appointing officer, but may be reappointed by a future Chair.

Article VII: Amendments

These bylaws may be amended at any regular meeting of the Sandy / Hoodland Library Advisory Board by a quorum provided notice of such amendment has been given to all Board members at least seven (7) days prior to the meeting.

Exhibit F

Chapter 2.16

PLANNING COMMISSION

2.16.010 Establishment.

There is established a planning commission for the city. (Ord. 1473 § 1, 1973.)

2.16.020 Membership.

The commission shall consist of seven members, at least five of whom shall be city residents. The other two members may be residents or may consist of the following:

- A.** An owner and operator of a business located within the city limits, provided such owner and operator is a resident of Clackamas County or that portion of Multnomah County east of 181st Street, Portland, Oregon;
- B.** A resident within the city's urban growth boundary but outside city limits. Nothing in this section requires nonresident members. (Ord. 17-91 § 1, 1991; Ord. 1875 § 2, Ord. 13, 2017.)

2.16.030 Powers and duties of commission.

The powers and duties of the planning commission shall be as follows:

- A.** To base all its decisions relating to land use, public facilities, circulation, community appearance and similar matters on the Sandy area comprehensive plan as now or hereafter constituted;
- B.** To recommend to the city council legislation that will implement the purposes of the comprehensive plan;
- C.** To recommend zoning amendments consistent with the comprehensive plan;
- D.** To review the capital improvement programs each year for consistency with the comprehensive plan;
- E.** To review and, subject to appeal, take final action on proposed subdivisions and land partitions;
- F.** To conduct hearings, prepare findings of fact, conclusions and recommendations, and perform such other duties relating to land use controls as may be prescribed by law (e.g., zoning, consideration of conditional use permit, variance and other applications);
- G.** To review and submit recommendations to the city council regarding any annexation to or withdrawal of territory to or from the city;
- H.** To recommend and make suggestions to the council and to all other public authorities concerning laying out, widening, extending and locating of streets and parking areas, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting the use, height, area and bulk of buildings and structures;

I. To recommend to the council and all other public authorities plans for regulation of future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities and transportation facilities;

J. To study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area;

K. To exercise any express or implied power, right or act pursuant to city ordinances and state law. (Ord. 14-73 § 11, 1973.)

2.16.040 Commission member occupations. No more than two voting members shall be engaged in the same kind of business, trade or profession. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate. (Ord. 14-73 § 12, 1973.) 7

2.16.050 Hearings officer. The city council may appoint or designate one or more qualified persons as planning and zoning hearings officer. The hearings officer shall have the power to conduct hearings on applications for permits or of contested cases under rules and regulations adopted by the council pursuant to ORS 227.230. (Ord. 14-73 § 13, 1973.)

2.16.060 Advisory board. The commission may establish an advisory board with such members to be appointed by the city council. Advisory members are invited to attend all meetings to lend their expertise to the commission in an advisory capacity. Advisory members are authorized by city council to have voting power only in the event of a lack of a quorum of appointed Planning Commissioners. (Ord. 14-73 § 15, 1973, Ord. 2018-04)

Exhibit G

Sandy Arts Commission Bylaws

Updated March 20, 2019

Article I: Authority

The Arts Commission of the City of Sandy was created by Chapter 18.00 entitled “Sandy Arts Commission” and added to the Sandy Municipal Code.

Article II: Purpose and Mission

Purpose

On behalf of the City, the Commission will:

- Encourage, conduct, sponsor or cosponsor public programs to further the development and public awareness of, and interest in the fine and performing arts.
- Provide recommendations to the Mayor and City Council about cultural and artistic endeavors and projects in which the City can be involved in and to act as a representative of the community.
- Acquire donations, grants, and other support mechanisms to further expand the arts and cultural services and programs available to citizens of Sandy and members of the Sandy community.
- From time to time, take actions when directed by the City Council.

Mission

- The mission of the City of Sandy Arts Commission is to provide and encourage the formation and growth of public programs which will afford greater opportunities to experience and enjoy the fine and performing arts locally while adding value to City of Sandy’s economic value.
- Promote the growth of arts and culture as a vital asset for a prosperous and livable community.
- Raise the appreciation for and understanding of the visual arts among people of diverse backgrounds and provide access to art exhibits for residents and visitors to the community.

Article III: Members

The Arts Commission for the City of Sandy shall consist of seven members who will be appointed by the mayor and be confirmed by a majority vote of the City Council. Members of the Arts Commission will serve four-year terms and until their successors are appointed and confirmed. No member shall serve more than two consecutive full terms of office, unless there are no identified incumbents.

Initial start of the commission

Three of the seven initial members of the Commission shall serve for two years and until their successors are appointed and confirmed, in order to achieve staggered terms of office. All subsequent appointments shall be for four years, or for the duration of an unexpired term in the case of an appointment to a vacancy.

Residency Requirement

All members of the Commission shall reside within the City limits at the time of appointment and throughout their terms in office.

Appointment

Commission members shall be appointed upon the basis of demonstrated interest in, and knowledge and support of the arts. The Arts Commission for the City of Sandy shall consist of seven members who will be appointed by the mayor and be confirmed by a vote of a majority of the members of the City Council.

Compensation

Members of the Commission shall serve without salary or other compensation, provided that members shall be reimbursed for necessary expenses actually incurred.

Resigning for the Commission

When a member of the Commission is unable to serve or wishes to leave the Commission voluntarily, then a written notice of resignation may be tendered to the Mayor.

Removal

Chapter 2.15.030 establishes that a member may be removed by the city council for misconduct or nonperformance of duty. A member who is absent from two consecutive meetings without an excuse as approved by the respective board is presumed to be in nonperformance of duty and the city council shall declare the position vacant, and a new member shall be appointed by a majority vote of the City Council.

Attendance

Members of the Commission are expected to attend 75% of all regularly scheduled meetings, workshops, special meetings and events. A member who is absent from two consecutive meetings without an excuse as approved by the respective board is presumed to be in nonperformance of duty and the city council shall declare the position vacant, and a new member shall be immediately appointed.

Meetings

Chapter 2.15.050 of the City code establishes that a majority of the commission's members shall constitute a quorum at meetings. The commission may make and alter rules and regulations for its procedure consistent with the laws of the state and with City charter and ordinances.

The Commission shall meet at least once a month at a date, time, and place to be established by the Commission. Commission meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the Commission. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. Notice of a previously unannounced

meeting shall be, to the extent feasible, provided to interested parties at least twenty-four hours prior to a meeting.

Conflict of Interests

Chapter 2.15.080 of the City charter states that no member of a board or commission shall have a financial interest, either directly or indirectly, in any contract to which the city is a party.

Unofficial members

The Commission may appoint community members on Ad Hoc Committee, work with community member volunteers on programs and projects or allow students to be a participant in a non-voting role on the commission.

Article IV: Officers

There are two elected officers for the Arts Commission will be the Chair and Vice-Chair.

Duties of the Chair:

- Preside at all meetings
- Appoint all committees for the Arts Committee
- Be a spokesperson for the Commission
- Authorized calls for any special meetings

Duties of the Vice-Chair:

- Serve in the Chair's place when not present at meetings

A presiding officer shall retain the full right as a member of the Arts Commission to vote and deliberate on all issues coming before the Arts Commission and to propose and second motions.

Elections of officers shall take place annually in the month of October. Nominations shall be made from the floor with the election following immediately thereafter. A nominee which receives a majority vote shall be declared elected.

The elected officers shall immediately assume their positions at the conclusion of the elections and shall serve one-year terms.

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

Article V: Meetings

The Commission shall meet one day of every calendar month at a time set in advance by the Arts Commission. If no business is scheduled for a monthly meeting, the commission may postpone until the following month.

The public will be notified of all meetings of the Art Commission. All meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public

upon approval of the minutes by the Commission. Art Commission meetings shall be held in a designated City facility.

Special meetings may be called at any time by the Chair or, in the Chair's absence, by the Vice-Chair. Notice of special meetings shall be provided to each member at least 24 hours in advance. The notice shall specify the time and place of the special meeting.

A quorum is required to conduct business at all meetings.

The City of Sandy shall designate a liaison for the Arts Commission.

Roberts Rules of Order shall govern the conduct of all commission meetings.

The of business at a regular meeting shall be as follows:

- Call to Order
- Roll Call
- Approval of Minutes
- Commissioner Reports
- Council Liaison Report
- Staff Report
- Citizen Comments
- Business Items
- Future Business
- Adjournment

Article VI: Committees

The Commission may create ad hoc committees as necessary. Commission members may volunteer for ad hoc committees. If there are no volunteers, the Chair of the Arts Commission shall appoint the members of each committee, not to exceed three members.

Committees shall complete assigned tasks expeditiously and report findings, in writing, to the entire Arts Commission.

No ad hoc committee shall have the power to commit the Arts Commission to the endorsement of any action, plan or program without its submission to the body of the Arts Commission.

Article VII: Duties of the Commission

Submit an annual report to the City Council on an annual basis

Develop ideas and projects which will increase and enhance the art presence in the City of Sandy.

Article VII: Conduct

Members of the Commission who have a direct or indirect interest in or who would benefit from a matter of business shall disclose this interest and if the Commission decides this interest is inappropriate or violates the law or city policy/ordinance, the member must refrain from participating and voting on the matter. Chapter 2.15.080 of the City charter addresses conflicts of interests.

Members of the Arts Commission have a right to express personal views and opinions pursuant to our Constitutional guarantees of freedom of speech. Members of the Arts Commission are free to voice a position, oral or written, on any issue if it is made clear that the member is not speaking as presentative of the City, or as a member of the Arts Commission.

Article VIII: Amendments

These Bylaws may be revised or amended at any regular meeting by majority vote provided that notification of the proposed amendment(s) have been presented in writing at least 10 days prior to the vote and that quorum is present.