



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, March 15, 2021

Meeting Time: 6:00 PM

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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/81913798827>
- If you would rather access the meeting via telephone, dial (253) 215-8782. When prompted, enter the following meeting number: 819 1379 8827
- 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 March 12th and arrangements will be made to facilitate your participation.

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. **Affordable Housing Options**

ECONorthwest Presentation

[Affordable Housing Options - Pdf](#)

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3. CITY COUNCIL MEETING - 7:00 PM

4. PLEDGE OF ALLEGIANCE

5. ROLL CALL

6. CHANGES TO THE AGENDA

7. PUBLIC COMMENT

Please Note: there will be opportunities to offer testimony on the Rogue Fabrication zone change, the House Bill 2001 code amendments, and the Title 13 amendments

later in the agenda.

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.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

9. PRESENTATION

- 9.1. **Grid Resilience / Emergency Management** 61 - 73
Portland General Electric
[Presentation Slides](#)

10. CONSENT AGENDA

- 10.1. **City Council Minutes** 74 - 79
[City Council - 08 Mar 2021 - Minutes - Pdf](#)
- 10.2. **Pre-Purchase Equipment for Existing Wastewater Treatment Plant Condition Assessment Improvements Project** 80 - 93
[Pre-Purchase Equipment for WWTP Project - Pdf](#)

11. ORDINANCES

- 11.1. **PUBLIC HEARING: Rogue Fabrication Zone Change** 94 - 216
Ordinance 2021-04
Land Use File: 20-041
[20-041 Rogue Fabrication Zone Change - Pdf](#)
- 11.2. **PUBLIC HEARING: House Bill 2001 Code Amendments** 217 - 421
Ordinance 2021-03
Land Use File: 20-032 DCA

Preliminary input only - not yet intended for adoption
[20-032 DCA House Bill 2001 Code Amendments - Pdf](#)
[Presentation Slides](#)
- 11.3. **PUBLIC HEARING: Amending Title 13 of the Sandy Municipal Code** 422 - 470
Ordinance 2021-02
[Ordinance 2021-2 Amending Title 13 - Water and Sewer Sandy Municipal Code - Pdf](#)

12. NEW BUSINESS

- 12.1. **Tickle Creek Village Trail Easement / Fee in Lieu Proposal** 471 - 488
[Tickle Creek Village Trail Easement / Fee in Lieu Proposal - Pdf](#)
- 12.2. **Contract Approval: Owner’s Representative Services for Phase 1A Wastewater System Improvements** 489 - 523
[Owner's Rep Services for Wastewater System Improvements Project - Pdf](#)

13. REPORT FROM THE CITY MANAGER

14. COMMITTEE /COUNCIL REPORTS

15. STAFF UPDATES

- 15.1. [Monthly Reports](#)

16. ADJOURN

17. CITY COUNCIL EXECUTIVE SESSION

The City Council will meet in executive session pursuant to ORS 192.660(f) and (h) following the adjournment of the regular meeting.



Staff Report

Meeting Date: March 15, 2021
From Kelly O'Neill, Development Services Director
SUBJECT: Affordable Housing options

BACKGROUND:

The City Council adopted a goal for the 2019-2021 biennium to evaluate solutions on how to create more affordable housing options in Sandy. Due to their subject matter expertise, ECONorthwest was hired to complete some of the preliminary research.

In preparation for the work session on March 15, 2021, ECONorthwest developed the attached memorandum and PowerPoint presentation on affordable housing solutions.

BUDGETARY IMPACT:

The costs associated with implementation of the strategies and actions in the memorandum are currently unknown.

RECOMMENDATION:

Provide staff with direction.

LIST OF ATTACHMENTS/EXHIBITS:

- ECONorthwest Memo on Affordable Housing Strategies
- PowerPoint Slides

DATE: March 1, 2021
TO: Kelly O'Neill, City of Sandy
FROM: Beth Goodman, ECONorthwest
SUBJECT: EXAMPLE HOUSING STRATEGIES AND ACTIONS

This memorandum provides range of strategies and actions that Sandy could address the City's housing needs. These strategies and actions have been used in other cities to address their housing needs.

This memorandum discusses housing affordability. It distinguishes between two types of affordable housing: (1) housing affordable to very low-income and extremely low-income households and (2) housing affordable to low-income and middle-income households. The following describes these households, based on information from the U.S. Department of Housing and Urban Development (HUD) and the U.S. Census' American Community Survey for the 2015-2019 period.

- **Very low-income and extremely low-income households** are those who have an income of 50% or less of Clackamas County Median Family Income (MFI)¹ which is an annual household income of \$46,000. About 29% of Sandy's households fit into this category. They can afford a monthly housing cost of \$1,150 or less.² Development of housing affordable to households at this income level is generally accomplished through development of government-subsidized income-restricted housing.
- **Low-income and middle-income households** are those who have income of 50% to 120% of Clackamas County's MFI or income between \$46,000 to \$110,500. About 49% of Sandy's households fit into this category. They can afford a monthly housing cost of \$1,150 to \$2,760. The private housing market may develop housing affordable to households in this group, especially for the higher income households in the group.

¹ Median Family Income is determined by the U.S. Department of Housing and Urban Development. In 2020, Clackamas County's MFI was \$92,100 for a family of four.

² This assumes that households pay less than 30% of their gross income on housing costs, including rent or mortgage, utilities, home insurance, and property taxes.

Housing Policies and Actions

This memorandum provides the City with information about potential policies that could be implemented in Sandy to address the City's housing needs. This memorandum provides a range of housing policy options for the City of Sandy to consider as it addresses its housing needs. These policy options are commonly used by cities in Oregon and other states. Policy options are categorized as follows:

- Land Use Regulations
- Increase Housing Types
- Strategies to Manage Short-Term Rentals
- Programs that Provide Financial Assistance
- Lower Development or Operational Costs
- Funding Sources to Support Residential Development
- Policies to Support Housing Equity

The intention of this memorandum is to provide a toolbox of potential policies and actions that the City of Sandy can use to address strategic issues. For many of the policy tools described below, we give an approximate scale of impact. **The purpose of the scale of impact is to provide some context for whether the policy tool generally results in a little or a lot of change in the housing market.** The scale of impact depends on conditions in the City, such as the City's other existing (or newly implemented) housing policies, the land supply, and housing market conditions. We define the scale of impact as follows:

- A **small** impact may not directly result in development of new housing or it may result in development of a small amount of new housing, such as 1% to 3% of the needed housing. In terms of housing affordability, a small impact may not improve housing affordability in and of itself. A policy with a small impact may be necessary but not sufficient to increase housing affordability.
- A **moderate** impact is likely to directly result in development of new housing, such as 3% to 5% of needed housing. In terms of housing affordability, a moderate impact may not improve housing affordability in and of itself. A policy with a moderate impact may be necessary but not sufficient to increase housing affordability.
- A **large** impact is likely to directly result in development of new housing, such as 5% to 10% (or more) of needed housing. In terms of housing affordability, a **large** impact may improve housing affordability in and of itself. A policy with a large impact may still need to work with other policies to increase housing affordability.

Land Use Regulations

The following policies focus on ways in which the City can modify its current land use regulations in order to increase housing affordability and available housing stock. Policies are broken into two categories: those that affect regulatory changes and those which increase the land available for housing.

Strategy Name	Description	Scale of Impact
Regulatory Changes		
Administrative and Procedural Reforms	<p>Regulatory delay can be a major cost-inducing factor in development. Oregon has specific requirements for review of development applications. However, complicated projects frequently require additional analysis such as traffic impact studies, etc.</p> <p>A key consideration in these types of reforms is how to streamline the review process and still achieve the intended objectives of local development policies.</p>	<p>Scale of Impact – Small. The level of impact on production of housing and housing affordability will be small and will depend on the changes made to the city’s procedures. Streamlining procedures may be necessary but not sufficient to increase housing production on its own.</p>
Expedited / Fast-tracked Building Permit	<p>Expedite building permits for pre-approved development types or building characteristics (e.g. green buildings).</p> <p>Bend: Offers expedited review and permitting for affordable housing. Any residential or mixed-use development that receives local, state or federal affordable housing funding is eligible to receive a written decision by the Planning Department within two weeks of the date of submittal. For projects that require more complex planning review, a decision will be written or the first public hearing will be held within six weeks of the date of submittal.</p>	<p>Scale of Impact – Small. Expedited permit processing will benefit a limited number of projects. It may be necessary but not sufficient to increase housing production on its own.</p>
Streamline Zoning Code and other Ordinances	<p>Complexity of zoning, subdivision, and other ordinances can make development more difficult, time consuming, and costly. Streamlining development regulations can result in increased development.</p> <p>As part of the streamlining process, cities may evaluate potential barriers to affordable workforce housing and multifamily housing. Potential barriers may include: height limitations, complexity of planned unit development regulations, parking requirements, and other zoning standards.</p> <p>Many of the remaining tools in this section focus on changes to the zoning code.</p>	<p>Scale of Impact – Small to Moderate. The level of impact on production of housing and housing affordability will depend on the changes made to the zoning code and other ordinances.</p>

Strategy Name	Description	Scale of Impact
Allow Small Residential Lots	<p>Small residential lots are generally less than 5,000 sq. ft and sometimes closer to 2,000 sq ft. . This policy allows individual small lots within a subdivision. Small lots can be allowed outright in the minimum lot size and dimensions of a zone, or they could be implemented through the subdivision or planned unit development ordinances.</p> <p>This policy is intended to increase density and lower housing costs. Small-lots limit sprawl, contribute to a more efficient use of land, and promote densities that can support transit. Small lots also provide expanded housing ownership opportunities to broader income ranges and provide additional variety to available housing types.</p> <p>Cities across Oregon allow small residential lots, including many cities in the Metro area.</p>	<p>Scale of Impact – Small to Moderate. Cities have adopted minimum lot sizes as small as 2,000 sq. ft. However, it is uncommon to see entire subdivisions of lots this small. Small lots typically get mixed in with other lot sizes. This tool generally increases density and amount of single-family detached and townhouse housing in a given area, decreasing housing costs as a result of decreasing amount of land on the lot.</p>
Mandate Maximum Lot Sizes	<p>This policy places an upper bound on lot size and a lower bound on density in single-family zones. For example, a residential zone with a 6,000 sq. ft. minimum lot size might have an 8,000 sq. ft. maximum lot size yielding an effective net density range between 5.4 and 7.3 dwelling units per net acre.</p> <p>This approach ensures minimum densities in residential zones by limiting lot size. It places bounds on building at less than maximum allowable density. Maximum lot sizes can promote appropriate urban densities, efficiently use limited land resources, and reduce sprawl development.</p> <p>This tool is used by some cities but is used less frequently than mandating minimum lot sizes.</p>	<p>Scale of Impact – Small to Moderate. Mandating maximum lot size may be most appropriate in areas where the market is building at substantially lower densities than are allowed or in cities that do not have minimum densities.</p> <p>This tool generally increases density and amount of single-family detached and townhouse housing in a given area, decreasing housing costs as a result of decreasing amount of land on the lot.</p>
Mandate Minimum Residential Densities	<p>Sandy already mandates minimum residential densities in the development code.</p> <p>This policy is typically applied in single-family residential zones and places a lower bound on density. Minimum residential densities in single-family zones are typically implemented through maximum lot sizes. In multifamily zones, they are usually expressed as a minimum number of dwelling units per net acre. Such standards are typically implemented through zoning code provisions in applicable residential zones.</p> <p>This policy increases land-holding capacity. Minimum densities promote developments consistent with local comprehensive plans and growth assumptions. They reduce sprawl development, eliminate underbuilding in residential areas, and make provision of services more cost effective.</p> <p>Mandating minimum density is generally most effective in medium and high density zones where single-family detached housing is allowed. The minimum density ensures that low-density single-family housing is not built where higher-density multifamily housing could be built.</p>	<p>Scale of Impact – Small to Moderate. Increasing minimum densities and ensuring clear urban conversion plans may have a small to moderate impact depending on the observed amount of underbuild and the minimum density standard.</p> <p>For cities that allow single-family detached housing in high density zones, this policy can result in a moderate or larger impact.</p>

Strategy Name	Description	Scale of Impact
Increase Allowable Residential Densities	<p>This approach seeks to increase holding capacity by increasing allowable density in residential zones. It gives developers the option of building to higher densities. This approach would be implemented through the local zoning or development code. This strategy is most commonly applied to multifamily residential zones.</p> <p>For cities with maximum densities, consider removing maximum allowable densities. This change may be most relevant.</p> <p>Higher densities increase residential landholding capacity. Higher densities, where appropriate, provide more housing, a greater variety of housing options, and a more efficient use of scarce land resources. Higher densities reduce sprawl development and make the provision of services more cost effective.</p>	<p>Scale of Impact – Small to Moderate. This tool can be most effective in increasing densities where very low density is currently allowed or in areas where a city wants to encourage higher density development.</p> <p>This tool generally increases density and amount of single-family detached/attached housing in a given area, decreasing housing costs as a result of decreasing size of lot.</p>
Allow Clustered Residential Development	<p>Clustering allows developers to increase density on portions of a site, while preserving other areas of the site. Clustering is a tool most commonly used to preserve natural areas or avoid natural hazards during development. It uses characteristics of the site as a primary consideration in determining building footprints, access, etc. Clustering is typically processed during the site review phase of development review.</p>	<p>Scale of Impact – Moderate. Clustering can increase density; however, if other areas of the site (that could otherwise be developed) are not developed, the scale of impact can be reduced.</p>
Reduced Parking Requirements	<p>Jurisdictions can reduce or eliminate minimum off-street parking requirements, as well as provide flexibility in meeting parking requirements. Reducing parking requirements positively impact development of any type of housing, from single-family detached to multifamily housing.</p> <p>Reduced parking requirements are most frequently used in conjunction of development of subsidized affordable housing, but cities like Portland have reduced or eliminated parking requirements for market-based multifamily housing in specific circumstances.</p> <p>Bend: Offers parking reductions for affordable housing and transit proximity. Parking for affordable housing units is 1 space per unit regardless of size, compared to 1 space per studio or 1 bedroom unit, 1.5 spaces per 2-bedroom unit, and 2 spaces per 3- or more bedroom unit for market-rate multifamily development or 2 spaces per market rate detached dwelling unit. Affordable housing units must meet the same eligibility criteria as for other City of Bend affordable housing incentives.</p> <p>Portland: Offers parking exceptions for affordable housing and sites adjacent to transit. The City of Portland allows housing developments that meet the inclusionary zoning requirements to reduce parking requirements to zero if located near frequent transit service, and to exclude the affordable housing units from parking requirements for developments located further from frequent transit service. The City also allows market rate housing developments located near frequent transit service to provide little or no parking, depending on the number of units in the development.</p>	<p>Scale of Impact – Small to Moderate.</p> <p>The City could require the developer to prove the need and public benefit or reducing parking requirements to increase housing affordability.</p> <p>Reducing parking requirements can have a moderate to large impact on housing affordability if little or no parking is required.</p>

Strategy Name	Description	Scale of Impact
Reduce Street Width Standards	<p>This policy is intended to reduce land used for streets and slow down traffic. Street standards are typically described in development and/or subdivision ordinances. Reduced street width standards are most commonly applied on local streets in residential zones. This strategy could be applied to alleys, when required, to ensure that alleys are relatively narrow to reduce development and maintenance costs.</p> <p>Narrower streets make more land available to housing and economic-based development. Narrower streets can also reduce long-term street maintenance costs.</p> <p>Sandy already has narrow streets, but if we decide to widen them in the future it could actually lead to increased housing costs.</p>	<p>Scale of Impact – Small. This policy is most effective in cities that require relatively wide streets.</p>
Preserving Existing Housing Supply	<p>Housing preservation ordinances typically condition the demolition or replacement of certain housing types on the replacement of such housing elsewhere, fees in lieu of replacement, or payment for relocation expenses of existing tenants. Preservation of existing housing may focus on preservation of smaller, more affordable housing. Approaches include:</p> <ul style="list-style-type: none"> • Housing preservation ordinances • Housing replacement ordinances • Manufactured home preservation • Single-room-occupancy ordinances • Regulating demolitions 	<p>Scale of Impact – Small to Moderate. Preserving small existing housing can make a difference in the availability of affordable housing in a city but it is limited by the existing stock housing, especially smaller, more affordable housing. Cities with older housing stock are more likely to benefit from this policy.</p>

Strategy Name	Description	Scale of Impact
Inclusionary Zoning	<p>Inclusionary zoning policies tie development approval to, or provide regulatory incentives for, the provision of low-income and moderate-income housing as part of a proposed development. Mandatory inclusionary zoning requires developers to provide a certain percentage of low-income housing. Incentive-based inclusionary zoning provides density or other types of incentives.</p> <p>The price of low-income housing passed on to purchasers of market-rate housing. Inclusionary zoning impedes the "filtering" process where residents purchase new housing, freeing existing housing for lower-income residents.</p> <p>Oregon's inclusionary zoning laws apply to structures with 20 or more multifamily units, and allow requirement of inclusion of units that are affordable at 80% of the median family income of the city. The amount of units required to be affordable at this level cannot exceed 20% of units in the project.</p> <p>Portland: Implemented an inclusionary zoning program. While Portland's inclusionary zoning program is resulting in production of affordable multifamily units, there is considerable discussion and disagreement about the impact of the inclusionary zoning program on number of multifamily units being built (e.g., whether inclusionary zoning requirements are decreasing the number of multifamily units being built) and potential changes in the location of units.</p>	<p>Scale of Impact – Small to Moderate. Inclusionary zoning has recently been made legal in Oregon. The scale of impact would depend on the inclusionary zoning policies adopted by the city.</p>
Increasing Land Available for Housing		
Re-designate or rezone land for housing	<p>The types of land rezoned for housing are vacant or partially vacant low-density residential and employment land rezoned to multifamily or mixed use. In rezoning land, it is important to choose land in a compatible location, such as land that can be a buffer between an established neighborhood and other denser uses or land adjacent to existing commercial uses. When rezoning employment land, it is best to select land with limited employment capacity (i.e., smaller parcels) in areas where multifamily housing would be compatible (i.e., along transit corridors or in employment centers that would benefit from new housing) or have constraints such as topography and environmentally sensitive areas.</p> <p>This policy change increases opportunity for comparatively affordable multifamily housing and provides opportunities for mixing residential and other compatible uses.</p> <p>Cities across Oregon frequently re-zone and re-designate land to address deficits of land for new housing.</p>	<p>Scale of Impact – Small to Large. Depends on the amount of land that is re-designated or rezoned.</p>

Strategy Name	Description	Scale of Impact
Encourage multifamily residential development in commercial zones	<p>This tool seeks to encourage denser multifamily housing as part of mixed-use projects in commercial zones. Such policies lower or eliminate barriers to residential development in commercial or mixed-use zones. They include: eliminating requirements for non-residential uses in commercial zones (e.g., requirements for ground floor retail) or requiring minimum residential densities.</p> <p>This policy can increase opportunities for multifamily development on commercial or mixed-use zones or increase the density of that development.</p> <p>Cities across Oregon frequently encourage multifamily housing development in commercial zones, either as stand-alone residential buildings or as mixed-use buildings.</p>	<p>Scale of Impact – Small to Moderate. Depends on the actions taken.</p>
Transfer or Purchase of Development Rights	<p>This policy is intended to move development from sensitive areas to more appropriate areas. Development rights are transferred to “receiving zones” and can be traded and can increase overall densities. This policy is usually implemented through a subsection of the zoning code and identifies both sending zones (zones where decreased densities are desirable) and receiving zones (zones where increased densities are allowed).</p> <p>Transfer of development rights is done less frequently in Oregon, as cities generally zone land for higher density housing where they would like it to occur. This policy is frequently used by cities outside of Oregon.</p> <p>The City of Sandy has provisions for density transfers in its development code; however, in the last 10 years at least, they have not been used.</p>	<p>Scale of Impact – Small. There has been little use of this tool in Sandy to date. In most cities in Oregon, the practice is to zone to allow the desired amount of density, rather than use transfer of development rights.</p>
Provide Density Bonuses to Developers	<p>The local government allows developers to build housing at densities higher than are usually allowed by the underlying zoning. Density bonuses are commonly used as a tool to encourage greater housing density in desired areas, provided certain requirements are met. This strategy is generally implemented through provisions of the local zoning code and is allowed in appropriate residential zones.</p> <p>Bonus densities can also be used to encourage development of low-income or workforce affordable housing. An affordable housing bonus would allow for more housing units to be built than allowed by zoning if the proposed project provides a certain number of affordable units.</p> <p>Bend: Offers affordable housing density and height bonuses. Qualifying affordable housing projects are eligible for a 10-foot building height bonus for multifamily housing when affordable housing units are gained and for a density bonus. The density increase is based on the percentage of affordable housing units within the proposed development: if 10% of the units are affordable, the maximum density is 110% of the standard maximum density. The maximum density bonus is 50% above the base density. Qualifying projects must be affordable to households at or below 60% of the AMI for</p>	<p>Scale of Impact – Small to Moderate. Depends on the bonus provided and developer interest in the bonus.</p>

Strategy Name	Description	Scale of Impact
	<p>rental housing and at or below 80% of the AMI for ownership housing, and require development agreements and restrictions (such as deed restrictions) to ensure continued affordability.</p> <p>Ashland: Has four different density bonuses, one of which is for development of affordable housing at higher densities and another for energy-efficient housing. Affordable housing projects meeting eligibility requirements (including rental housing affordable to households at or below 60% of AMI or ownership housing affordable to households at or below 80% of AMI for a minimum of 30 years) receive a density bonus of two units for each affordable housing unit provided, up to a maximum of a 35% increase in density.</p> <p>Kirkland, WA: Offers density bonuses for duplex, triplex, and cottage homes. Cottage homes (limited to 1,500 square feet of floor area) and two- and three-unit homes (up to 1,000 square feet of floor area average per unit) are allowed at double the density of detached dwelling units in the underlying zone.</p>	

Increase Housing Types

The following policies focus on ways in which the City can increase the types of housing available in order to increase housing affordability. Policies focus on increasing housing density or the number of residents living on existing City lots.

Strategy Name	Description	Scale of Impact
<p>Allow Duplexes, Cottage housing, Townhomes, Row Houses, and Tri- and Quad-Plexes</p>	<p>Allowing these housing types can increase overall density of residential development and may encourage a higher percentage of multifamily housing types. This approach would be implemented through the local zoning or development code and would list these housing types as outright allowable uses in appropriate residential zones. These housing types may provide additional affordable housing options and allow more residential units than would be achieved by detached homes alone.</p> <p>House Bill 2001 requires cities with more than 10,000 people, such as Sandy, to allow duplexes in any zone that single-family housing is allowed. Sandy is currently in the process of updating its municipal code to comply with HB 2001 by allowing duplexes outright in all of its residential zones.</p>	<p>Scale of Impact – Small to moderate. Allowing these types of housing in more zoning districts may provide relatively few number of new, relatively affordable, housing opportunities.</p>
<p>Allow Stacked Townhouses, Cottage Courts, Duplex/Townhouse Courts, & Garden Apartments</p>	<p>Allowing these housing types can increase overall density of residential development and may encourage a higher percentage of multifamily housing types. This approach would be implemented through the local zoning or development code and would list these housing types as outright allowable uses in appropriate residential zones. These housing types may provide additional affordable housing options and allow more residential units than would be achieved by detached homes alone.</p> <p>These housing types may be best allowed in medium density zones or (in smaller cities) in high density zones.</p>	<p>Scale of Impact – Small to Large. Allowing these types of housing in more zoning districts may provide up to a large number of new, relatively affordable, housing opportunities. The scale of impact will depend, in part, on the amount of vacant or redevelopable land in medium density zones, as well as the types of housing newly allowed in the medium density zone.</p>
<p>Remove barriers to Development of Accessory Dwelling Units (ADUs) in single-family zones</p>	<p>As of July 1, 2018, ORS 197.312 requires cities to allow at least one ADU for each detached single-family dwelling in areas zoned for detached single-family dwellings.</p> <p>Jurisdictions can make development of ADUs more likely by limiting restrictive standards and procedures, such as reducing systems development charges for ADUs, reducing or eliminating parking requirements, or allowing ADUs regardless of where the primary dwelling is owner-occupied.</p> <p>Sandy current allows ADUs in single-family zones, and HB 2001 mandated that cities eliminate parking and owner occupancy requirements.</p>	<p>Scale of Impact – Small. Oregon law requires cities to allow ADUs.</p>

Strategy Name	Description	Scale of Impact
Develop Pre-Approved Plan Sets for ADUs and Middle Housing Typologies	<p>Provide a pre-approved set of plans for Accessory Dwelling Units (ADU) and middle housing typology (i.e., cottage clusters, townhomes, and other middle-income housing types) designs that, if used by a developer or homeowner, would lead to automatic approvals and reduced permitting schedule. Pre-approved plans would reduce the need for architectural costs and reduce barriers to development of these housing types.</p> <p>The plans should be highly efficient, designed for constrained lots and low-cost solutions, and would allow for streamlined permitting. Consider adapting pre-approved plans developed by other cities or working with other cities to develop pre-approved plans.</p>	<p>Scale of Impact – Small to Moderate. Depends on interest from property owners and developers, use of the plans, and scale of the new development using the plans.</p>
Broaden the Definition of Housing Type	<p>Broaden the definition of “housing unit” to allow for more flexibility across use types. For example, Single Room Occupancies (SROs) are not always allowed in certain residential zones. Including them in the definition of housing unit, or broadening the set of uses allowed across all residential districts, would allow for greater flexibility of housing types.</p>	<p>Scale of Impact – Small. Allows but does not directly encourage development of a wider variety of housing types.</p>
Allow Live-Work housing or Mixed-use housing in commercial zones	<p>Allowing these housing types can increase overall density of residential development and may encourage a higher percentage of multifamily housing types. This approach would be implemented through the local zoning or development code and would list these housing types as outright allowable uses in appropriate residential zones. These housing types provide additional affordable housing options and allow more residential units than would be achieved by detached homes alone.</p>	<p>Scale of Impact – Small to Large. Allowing these types of housing in more zoning districts may provide up to a large number of new, relatively affordable, housing opportunities.</p>
Allow multifamily buildings in commercial zones without commercial uses	<p>Allowing for multifamily buildings in commercial areas without commercial uses on ground floors can result in lower rents, while still contributing to development of a mixed-use environment. Developing the first floor to commercial building standards is more expensive than building for residential uses on the first floor. In some cities, there may not be sufficient commercial demand to fill first floor commercial spaces especially for the entirety of the ground floor of all buildings in the zone, ultimately making development of a vertical mixed-use building less financially feasible.</p>	<p>Scale of Impact – Small to Moderate: Depends on developer interest.</p>
Allow for Single Room Occupancy and Co-Housing in Residential Zones	<p>Allow for single room occupancy (SRO), which may include “adult dorms,” in all residential zones. Cities often have barriers to these types of housing in their zoning codes. These housing types have private living space with shared bathroom, kitchen, and other facilities.</p> <p>Co-housing is multiple people, often unrelated adults, living in a single-family house together. Some cities have regulations limiting the number of unrelated adults who can live in a dwelling unit.</p>	<p>Scale of Impact – Small. Allows but does not directly encourage development of these housing types.</p>

Strategy Name	Description	Scale of Impact
Allow small or “tiny” homes	<p>“Tiny” homes are typically dwellings that are 500 square feet or smaller. Some tiny houses are as small as 100 to 150 square feet. They include stand-alone units or very small multifamily units.</p> <p>Tiny homes can be sited in a variety of ways: locating them in RV parks (they are similar in many respects to Park Model RVs), tiny home subdivisions, or allowing them as accessory dwelling units.</p> <p>Smaller homes allow for smaller lots, increasing land use efficiency. They provide opportunities for affordable housing, especially for homeowners.</p> <p>Portland and Eugene allow tiny homes as temporary shelter for people experiencing homelessness.</p>	<p>Scale of Impact – Small: Scale of impact depends on regulation of tiny homes, where they are allowed, and market demand for tiny homes.</p>

Strategies to Manage Short-Term Rental Housing

The following strategies focus on ways that the City can regulate short-term rentals (STRs). Regulating and/or limiting STRs may reduce the number of housing units dedicated to short term rentals. Regulation of STRs preserves the majority of residential property for housing for Sandy residents. For the scale of impact in this section, we use a low, moderate, and high to indicate what kind of impact these strategies may have on managing STRs. This scale is different than the scale of impact for producing new housing.

Strategy Name	Description	Scale of Impact
Create Regulatory Structure		
Clear municipal definitions for short-term rentals (STR)	<p>Clear definitions of short-term rentals (STRs) are central to creating a regulatory structure and closing existing loopholes. The City should define STRs, as well as any other classifications that might have exemptions. Definitions of STRs commonly include the following characteristics:</p> <ul style="list-style-type: none"> • Rental of a dwelling unit for less than 30 days • Rental of 1 or more bedrooms or ADU in owner occupied property for less than 30 days • Exemptions often include long-term rentals, Bed and Breakfast facilities, boarding houses, or units that are rented for fewer than a minimum of ‘x’ days per year (such as fewer than 14 days per year). <p>Nashville, TN: Provides clear definitions in Ordinance BL2014-951 of short-term rental property as “a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent for transient occupancy by guests as those terms are defined in Section 5.12.010 of the metropolitan code. Residential dwelling units rented to the same occupant for more than 30 continuous days, Bed and Breakfast establishments, boarding houses, hotels, and motels shall not be considered Short Term Rental Property.”</p>	<p>Scale of Impact – Low. The effective implementation of vacation housing policies depends upon clearly articulated definitions of property rental types.</p>

Strategy Name	Description	Scale of Impact
Create a new land use permit requirement for STRs	<p>Requiring a land use permit ensures that the City is aware that the dwelling is being used as an STR. It allows the City to tailor permitting to address the specific needs and concerns associated with short-term rental properties. The permitting process may include:</p> <ul style="list-style-type: none"> • Proof of neighbor notification • Providing relevant information about the potential rental unit, such as number of bedrooms and parking availability • Commitment to paying applicable fees and taxes (such as transient room taxes that are paid by hotels/motels) • Acknowledgement of all applicable regulations <p>Lincoln City: Requires a Special Use Permit, including required public hearing Ashland, Bandon, Cannon Beach, Gold Beach, Seaside, Yachats, and other cities: STRs are a conditional use in some or all zones.</p>	<p>Scale of Impact – Low. The scale of impact depends on funding and the City’s ability to implement a new permitting process.</p>
Annual Licensing/ Permitting	<p>Annual renewals of permits will provide an opportunity for the City to show proof of property insurance, inspect the property, and obtain proof that the STR is in compliance with all applicable laws. In addition, a yearly STR licensing fee can be used to fund additional enforcement and oversight.</p> <p>Seaside, Lincoln City: Requires business license with annual renewal.</p>	<p>Scale of Impact – Low. Annual licensing and permitting may improve the City’s ability to regulate and enforce policies related to short-term housing. It allows the city to inventory the number, type, and location of STRs.</p>
Inspections of STRs	<p>To ensure safety and code compliance, the City can inspect facilities for fire safety and compliance with applicable regulations. These inspections could be part of a one-time permitting process, an annual permit renewal, or may be required at an interval such as every two to five years.</p> <p>Austin, TX: STR applicants must submit a certificate of occupancy or certify inspection to obtain an operating license.</p>	<p>Scale of Impact – Moderate. Many other policies would be improved and supported by regular inspections.</p>
License Fee	<p>License fees are fees charged to the owners of an STR. A license fee can be part of an annual licensing or permitting process. The annual licensing fee can be assessed in several ways, including: a fixed fee, a percentage of property taxes, or based on the square footage of a rental property.</p> <p>Austin, TX: \$285 license fee. (Source: Bend City Attorney Memo, August 2014) Palm Springs, CA: \$200 per year (Source: City of Palm Springs)</p>	<p>Scale of Impact – Moderate. The license fee can be used to support enforcement efforts and support other housing programs.</p>

Strategy Name	Description	Scale of Impact
License number listed	Requiring every STR license number to be listed in all advertising helps ensure all properties are in compliance with the codes and regulations for STRs set forth by the City.	Scale of Impact – Low. The strategy ensures that STRs are licensed and permitted.
One STR per property owner	Each property owner may only hold one STR permit, promoting small-scale STR ownership. Enforcement of this policy could be challenging if property owners violate this policy through the use of separate ownership corporations to allow one person to own multiple STRs.	Scale of Impact – Low. This policy would prevent several or many STRs from being in a single ownership.
“Grandfathering” provisions	Cities often include “grandfathering” provisions in their regulatory structure for STRs, to accommodate existing STRs and create a smooth transition to the new regulatory context. The City could require current STR owners to apply for a non-conforming use permit, wherein owners must successfully prove their historic use. Such permits could have a set expiration date.	Scale of Impact – Low to Moderate. The potential impact in would depend on how many owners are granted “grandfather” status and whether non-conforming use permits expire.
Restrictions on Short-term Rentals		
Develop City Guidelines for Management, Enforcement, and Local Contact	<p>Create and require STRs to post “Good Neighbor Policy”, develop fact sheet for neighbors and owners, and require the posting of standardized information inside the unit containing information on the noise ordinance, parking, garbage storage, etc.</p> <p>Develop standardized enforcement process that describes local laws that regulate STRs, including laws that renters need to abide by. The enforcement process would create a way to track violations, as well as identifying the process for warnings, fines, appeals, and permit revocation.</p> <p>Require local contact or local property management be available at all times.</p> <p>Gold Beach, Lincoln City: Local Representative is available 24/7</p>	<p>Scale of Impact – Moderate.</p> <p>Implementation of this strategy depends on cooperation of STR owners and managers. If STR renters obey the rules, the impact would be positive on nearby neighbors.</p> <p>This strategy would provide clear steps for moving through process with reoccurring violations. It would provide a process for addressing repeated violations by renters, providing incentive to STR owners and managers to rent their properties to responsible parties.</p> <p>It would improve accountability and provide point of contacts for the City and for neighbors.</p>

Strategy Name	Description	Scale of Impact
Limit number of occupants or bedrooms	The City can impose a limit on the number of occupants or bedrooms available for rent. This policy helps address concerns about noise and large groups at vacation rental properties. STRs may be limited to the number of bedrooms or occupants per unit or per tax lot.	Scale of Impact – Low. Implementation of this strategy depends on enforcement of the policy. The policy would limit the impact of STRs on immediate neighbors.
Parking	Limit the number and location of parking spaces associated with each STR. The City can require street-parking permits associated with property. Palm Desert, CA, Encinitas, CA: On-site parking must be available for all overnight guests. Manzanita: Rental properties must provide 2 off street parking spaces.	Scale of Impact – Low to Moderate. This strategy would decrease on-street parking associated with STRs, which may be most important in areas with limited parking, many STRs, or large STRs with many visitors.
Garbage storage	The garbage cans at STRs may be taken to the curb one or several days before garbage collection. Neighbors often have concerns about trash and recycling bins stored within public view or directly on the street. This policy would require all recycling and trash bins be stored away from public view and the time when they are curbside for pickup limited, based on the pickup schedule. Encinitas, CA: Trash and refuse shall not be left in public view except for on the evening before and day of trash pick-up. Manzanita: Owner shall provide covered and secured containers and provide for side yard garbage removal.	Scale of Impact – Low. This strategy would affect the quality of life on neighbors nearby STRs, reducing the nuisance of garbage cans at the curb for several days.
Limitation and Prohibition of STRs		
Prohibition of STR	If the community is strongly against vacation rentals, the City can prohibit STRs or allow STRs only in some zones. STR prohibition can differ by unit type (e.g. not allowed in multi-family units or not allowing STRs in ADUs) or by land-use (e.g., not allowing STRs in specific zones). Bandon: No STRs in Single-Family Zones. STRs are allowed in Controlled Development Zones (ocean front/jetty and bluff areas); Old Town Commercial (C-1) and Light Industrial Zone. Ashland: No STRs in Single-Family Zones. STRs are allowed in commercial (C-1), employment (E-1) and owner-occupied in multi-family zones (R-2 & R-3). Cannon Beach: No STRs in Single-Family Zones. Owner-occupied B&B allowed in R-2 & R-3 zones. (Source: Ashland Summary of Oregon VR Zoning, 2012)	Scale of Impact – Moderate to High. The impact of total prohibition of STRs could be significant for the city if there is significant tourism in the city. The impact of prohibition of STRs by area or by type of unit would depend on the scope of the prohibitions.

Strategy Name	Description	Scale of Impact
Limitations on the number or percentage of STRs	<p>The City can limit the number or concentration of STRs in specific neighborhoods or areas of the city. The City can limit concentration of STRs through one, or a combination, of the following:</p> <ul style="list-style-type: none"> • Set a maximum percent of units or tax lots citywide that can be STRs • Limit number citywide or per neighborhood • Set a maximum percent of units or tax lots in specific neighborhoods or zones that can be STRs • Set a minimum distance between STRs • Limit number per street segment • Set limits on STRs by census tract <p>Cannon Beach: Total vacation rental permits are capped at 92 citywide.</p> <p>Nashville, TN: Cap on number of non-owner occupied STRs in each Census Tract</p> <p>Mendocino County, CA: County must maintain a ratio of "thirteen (13) long term residential dwelling units to one (1) single unit rental or vacation home."</p> <p>Austin, TX: Limits the percent of STRs by census tract.</p> <p>Durango, CO: Limit of one STR per street segment.</p>	<p>Scale of Impact – Moderate to High. Number or concentration limits can provide compromise for STR advocates, neighbors, and concerned citizens. The scale of impact depends on the current concentration of STRs and the imposed concentration limit.</p>
Limits on Rental Periods	<p>The City can place a limit on the number of days per year that a property can be rented. This can be done by prohibiting STRs from being rented more than a certain number of nights per year or set minimum night requirements (e.g., require a minimum of three nights stay).</p> <p>Telluride, CO: Short term rentals in the residential zone may be rented no more than a cumulative 29 days and no more than three times per calendar year. "For example, you may rent your property once for 15 days, once for 10 days and once for 4 days total in a calendar year."</p>	<p>Scale of Impact – Moderate to High. The impact of this strategy would depend on whether current issues are associated with length or frequency of stays. If adopted this could become a code enforcement burden for city staff.</p>
Owner-occupied / owner-onsite exemptions	<p>If STRs are prohibited or strongly limited, an exception that would allow STRs would be allowing them in dwellings where the unit owner lives most or all of the year. For example, STR could be allowed in a unit that the owner lives in for a minimum number of 'x' months of the year (e.g., an owner who lives in the unit nine months of the year and rents it out three months of the year). STRs could also be limited to properties where the owner lives "onsite," such as rental of one or two rooms in a house that the owner lives in. Enforcement of this policy may be difficult, given the need to track who is using the STR throughout the year.</p> <p>Portland: Allows short-term rental of housing provided owner lives there more than nine months per year.</p>	<p>Scale of Impact – Moderate to High. This strategy would primarily affect rentals where the owner lives in the city part of the year or units where individual rooms are rented in an owner-occupied unit.</p>

Programs that Provide Financial Assistance

The following policies focus on ways in which the City and other community stakeholders can provide financial assistance to potential and existing residents in order to increase housing affordability and accessibility for multiple income groups.

Strategy Name	Description	Scale of Impact
Rental assistance programs	<p>A variety of programs to provide rental assistances, many of which are not under direct city control, including but not limited to:</p> <ul style="list-style-type: none"> • Section 8 Voucher: This assistance subsidizes the difference between 30 to 40 percent of a household’s income and the area’s Fair Market Rent (FMR). • Rental assistance programs. These programs offer a range of services, such as assistance with security deposits. • Rent Control. Rent control regulations control the level and increases in rent, over time resulting in rents that are at or below market rates. • Partnerships. Cities often work with partnerships with nonprofit agencies that provide rental assistance. 	<p>Scale of Impact – Small. Renter assistance programs are important. However, limited city funds mean that the number of households that benefit from rental assistance resulting from city funding is relatively small.</p>
Develop Housing Options and Services to Address and Prevent Houselessness	<p>The city can partner with agencies and nonprofit organizations that provide housing and services to people experiencing houselessness. This could include: (1) working with partners to support development of an emergency shelter for people experiencing houselessness, (2) working with service providers who provide rapid re-housing services to exit houselessness, (3) work with nonprofit housing developers and service providers to develop an application to the State for funding for permanent supportive housing, and (4) work with partners to support transitional housing development. This strategy ties to the strategies to expand affordable rental housing and preserve affordable housing.</p>	<p>Scale of Impact – Low to Moderate. Depends on the actions of each partner taken.</p>
Home ownership programs	<p>Cities use a variety of programs to assist with homeownership, including but not limited to:</p> <ul style="list-style-type: none"> • Homebuyer Assistance Programs. These Down Payment Assistance loans help low- or moderate-income households cover down payment and closing costs to purchase homes on the open market. These programs either give loans or grants, most frequently to first time homebuyers. • Partnerships. Cities often work with partnerships with nonprofit agencies that provide homeownership assistance. 	<p>Scale of Impact – Small. While homeownership programs are important, limited funds mean that the number of households that benefit from homeownership programs is relatively small.</p>

Strategy Name	Description	Scale of Impact
Housing Rehabilitation Programs	Cities often offer home rehabilitation programs, which provide loans to low- and moderate-income households for rehabilitation projects such as making energy efficiency, code, and safety repairs. Some programs provide funding to demolish and completely reconstruct substandard housing.	Scale of Impact – Small. Limited fund availability means that relatively few households will be able to access housing rehabilitation funds.
Weatherization Funds through Community Action Agencies	Use weatherization funds administered by statewide network of Community Action Agencies to preserve aging housing stock occupied by income-qualified residents. The City could play an active role in supporting this program by providing informational/promotional assistance to residents.	Scale of Impact – Low to Moderate. Depends on availability of funding.
Employer-Assisted Housing	Employer-assisted housing (EAH) can be provided directly to the individual employee in the form of mortgage subsidies, down-payment assistance, relocation payments and the like or the city can help to increase the supply of housing by requiring or encouraging employers to participate in the development of additional housing units through such actions as the provision of land, construction financing or purchase/lease guarantees, and down-payment assistance.	Scale of Impact – Small to Moderate. The scale of the impact of EAH programs will depend on the size of the employer, eligibility criteria, and the type of assistance offered. If one or more large employers offers an EAH program with substantial assistance that provides enough assistance to make housing in the city affordable for low- and moderate-income households, then an EAH program can have a sizeable impact.
Green and Location Efficient Mortgages	Green mortgages, also called Energy Efficient Mortgages, allow the homebuyer to roll the costs of making specific energy-saving improvements into the purchase price of a home. Location Efficient Mortgages® increase the borrowing ability of homebuyers in areas that are more walkable and provide good multimodal access on the assumption that households in these areas will have more income available that can be directed toward housing.	Scale of Impact – Small. Unless a new funding source is identified, the number of households able to access these types of loans would be small.

Lower Development or Operational Costs

The following policies focus on ways in which the City and other entities involved in development can provide financial assistance to lower development or operational costs in a city in order to increase housing affordability and available housing stock.

Strategy Name	Description	Scale of Impact
Programs or policies to lower the cost of development		
Parcel assembly	<p>Parcel assembly involves the city’s ability to purchase lands for the purpose of land aggregation or site assembly. It can directly address the issues related to limited multifamily lands being available in appropriate locations (e.g., near arterials and commercial services). Typical goals of parcel assembly programs are: (1) to provide sites for rental apartments in appropriate locations close to services and (2) to reduce the cost of developing multifamily rental units.</p> <p>Parcel assembly can lower the cost of multifamily development because the City is able to purchase land in strategic locations over time. Parcel assembly is often associated with development of affordable housing (affordable to households with income below 60% of MFI), where the City partners with nonprofit affordable housing developers.</p> <p>Parcel assembly can be a critically important role for cities to kick start quality affordable housing and work force housing projects that can be positive catalysts for market rate development.</p>	<p>Scale of Impact – Small to Large. Parcel assembly is most likely to have an effect on a localized area, providing a few opportunities for new multifamily housing development over time.</p>
Land Banking	<p>Land banks support housing development by reducing or eliminating land cost from development, with the goal of increasing the affordability of housing. They can take several forms. Many are administered by a non-profit or non-governmental entity with a mission of managing a portfolio of properties to support affordable housing development over many years or decades. Ideally, a land bank is set up to manage financial and administrative resources, including strategic property disposal, for the explicit purpose of supporting affordable housing development. Cities can partner with non-profits or sometimes manage their own land banks. Cities may also donate, sell, or lease publicly-owned land for the development of affordable housing even without a formal ‘land bank’ organization.</p> <p>Land banks are purposed for short-term ownership of lands. Lands acquired are often vacant, blighted, or environmentally-contaminated. Land banks may also acquire lands with title defects or of which derelict structures sit. Lands are eventually transferred to a new owner for reuse and redevelopment.</p>	<p>Scale of Impact – Small to Large. A land bank will have the biggest impact on production of low- and moderate-income affordable housing. Considering how difficult it is to build this type of affordable housing and the level of need for affordable housing, a land bank could increase nonprofits’ capacity to build affordable housing.</p>
Land Trusts	<p>A land trust is typically a nonprofit organization that owns land and sells or leases the housing on the land to income-qualified buyers. Because the land is not included in the housing price for tenants / buyers, land trusts can achieve below-market pricing. Land trusts are most commonly used as a method for supporting affordable home ownership goals.</p>	<p>Scale of Impact – Small to Large. A land trust will have the biggest impact on production of low- and moderate-income affordable housing. Considering how difficult it is to build this type of affordable housing and the level of need for</p>

Strategy Name	Description	Scale of Impact
	<p>Land trusts are purposed for long-term stewardship of lands and buildings. Lands / buildings acquired may have need for remediation or redevelopment. Lands / buildings may have also been acquired to preserve affordability, prevent deferred maintenance, or protect against foreclosure.</p> <p>Portland: Proud Ground (Portland Metro Area) was founded in 1999 and has grown into one of the largest community land trusts in the country. The organization focuses on affordable homeownership and controls ground leases associated with 270 homes in Multnomah, Washington, Clackamas, and Clark County.</p>	affordable housing, a land trust could increase nonprofits' capacity to build affordable housing.
Limited Equity Housing Cooperative	<p>Limited equity housing is a housing model where people purchase a “share” of a development of housing and have the right to occupy a dwelling unit. A nonprofit owns all of the houses in the development and sells shares in the development to people who want to live there. In Davis, CA, shares are generally sold for around \$6,000 each (in 2014).</p> <p>As the value of the housing in the development appreciates, the value of the share appreciates. When the shareowner moves from the development, he or she sells their share and gets the appreciated value of their share.</p> <p>The potential application of such a cooperative in Sandy would require more research before implementing such a policy.</p>	Scale of Impact – Small. Depends on the size of the cooperative and funds available to support and grow the cooperative.
Public Land Disposition	<p>The public sector sometimes controls land that has been acquired with resources that enable it to dispose of that land for private and/or nonprofit redevelopment. Land acquired with funding sources such as tax increment, EB-5,³ or through federal resources such as CDBG or HUD Section 108 can be sold or leased at below market rates for various projects to help achieve redevelopment objectives. This increases development feasibility by reducing development costs and gives the public sector leverage to achieve its goals via a development agreement process with the developer. Funding can come from Tax Increment, CDBG/HUD 108, or EB-5.</p> <p>Cities across Oregon use publicly owned land to support affordable and market-rate housing development. In some cases, municipalities put surplus public land into land banks or land trusts.</p> <p>Tri-Met: Tri-Met is evaluating re-use of construction staging sites for future affordable housing and/or transit-orient development sites.</p>	Scale of Impact – Small to Moderate. Depends on whether the City has surplus land that would be appropriate for future housing development.

³ EB-5 Immigrant Investor Program: Attracts investment dollars for new commercial enterprises by allowing entrepreneurs to apply for their green card if they make the necessary investment in a US commercial enterprise and plan to create or preserve 10 permanent full-time US jobs.

There are two versions of the program: 1) the original program that requires foreign investor to commit \$1 million for eligible projects that create at least 10 full-time direct jobs, and 2) the newer program that allows foreign investors to commit \$500,000 in eligible projects within Targeted Employment Areas that create at least 10 direct and/or indirect jobs. In return for these investments, foreigners seek US citizenship.

Strategy Name	Description	Scale of Impact
	<p>Cottage Grove: Cottage Grove is working with the school district to discuss and plan for use of surplus school district land for future housing development.</p>	
<p>Reduced / Waived Planning fees or SDCs</p>	<p>Programs that reduce various development fees as an incentive to induce qualifying types of development or building features. There are a number of avenues to seek reduced or waived fees. There are commonly used tools, often implemented in conjunction with development agreements or other development negotiation processes.</p> <p>Portland: Offers SDC exemptions for affordable housing. Portland's SDC Exemption Program exempts developers of qualifying affordable housing projects from paying SDCs levied by the City of Portland for transportation, water, parks and environmental services. Eligible rental projects must serve households earning at or below 60% of the AMI for a 60-year period. Portland also offers SDC waivers for development of ADUs.</p> <p>McMinnville: Offers SDC exemptions and reduced permit fees for affordable housing. Building and planning permit fees for new or remodel housing construction projects are reduced by 50% for eligible projects and SDCs for transportation, wastewater and parks are exempted at 100%. Reductions/exemptions are prorated for mixed use or mixed-income developments. The property must be utilized for housing for low-income persons for at least 10 years or the SDCs must be paid to the city.</p>	<p>Scale of Impact – Small. Can improve development feasibility.</p>
<p>Scaling SDCs to Unit Size</p>	<p>Cities often charge a set SDC per dwelling unit, charging the same SDCs for large single-family detached units as for small single-family detached units or accessory dwelling units. Some cities have started scaling SDC based on the size of the unit in square feet. Offering lower SDC for smaller units can encourage development of smaller units, such as small single-family detached units or cottage cluster units.</p> <p>If the City wants to consider scaling SDCs, the City will need to do an SDC rate study to understand the potential impacts of this type of SDC.</p> <p>Newport: Newport scales SDCs for water, wastewater, stormwater, and transportation. The City has a base SDC rate (per square foot) of built space. For example, a 1,000 square foot unit would be charged \$620 for water SDC (\$0.62 per square foot). A 2,000 square foot unit would be charged \$1,204 for the water SDC (\$0.62 per square foot for the first 1,700 square feet and \$0.50 for the additional 300 square feet).</p>	<p>Scale of Impact – Small to Moderate. Can improve development feasibility for smaller units.</p>
<p>Reduce or Exempt ADUs from SDCs</p>	<p>Reduce or offer waivers for SDCs for ADUs to increase the financial feasibility for developing an ADU. If the city waives SDCs for ADUs, the city will need to backfill the cost of the SDCs from another funding source.</p>	<p>Scale of Impact – Small to Moderate. Can incentivize development accessory dwelling units.</p>

Strategy Name	Description	Scale of Impact
SDC Financing Credits	<p>May help to offset the an SDC charge, which is a one-time fee that is issued when there is new development or a change in use.</p> <p>SDC financing enables developers to stretch their SDC payment over time, thereby reducing upfront costs. Alternately, credits allow developers to make necessary improvements to the site in lieu of paying SDCs. Note that the City can control its own SDCs, but often small cities manage them on behalf of other jurisdictions including the County and special districts. SDCs are granted when the project makes lasting improvements, such as improving roads, reducing number of trips, create or improve parks or recreational centers, and permanently removing water services.</p>	<p>Scale of Impact – Small to Moderate. The City may consider changes in SDCs to allow financing, but the City would want to ensure that the impact does not negatively impact the City’s near-term finances or ability to fund needed capital projects.</p>
Sole Source SDCs	<p>Retains SDCs paid by developers within a limited geographic area that directly benefits from new development, rather than being available for use city-wide. This enables SDC-eligible improvements within the area that generates those funds to keep them for these improvements. Improvements within smaller areas can enhance the redevelopment value of the area. This tool can also be blended with other resources such as LIDs and Urban Renewal (Tax Increment Financing). Funding can come from an SDC fund or general fund. In some cases, there may be no financial impact. The housing can come in the form of student, low-income, or workforce housing.</p>	<p>Scale of Impact – Small to Moderate. Depends on how the tool is implemented and whether it is used with other tools, such as LIDs or Urban Renewal.</p>
Fees or Other Dedicated Revenue	<p>Directs user fees into an enterprise fund that provides dedicated revenue to fund specific projects. Examples of those types of funds can include parking revenue funds, stormwater/sewer funds, street funds, etc. The City could also use this program to raise private sector funds for a district parking garage wherein the City could facilitate a program allowing developers to pay fees-in-lieu or “parking credits” that developers would purchase from the City for access “entitlement” into the shared supply. The shared supply could meet initial parking need when the development comes online while also maintaining the flexibility to adjust to parking need over time as elasticity in the demand patterns develop in the district and influences like alternative modes of travel are accounted for. Funding can come from residents, businesses, and developers. Also, these fees or revenues allow for new revenue streams into the City.</p>	<p>Scale of Impact – Small. Depends on amount of revenue dedicated.</p>
Reimbursement District	<p>A Reimbursement District is a cost sharing mechanism, typically Initiated by a developer. The purpose is to provide a reimbursement method to the developer of an infrastructure improvement, through fees paid by property owners at the time the property benefits from the improvement. A developer applies to create a Reimbursement District by demonstrating benefit to properties beyond their own. In addition, the size of the improvement must be measurably greater than would otherwise be ordinarily required for the improvement</p> <p>Eligible Reimbursement District projects typically include (but are not limited to) construction or connections of a sewer, water, storm water or street improvements. Applications typically include: a fee sufficient to cover the cost of administrative review, a description of the project, properties that would be</p>	<p>Scale of Impact – Small. Depends on interest and the extent that properties benefit from improvements.</p>

Strategy Name	Description	Scale of Impact
	<p>impacted, and a detailed methodology and calculation of how the estimated costs would be reimbursed by payments from benefitted properties over a specified timeframe. A report from the City Engineer is generated in review of the submitted application. After a public hearing process, the council will approve, reject or modify the proposal. The approval of a Reimbursement District results in a resolution and distribution of notice among benefitted properties before construction can begin.</p> <p>Benefitted properties must pay the Reimbursement Fee when they make a physical connection to the improvement (or in the case of a sewer project, when the benefitted property creates an impervious surface that drains into the public sewer) within the Reimbursement District Area. Reimbursement fees are collected by the City and are distributed to the developer for the duration of the Reimbursement District, which are typically 20 years.</p> <p>Sandy already allows reimbursement districts, limited to a duration of 20 years.</p>	
Linkage Fees	<p>Linkage fees are charges on new development, usually commercial and / or industrial development only, that can be used to fund affordable housing. To implement them, a city must undertake a nexus study that identifies a legal connection between new jobs housed in the developments, the wages those jobs will pay, and the availability of housing affordable to those employees.</p> <ul style="list-style-type: none"> • Can be used for acquisition and rehabilitation of existing affordable units. • Can be used for new construction. 	Scale of Impact – Small. Depends on funding capacity.
Add Restrictive Covenants to Ensure Affordability	<p>Adding restrictive covenants to ensure affordability over time at a certain income level for affordable housing developments. Restrictive covenants are usually placed on a property in exchange for a local or state government providing financial contribution to the project. These covenants work best over the short-term (up to 30 years); after that they become unable to accommodate changed/unanticipated circumstances.</p>	Scale of Impact – Small to Moderate. Preserves affordable housing over covenant term.
Tax abatement programs that decrease operational costs by decreasing property taxes		
Vertical Housing Tax Abatement (Locally Enabled and Managed)	<p>The 2017 Legislature passed legislation moving the administration of Vertical Housing Program from Oregon Housing and Community Services (OHCS) to the local City and County beginning Oct 6th, 2017. OHCS no longer administers this program.</p> <p>The legislation subsidizes "mixed-use" projects to encourage dense development or redevelopment by providing a partial property tax exemption on increased property value for qualified developments. The exemption varies in accordance with the number of residential floors on a mixed-use project with a maximum property tax exemption of 80 percent over 10 years. An additional property tax exemption on the land may be given if some or all of the residential housing is for low-income persons (80 percent of area is median income or below).</p>	Scale of Impact – Small to Moderate. The design of the tax abatement program will impact whether and how many developers use the tax abatement, which will affect the scale of the impact.

Strategy Name	Description	Scale of Impact
<p>Multiple-Unit Limited Tax Exemption Program (Locally Enabled and Managed)</p>	<p>Through the multifamily tax exemption, a jurisdiction can incentivize diverse housing options in urban centers lacking housing choices or workforce housing units. Through a competitive process, multi-unit projects can receive a property tax exemption for up to ten-years on structural improvements to the property. Though the state enables the program, each City has an opportunity to shape the program to achieve its goals by controlling the geography of where the exemption is available, application process and fees, program requirements, criteria (return on investment, sustainability, inclusion of community space, percentage affordable or workforce housing, etc.), and program cap. The City can select projects on a case-by-case basis through a competitive process.</p> <p>The passing of HB 2377 - Multiunit Rental Housing Tax Exemption allows cities and counties to create a property tax exemption for newly rehabilitated or newly constructed multi-unit rental housing within their boundaries depending on the number of units made available to low-income households, for up to 10 consecutive years. The bill was crafted to strengthen the connection to affordability by requiring cities and counties to establish a schedule in which the number of years an exemption is provided increases directly with the percentage of units rented to households with an annual income at or below 120 percent of MFI, and at monthly rates that are affordable to such households. While not specifically referenced in the measure, ORS 308.701 defines “Multi-unit rental housing” as: “(a) residential property consisting of four or more dwelling units” and; “does not include assisted living facilities.”</p> <p>All new multifamily units that are built or renovated that offer rent below 120% of AMI are potentially eligible for this tax exemption. In a city with an AMI of \$55,000 (common outside of Portland), that’s rent of \$1,650 per month or less. The tax exemption is for all taxing districts which is administered by the City. Due to this, smaller jurisdictions may have more trouble managing this program.</p> <p>Eugene: Offers a 10-year Multi-Unit Property Tax Exemption (MUPTE) for projects in its eastern downtown core. Eugene’s criteria for granting MUPTE include: Project must provide 5 or more units of housing (not including student housing), development must meet min. density standards, development must comply with minimum green building requirements, a portion of construction and other contracting requirements must be through local business, the development must provide 30% of the units affordable at 100% of AMI or pay a fee of 10% of the value of the tax abatement toward supporting moderate income housing development, demonstrate that the project would not be financially feasible without the exemption by providing 10-year pro forma with and without MUPTE and comply with other criteria.</p> <p>Salem: The City of Salem’s Multi-Unit Housing Tax Incentive Program (MUHTIP) was adopted in 2012 to spur the construction of “transit supportive” 4 multi-unit housing in the city’s downtown core. To qualify for</p>	<p>Scale of Impact – Small to Moderate. The design of the tax abatement program will impact whether and how many developers use the tax abatement, which will affect the scale of the impact.</p>

⁴ City of Salem, “Multi Unit Housing Tax Incentive Program,” <https://www.cityofsalem.net/Pages/multi-unit-housing-tax-incentive-program.aspx>.

Strategy Name	Description	Scale of Impact
	the exemption, projects must consist of at least two dwelling units, be located in the city's "core area," and include at least one public benefit.	
<p>Nonprofit Corporation Low Income Housing Tax Exemption</p> <p>and</p> <p>Low-Income Rental Housing Tax Exemption</p>	<p>Note: These are two separate tax exemptions available under statute (ORS 307.515 to 307.523 / ORS 307.540 to 307.548). They are grouped together for their similarities (but differences are noted). Both are used to reduce operating costs for regulated affordable housing affordable at 60% AMI or below. Requires the City to adopt standards and guidelines for applications and enforcement mechanisms.</p> <p>The low-income rental housing program exemption lasts 20 years. The city manages the program, including adopting standards and guidelines for applications and enforcement mechanisms, as well as processes applications. The city determines the eligible areas, which can be located anywhere in the city.</p> <p>The tax exemption is only for city taxes, unless the boards of districts representing at least 51% of combined levy agree to the exemption for a given property, in which case all districts are included.</p> <p>The nonprofit corporation low-income housing program must be applied for every year but can continue as long as the property meets the criteria.</p> <p>Eligible projects and properties are new rental housing exclusively for households with income of 60% or less of median family income, as well as existing nonprofit-owned housing. The exemption covers land and improvements of the development. Rents must reflect the full value of the property tax abatement and City can add additional criteria.</p> <p>There is no requirement that construction must be complete prior to the application for the exemption to the City.</p> <p>Programs both work well in tandem with other incentives, such as land banking.</p>	<p>Scale of Impact – Small to Moderate. This tax exemption reduces operating costs, meaning it is a tool more useful to property owners of affordable housing projects. Developers, who do not own and operate their own projects, may be less inclined to use the program.</p>

Funding Sources to Support Residential Development

The following policies focus on ways to pay for the costs of implementing the affordable housing programs and infrastructure development.

Strategy Name	Description	Scale of Impact
<p>Urban Renewal / Tax Increment Finance (TIF)</p>	<p>Tax increment finance revenues are generated by the increase in total assessed value in an urban renewal district from the time the district is first established. As property values increase in the district, the increase in total property taxes (i.e., City, County, school portions) is used to pay off the bonds. When the bonds are paid off, the entire valuation is returned to the general property tax rolls. TIFs defer property tax accumulation by the City and County until the urban renewal district expires or pays off bonds. Over the long term (most districts are established for a period of 20 or more years), the district could produce significant revenues for capital projects. Urban renewal funds can be invested in the form of low-interest loans and/or grants for a variety of capital investments:</p> <ul style="list-style-type: none"> • Redevelopment projects, such as mixed-use or infill housing developments • Economic development strategies, such as capital improvement loans for small or startup businesses which can be linked to family-wage jobs • Streetscape improvements, including new lighting, trees, and sidewalks • Land assembly for public as well as private re-use • Transportation enhancements, including intersection improvements • Historic preservation projects • Parks and open spaces <p>Urban renewal is a commonly used tool to support housing development in cities across Oregon. Cities can create a TIF set-aside for affordable housing development programs within designated Urban Renewal Areas. The target could be to set aside funds for affordable housing projects as a medium-term action, over the next 5 years or so. For example: Portland City Council designates 45% of the gross amount of TIF for designated housing purposes (rental housing for households under 60% of Area Median Income (AMI) and homeownership for households under 80% of AMI).</p> <p>Sandy has a robust urban renewal district with lots of incentive programs for businesses. It does not fund affordable efforts housing though.</p>	<p>Scale of Impact – Moderate to Large. Urban Renewal funding is a flexible tool that allows cities to develop essential infrastructure or provides funding for programs that lower the costs of housing development (such as SDC reductions or low interest loan programs). Portland used Urban Renewal to assist with redevelopment across the City, including the Pearl District and South Waterfront.</p>

<p>Construction Excise Tax (CET)</p>	<p>CET is a tax assessed on construction permits issued by local cities and counties. The tax is assessed as a percent of the value of the improvements for which a permit is sought, unless the project is exempted from the tax. In 2016, the Oregon Legislature passed Senate Bill 1533 which permits cities to adopt a construction excise tax (CET) on the value of new construction projects to raise funds for affordable housing projects. CETs may be residential only, commercial only, or residential and commercial. If the City were to adopt a CET, the tax would be up to 1% of the permit value on residential construction and an uncapped rate on commercial and industrial construction. The allowed uses for CET funding are defined by the state statute. The City may retain 4% of funds to cover administrative costs. The funds remaining must be allocated as follows, if the City uses a residential CET:</p> <ul style="list-style-type: none"> • 50% must be used for developer incentives (e.g. fee and SDC waivers, tax abatements, etc.) • 35% may be used flexibly for affordable housing programs, as defined by the jurisdiction. • 15% flows to Oregon Housing and Community Services for homeowner programs. <p>If the City implements a CET on commercial or industrial uses, 50% of the funds must be used for allowed developer incentives and the remaining 50% are unrestricted. The rate may exceed 1% if levied on commercial or industrial uses.</p> <p>Portland: The City of Portland’s CET went into effect in 2016. It levies a 1% CET on residential, commercial, and industrial development valued at \$100,000 or more, with all revenues going toward affordable housing. The revenues pay for production of housing at or below 60% AMI, developer incentives for inclusionary zoning, along with state homeownership programs.</p> <p>Bend: Adopted a CET of 0.3% on residential, commercial, and industrial development in 2006, with revenues dedicated to loans to fund developments by profit and nonprofit affordable housing developers. The fee has raised \$11 million as of 2016, allowing the City to lend money to fund 615 units. The fund has leveraged \$63 million in state and federal funding and \$14 million in equity.</p> <p>Milwaukie: Adopted a CET on commercial, residential, and industrial development in November of 2017. The City exempted deed-restricted affordable housing, ADUs, and improvements less than \$100,000 from paying the CET. The adopting ordinance allocates funds as required by state statutes, specifying that flexible funds from the commercial improvements will be used 50% toward housing available to those making up to 120% of MFI, and 50% for economic development programs in areas with sub-area plans (such as Downtown and Riverfront, and the City’s urban renewal areas).</p> <p>Sandy has a CET for the school district. It is \$1 for every 1 sq foot of construction for residential development and \$.50 for every 1 sq ft of construction for commercial and industrial development.</p>	<p>Scale of Impact – Small to Large. Depends on the amount of funding available.</p>
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Local Innovation and Fast Track (LIFT) Program for Affordable Rental Housing Development	The Local Innovation and Fast Track (LIFT) Housing Program's objective is to build new affordable housing for low income households, especially families. Funds are available for Serving Historically Underserved Communities, Rural and Urban Set-asides, Urban Communities, Service to Communities of Color, and Rural Communities. Available for affordable homeownership units (below 80% AMI).	Scale of Impact – Small to Large. Depends on the amount of funding available.
General Fund and General Obligation (GO) Bonds	<p>Allows funding for a project that is not dependent on revenue from the project to back the bond. City can use general fund monies on hand or can issue bonds backed by the full faith and credit of the city to pay for desired public improvements.</p> <p>Property taxes are increased to pay back the GO bonds.</p> <p>Portland: Passed a \$258 million bond for affordable housing in 2016. The goal of the bond is to build or preserve up to 1,300 units in the next five to seven years. The city issued a request for information to solicit interest in acquiring properties or land under the affordable housing bond. The city is looking for opportunities to acquire existing properties of 20 or more units, or vacant land that is appropriately zoned for 20+ housing units, and is looking for both traditional and nontraditional development opportunities.</p>	Scale of Impact – Moderate to Large. GO Bonds can be used to develop essential infrastructure or provides funding for programs that lower the costs of housing development (such as SDC reductions or low interest loan programs).
Local Improvement District (LID)	<p>Enables a group of property owners to share the cost of a project or infrastructural improvement.</p> <p>An LID is a special assessment district where property owners are assessed a fee to pay for capital improvements, such as streetscape enhancements, underground utilities, or shared open space. For residential property, the estimated assessment cannot exceed the pre-improvement value of the property based on assessor records.</p> <p>An ordinance must be passed through a public hearing process which must be supported by a majority of affected property owners. Part of this process includes an estimation of the improvement costs and the portion of those costs in which property owners will be responsible to pay for. The public hearing process allows for LIDs to be challenged by property owners.</p> <p>The City collects the funds and regardless if the actual cost is greater than the estimated cost (on which the assessment was based), the City may make a deficit assessment for the additional cost, which would be prorated among all benefitted properties. Another public hearing would be held, in the event that an additional assessment was placed property owners (due to underestimation).</p> <p>City of Sandy does allow LIDs.</p>	Scale of Impact – Small to Large. Depends on the amount of funding available and bond capacity.

CDBG	The Community Development Block Grants program is a flexible program that provides annual grants on a formula basis to both local governments and states. Grants are awarded on a 1, 2, or 3-year period. It is required that at least 70% of the CDGB funds are used for activities that benefit low- and moderate-income. Additionally, each activity must address any threats to health or welfare in the community (for which other funding is unavailable). These funds can be used for acquisition and rehabilitation of existing affordable units, as well as new construction that prioritizes community development efforts.	Scale of Impact – Small to Large. Depends on the amount of funding available.
General Fund Grants or Loans	A city can use general fund or tax increment dollars to directly invest in specific affordable housing projects. These grants or loans can serve as gap funding to improve development feasibility. There are several options for using general fund grants or loans, including the potential for bonds to generate upfront revenue that is repaid over time, as recently approved in the City of Portland. Another option is to use general fund dollars to contribute to other programs that are successfully operating, such as non-profit land trusts or even other government agencies that have the administrative capacity to maintain compliance requirements over time, using intergovernmental agreements.	Scale of Impact – Small to Large. Depends on the amount of funding available.
Transient Lodging Tax (TLT)	Generates revenue by primarily taxing tourists and guests using temporary lodging services. Taxes for temporary lodging at hotels, motels, campgrounds, and other temporary lodgings. Oregon has a statewide TLT and cities and counties can also charge a local TLT subject to certain limitations. The statutes specify that 70% must be used for tourism promotion or tourism related facilities and 30% is unrestricted in use, and there cannot be a reduction of the total percent of room tax. The state tax is specified at 1.8%; local government tax rates vary as local governments set the rate for their jurisdiction by ordinance. Cities and counties may impose taxes on transient lodging. Alternatively, some cities have an agreement for the county to impose the tax and cities share in a percent of the revenue.	Scale of Impact – Small. The amount of funding from TLT is likely to be relatively small, given that only 30% of TLT funds have unrestricted use.
Foundation Awards	Local, regional, and national foundations provide both capital funding and program funding for a wide variety of innovative housing models and programs. In Oregon, the Meyer Memorial Trust and Oregon Community Foundation (OCF) may fund innovative housing models and programs	Scale of Impact – Small to Moderate. Depends on award amounts.

Policies to Support Housing Equity

The following policies focus on ways to increase equity in decision making about housing and further fair housing within the city.

Strategy Name	Description	Scale of Impact
<p>Implement all Housing Policies through a Lens of Social and Racial Equity</p>	<p>Develop a social and racial equity and inclusion lens to evaluate all housing policies, which recognizes historical inequities in housing to underserved communities and aims to rectify inequities going forward by establishing an equitable housing program and a measurable action plan toward equitable housing.</p> <p>This could include developing an equitable housing plan. The plan could include, for example, initial steps, action plan with goals and a method to measure progress to achieve more equitable housing and continuously examine ways to make improvements to the housing system to achieve equity.</p> <p>Oregon, Clackamas County, and cities across the state have a history of discrimination against Black and other BIPOC populations, such as exclusion from landownership by African Americans and taking of land from Native Americans through the 1850 Oregon Donation Land Act.⁵ More recently, real estate practices in the U.S. and Oregon after World War II (e.g., not selling homes to Black residents in predominantly White neighborhoods and denial of low-interest mortgages to Black homeowners) resulted in the de facto segregation of the Black community within Oregon. This history of discriminatory practices against non-White communities has resulted in a legacy of modern-day challenges and economic disparities. Zoning ordinances (and other land use documents) may still reflect and reinforce exclusionary zoning practices.</p> <p>The purpose of implementing housing policies through a lens of social and racial equity, such as developing an equitable housing plan, is intended to address the on-going impact of these practices.</p> <p>Wilsonville: Developed an Equitable Housing Strategic Plan in 2020, in which the City committed to a set of actions over the next several years that will lead towards more equitable housing outcomes. The plan's actions encourage the production of more diverse housing types with access to services, improve partnerships with housing providers, expand homeownership opportunities, and reduce displacement risk for Wilsonville residents. This plan will guide Wilsonville in implementing housing policies through an equity lens.</p>	<p>Scale of Impact – Small to Large. Depends on the changes in policy making processes.</p>

⁵ Portland State University. 2019. *Invisible Walls: Housing Discrimination in Clackamas County*, HST 4/595, Public History Seminar: Understanding Residential Segregation in Oregon.

<p>Adopt Affirmatively Furthering Fair Housing as a Housing Policy in Comprehensive Plan</p> <p>and</p> <p>Provide Fair Housing Education, Referral, and Other Services</p>	<p>Amend the comprehensive plan to explicitly make Affirmatively Furthering Fair Housing a Housing Policy. The city may consider whether the Comprehensive Plan is the appropriate location for this policy. A part of this policy is ensuring there are opportunities for education about fair housing to residents, property owners, property managers, realtors, lenders and others involved with real estate transactions with access to Fair Housing information and referrals. Educate city staff on how to identify potential Fair Housing violations and make referrals to the Fair Housing Council of Oregon and state and local enforcement agencies. The city could partner with and fund Fair Housing Council of Oregon to provide periodic Fair Housing Audit Testing, customized outreach and education and other specialized services.</p> <p>Provide residents, property owners, property managers, realtors, lenders and others involved with real estate transactions with access to Fair Housing information and referrals. Educate city staff on how to identify potential Fair Housing violations and make referrals to the Fair Housing Council of Oregon and state and local enforcement agencies. Partner with and fund Fair Housing Council of Oregon to provide periodic Fair Housing Audit Testing, customized outreach and education and other specialized services.</p>	<p>Scale of Impact – Small to Moderate. Depends on the actions and existing and on-going discrimination.</p>
<p>Encourage Diverse Housing Types in High Opportunity Neighborhoods</p>	<p>Enable developments that support multiple unit sizes, types, and tenure options to promote diverse housing options in high-opportunity neighborhoods, with a goal of reversing historical patterns of racial, ethnic, cultural and socio-economic exclusion. Use an analysis of “Access to Opportunity” to decide which zones or locations (via zoning overlay) to determine where this is appropriate. The purpose of this strategy is to promote access to opportunity (e.g., high performing schools, multiple transportation options, services, etc.) to households with a range of backgrounds and incomes. This strategy may work well with the incentives for development of affordable and workforce housing described in this strategy.</p>	<p>Scale of Impact – Small to Large. Improve access to opportunity for residents.</p>
<p>Accessible Design</p>	<p>Provide incentives in the development code to increase the number of units designed to meet Universal Design, Lifelong Housing Certification, and other similar standards. This strategy could include pre-approved plan sets (e.g. single-family detached and townhomes with barrier-free / universal design), within the context of ADA and FHA rules.</p>	<p>Scale of Impact – Small to Moderate. Improve housing accessibility for populations that need special accommodations.</p>



Affordable Housing Options City Council Meeting

March 15, 2021

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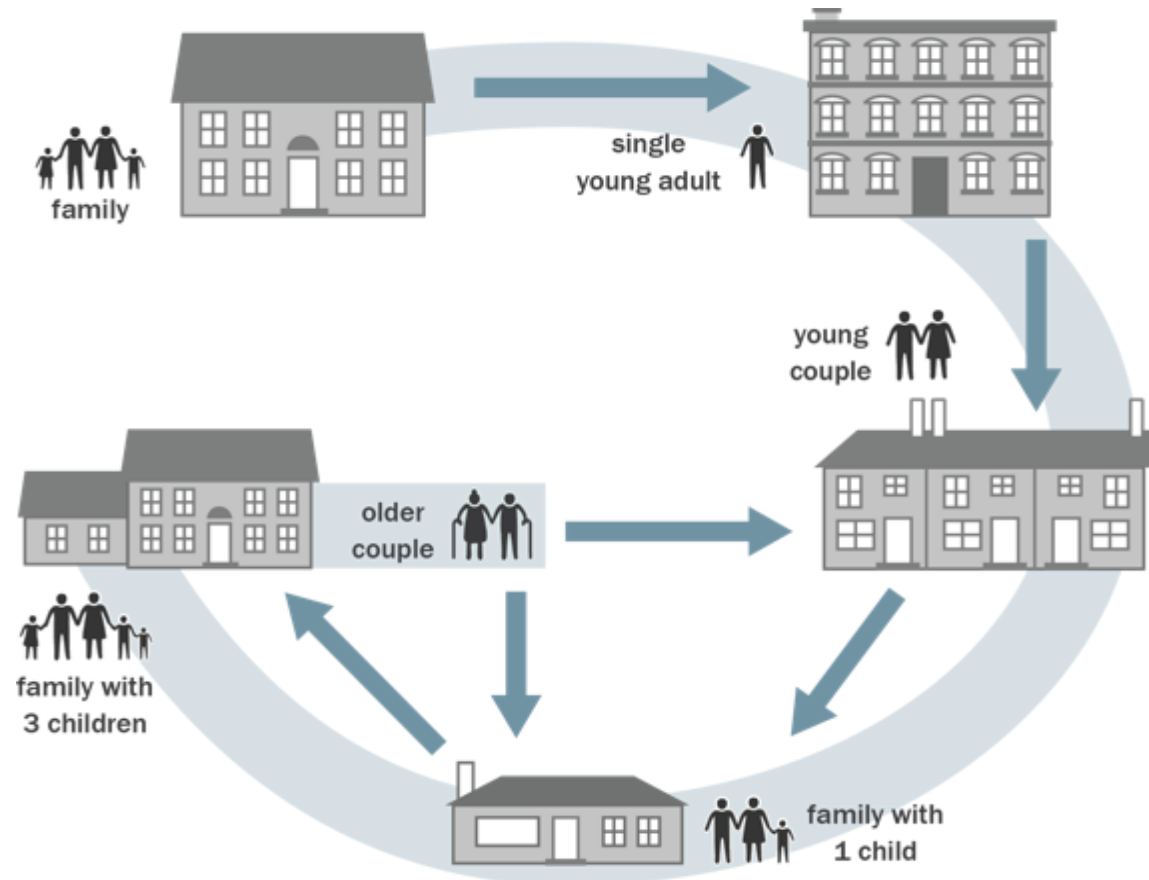
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Agenda and Discussion

- **Housing Affordability in Sandy**
 - Why is affordable housing important?
- **Potential Policies to Address Need for Housing Production and Affordability**
 - Some policies may be important for implementation of HB 2001 and growing middle housing types
 - After the City adopts its next Housing Needs Analysis, with City will need to develop a Housing Production Strategy
- **Next Steps**

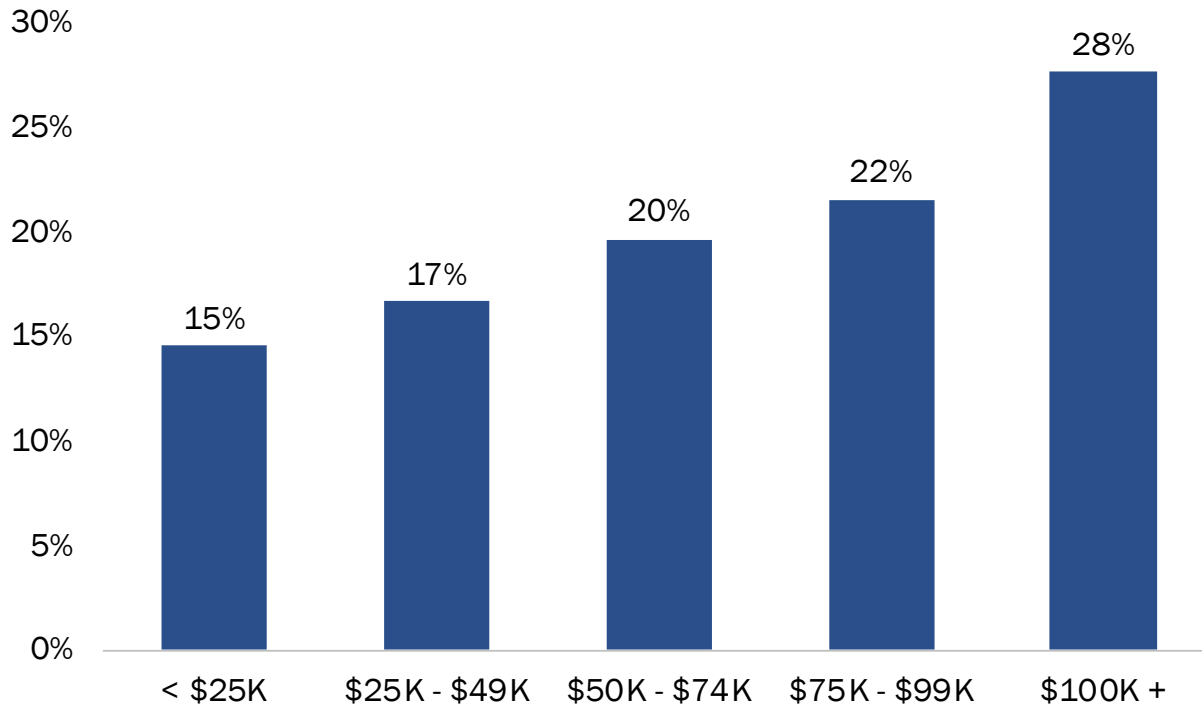
Factors that will affect housing demand

- Age
- Household Composition
- Income



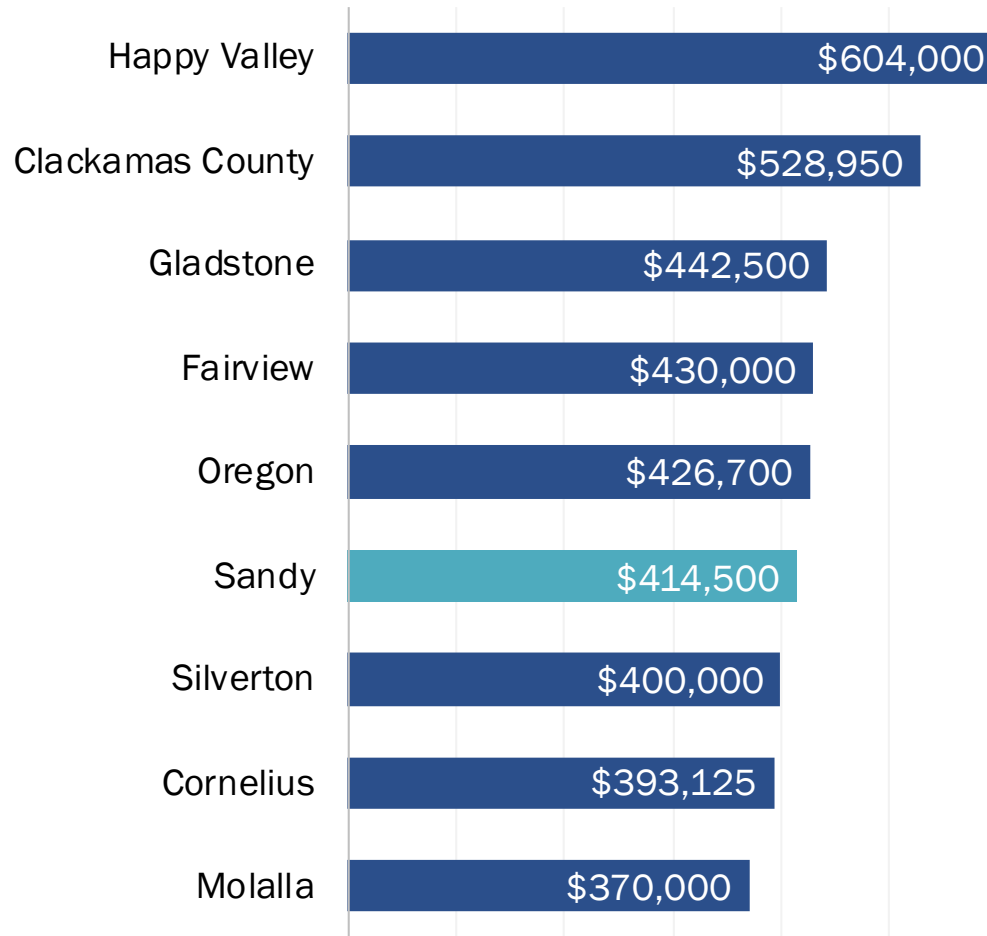
Household Income, Sandy, 2019

Median Household Income, 2019		
Sandy	Clackamas Co.	Oregon
\$73,443	\$80,484	\$62,818



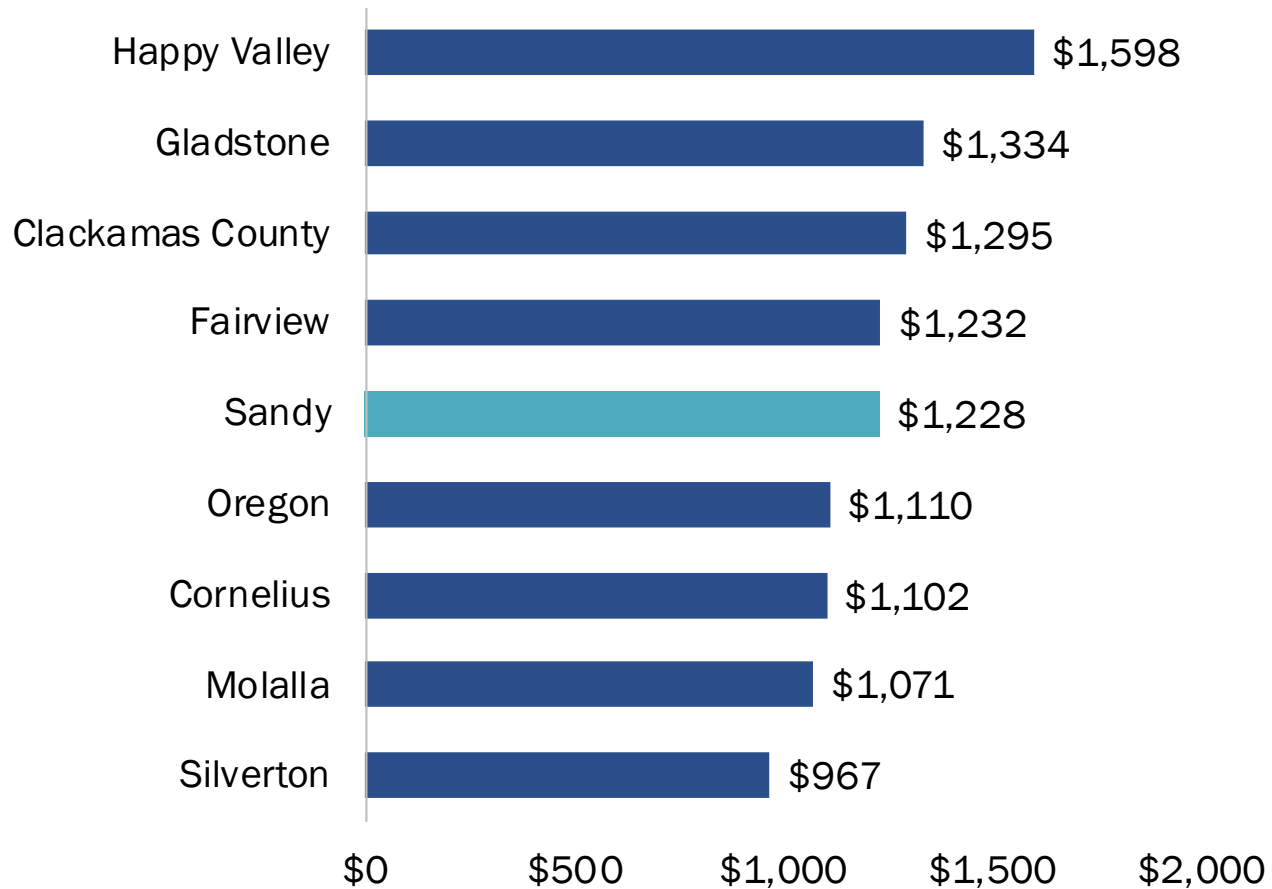
Source: U.S. Census, ACS 2015-2019.

Median Sales Price, 2020



Source: Redfin, 2020.

Monthly Rental Costs



Source: U.S. Census, ACS 2015-2019.

Monthly Rental Costs, Sandy

	Median Gross Rent, All Rental Units	Asking Rent, All Multifamily Rental Units	Typical Asking Rent, 2-Bed Units	New, Market-Rate Housing at Sandyplace Apartments
Monthly cost:	\$1,228	\$1,190	\$1,500	\$1,200 - \$1,900
Source:	ACS 2015-2019	Costar (Feb 2021)	Apartments.com (Feb 2021)	CoStar (Feb 2021)

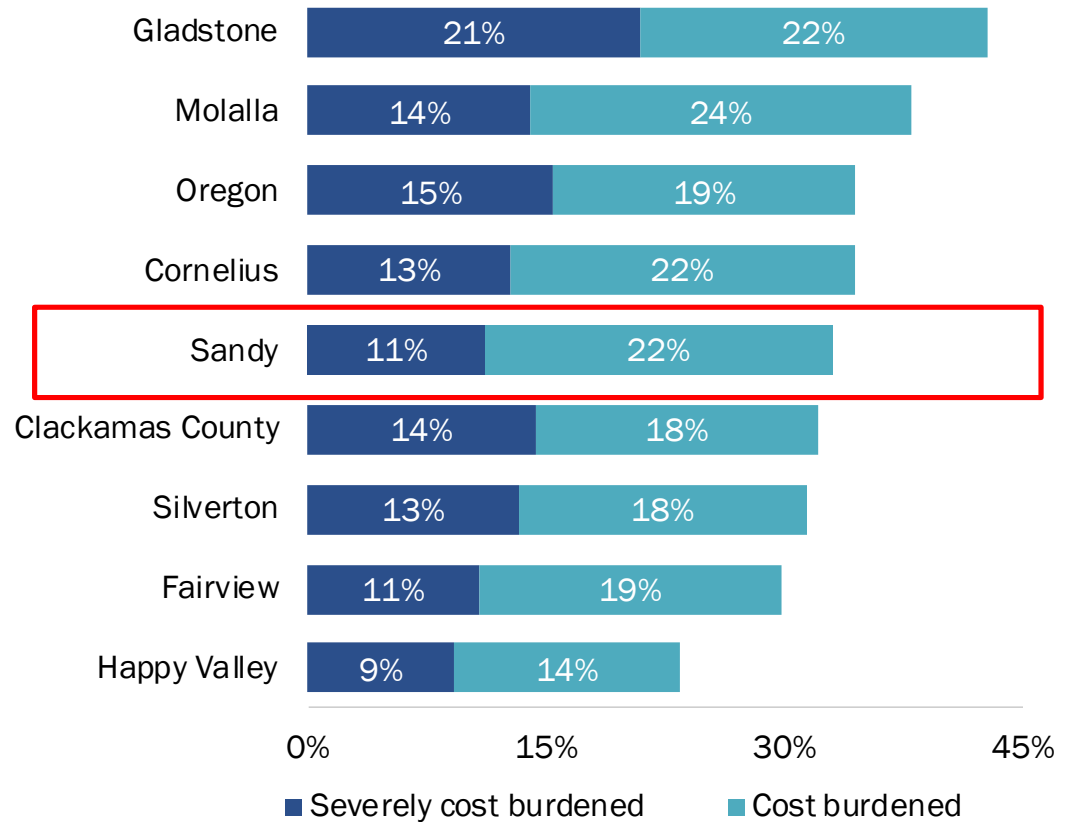


Left: Sandyplace Apartment Homes.

Cost Burden, 2019

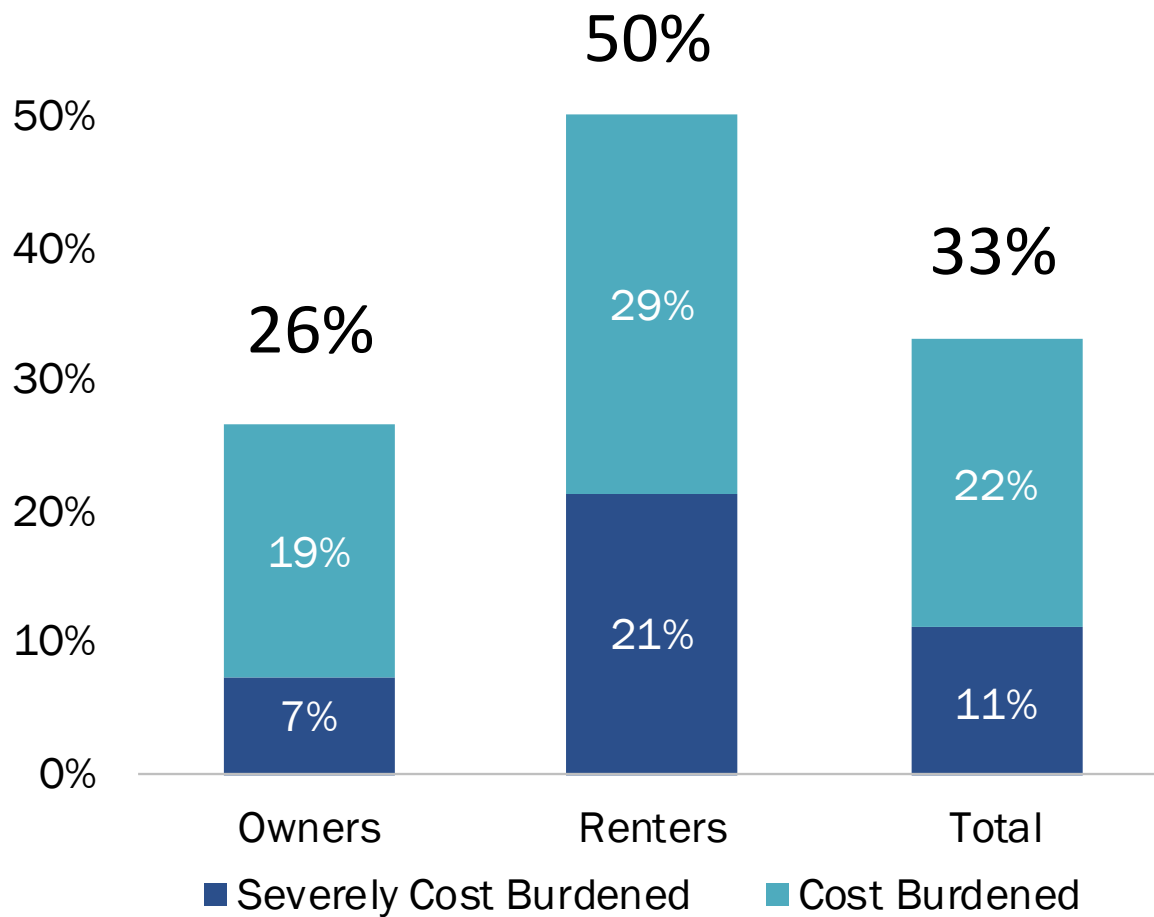
Cost burdened: spending more than 30% of gross income on housing costs

Severely cost burdened: spending more than 50% of gross income on housing costs



Source: U.S. Census, American Community Survey 2015-2019.

Cost Burden by Tenure, Sandy, 2019



Source: U.S. Census, ACS 2015-2019.

Financially Attainable Housing, Sandy

If your household earns....

\$27,600

(30% of MFI)

\$46,100

(50% of MFI)

\$73,700

(80% of MFI)

\$92,100

(100% of MFI)

\$110,500

(120% of MFI)

Then you can afford....

\$690

monthly rent

\$1,150

monthly rent

OR

\$138,000-

\$161,000

home sales price

\$1,840

monthly rent

OR

\$258,000-

\$295,000

home sales price

\$2,300

monthly rent

OR

\$322,000-

\$368,000

home sales price

\$2,760

monthly rent

OR

\$387,000-

\$442,000

home sales price



Fast Food Worker
\$27,510



Construction Laborer
\$46,430



Middle School Teacher
\$74,760



Electrical Engineer
\$93,900



Lawyer
\$123,750



Nursing Assistant
\$35,090



Graphic Designer
\$60,750



Insurance Sales Agent
\$81,450



Computer Systems Analyst
\$95,780

Median Home Sale Price:

\$414,500

(Redfin, 2020)

Income of

\$101,000 or

110% of MFI

Typical Asking

Rent (2-bed unit):

\$1,500

(Apartments.com, 2021)

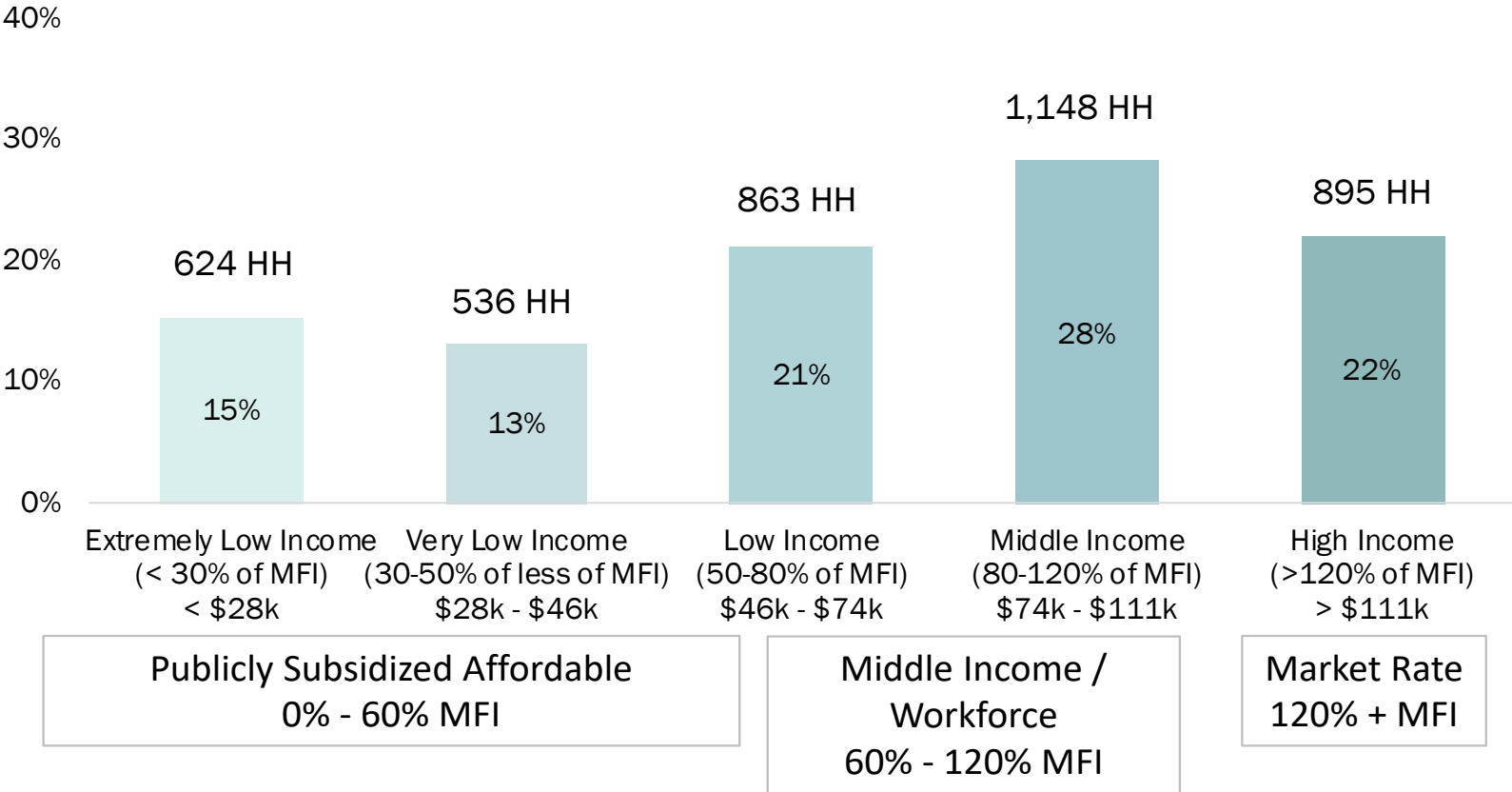
Income of

\$60,000 or 65%

of MFI

MFI is Median Family Income

Existing Households by Income Level, Sandy



HUD's Median Family Income for a family of 4 is: \$92,100 in Clackamas County.

Why is affordable housing important?





Policies that can increase supply of affordable housing

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Factors that Influence Housing Development

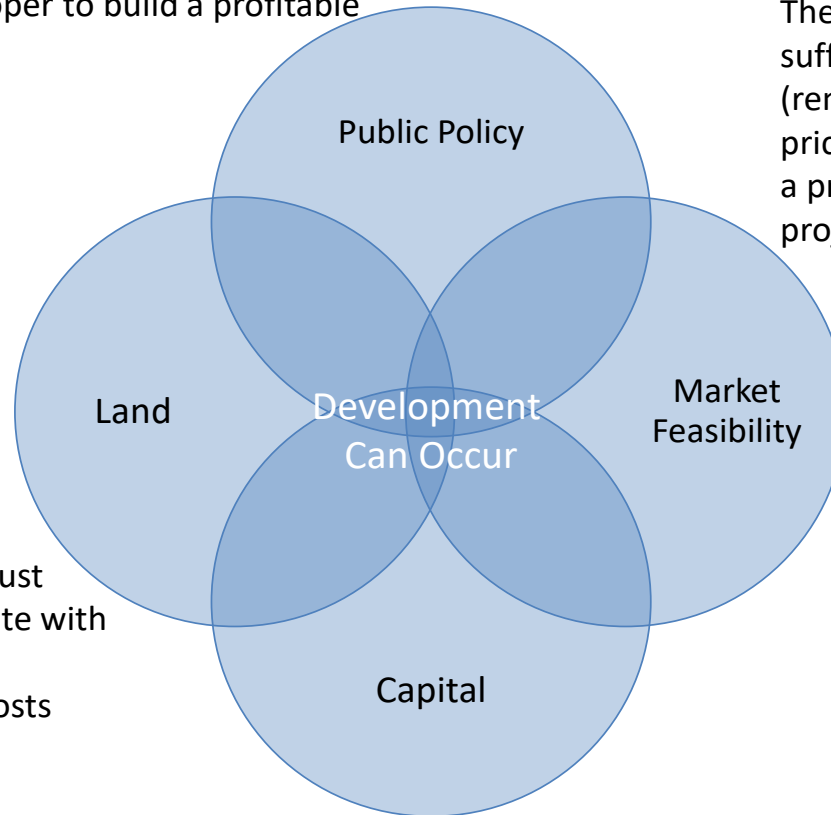
Policy—including infrastructure, zoning, density, and design requirements— must allow developer to build a profitable project.

There must be sufficient demand (rents, sales prices) to support a profitable project

Sandy can directly influence public policy, land, and infrastructure.

Sandy may have limited influence on market feasibility

Developer must control the site with reasonable acquisition costs



Developer must be able to access resources for investment (e.g., equity investment, bank loans)

Impact of Different Strategies

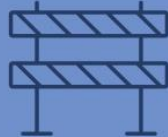
Types of Strategies to Support Housing Production



**Produce
Informational
Resources**



**Partner to
Leverage
Efforts and
Resources**



**Remove
Regulatory
Barriers**



**Waive or
reduce up-
front or
on-going
charges on
development**



**Allocate
Funding**



**Land
Acquisition
and
Disposition**

Less Impactful

More Impactful

The degree of impact varies depending on context.

Range of Potential Strategies

- Land Use Regulations
- Increase Housing Types
- Strategies to Manage Short-Term Rentals
- Programs that Provide Financial Assistance
- Lower Development or Operational Costs
- Funding Sources to Support Residential Development
- Policies to Support Housing Equity

Land use regulations that can increase affordability

- Streamline regulations
- Allow small residential lots
- Reduced parking requirements
- Decrease street widths
- Preserving existing supply of affordable housing
- Provide density bonuses for affordable housing development

Increasing allowed housing types

- Allow duplexes, cottage housing, townhomes, tri-plexes, and quad-plexes
- Develop pre-approved plan sets for ADUs and middle housing typologies
- Allow multifamily buildings in commercial zones without commercial uses
- Allow small or tiny houses (typically 100 to 500 sq ft)

Strategies to manage short-term rentals

- Define them clearly in your code
- Require licenses
- Manage “nuisance” issues, if any
 - Parking, garbage storage, other issues
- Limit short-term rentals, if necessary
 - Consider the role that short-term rentals play in your local economy

Programs that provide financial assistance

- Housing options and services to address and prevent homelessness
- Homeownership programs
- Housing rehabilitation and weatherization programs
- Employer Assisted Housing

Lower development or operational costs

- City assistance with parcel assembly
- Public disposition of land
- Land Banking
- Reducing or “waiving” systems development charges (SDCs)
- Scaling SDC based on size of unit
- Construction Excise Tax

Lower development or operational costs

- Tax abatements
 - Vertical Housing Tax Abatement
 - Multiple Unit Limited Tax Exemption
 - Nonprofit Corporation Low Income Housing Tax Exemption
 - Low-Income Rental Housing Tax Exemption
- Urban Renewal
- Other funding sources

Policies to support housing equity

- Develop an equitable housing plan
- Explicitly make *Affirmatively Furthering Fair Housing a Housing Policy*
- Encourage diverse housing types in high opportunity neighborhoods
- Incentivize accessible design principles to provide access for people with a disability

- Consider potential policies as part of House Bill 2001 implementation
- On next update of the City's Housing Needs Analysis, the City will need to consider these types of policies for a Housing Production Strategy

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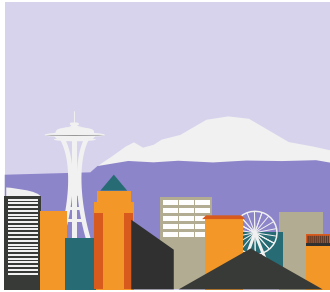
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Eugene



Portland



Seattle



Boise



Resiliency key to Oregon's clean energy future

Sandy City Council
March 15, 2021

Maria Pope
President and CEO

Bill Messner
Director
Wildfire Mitigation and Resiliency

Nick Loos
Director
Renewable Operations



Increasing threats to resiliency



40-YEAR ICE EVENT



RIVERSIDE AND OTHER WILDFIRES



GLOBAL PANDEMIC





Strong partnership are key

- Working together collaboratively, especially during major system events:
 - February wind, snow and ice storms
 - September wildfires and the PSPS
- We are your partner in meeting the energy needs of 11,000+ community members and 480+ businesses
- Annual Franchise fees contribution and the No. 1 taxpayer in Clackamas County
- Many PGE employees live in Sandy and in Clackamas County.

We share your commitment to safety, reliability, resiliency, security, affordability and clean energy



40-year ice event

Throughout the region

- Multiple storms coming in close together
- Massive damage to transmission system
- Ice as thick as 1½ inches on lines
- Clackamas, Marion and Yamhill counties hit hard

Mt. Hood Corridor

- Dangerous conditions from the onset of the storms
- Areas most impacted were Welches, Brightwood, Dunn's Corner and Sandy
- 200+ customers in the Welches/Zig Zag area experienced an extended outage

All-hands-on-deck restoration effort

- More crews than at any time in our 130-year history
- Mutual assistance from 17 regional utilities

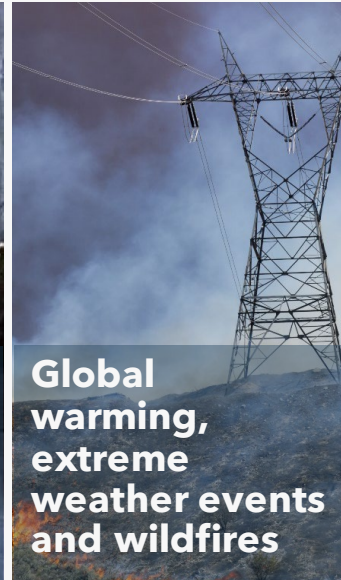
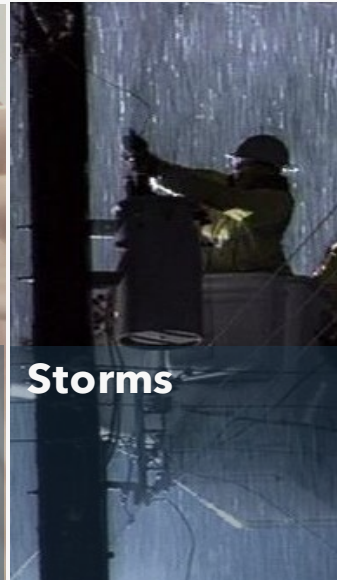


Strengthening resiliency

- **Building a smarter, more integrated grid**
 - Greater use of automation
 - Remote monitoring and early alert systems
- **Continuing to expand our FITNES program**
 - Tree trimming and vegetation management
 - Inspection program
- **Mt. Hood Corridor improvements**
 - Assessing need for additional PSPS areas
 - Considering segmenting feeders in Sandy area
 - Partnering with customers on backup power options



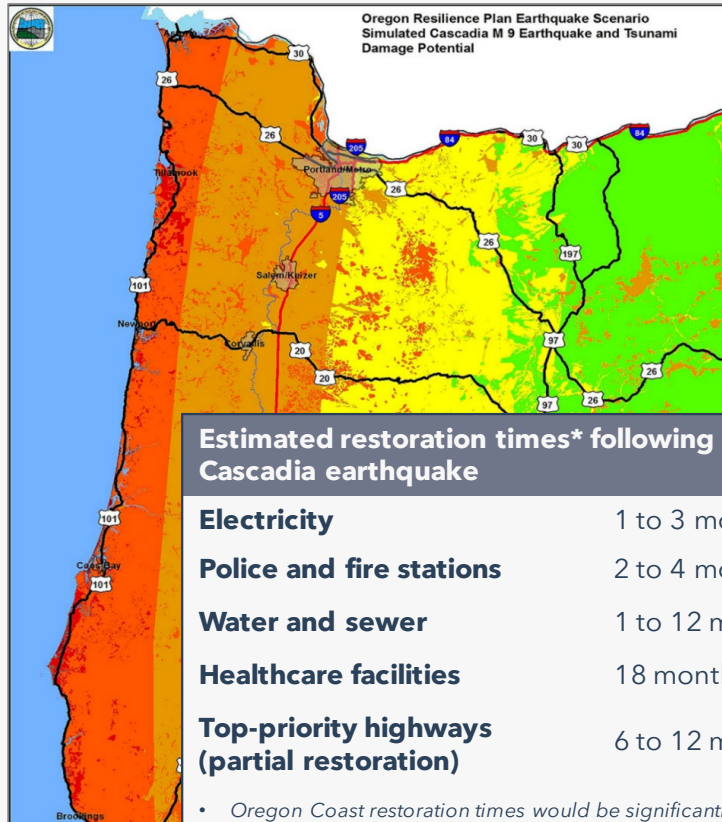
Emerging threats add to complexity



HOW WE PREPARE

1. Emergency planning and exercises
2. System improvements
3. Redundant systems
4. Strategic partnerships

Earthquake preparedness and response



Estimated restoration times* following a Cascadia earthquake	
Electricity	1 to 3 months
Police and fire stations	2 to 4 months
Water and sewer	1 to 12 months
Healthcare facilities	18 months
Top-priority highways (partial restoration)	6 to 12 months

• Oregon Coast restoration times would be significantly longer
• Fuel supply is anticipated to be severely affected

**Source: Oregon Resilience Plan*

- Expanded training and planning
- Strong partnership with Sandy and other cities
- Exercising readiness in complex, national exercises (ClearPath, GridEx, etc.)
- Strengthening generation, transmission and distribution infrastructure
- PGE Readiness Center (24/7 backup facility in Clackamas)
- Integrated Operations Center (2021)

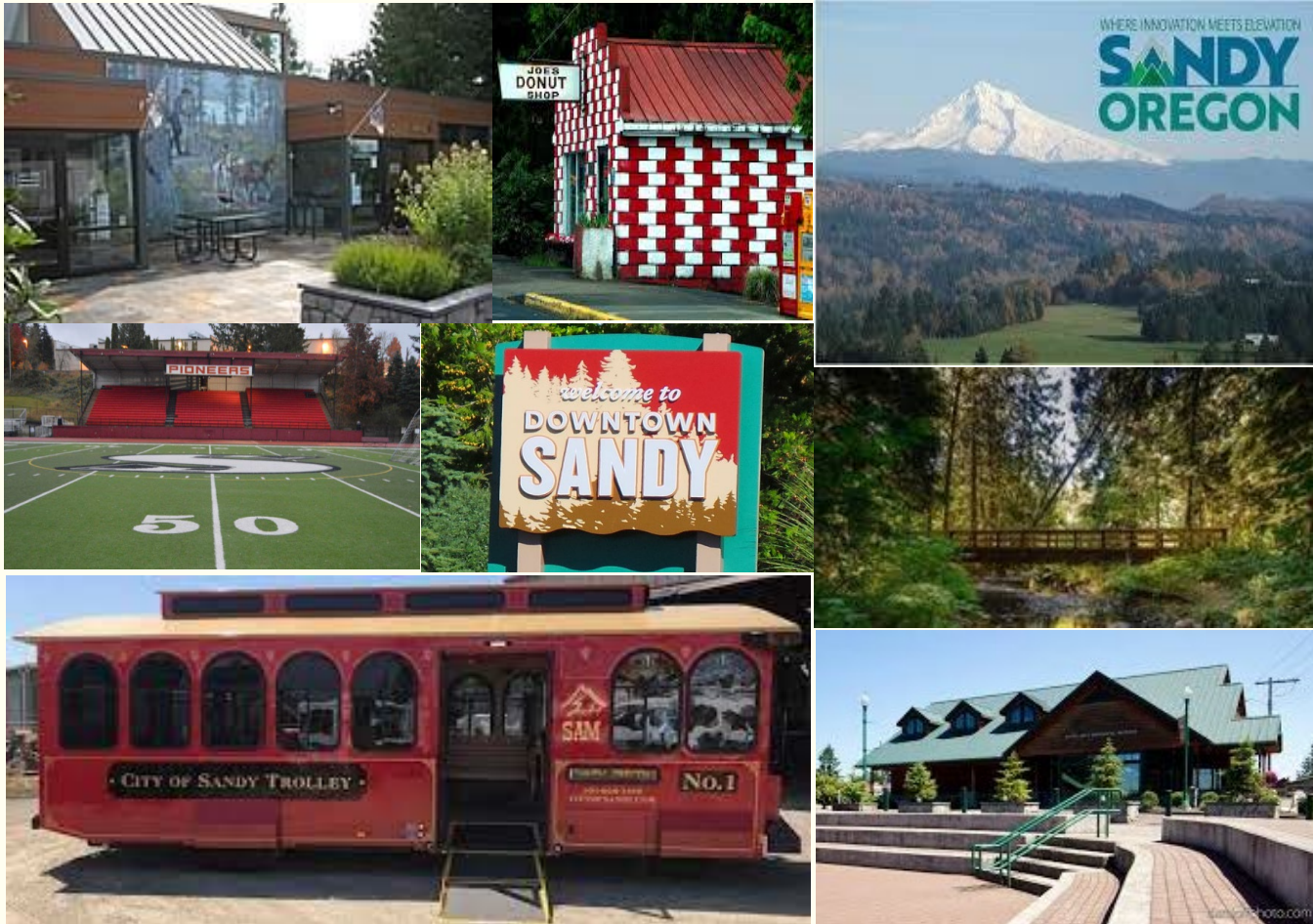


Wildfire prevention and response

- Fire risk modeling and assessment
- Design and construction modifications
- Inspection and maintenance enhancements in high-risk areas
- Vegetation Wildfire Risk Reduction Program
- Operational practices
- Situational and conditional awareness
- Preparedness, response and recovery
- Communication and outreach



Collaborative partnerships are key



Your PGE team includes:



Eric Underwood
Local Government
Affairs manager

503-545-8548*
Eric.Underwood@pgn.com
**Working remotely during
COVID-19*



Appendix

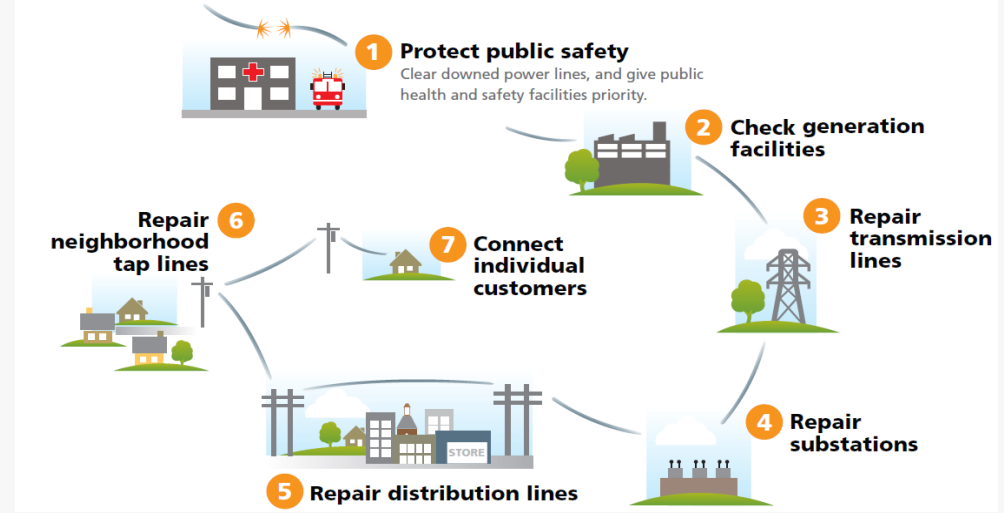


Storm preparedness and response

PGE prepares for outages all year, not just before a storm

- Robust tree trimming program
- Year-round inspection schedule of poles and wires
- Ongoing focus on system hardening
- Preparedness and safety messaging to customers
- Crews ready to respond 24/7, 365 days a year
- Mutual aid agreements in place and available during major emergency or outage events

SEVEN STEPS TO RESTORATION



Cybersecurity and physical security preparedness and response

Cyberattacks on PGE systems have increased in volume and sophistication, and physical security threats are on the rise. PGE has made significant investments in an integrated cyber and physical security program to preserve electrical reliability for our customers

STEPS WE'VE TAKEN:

- Benchmarked program in 2016 and 2019, with improvements finalized in 2020
- Expanded PGE cybersecurity team (9 → 54 employees)
- Enhanced technology and practices to protect customer information
- Better technology and practices to block physical access
- Yearlong employee training and awareness
- Formal integrated response plan
- Exercises to test capabilities, such as the recent GridEx training

Powering Oregon's river habitat



- Record numbers of juvenile and adult fish passing through Faraday
- Wild Chinook run total recently surpassed 4,000 — The first time these numbers have been achieved since 1958
- Coho returns are following the same trajectory





MINUTES
City Council Meeting
Monday, March 8, 2021 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, Richard Sheldon, Councilor, Kathleen Walker, Councilor, Carl Exner, Councilor, and Don Hokanson, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Jeff Aprati, City Recorder, Tyler Deems, Deputy City Manager / Finance Director, Mike Walker, Public Works Director, Greg Brewster, IT/SandyNet Director, David Snider, Economic Development Manager, and Thomas Fisher, Engineering Technician

MEDIA PRESENT: Sandy Post

1. MEETING FORMAT NOTE

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

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. City Council Work Session Planning and Schedule

Staff Report - 0384

The Council conducted a discussion concerning the policy topics that should receive dedicated work session time over the upcoming year.

The staff report offered the following topics, which had been suggested by Council members in advance:

- City Council Rules and Policies
- Homelessness Taskforce
- City Council Subcommittee on Community Campus and Aquatics
- Board and Commission Governance
- City Resiliency Plan
- SandyNet (requested as Budget Committee topic)

- Development Code Modifications/Joint meeting with Planning Commission
- Water Supply Options/Water Master Plan (Scheduled May 2020)
- Transportation/Streets Work Shop (Pavement Management Plan, ODOT Projects, Street Capital Projects)
- Urban Renewal Grant Programs and Review Process

The following additional topics were suggested by the Council during the discussion:

- Comprehensive Plan update
- Parks and Trails Master Plan update
- 362nd and Bell project
- Wastewater improvements project
- Pleasant Street Master Plan
- Future of the Aquatics Center (before late spring 2021)
- Strategies to address homelessness
- Joint meeting with the Planning Commission to coordinate direction and listen to their perspectives
- Updates to the Development Code
- Restart the Arts Commission
- Revisit the urban renewal project review process

Topics including a joint Council/Planning Commission meeting, the Comp Plan update, Development Code updates, homelessness, and Council Rules were also identified as having particular urgency.

The Council also discussed the advantages of using tools such as Google Forms to identify points of consensus in advance.

With respect to updating the Development Code, it was suggested this could be the theme of the joint meeting with the Planning Commission, and that staff input would be welcome as well.

The Council agreed that **Mayor Pulliam** and **Councilor Hokanson** would take the lead on drafting a proposed update of the Council Rules, using the League of Oregon Cities model as a template, and bring it back to the Council for consideration.

The Council also discussed the possibility of occasionally dedicating multi-hour meetings to complex work session topics, potentially during the second week

of a month.

3. CITY COUNCIL MEETING - 7:00 PM

4. Pledge of Allegiance

5. Roll Call

6. Changes to the Agenda

Councilor Walker asked to remove the Memorandum of Understanding with the City of Portland from the meeting agenda and reconsider the issue later in the year after an upcoming work session on water treatment options. The Council concurred.

7. Public Comment

Andrew Shaffer: stated that he has been seeking an opportunity to speak with Mayor Pulliam, and requested that the Mayor contact him without delay.

Lauren Courter, Dodge Park Blvd., Boring: expressed displeasure with expensive improvements to the Portland Water Bureau system and expected increases to the cost of wholesale water.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

(none)

9. Presentation

9.1. Sandy River Watershed Presentation

Kris Balliet, Sandy River Watershed Council

Ms. Balliet delivered a status update on the Sandy River Watershed Council. Despite a challenging year, the group continues to accomplish a great deal to improve the health of the watershed for fish, wildlife, and people. She underlined the importance of the group's working relationship with the City. She mentioned productive partnerships with other organizations, including Mt. Hood Community College. She concurred with Councilors on the restorative benefits of planting trees in the watershed.

10. Consent Agenda

10.1. City Council Minutes - March 1, 2021

Moved by Carl Exner, seconded by Jeremy Pietzold

Approve the consent agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

11. Old Business

11.1. Adoption of 2021/2022 City Council Goals

Staff Report - 0390

The **City Recorder** summarized the staff report and recapped the goal setting process from January and February 2021. Discussion ensued regarding the precise wording of the goal statements and when that wording was established during the facilitation process. The consensus of the Council was that while the goals and action items are ready for adoption, the draft Vision Statement needs additional refinement. **Mayor Pulliam** and **Councilor Hokanson** expressed their willingness to develop the draft and return to Council for consideration.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Adopt the 2021/2022 City Council Goals, as detailed in the staff report.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

12. New Business

12.1. Hwy 26 Noise Variance for ODOT ADA Ramp Project

Staff Report - 0383

The **Public Works Director** summarized the staff report. Chris Menting (Moore Excavation Inc.) requested a noise variance from City Council to allow construction work outside the City's authorized work hours this year, as part of ODOT's ADA Ramp Project to replace all non-compliant ADA ramps along

Highway 26. The noise variance was sought for demolition of the existing ramps and pouring new ADA compliant ramps. Night work is anticipated at the intersections of Beers and Proctor, Bruns and Proctor, Revenue and Pioneer, and Shelley and Pioneer.

Clarification was provided concerning the rationale for the work, the length of the project, anticipated work hours and days of the week, estimated impacts on traffic, and relative benefits of day vs. night work. Councilors raised concerns about impacts on businesses, especially with respect to work performed during weekend evenings.

The Council also expressed concern regarding losing downtown traffic spaces; it is anticipated that the installation of ADA ramps will result in approximately 30 fewer downtown spaces. It was recognized, however, that the decision of whether or not to install the ramps is out of the City's hands.

The Council emphasized the importance of providing ample notice to affected businesses, appropriate signage regarding parking restrictions, and finding ways to better publicize available parking in City-owned lots.

Moved by Don Hokanson, seconded by Kathleen Walker

Approve the requested noise variance, subject to a requirement that no work shall be performed prior to 10:00 p.m. on Friday and Saturday evenings.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

13. Report from the City Manager

The **City Manager** noted the recent reopening of the library for limited browsing. He noted the recent demonstrations and concerns raised by some regarding their subject matter, but noted the First Amendment protections that exist regarding such assemblies. He emphasized the City's focus on maintaining safety while protecting free expression. He also expressed optimism about the potential of using forthcoming federal stimulus funds to replace lost revenue during the previous year.

14. Committee /Council Reports

Councilor Sheldon: has begun meeting with members of the Planning Commission,

and plans to make contact soon with the Chamber of Commerce.

Councilor Exner: noted the difficulty many are having securing COVID-19 vaccine appointments. Mentioned his recent conversation with planning staff about the Comprehensive Plan update, and praised Shelley Denison's efforts. Suggested securing federal stimulus funding for wastewater improvements.

Councilor Walker: noted the upcoming Library Advisory Board meeting. Raised concerns about the bill pending in the Legislature concerning homelessness. Suggested that Community Services staff reach out to seniors about scheduling vaccines.

Councilor Hokanson: noted his recent meetings on the future of the Aquatics Center. Suggested that the City communicate about its lack of involvement in permitting recent demonstrations.

Councilor Smallwood: the upcoming Parks meeting is cancelled. Stated she will have an upcoming meeting on Portland Water Bureau wholesale issues. Concurred on the importance of the homelessness issue and the proposed legislation.

Council President Pietzold: none

Mayor Pulliam: noted the recent C4 meeting concerning the climate action plan and the VRF fee. Noted that the VRF appears likely to stay in place for the time being. Recognized International Women's Day.

15. Staff updates

15.1. [Monthly Reports](#)

16. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati



Staff Report

Meeting Date: March 15, 2021
From: Mike Walker, Public Works Director
SUBJECT: Pre-Purchase Equipment for WWTP Project

BACKGROUND:

West-Yost (the engineer on this project) solicited three quotes on behalf of the City per ORS 279B.070(3) for purchase of grit processing equipment for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project. The three quotes received are listed below and shown on the attachments.

Vendor	Quote	Lead Time
Smith & Loveless	\$109,304	10-12 Weeks
Lakeside	\$138,000	18-20 Weeks
Ovivo	\$130,000	24 Weeks

Due to the compressed schedule for this project and the long lead time required for this equipment (10-12 weeks) it is necessary for City to purchase this item in advance and furnish it to the contractor for installation. Smith & Loveless is the manufacturer of the existing grit processing equipment in place at the treatment plant, has the shortest lead time and the lowest price.

BUDGETARY IMPACT:

The funds for this purchase will come from the DEQ Clean Water State Revolving Fund loan financing the project.

RECOMMENDATION:

Based on price, compatibility and lead time accept the proposal from Smith & Loveless for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project.

SUGGESTED MOTION:

I move to authorize the City Manager to purchase grit processing equipment per the proposal from Smith & Loveless for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project.

LIST OF ATTACHMENTS/EXHIBITS:

Lakeside Proposal
Smith & Loveless Proposal

Ovivo Proposal

Budgetary Proposal
March 5, 2021



Dan Widdel
630/837-5640, ext. 225
dw@lakeside-equipment.com

TO	PROJECT
Ruby Lang West Yost 5 Centerpointe Drive, Suite 130 Lake Oswego, OR 97035	Sandy, Oregon Sandy WWTP

EQUIPMENT	UNIT	QTY	TOTAL
LAKESIDE SPIRAGRIT® VORTEX GRIT SYSTEM Model SG10-7.0	\$ 138,000	1	\$138,000

Due to the current volatility of steel prices, budgetary cost of equipment may be subject to change.

SPIRAGRIT® DESIGN DATA			
Peak Design Flow:	7.0	mgd	Chamber Configuration: 270 degree
Upper Grit Chamber Diameter:	10.00	feet	Water Fluidization Requirement: 50 gal/min at 50 psi
Lower Storage Hopper Diameter:	5.00	feet	Grit Pump Type: Self-Prime Grit Pump
Inlet Channel Width:	2.00	feet	Grit Pumping Flow Rate: 250 gal/min
Outlet Channel Width:	4.00	feet	Grit Classifier Conveying Capacity: 30 ft ³ /hr

SPIRAGRIT® COMPONENTS	CONTROL PANEL
Paddle drive assembly with 1 hp motor	NEMA 4X - 304 stainless steel main control panel
10-inch drive tube with four (4) paddles	No local control station
Inlet baffle and floor plate	Fusible disconnect switch with door handle
4-inch suction pipe	Control power transformer
1.5-inch fluidization line with solenoid valve	Allen-Bradley MicroLogix 1100 PLC
Self-prime grit pump with 7.5 hp motor	Full voltage motor starters with overload protection
Type W grit classifier with 1.0 hp motor	Selector switches
Grit cyclone	Indicating lights
Anchorage - stainless steel	
Shop prime paint of all ferrous components	
Spare parts	

Components are carbon steel construction unless noted otherwise

EXCLUSIONS	
Erection of equipment	Grit container
Bridge or grating over grit chamber	Electrical conduit and wiring
Grit slurry piping from grit pump to grit classifier	Finish paint

OPTIONAL ITEMS	UNIT PRICE
Explosion-proof design package	\$5,900
Bagging device for grit classifier	\$700
Type 304 stainless steel grit chamber components	\$6,500
Type 304 stainless steel grit classifier	\$9,100

NOTES			
FOB:	Chariton, Iowa	Approvals:	6 to 8 weeks
Freight:	Freight allowed to jobsite	Shipment after Approval:	18 to 20 weeks
Start-Up Service:	2 days in 1 trip	Weight per SpiraGrit® & Classifier:	6,400 lbs
Warranty:	One (1) year	Installation Time per SpiraGrit® & Classifier:	80 hours



1022 E. Devon Avenue | P.O. Box 8448 | Bartlett, IL 60103
 T: 630-837-5640 | F: 630-837-5647 | E: sales@lakeside-equipment.com
 www.lakeside-equipment.com

TECHNICAL DATA SHEET

Lakeside SpiraGrit® Vortex Grit Chamber, Model SG10-7.0

Maximum design capacity	7.0 mgd
Upper chamber inside diameter	10 ft.
Lower hopper inside diameter.....	5 ft.
Drive tube nominal diameter.....	10 in.
Grit drive maximum operating speed.....	14 rpm
Grit pump size.....	4 in.
Grit pumping rate.....	250 gpm
Maximum downstream water level	12 in. (assuming free flowing flume system)
Maximum chamber headloss.....	0.25 in.
Paddle assembly.....	4 paddles 45° pitch (fixed)
Water line (1).....	1.5 in. scour line
Solenoid valves (1)	1.5 in. two-way, brass body

Drive Motor:

Rated Effect	1.0 HP
Rotations	1,800 rpm
Phases, Frequency, Voltage	3 ph / 60 Hz / 230-460 Volt
Duty	Mill & chemical
Classification	Non-explosion proof

Drive Unit:

Type	Helical (gear motor) Pinion and bearing-gear (main gear)
Service factor	5.0 (main gear) 2.0 (gear motor)
Service Interval/oil change.....	Every 6 months

Control Panel:

Enclosure	NEMA 4X (stainless steel)
Components	Overload protection Fusible disconnect switch with door handle Starters (grit drive, grit pump, grit classifier) Adjustable timers Transformer Cabinet heater with thermostat Control switches Indicator lights Elapsed time meters 600 VAC terminal block

Grit Classifier:

Maximum conveying capacity 30 cu-ft/hour
Maximum underflow from cyclone..... 60 gpm
Nominal screw diameter 12 in.

Grit Classifier Motor:

Rated Effect 1.0 HP
Rotations 1,800 rpm
Phases, Frequency, Voltage 3 ph / 60 Hz / 230-460 Volt
Enclosure TEFC
Duty Continuous
Classification Non-explosion proof

Grit Cyclone:

Brand Krebs
Inlet..... 4 in.
Overflow 6 in.

Grit Pump:

Brand Gorman Rupp
Type Self-prime
Flow Rate..... 250 gpm
Inlet / Outlet Size 4 in.
Motor Size 7.5 HP (typical)



BUDGETARY PROPOSAL

MARCH 8, 2021

CITY OF SANDY OR

Ovivo® Grit Removal System

PREPARED FOR

Ruby Lang

AREA REPRESENTATIVE

Chris McCalib TEC

PREPARED BY:

JARED HOLINDRAKE

Phone: (801) 931-3000

Jared.Holindrake@ovivowater.com



Ovivo USA, LLC is pleased to submit a budgetary proposal for the following equipment (the “Products”) on the project indicated above (the “Project”).

While every effort has been made to ensure this quotation captures the intent of the project, we do anticipate further discussion in order to clarify and/or finalize the scope, terms & conditions and other details prior to any formal agreement. We look forward to your favorable review of our offer to further discussions on this important project.

THIS BUDGETARY PROPOSAL CONSTITUTES A NON-BINDING ESTIMATE OF PRICE(S) FOR CERTAIN GOODS AND/OR SERVICES THAT MAY BE PROVIDED BY OVIVO USA, LLC FROM TIME TO TIME, BUT SHALL NOT BE CONSTRUED AS A CONTRACTUAL OFFER FOR OVIVO USA, LLC TO PROVIDE SUCH GOODS AND/OR SERVICES. ANY CONTRACTUAL OFFER FOR THE SUPPLY OF GOODS AND/OR SERVICES BY OVIVO USA, LLC SHALL BE CONVEYED TO CUSTOMER IN THE FORM OF OVIVO USA, LLC STANDARD PROPOSAL DOCUMENT, WHICH INCLUDES, BUT IS NOT LIMITED TO, ITS STANDARD TERMS AND CONDITIONS OF SALE. SUCH PROPOSAL FORM MAY BE PROVIDED TO CUSTOMER UPON REQUEST.

Budgetary Pricing for Proposed Equipment:

ITEM	EQUIPMENT	PRICE
I	Jeta, Grit Pump, Classifier & Cyclone	\$130,000

STANDARD SCOPE OF SUPPLY

ITEMS INCLUDED:

(1) Jeta Grit Collector Drive(s) w/ Impeller, Model 300 (Type270), to include:

- 1HP motor rated for Class1 Div1 (XP). 1800 RPM TEFC 460/3/60 motor with helical gearbox
- Standard spur gear driven drive head - heavy duty cast iron including air bell to prevent ingress of water into the gearbox
- 304/304L SS Fabricated material components listed below:
- 10 3/4" O.D. drive tube
- Flat disk Impeller with adjustable blades
- 3" Diameter grit suction line running vertically down center of grit trap
- 1.5" Grit Fluidizing Line vertically running down center of grit trap
- 1.5" Brass Solenoid valve
- Two (2) manual isolation ball valves for fluidizing line

(1) Gorman Rupp (STD) T3 Self Priming Grit Pump(s), to include:

- Approximately 10 HP motor, 1800 RPM mounted with V-belt base suitable for 460VAC/3ph/60Hz
- Supplied for Class1 Div1 (XP) requirements

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- Capacity of 100-150 gpm; Designed, Head to be determined by site piping/valving
- 3" Inlet / 3" Outlet
- Casing-Grey Cast Iron No.30
- Removable cover plate - Grey Cast Iron No.30
- Replaceable wear plate - Steel No.1018
- Suction and discharge flanges - Grey Iron No.30

(1) Grit Classifier(s), Ovivo Model 50, to include:

- 1HP motor rated for Class1 Div1 (XP). 1800 RPM TEFC 460/3/60 motor with helical gearbox
- Direct mounted top reducer bearing sized to handle screw loading without external bearings
- Classifier is approximately 12 ft long
- SS Shaftless screw, no lower bearing required
- UHMW replaceable liners 3/8" Thk for screw to ride on
- 304/304L SS Fabricated material components listed below:
- Inlet hopper with a single adjustable overflow weir and removable covers
- 2" plugged drain at base of classifier
- Support legs to hold classifier at approximately 20 degrees from horizontal
- Classifier inlet attached with opening sized for cyclone discharge
- Screw: 6.5" in diameter by approximately 10 ft long
- U shaped trough made from above listed material 3/16" thick
- Integral cyclone support frame
- 4" organics return outlet with 125/250# flange connection
- 316 Anchor bolts & fasteners

(1) Grit Cyclone(s) KrebsD10B (100-150gpm), to include:

- 4" overflow return outlet with 125/250# flange connection
- 3" Inlet 125/250# flange connection
- Inlet pressure of 7-12 PSIG operation pressure
- Fabricated Carbon Steel Housing
- Replaceable Gum Rubber liners for housing sections
- Sized Nihard Vortex Finder
- Adjustable Apex Liner
- Quick release toggle clamps for the apex
- Average underflow to the classifier - 10 gpm
- Pressure gauge assemblies complete with protective diaphragms (0-30 psi dials on cyclone inlet)

(All Freight, FCA job site)

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ITEMS NOT INCLUDED UNLESS SPECIFICALLY NOTED ABOVE (But not limited to the following):

- Access ladder or stairs.
- Civil design.
- Concrete work.
- Control Panel and Electrical connections.
- Disconnect switches.
- Drain piping for the grit classifier.
- DVD recordings of training sessions.
- Grit chutes, containers or dumpster.
- Installation.
- Offloading at job site.
- Spare motors.
- **Taxes**

Additional Information:

FIELD SERVICE OPTION:

1 trip(s) totaling 3 days of total service, at the site for the supervision of equipment start-up, testing supervision, and instructing the operators.
Additional service days can be purchased at the current rate.

TYPICAL LEAD TIMES:

Submittals: 8 weeks after Purchaser's receipt of Ovivo's written acknowledgement of an approved purchase order.
Shipping: 24 weeks after receipt of approved drawings from Purchaser.

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Smith & Loveless, Inc.

14040 Santa Fe Trail Drive
Lenexa, KS 66215
USA
913-888-5201

SALES AGREEMENT

NAME AND ADDRESS:

QUOTATION DATE: FEBRUARY 10, 2021
INQUIRY NUMBER: BB-30366
ENGINEER:
JOB LOCATION: SANDY, OR

SMITH & LOVELESS®, INC. having an office at 14040 Santa Fe Trail Drive, Lenexa, Kansas 66215 (hereinafter referred to as "Seller"), hereby agrees to sell to the buyer designated below (hereinafter referred to as "Buyer"), the following equipment is subject to all provisions set forth in this Sales Agreement. ***The Sales Representative is not an agent or employee of Seller and is not authorized to enter into any agreement on Seller's behalf or bind Seller in any way.***

SMITH & LOVELESS®, INC. is pleased to offer our quotation for the following:

ONE SMITH & LOVELESS® Model 7 **PISTA® GRIT CHAMBER™** mechanism suitable for installation in a concrete structure 10'-0" diameter x 5'-0" deep with a concentric 5'-0" diameter x 5'-6" deep grit well and concrete bridge; concrete structure by others.

The **PISTA® GRIT CHAMBER™** mechanism shall include a helical gear reducer driven by 1 HP, 3/60/460 V, TEFC premium efficiency pump motor, spur gear final drive head, propeller, drive tube, top mounting turbo grit pump, grit pump suction pipe, grit discharge pinch valve, **PISTA® GRIT FLUIDIZER™**, removable grit well cover plates and accessories, as described herein. Constructed in 304 stainless steel.

The turbo pump shall be capable of delivering 250 GPM at 30' TDH and driven by a 10 HP, 1760 RPM, 3/60/460 V, TEFC premium efficiency pump motor.

CORROSION PROTECTION

All fabricated steel components shall be commercial blasted and prime coated by the manufacturer with one 3-mil DFT coat of red oxide primer prior to shipment. All motors and gearboxes shall be furnished with the original manufacturer's coating. Final touch-up and finish coating shall be the responsibility of the purchasing contractor. Stainless steel, aluminum, and other corrosion-resistant surfaces shall not be coated. Stainless steel shall be blasted and go through a pasteurization process.

All fabricated stainless steel materials shall be acid passivated, removal of heat-affected discoloration, surface treatment for corrosive environments, and to provide a uniform finish.

Approximate total weight of equipment: 2,000 pounds
Approximate weight of heaviest piece: 2,000 pounds
Approximate weight of screw conveyor: 2,000 pounds

The equipment will be shipped in major pieces as follows:

- Gear head/gear motor assembly.
- Turbo pump and motor.
- Air bell.
- Propeller drive tube.
- Propeller mounting ring and blades (2 pieces).
- Grit pump suction pipe.
- **PISTA® GRIT FLUIDIZER™**.
- Pinch valve.
- Grit well cover plate (2 pieces).

NOT INCLUDED

- Field assembly/erection or installation.
- Interconnecting piping, wiring, and conduit.
- Field paint or painting.
- Lubricants.
- Anchorage or anchor bolts.
- Field testing, if required.
- Performance Testing and/or Grit Removal Efficiency Testing.
- Grouting.
- PLC Program Copy (if applicable).

Seller will provide Buyer with four hard copies of the O&M Manual, also on CD (.pdf format). Additional copies can be provided for \$50 per copy.

PRICE, SUBMITTAL DATA, AND DELIVERY

\$109,304

F.O.B. factory plus any taxes, which may apply. Truck/Rail freight allowed to the jobsite, rail siding or nearest unloading area; unloading to be by Buyer. Due to the spike in gas prices, which is beyond the control of Seller at the time of our quotation/bid, a fuel surcharge may need to be assessed at time of shipment.

Seller will provide one day of supervision over initial operation, start-up of equipment, and operator training (if required) over one trip. If additional days are required, Seller will furnish a factory-trained supervisor for \$975 per day including travel time plus actual travel expenses.

With continuing approval of the **SMITH & LOVELESS®** Credit Department, payment terms are 100% Net 30 days from date of shipment, or at time of start-up, whichever occur first.

Seller to send Submittal Data for approval 4 to 6 weeks after receipt of complete details at Seller's factory.

Manufacturing completion is estimated at 10 to 12 weeks after receipt in Seller's office of approved submittal data and/or after all notations or comments have been clarified, approved, and inserted into the manufacturing documents by the Seller. Variations in the time submittal data is returned to Seller and/or submittal data marked approved, but which contain contingencies or variations may impact the completion time of the equipment.

If the equipment **SMITH & LOVELESS®** is providing is associated with the retrofit or modification of existing equipment, then field adjustments to the existing and/or new equipment may be required for correct installation. Such adjustments may include but are not limited to, piping modifications, grouting, shimming, control panel or electrical changes, etc. **SMITH & LOVELESS®** is relying on information provided by the customer, the installing contractor, or others regarding the measurement, model or part numbers, drawings, and descriptions of existing equipment in the design and manufacturing of the new equipment for this project. As a result, **SMITH & LOVELESS®** shall not be responsible for any problems or difficulties encountered when fitting-up new equipment with existing equipment.

ADDITIONAL TERMS AND CONDITIONS

1. GENERAL A. Buyer's execution of this Agreement constitutes Buyer's offer to purchase, on the terms and conditions set forth herein, the equipment described in this agreement, and such offer is irrevocable for thirty (30) days after Buyer executes and delivers to Seller this Agreement together with all necessary engineering data and information. Prices are firm for sixty (60) days after the bid date provided a firm order is received at the factory within that time period and provided approved Submittal Data is received at the factory within forty-five (45) days from the date submittals are forwarded from the factory. In the event firm orders and Submittal Data are not received by Seller within the times set forth above, then price and delivery estimates may change due to changes in the costs of material and labor and/or factory capacity at the time when the firm orders or approved Submittal Data is received by Seller.

Seller reserves the right to amend this Sales Agreement if not signed and returned within sixty (60) days from the quotation date. In the event we are unable to ship within estimated period for reasons beyond our control, including a request by the Buyer to defer shipment, the prices are subject to adjustment to those prevailing at the time of shipment, but will not exceed 1½% per month.

B. THIS AGREEMENT IS NOT BINDING ON SELLER UNLESS SIGNED ON SELLER'S BEHALF BY AN OFFICER OR MANAGER OF SELLER.

C. This Agreement constitutes the entire contract between the parties with respect to said equipment (any prior agreement, representation, covenant or warranty, written or oral, being superseded hereby) and may not be amended or modified except by a written instrument duly executed by both parties, the provisions of any purchase order or other document submitted by or on behalf of Buyer to the contrary notwithstanding.

D. All notices hereunder are to be in writing and mailed postage prepaid to the party being notified at the address indicated in this agreement or at such other address as may be designated in writing.

E. Remedies provided for herein are cumulative and are in addition to all other remedies as may be available at law or in equity.

F. This Agreement is governed by and subject to the laws of the State of Kansas and the Buyer by executing this agreement agrees to submit to the Jurisdiction of the State of Kansas and the venue for any disputes between the parties will be in the District Court of Johnson County, Kansas, or the Federal District Court of Kansas.

2. NOTICE TO PROCEED- Return to Seller of approved Submittal Data or notification to Seller that the submission of submittals will be waived, constitutes notice to Seller to proceed with manufacture. In the event Seller does not receive approved Submittal Data within forty-five (45) days after Seller's submission of submittal data for approval, then Seller reserves the right to amend price and delivery of the equipment being sold. Final approved Submittal Data means approval by Buyer (or Buyer's representative) of Seller's Submittal Data and/or after all notations or comments have been clarified, approved and inserted into Seller's manufacturing documents at which point Sellers estimated completion schedule commences. Variations in the time Submittal Data is returned to Seller and/or Submittal Data marked approved but which contain contingencies or variations may impact the completion time of the equipment. Seller agrees to furnish only the equipment included in Seller's quotation and/or as described and modified in the Submittal Data. Approval of the Submittal Data constitutes acceptance of the equipment in the configuration described therein. If Seller is directed to change the scope of the equipment after notice to proceed to manufacture, then Seller reserves the right to amend the price and delivery of the equipment.

3. EXCUSED PERFORMANCE- Seller is not liable for any failure or delay in performance hereof, with respect to delivery or otherwise, if such failure or delay is due to any cause beyond Seller's control including, but not limited to, any Act of God, war, civil disturbance, riot, labor difficulty, factory capacity, fire, other casualty, accident or supplier's failure or inability to perform.

- 4. CREDIT APPROVAL-** The credit terms specified herein are subject to Seller's continuing approval of Buyer's credit and if, in Seller's sole judgment, Buyer's credit or financial standing is impaired as to cause Seller to deem itself insecure, Seller may withdraw the extension of credit and require other payment terms.
- 5. PAYMENT-** Subject only to any credit terms, which Seller may extend, the total purchase price hereunder is due at such time, within or after the estimated shipment period specified herein, as said equipment is ready to be shipped. Buyer shall pay in full all invoices within the time for payment specified therein and Buyer's payment obligation is in no way dependent or contingent upon Buyer's receipt of payment from any other party. Any balance owed by Buyer for thirty (30) days or more after the same becomes due is subject to a 2% per month delinquency charge until paid. In addition to all other amounts due hereunder, Buyer shall reimburse Seller in full for all damages, costs and expenses, including reasonable attorneys' fees, which Seller may incur with respect to Buyer's breach of this Sales Agreement or the collection of past due amounts from Buyer. If Buyer is in default under this or any other agreement with Seller, Seller may, at its option, defer performance hereunder until such default is cured.
- 6. SECURITY INTEREST-** Until all amounts due hereunder have been paid in full, Seller has a security interest in said equipment and has all rights of a secured party under the Uniform Commercial Code including, without limitation, the right to take possession of said equipment without legal process and the right to require Buyer to assemble said equipment and make it available to Seller at a place reasonably convenient to both parties. At Seller's request, Buyer shall execute any financing statement or statements submitted by Seller in order that Seller's security interest in said equipment may be perfected.
- 7. WARRANTY & LIABILITY-** Seller warrants only that said equipment is free from defects in materials and workmanship as set forth in Seller's standard Certificate of Warranty furnished to Buyer at the time of final shipment. THIS WARRANTY IS EXPRESSLY IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE OR DESIGN AND WHICH ARE EXPRESSLY DISCLAIMED BY SELLER. Seller's sole responsibility with respect to any equipment which proves to be defective as to materials or workmanship is either to replace or to repair the same as is set forth in said Certificate of Warranty. Unless authorized in writing by Seller, Seller is not responsible for any charge or expense incurred for the modification, servicing or adjusting of said equipment after the same has been delivered to Buyer. Seller is not liable in association with its warranty or in any other capacity for any consequential, incidental or liquidated damages, late fees/damages or penalties.
- 8. CLAIM PERIOD-** Buyer shall immediately inspect said equipment upon receipt thereof and immediately notify the carrier of any damage, shortage or other nonconformance. Seller is not obligated to consider any claim for damages, shortages or non-conformance unless notified by Buyer within ten (10) days after Buyer's receipt of said equipment.
- 9. CANCELLATION-** Should Buyer cancel this agreement without Seller's prior written consent, Seller may, at its option, recover from Buyer a cancellation charge of not less than 20% of the purchase price hereunder. This cancellation charge is intended to compensate Seller for difficult-to-calculate economic losses, including but not limited to, material and labor costs, as well as loss of anticipated profits suffered due to cancellation.
- 10. SEVERABILITY** – If any provision or provisions of this Agreement shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
- 11. STORAGE-** If at such time, within or after the estimated shipment period specified herein, as Seller notifies Buyer that said equipment is ready to be shipped Buyer requests a delay in shipment, Seller may, at its option, agree to store said equipment for a period of time determined by Seller, provided that such agreement will not affect Buyer's obligation to pay in full all invoices as they become due, and provided further that for each month, or portion thereof, said equipment is so stored by Seller, Buyer shall pay to Seller as a storage fee an amount equal to 2% of the purchase price.
- 12. DRAWINGS, ILLUSTRATIONS AND MANUALS-** Catalog and proposal drawings, bulletins, and other accompanying literature are solely for purpose of general style, arrangement and approximate dimensions. Seller may make any changes Seller deems necessary or desirable. Submittal for approval, if required, will be made after receipt of complete information from Buyer. Unless otherwise specified at the time of quotation, six sets will be furnished. Additional sets are at \$25.00 per set. Installation, maintenance and operation manuals will be furnished in the number of copies specified at the time of quotation. If none specified, four will be provided at no added cost, with additional copies at \$50.00 each.
- 13. PERMITS, LICENSES-** Buyer at its sole cost and expense shall obtain all building or other permits or licenses with respect to the installation and operation of said equipment required by any federal, state or local governmental body.
- 14. PATENT INDEMNIFICATION-** Seller shall, at its own expense, defend any suit instituted against Buyer, based on any claim that equipment furnished hereunder infringes any Letters Patent of the United States, and Seller shall pay any damages assessed against Buyer in any such suit, provided that Buyer, upon service of process upon Buyer, gives to Seller notice in writing of the institution of such suit, and permits Seller, through counsel chosen by Seller, to defend the same, and gives Seller all information in Buyer's possession and reasonable assistance and authority to enable Seller so to do. Seller shall have no liability or obligation to Buyer for patent infringement resulting from compliance by Seller with written instructions or specifications of Buyer concerning the structure, operation, material, or method of making equipment furnished hereunder.
-

INQUIRY NUMBER: BB-30366
QUOTATION DATE: FEBRUARY 10, 2021

PAGE 5 OF 5

SIGNATURES

Agreed to this _____ day of _____, _____

Agreed to this _____ day of _____, _____
At Lenexa, KS.

Buyer

SMITH & LOVELESS®, INC.

Seller

By (Print Name)

By (Authorized Signature)

By (Authorized Signature)

Prepared by (Sales Representative)

Address

Is this purchase tax exempt? YES ___ NO ___
If YES, attach Sales Tax Exemption Certificate. Failure to provide tax exempt certificate prior to shipment will result in Buyer being responsible for all applicable taxes.

NOTE: The Sales Representative is not an agent or employee of Seller and is not authorized to enter into any agreement on Seller's behalf or to bind Seller in any way.



Staff Report

Meeting Date: March 15, 2021
From Shelley Denison, Associate Planner
SUBJECT: 20-041 Rogue Fabrication Zone Change

BACKGROUND:

The applicant, Rogue Fabrication, is requesting a zone change for their 1.69 acre property at the Southeast corner of Industrial Way and Champion Way. The current zoning designation for the site is I-1 (Industrial Park). The applicant is requesting a rezoning of the site to I-2 (Light Industrial). The key difference between these zoning designations are architectural requirements, screening requirements, and setback requirements. I-1 has stricter requirements as these sites are meant to be visible from Highway 26. The applicant states that the site is not visible from Highway 26 and therefore an I-2 designation is more appropriate. Additionally, I-2 zones have fewer expected vehicle trips than I-1 zones based on a reasonable worst-case scenario.

RECOMMENDATION:

Planning Commission recommends that the City Council approve the zone change application and the development conditions identified in Staff Report Finding #20.

SUGGESTED MOTION:

"I move to approve the first reading of Ordinance 2021-04."

LIST OF ATTACHMENTS/EXHIBITS:

Attachment 1: Staff Report: City Council Meeting, March 15, 2021
Attachment 2: Exhibits
Attachment 3: Ordinance 2021-04
Attachment 4: Slide Presentation, March 15, 2021

CITY COUNCIL STAFF REPORT

TYPE IV DECISION

DATE: March 5, 2021

FILE NO.: 20-041 ZC

PROJECT NAME: Rogue Fabrication Rezone

APPLICANT: Joseph and Nicole Gambino, JRG Property Management

OWNER: Eastwinds Industrial Park, Inc.

LEGAL DESCRIPTION: 2-4E-15A, 24E15A, Tax Lot 205 (Parcel 1 of 1999-72)

The above-referenced proposal was reviewed as a Type IV zone change. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

PROJECT OVERVIEW:

The applicant, Rogue Fabrication, is requesting a zone change for their 1.69 acre property at the Southeast corner of Industrial Way and Champion Way. The current zoning designation for the site is I-1 (Industrial Park). The applicant is requesting a rezoning of the site to I-2 (Light Industrial). The key difference between these zoning designations are architectural requirements, screening requirements, and setback requirements. I-1 has stricter requirements as these sites are meant to be visible from Highway 26. The applicant states that the site is not visible from Highway 26 and therefore an I-2 designation is more appropriate. Additionally, I-2 zones have fewer expected vehicle trips than I-1 zones based on a reasonable worst-case scenario.



REVIEW CRITERIA:

Zoning District Amendments: 17.26

Quasi-judicial zoning district changes shall be reviewed to:

1. Determine the effects on City facilities and services;
2. To assure consistency with the purposes of this chapter;
3. To assure consistency with the policies of the Comprehensive Plan;
4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

Analyses of these criteria can be found in Findings 13 through 17.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Supplemental Land Use Application
- C. Project Narrative
- D. Legal Description and Tax Assessment
- E. Vicinity Aerial Map
- F. Vicinity Topographical Map
- G. Sandy Zoning Map (Site)
- H. Sandy Zoning Map (City)
- I. Sandy Transportation System Plan: Functional Roadway Classification
- J. Rogue Fabrication Site Plan
- K. Phase 1 Building Perspective
- L. Phase 1 Building Elevations
- M. Phases 2 & 3 Building Perspective
- N. Phases 2 & 3 Building Elevations
- O. Traffic Study

Agency Comments:

- P. City Transportation Engineer (December 15, 2020)
- Q. ODOT (January 7, 2021)
- R. City of Sandy Public Works (January 5, 2021)
- S. Economic Development Manager (January 14, 2021)

Public Comments:

None

Additional Exhibits

- T. Applicant/ODOT correspondence (November 20, 2020)
- U. Pre-App Notes (September 15, 2020)
- V. Planning Commission staff report (January 15, 2021)
- W. Planning Commission draft meeting minutes (January 25, 2021)
- X. Planning Commission slide presentation (January 25, 2021)

FINDINGS OF FACT:

General

1. These findings are based on the applicant's submittals received on October 13, 2020. Staff deemed the application incomplete on November 9, 2020. The applicant submitted additional materials on November 20, 2020. The application was deemed complete on November 24, 2020 with a 120-day deadline of March 24, 2021.
2. This report is based upon the exhibits listed in this document, as well as agency comments.
3. Notification of the proposal for the Planning Commission meeting was mailed to property owners within 500 feet of the subject property on January 5, 2021 with a revision clarifying the meeting time sent on January 8, 2021. A legal notice for the Planning Commission meeting was published in the Sandy Post on January 20, 2021.
4. Notification of the proposal for the City Council meeting was mailed to property owners within 500 feet of the subject property on February 24, 2021. A legal notice for the City Council meeting was published in the Sandy Post on March 3, 2021.
5. An agency comment was received from David Snider, City Economic Development Manager, on January 14, 2021. According to Snider, the proposed zone change will be good for economic growth in the City by providing export manufacturing and job growth.
6. The subject site is approximately 1.69 acres. The site is located at the southeast corner of Industrial Way and Champion Way.
7. The parcel has a Comprehensive Plan Map designation of Industrial and a Zoning Map designation of I-1, Industrial Park.
8. The applicant, JRP Property Management, is requesting a zone change from I-1 (Industrial Park) to I-2 (Light Industrial). According to the applicant, the reason for the requested zone change is to reduce the architectural requirements and setback requirements for future development. I-1 zones have more robust requirements as they are intended to be visible from Highway 26. The applicant states that the subject site is not visible from Highway 26, and therefore an I-2 zoning designation is more appropriate. Additionally, an adjacent property is also zoned I-2.
9. It is important to note that this zone change does not require a Comprehensive Plan Map change as the Comprehensive Plan Map designation will remain Industrial.
10. Planning Commission held a public hearing for this application on January 25, 2021. At that meeting, Planning Commission forwarded to City Council a recommendation of approval for the zone change with conditions with a vote of 7 to 0.

17.26 – Zoning District Amendments

11. Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.
12. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.
13. Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services. Extension of sanitary sewer will be required with future development of the lot. The Public Works Director stated that he had no comment on the proposal, from which we can deduce that the City sees no potential negative impacts on public facilities with this zone change. Additionally, the potential uses on the site, should it be rezoned to I-2, would have relatively similar impacts on sanitary sewer and water facilities as uses permitted in the I-1 zoning district.
14. Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of Chapter 17.26. The purposes of the chapter are as follows:
 - A. Maintain sound, stable, and desirable development within the City. The applicant intends to construct an industrial building which will create living wage jobs and add to Sandy's exporting industries, making it a desirable type of development.
 - B. Permit changes in the zoning district boundaries where appropriate. Staff believes this is an appropriate zone change given the intents on I-1 zoning, I-2 zoning, and the distance of the subject site from Highway 26.
 - C. Ensure zoning changes are consistent with the community's land use policies and goals. See finding 15 for an analysis of land use policies.
 - D. Lessen the influence of private economic interests in the land use decision-making process. While this process has been initiated by and would be beneficial to private interests, so long as the decision-making body (in this case, City Council) makes a decision according to the review criteria, this purpose is met.
15. Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan. The following Comprehensive Plan policies are relevant to this application:
 - A. Goal 1 – Adequate public involvement through noticing affected property owners and holding two public hearings has achieved this goal.
 - B. Goal 2, Policy 7 – This proposal is consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
 - C. Goal 9, Policy 36 – Protect designated Industrial lands for Industrial uses. Because this rezone is not changing the Industrial Comprehensive Plan Map designation, this policy is met.
16. Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

- A. Goal 1: Citizen Involvement. The Planning Commission held a public hearing for this application on January 25, 2021. The City Council also held a public hearing on March 15, 2021. Public notices have been sent for these respective meetings.
- B. Goal 2: Land Use Planning. Goal 2 requires the ordinance to be coordinated with other affected governmental entities and to be supported by an adequate factual base. The City provided notice of the proposed zone change to the state, as Oregon law requires.
- C. Goal 9: Economy. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. As the EOA describes, Sandy has a need for smaller employment sites (< five acres). The EOA also describes Sandy’s comparative advantage for attracting businesses and suggested the City establish policies to attract professional service businesses, retirement facilities, personal services (lodging, restaurants, tourist-oriented retail, etc.) and small-scale manufacturing firms. Based on the city’s advantages, the EOA predicted these types of businesses are most likely to choose to locate in Sandy. The proposed zone change will further the city’s efforts to capitalize on those advantages as explained in the EOA.
- D. Goal 11: Public Facilities. The City has an existing public facilities plan that includes all properties within the city’s urban growth boundary (UGB), including islands of unincorporated property. The proposed zone change will not undermine or contradict any aspect of the existing public facilities plan. The Public Works Director submitted an email (Exhibit R) stating the Public Works Department doesn’t have any comments regarding the proposed zone change.
- E. Goal 12: Transportation. The applicant submitted a traffic analysis from Ard Engineering (Exhibit O) and this analysis was reviewed by Replinger & Associates, the City’s Traffic Consultant (Exhibit P). This submittal was also reviewed by the Oregon Department of Transportation (Exhibit Q). This document calculated the development potential of the site based on current and proposed zoning and calculated a trip generation rate based on these assumptions. The analysis estimated at full development of the site, based on current I-1 zoning, the AM peak hour total trip count is 150, the PM peak hour total trip count is 175, and the daily total trip count is 1,760. Based on proposed I-2 zoning, the AM peak hour total trip count is 130, the PM peak hour total trip count is 138, and the daily total trip count is 1,304. Therefore, the proposed zoning of I-2 would likely generate 456 fewer daily trips based on a reasonable worst-case scenario. ODOT reviewed and concurs with this traffic analysis (Exhibit Q).

17. Given that the proposed development conforms with the Sandy Municipal Code and Comprehensive Plan goals, and that multiple conditions have been put in place to ensure that the development meets the intent of the Code and goals, the Planning Commission finds that these criteria have been met.

17.50 – Light Industrial (I-2)

18. According to the intent of Chapter 17.50, this zoning district is meant for light industrial uses that do not depend on high visibility. Such uses are intended to be screened from view from arterial streets and highways.
19. The two streets which mark the location of the site—Industrial Way and Champion Way—are neither arterial streets nor highways. Rather, they are both defined as collector streets.
20. The subject site is approximately 900 feet from Highway 26 (as measured from Google Earth), and this distance is intersected by Champion Way. Additionally, the site is screened from Highway 26 by the Mt. Hood National Forest Headquarters, Fred Meyer, and numerous trees. When driving by the Tractor Supply Store and AMPM there is a small visual window to see this property, but due to distance and other buildings between the highway and the subject site the prominence of this location is not highly visible. Based on limited visibility of the site from Highway 26 the Planning Commission recommends the following conditions are imposed on future development of the site:
- A. Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping;**
 - B. SandyStyle approved colors on all future buildings on the subject site, including all walls and any metal roofs;**
 - C. Design features consistent with those identified in the submitted elevations (e.g., exposed timbers, gabled roof pitches); and**
 - D. In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.**
21. Manufacturing, assembly, and production uses that do not produce significant levels of noise or odor beyond the boundaries of the site are permitted outright uses. Additionally, incidental retail associated with the primary use of the site is allowed so long as it occupies less than 35 percent of the gross floor area of the building(s). Use of the site shall be determined in a future design review application.
22. All development and design requirements found in this chapter as well as in Chapters 17.80, 17.84, 17.90, 17.92, 17.98 and 15.32, and other chapters identified with future land use submittal shall be determined in a future design review application.

RECOMMENDATION:

Planning Commission recommends that the City Council approve the zone change application with additional conditions as identified in Finding #20.



APPLICANT'S SUBMITTALS

EXHIBIT A

SANDY

General Land Use Application

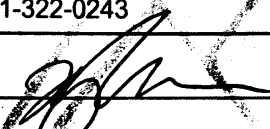
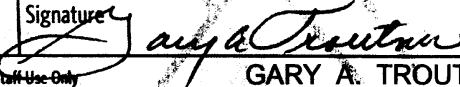
1 page

Name of Project:	Rogue Fabrication
Location or Address:	Southeast corner of Industrial Way and Champion Way. Parcel 1 of Partition plat 1992-72

Map & Tax Lot #	T: 2S	R: 4E	Section: 15A	Tax Lot (s): 24E15A0 - 00205
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Request: Change the zoning from I-1 to I-2 to create an efficient manufacturing space for the Rogue Fabrication business.

I am the (check one) owner lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant (if different than owner) Joseph Gambino (JRG Property Management)	Owner Eastwinds Industrial Park Inc.
Address 42335 SE Marmot Road	Address P.O. Box 489
City/State/Zip Sandy, Oregon 97055	City/State/Zip Fairview, Oregon 97024
Email gambino.joey@gmail.com	Email
Phone 971-322-0243	Phone 503-320-2666
Signature 	Signature  GARY A. TROUTNER

Staff Use Only

Type I Type II Type III Type IV

Yes No Other

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

EXHIBIT B



Supplemental Land Use Application
Form (No. 1)

4 pages

ANNEXATION

ZONE CHANGE

COMPREHENSIVE PLAN AMENDMENT

PROPERTY IDENTIFICATION

TAX LOT NUMBER	TOWNSHIP	RANGE	SECTION
204	2S	4E	NE 1/4 of SECTION 15

EXISTING AND PROPOSED LAND USE DESIGNATIONS

TAX LOT NUMBER (S)	COMPREHENSIVE PLAN		ZONING MAP	
	EXISTING /	PROPOSED	EXISTING /	PROPOSED
205	Light Indust.	Same	I-1	I-2

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

EXHIBIT 13

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



TAX LOT NUMBER	CLACKAMAS COUNTY RECORDING NUMBER	ASSESSED LAND VALUE	SIZE IN ACRES OR SQ. FT.
205	2012-080393	\$273,818	1.69 acres

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description (s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

vacant land

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property?	none
Number of total dwellings?	none



DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%:	1.69 acres
Approximate acreage with slopes 15% to 24.9%:	zero
Approximate acreage with slope in excess of 25%:	zero
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Name of public right-of-way:	Industrial Way and Champion Way
Does the property abut a private road? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Name of abutting private road(s):	NA
Describe any unusual difficulties in accessing the property:	None

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES

Vacant land to the north, industrial buildings to the east, a parking lot and industrial buildings to the south, and vacant land and a parking lot to the west.

EXHIBIT C

Rogue Fabrication Zone Change Narrative 11-19-20

<u>APPLICANT:</u>	Joseph and Nichole Gambino JRG Property Management representing Rogue Fabrication
<u>APPLICANT'S REPRESENTATIVE:</u>	Ryan O'Brien Planning & Land Design LLC
<u>PROPERTY OWNER:</u>	Eastwinds Industrial Park Inc.
<u>REQUEST:</u>	Rezone From I-1 to I-2
<u>LEGAL DESCRIPTION:</u>	Tax Lot 204, Tax Map 2-4E-15A Parcel 1 of Partition Plat 1999-72
<u>PROPERTY SIZE:</u>	1.69 acres
<u>LAND USE DISTRICT:</u>	I-1 (Industrial Park)
<u>COMPREHENSIVE PLAN DESIGNATION:</u>	Light Industrial

APPLICABLE ZONING CODES

Chapter 17.26.40.B - Criteria for Zone Changes

APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES

- Goal 1 - Citizen Involvement
- Goal 2 - Land Use
- Goal 3 & 4 - Agricultural and Forest Land
- Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources
- Goal 6 - Air, Water, and Land Resources Quality
- Goal 7 - Natural Disasters and Hazards
- Goal 8 - Parks and Recreation
- Goal 9 - Economy
- Goal 10 - Housing
- Goal 11 - Facilities and Services
- Goal 12 - Transportation
- Goal 13 - Energy Conservation
- Goal 14 - Urbanization

EXHIBITS

- 1 - Vicinity Aerial
- 2 - Vicinity Topography
- 3 - Sandy Zoning Map Up Close
- 4 - Sandy Zoning Map of the Entire City
- 5 - Tax Map
- 6 - Transportation System Plan Map
- 7 - Colored Proposed Site Plan
- 8 - Phases 2 & 3 Building Perspective
- 9 - Phase 1 Building Perspective
- 10 - Phase 1 Building Elevations
- 11 - Phases 2 & 3 Building Elevations
- 12 - Tax Lot 205 Legal Description and Assessed Land Value
- 13 - Supplemental land Use Application Form
- 14 - Ard Engineering Traffic Study

INTRODUCTION and SUMMARY of REQUEST

This application is a request to rezone a 1.69-acre site from I-1 (Industrial Park) to I-2 (Light Industrial). Zone Changes are Type IV applications and required to be review by both the Sandy Planning Commission and City Council. The subject property is Tax Lot 205, Tax Map 2-4E-15A. The property is located at the SE corner of Industrial Way and Champion Way.

I-1 zoning is located north, west, and south of the subject property. I-2 zoning is located to the east. Public streets separate the subject property from existing development to the west and north. A parking lot is located to the south and industrial building to the east. The buildings on the east side are located close to the property line. The subject property is not visible from Highway 26. Therefore, the design requirements in the I-2 zone are acceptable as opposed to the more restrictive design requirements of the I-1 zone which are intended for property easily visible from Highway 26. If this Zone Change is approved, the applicant will purchase the property and submit a Type II Design Review application to the city.

Information in this narrative addresses city codes, provides an explanation of the proposed use of this property, and the history of Rouge Fabrication. Attached are architectural plans, site plans and maps of the surrounding area. The southerly building will be constructed first as the Phase1. Phases 2 and 3 will be built at a later date.

History and Ownership of Rouge Fabrication

Rogue Fabrication is owned by Joseph and Nicole Gambino. The business started in their garage in Hillsboro, where Joseph is from. He graduated from the engineering

program at Oregon Tech before working in industry and starting the business. Nicole is from Gresham and graduated from OSU. Her family has lived around the Gresham and Sandy areas for several generations. Rogue Fabrication (and its owners) moved to Sandy in 2014, and Rogue Fabrication has steadily grown since then.

Rogue Fabrication Operation

Rogue makes a line of tube bending tools and other products that go along with tube bending and fabrication. These tools are used to make hand railings, gates, tractor protection (both equipment and human protection), and motorsports safety and suspension components (like roll cages, chassis, etc). These products are designed, tested, and assembled by Rogue Fabrication. Rogue also sells a range of accessory products like measurement tools, cutting bits, select hardware, and other support goods that belong in metal shops, farms, and ranches. In addition to selling tools and select hardware, Rogue offers tube bending and some metal fabrication service to local customers. They use the same equipment other businesses can buy to do this fabrication work. Rogue plans to schedule hands-on fabrication classes in this new building in Sandy.

Economic Impact

Rogue employs local workers and pays fair wages, their medical insurance, and retirement account contributions. Good living wages with benefits help the local economy and the community. Permit and systems development revenue combined with property taxes will also benefit the City of Sandy. Further income at the state level will be realized through taxation of wages paid to employees. This will increase with business growth and expansion of Rogue at this new location. The range of products and services sold by Rogue Fabrication unquestionably benefit the local rural community. Rogue has many customers already building agricultural products with their tools. Rogue sells many products almost exclusively used for agriculture. Rogue's tools also are widely used by schools.

Philanthropic:

Rogue Fabrication extends generous discounts to all schools (from middle schools to Ivy League colleges). Rogue fabrication donates to charities, and sponsors prizes for educational competitions, like the AWS Welding Competition they have sponsored 2 years in a row. Rogue also has a monthly product giveaway sweepstakes that has organized the donation of over \$3,000 in products to schools across the county during the first 6 months of 2020.

Education Program:

Outlined in late 2019, Rogue Fabrication cooperated with a former Oregon School Teacher to form an education cooperation program. This program will have an educator-only forum for sharing curricular plans related to metal fabrication and communicating about student safety and other scholastic topics. This program also includes suggested equipment for schools, discount schedules on Rogue Fabrication products, and free products for outstanding students selected by their instructors (the products usually include branded merchandise). This program is aimed at keeping fabrication, problem solving, and the harmony of mathematics and engineering at the core of fabrication teaching in the public and private school system. It also rewards students and instructors for success.

Zone Change

The Sandy Comprehensive Plan Map only has one light industrial designation. Either I-1 or I-2 zoning complies with the Sandy Comprehensive Plan Map. The codes for I-1 and I-2 are similar. I-1 appears to be required when closer to Highway 26 and commercial uses. I-2 does not depend on high public street visibility. The subject property is not visible from Highway 26. The major differences are the minimum 10-foot front yard setback in the I-1 zone and 30-foot front yard setback in the I-2 zone, and the more restrictive architectural requirements in the I-1 zone.

SECTION 17.26.00 INTENT of ZONE CHANGES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:

- A. Maintain sound, stable, and desirable development within the City;*
- B. Permit changes in zoning district boundaries where appropriate;*
- C. Ensure zoning changes are consistent with the community's land use policies and goals; and*
- D. Lessen the influence of private economic interests in the land use decision-making process.*

RESPONSE: This narrative demonstrates why this zone change allows Rogue Fabrication to build a sound, stable and desirable manufacturing facility. This zone change is appropriate for the area base on the preponderance of I-2 zoning south of Industrial way and east of Champion way (Exhibits 3 and 4). Exhibits 1 and 2 show the land use pattern in the general area. Most of the I-1 zoning is west of Champion Way

and north of Industrial Way. The primary reason for the I-1 zoning is to provide specific architectural standards for buildings visible from Highway 26. I-1 zoning is not appropriate for the subject property because it is not visible from Highway 26. The Goals and Policies of the Sandy Comprehensive Plan are addressed in this narrative. This zone change is primarily in the public interest as opposed to the private economic interests.

SECTION 17.26.10 ZONE CHANGE BACKGROUND

The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Frequent and piecemeal amendments to the Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. When a zoning district is amended there often must be a corresponding change to the Comprehensive Plan map. There are, however, instances where more than one zoning district matches the Comprehensive Plan designation. In these situations, the zoning district can be amended without a Plan Map Change. Zoning district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. Changes to the Zoning Map are reviewed initially by the Planning Commission with a recommendation forwarded to the City Council. The City Council conducts a public hearing and considers adoption of changes.

RESPONSE: The city has 3 separate Industrial Zones; **I-1, 1-2 and I-3**. The city only has one industrial designation on the Comprehensive Plan Map. Therefore, a Comprehensive Plan Amendment is not required. This zone change is extremely limited in scale and effect. The subject property is already mostly in an I-2 zoned area. Property directly east is zoned I-2. The next small triangle property further east, Tax Lot 212 containing 1.32-acres, is zoned I-1 but it will probably be rezoned I-2 in the future to be compatible with other I-2 zoned property south of Industrial Way and east of Champion Way. This is a logical zone change direction for the city. Zone changes are rare in this section of the city. Therefore, piecemeal zone changes are not occurring. The integrity of the Comprehensive Plan and successful implementation will not be affected. This is especially true since the Comprehensive Plan Map will not be changed. With 3 industrial zone districts, Industrial zone changes are expected and assumed.

Section 17.26.40.B - Criteria for Zones Changes

B. Review Criteria. Quasi-judicial zoning district changes shall be reviewed to:

- 1. Determine the effects on City facilities and services;*

2. To assure consistency with the purposes of this chapter;
3. To assure consistency with the policies of the Comprehensive Plan;
4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

COMMENT: Adequate public facilities and services are available. This zone change is consistent with the Zone Change Chapter. The Comprehensive Plan supports this zone change. The following are uses allowed in the **I-1 Industrial Park Zone** and the **I-2 Light Industrial Zone**. A comparison of uses in each zone clearly shows uses allowed in the I-2 zone produces less traffic compared to the I-1 zone. Therefore, no increase in traffic is expected if this zone change application is approved. This is further supported by a traffic report prepared by Mike Ard, Traffic Engineer (See Exhibit 14). This report identifies the most traffic intense uses allowed in both the I-1 and the I-2 zones. The conclusion is that the I-1 zone could produce up to 1,760 vehicle trips per day with 150 to 175 peak hour trips. The I-2 zone could produce 1,304 vehicle trips per day and 130 to 138 peak hour trips. The I-2 zone will produce lower traffic volumes. Therefore, the traffic engineer concluded the following:

*“Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in **no change in trip generation** during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change”.*

The traffic engineer provided a Transportation Planning Rule Analysis with findings showing no further action or traffic studies are necessary for this zone change application. This application needs to be accepted without ODOT comments. The city will send a notice of this application to ODOT for their review and comment. ODOT typically will not comment on land use actions until an application has been submitted to and accepted by a government agency.

17.48.10 PERMITTED USES IN THE INDUSTRIAL PARK (I-1) ZONE

A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:

1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:

a. Brewery, distillery, or winery, with or without pub or tasting room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Athletic club, indoor recreation, or entertainment;
- b. Automotive repair and service;
- c. Commercial day care facility;
- d. Community services;
- e. Education facility (e.g., pre-school, school, college);
- f. Financial institution;
- g. Medical facility (e.g., clinic, hospital, laboratory);
- h. Professional or general business office;
- i. Self-service storage;
- j. Social organization;

3. Retail businesses, including but not limited to:

- a. Automotive fueling station;
- b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental;
- c. Convenience market/store;
- d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
- e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
- f. Grocery store or supermarket;

4. Bus station or terminal;

5. Group care and assisted living;

6. Overnight lodging;

7. Minor public facility;

8. Nursery/greenhouse;

9. Outdoor recreation;

B. Accessory Uses Permitted Outright:

- 1. Use customarily incidental and subordinate to a use permitted outright;
- 2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
- 3. Parking lot or garage (when associated with development).

17.50.10 PERMITTED USES IN THE LIGHT INDUSTRIAL (I-2) ZONE

A. Primary Uses Permitted Outright:

1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:

a. Brewery, distillery, or winery, with or without tasting room or tap room;

2. Service and professional businesses and organizations, including but not limited to:

- a. Automotive repair and service;
- b. Commercial day care facility in conjunction with a permitted use;
- c. Community services;
- d. Indoor recreation/sports arena, excluding athletic club/gym;
- e. Laboratory;
- f. Professional or general business office;
- g. Self-service storage;
- h. Social organization;

3. Retail businesses, limited to the following:

- a. Any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building;
- b. Automotive, trailer, recreation vehicle, and motorcycle, sales and rental;
- c. Eating/drinking establishment, excluding fast-food restaurant, high-turnover sit down restaurant, and drive-up/drive-through uses, and limited to no more than 40 seats;
- d. Meat market, produce market, excluding grocery stores and convenience stores;

4. Bus station or terminal;

5. Group care and assisted living;

6. Minor public facility;

7. Nursery/greenhouse;

8. Outdoor recreation;

9. Park and ride station;

10. Parking lot or garage (when not an accessory use);

11. Public park, plaza, playground or recreation area, and buildings;

- 12. Salvage yards, including processing, storage or sales;**
- 13. Trucking terminal, distribution center, or transit center;**
- 14. Warehousing and distribution facilities for wholesale merchandise;**
- 15. Wholesale lumber or building materials yard;**
- 16. Other uses similar in nature.**

B. Accessory Uses Permitted Outright:

1. A use customarily incidental and subordinate to a use permitted outright;
2. Caretaker quarters;
3. Parking lot or garage (when associated with development).

COMMENT: A traffic analysis is not required because the above information shows traffic generation from permitted uses in the I-2 zone are less compared to the I-1 zone. Secondly, the city only has one Industrial Comprehensive Plan Designation but three Industrial Zoning Designations. Therefore, a Comprehensive Plan Amendment is not required.

Light Industrial I-2 Zone - Chapter 17.50

Manufacturing and incidental retail commercial uses on less than 35% of the of the buildings gross floor area are outright permitted uses. The retail uses will probably be less than 10% to 20% of the floor area for Rogue Fabrication. All manufacturing and storage will be inside the buildings. The buildings have metal siding along the street frontages which is allowed in the I-2 zone. Metal siding will be accented by windows, canopies, and cultured stone veneer along the building foundations and the canopy posts. The architectural perspective shows the appearance of the buildings from the public streets (Exhibits 8 to 11). The buildings are not visible from Arterial Streets and Highways. Industrial Way and Champion Way are collector streets. Highway 26 is a Major Arterial. Therefore, additional building screening is not necessary in accordance with the Intent of the I-2 Zone (Section 17.50.00).

Section 17.90.130 - Design Standards for Development in the I-2 zone

No future connection to streets or adjacent property is required. This was addressed with the Partition Plat 1999-72. Pedestrian access is provided by public street sidewalks. The driveway on Champion Way is located about 10-feet north of the north portion of the existing driveway on the west side of Champion Way. Left turns into both driveways do not conflict because the driveway on the subject property is north of the driveway on the

west side of Champion Way. Both driveways cannot be lined up because it would significantly affect the parking lot plan on the subject property (Exhibit 7).

Metal siding is allowed in the I-2 Zone. Changes in relief are required for 10% of the building. The proposed relief is over 10% with the canopies. The colors are earth tones. Two dormers are proposed on the roof facing Industrial Way. The pitch of the roof is 3:12 in compliance with city code. The roof material will be earth-toned standing seam (concealed fastener) metal. This roofing material is allowed under 17.90.130.D.4. The elevations show no roof mounted mechanical equipment. Entrances are located along public streets. A trash enclosure is proposed in the parking lot.

Sandy TSP

Both Industrial Way and Champion Way are Collector streets. The following is a definition of a Collector Street in the City TSP:

Collector streets provide both access and circulation within and between residential and commercial areas. These roads have a typical capacity between 2,000 and 6,000 ADT. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials), and penetrate residential neighborhoods, distributing trips from the local street system to minor and major arterials. Collectors may provide on-street parking, may incorporate traffic calming measures, and should be spaced approximately one-half mile apart. Bike lanes are required on collectors.

RESPONSE: According to the city TSP Industrial Way will have an “A” to “C” Level of Service in the year 2029 east of 362nd Drive and an “E” Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an “A” to “D” level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

SANDY COMPREHENSIVE PLAN

Goal 1 - Citizen Involvement

This goal is to establish policies for development of a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: The surrounding property owners will be notified of the zone change hearings and will have an opportunity to submit written comments or testify at the public hearings.

Goal 2 - Land Use Planning

This goal is to establish policies for a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The applicant will be following the policies of the Comprehensive Plan and the requirements of the Development Code. An adequate factual basis is provided to justify approval of this zone change application.

Interpretation of Comprehensive Plan Map

13. *Plan designations for land use categories are intended to guide zoning.*

RESPONSE: The property is designated Light Industrial on the Comprehensive Plan Map. The 3 industrial zones are possible on land with a Light Industrial Comprehensive Plan designation. Locational characteristics determine which zone is appropriate for specific areas.

Industrial

This designation provides for industrial parks, light industrial and general industrial activities. The intent is to encourage industrial growth and provide for industrial development at appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy, diverse, and stable local economy. Non-industrial uses are not encouraged in industrial areas except for those, not including housing, which serve the needs of the area's work force. Areas may be designated "I" on the Plan Map providing that siting of businesses does not result in significant adverse impacts on residential or sensitive natural resource areas in the following areas:

1. *Areas having a historic commitment to industrial use*
2. *Areas with appropriate access to the regional transportation network*
3. *Areas with sites large enough to accommodate expansion of individual establishments or provide for several establishments within one contiguous area.*

RESPONSE: The subject property is already in an industrial area with no residential development, except for high density residential development to the southwest along the west side of Champion Way.

The industrial plan designation is implemented through the Industrial Park (I-1), Light Industrial (I-2) and General Industrial (I-3) districts.

***The Industrial Park (I-1)** district is intended to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites which will blend harmoniously with their surroundings and adjacent land uses.*

***The Light Industrial (I-2)** district is intended to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.*

***The General Industrial (I-3)** district is intended to provide locations in suitable areas for general manufacturing and warehousing businesses which because of potential land use conflicts require large, isolated sites removed from neighboring residential uses.*

RESPONSE: The I-1 Industrial Park zone is intended to be mixed with commercial uses. The subject property was probably zoned I-1 because it is across the street from commercial uses to the north. Property directly east is zoned I-2. The building and uses on that property are very compatible with commercial uses. The attached zoning map (Exhibit 3) shows a significant amount of I-2 zoning to the east and south. A large portion this I-2 zoning south of Industrial Way and east of 362nd Dive is across the street from land zoned commercial. This shows a precedence of I-2 zoning next to commercial uses in the general area. If commercial uses were proposed for the subject property, I-1 zoning would remain. The proposed Rogue Fabrication use is more compatible with the I-2 zone compared to the I-1 zone. Rogue Fabrication will be very compatible with surrounding commercial uses and other property zoned I-1. All manufacturing on the subject property will be inside the buildings. I-3 zoning would not be compatible with the surrounding area. Only 3 industrial zones are available for the subject property.

Goals 3 & 4 - Agricultural Lands and Forest Lands

There are no farm or forest lands within the Sandy Urban Growth Boundary.

RESPONSE: No response is necessary.

Goal 5 - Open Spaces, Historic Resources, and Natural Areas

This goal is to establish policies for conservation of open space and protection of natural and scenic resources.

RESPONSE: The subject property does not contain any natural or scenic resources. Therefore, no response is necessary.

Goal 6 - Air, Water, and Land Resources

This goal is to establish policies to maintain and improve the quality of the air, water, and land resources of the state.

- 1. Maintain environmental quality by guiding future development and land use activities. Allow activities that will not significantly deteriorate the existing high quality of air, water and land resources.*
- 2. Cooperate with federal, state and regional agencies to meet the air quality standards of the Federal Clean Air Act.*
- 3. Preserve and enhance the City's open space and natural resources to sustain their positive contribution to air quality.*
- 4. Reduce congestion and delay on major streets to lessen localized pollution impacts of automobile travel through methods such as signal timing, access management, intersection improvements, etc.*
- 5. Reduce air pollution by decreasing the need for vehicle trips through:
 - a) Promoting pedestrian, bike, and transit friendly land uses, including mixed use developments that are compatible with existing neighborhoods*
 - b) Implementing the Oregon Transportation Planning Rule*
 - c) Providing opportunities to utilize alternative transportation modes*
 - d) Encourage employers, including the City of Sandy, to implement programs to reduce single occupant trips to and from work**
- 6. Favor the use of the natural drainage system and other non-structural methods to treat, convey and dispose of runoff.*
- 7. Require all development to:
 - a) Comply with applicable local, state, and federal water quality and erosion control standards*
 - b) Implement measures to minimize runoff from the development site during and after construction**
- 9. Require adequate screened and enclosed space for recycling, solid waste storage and compacting within industrial, commercial and high-density housing developments and ensure proper access to these areas.*
- 10. Provide for a zoning designation which will accommodate recycling facilities with standards that will mitigate impacts on adjacent land uses.*

11. *Encourage reductions in the amount of solid waste generated by private and public construction and demolition activities.*

12. *Ensure that new commercial, industrial and community service facility development is landscaped, buffered and designed so adjacent properties are not negatively impacted.*

RESPONSE: Storm water detention and treatment will occur on the subject property when it is developed. Rezoning will not encourage a reduction in air quality. The TSP identifies future plans to reduce traffic congestion. This project is very small with limited traffic volumes. No required off-site street improvements are anticipated to be required as result of the Design Review application. Screened recycle facilities will be provided. Adequate landscaping will be provide as shown by the attached colored site plan (Exhibit 7).

Goal 7 - Natural Hazards

This goal is to establish policies to protect life and property from natural disasters and hazards.

RESPONSE: There are no natural hazards on the subject property.

Goal 8 - Parks and Recreation

This goal is to establish policies to satisfy the recreational needs of the citizens of the state and visitors. Policies pertaining to parks, open space, and recreation planning for the City of Sandy are divided into specific categories which include general policies, parks and recreation, funding, and community design.

RESPONSE: The subject property is not a residential development. Therefore, the Parks and Recreation Goal does not apply. The subject property is not suitable for a public park.

Goal 9 - Economic Development

This goal is to establish policies to diversify and improve the economy of the state.

RESPONSE: Development of this site with a manufacturing facility complies with Goal 9 as identified below.

Industrial District Policies

34. *Encourage a range of job types and skill levels to foster growth in the local labor pool.*

RESPONSE: Phase 1 of this development will create about 15 to 20 new manufacturing employees in the City of Sandy. Phase 2 and 3 will produce an additional 15 to 20 new employees. This will help diversify the type of employment in the City of Sandy.

35. *Promote a diversity of small industries and businesses. Through diversification, the community will retain its economic strength through changes in the market place.*

RESPONSE: Rogue Fabrication is a small business in compliance with the above Policy. Development to this business will create employment diversity.

36. *Protect designated industrial lands for industrial uses. Limit commercial development in industrial areas to uses which are clearly ancillary and subordinate to industrial development.*

RESPONSE: The subject property will be developed as an industrial use which protects the industrial land base. Limited retail commercial sale of the products manufactured by Rogue Fabrication will occur in compliance with the above Policy.

37. *Work with other jurisdictions and agencies such as Clackamas County, Metro, the Port of Portland, the Oregon Economic Development Department and the Oregon Department of Transportation to identify and support expansion of existing industries and attraction of new industries to the community.*

RESPONSE: The City of Sandy is providing this coordination.

38. *Promote performance standards for commercial and industrial developments that reduce demand on municipal water and wastewater service and maintain air quality standards.*

RESPONSE: The City of Sandy has developed these standards.

39. *Plan for a jobs-housing balance in order to provide opportunities for Sandy residents to work locally and reduce the potential for commuting. At each periodic review, the City shall evaluate its jobs-housing balance and determine if plan map amendments are needed to maintain a balance exceeding 1.0 jobs per household.*

RESPONSE: Development of this site will increase the jobs-housing balance in the city of Sandy.

Goal 10 - Housing

This goal is to establish policies to provide for housing needs of the state.

1. *Assure an adequate supply of developable land for low, medium, and high-density housing to meet the 20-year population projections.*
2. *Encourage the private sector to provide adequate housing choices, including affordable housing types.*
3. *Encourage innovations in construction, funding, regulation, and siting of housing in order to provide well designed and energy efficient housing.*
4. *Cooperate and coordinate with the Clackamas County Housing Authority and with the FHA in their efforts to construct low income housing.*
5. *Make information available on current programs and techniques of construction and housing rehabilitation which will enhance the quality of housing in Sandy.*
6. *Provide for a balance between the growth in job opportunities and the growth in housing opportunities.*

RESPONSE: Additional job growth is necessary to keep up with housing construction. Development of this site will help reduce employment trips outside of the city.

Goal 11 - Public Facilities and Services

This goal is to establish policies to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

RESPONSE: All public facilities and services were provided when this industrial area was developed with streets and utilities.

Community Facilities and Services

1. *Establish an ongoing five-year capital improvement program covering all public facilities, services, and utilities.*
2. *Coordinate the siting of public facilities and services with other agencies or districts; such as, the fire district, post office, school districts, etc.*
3. *Consider the needs of emergency service providers in the review of all development. Particular attention should be paid to:*
 - a) *Street and driveway layout and site design features that ensure emergency vehicle access and building identification.*
 - b) *Fire hydrant locations and fire flow.*
 - c) *Security through appropriate lighting and landscape design.*

RESPONSE: The city has a 5-year capital improvement program. Adequate public facility and services are available to serve this development. The site plan (Exhibit 7) shows adequate fire access to the buildings.

Utilities

9. *Require developers to install and extend all public utilities to, and through, the property to serve the needs of the development and surrounding properties in a logical manner.*
10. *Require developers to over-size and design facilities for adjacent development.*
12. *Encourage the utilization of swales and natural ponding areas to satisfy storm drainage retention and detention requirements where possible.*
13. *Require utilities such as telephone, electricity, and cable television to be placed underground in new developments, except where not technically feasible. The city shall work with private utilities to replace existing overhead utilities with underground service.*

RESPONSE: The public utilities are already provided for this development.

Goal 12 - Transportation

This goal is to establish policies to provide and encourage a safe, convenient, and economic transportation system.

RESPONSE: According to the city TSP, Industrial Way will have an "A" to "C" Level of Service in the year 2029 east of 362nd Drive and an "E" Level of Service west of 362nd Drive with no improvements. Champion Way at Highway 26 will have an "A" to "D" level of Service in the year 2029 with no improvements. An adequate Level of Service is will be available to accommodate the Rogue Fabrication development.

Neighborhood Street System

In order to provide convenient, safe, and equitable access throughout the community, the City of Sandy shall:

1. *Support a pattern of connected streets, sidewalks, and bicycle routes 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 local streets so that collector and arterial streets are not overburdened.**
2. *Work with fire district, police, and other emergency service providers to ensure that adequate emergency access is possible on all streets.*
3. *Require connected streets that form pedestrian-scaled blocks, except where it is shown that topography, existing land ownership patterns, or other conditions preclude the creation of blocks.*
4. *Discourage the use of cul-de-sacs and dead-end streets, except where it is shown that topography or other existing conditions make them necessary. If cul-de-sacs or dead-end streets are found necessary, the City shall consider requiring pathways that connect these streets to adjacent through streets.*
5. *Encourage the use of parks and open space corridors as pedestrian and other non-auto oriented linkages within the urban area. Where possible, connect these pathways to a regional system of trails linking public and private open space, parks, and recreational resources within and between jurisdictions.*
6. *Encourage the development of neighborhood parks or other public or private open spaces connecting short cul-de-sac streets or other local streets in order to provide neighborhood focal points.*
7. *Encourage joint use of major power line or utility corridors as pedestrian/ bicycle linkages where feasible.*

RESPONSE: The above policies generally apply to residential developments. However, pedestrian access is proposed along both Champion Way and Industrial Way. When this site is developed, sidewalks will be constructed along both streets. The TSP Map (Exhibit 6) shows both streets are planned to be extended in the future. No parks or pedestrian corridors are located on or adjacent to the subject property.

Pedestrian Friendly Street and Streetscape Design

- 8. *Encourage the planting of street trees in tree-deficient area of the city.*
- 9. *Require buildings, awnings, landscaping, and modifications to the street width and sidewalks in commercial areas to create a sheltered, interesting, and safe environment that works for pedestrians as well as for automobiles.*
- 10. *Encourage the development of sidewalks on both sides of all streets, especially in high pedestrian activity areas such as near schools and in the downtown area.*
- 11. *Develop street, bicycle, and pedestrian facilities that encourage pedestrian friendly streetscapes.*

RESPONSE: The building elevations encourage pedestrian access to the public streets (Exhibits 8 to 11). Street trees will be planted with either I-1 or 1-2 zoning. Additional landscaping will be installed with I-2 zoning as identified below because of the larger required front yard setback even though the required percentage of landscaping is less in the I-2 zone. The Site Plan (Exhibit 7) shows that over 20% of the site will be landscaped.

	<u>I-1 Zoning</u>	<u>I-2 Zoning</u>
Front Yard Setback	10-feet	30-feet
Corner Street Setback	15-feet	15-feet
Required Landscaping	20%	15%

Bicycle Facilities

- 12. *Establish a system of designated bicycle routes and pathways that link neighborhoods, schools, parks, employment centers, and other points of interest.*
- 13. *Establish a logical and coherent transportation network within the city, and provide connections to larger, regional facilities. Bicycle facilities should be constructed in accordance with the design standards of the Oregon Bicycle and Pedestrian Plan or other approved plan.*
- 14. *Make provisions for bicycle facilities in accordance with the bicycle network map. Recognize that this map represents a conceptual plan. Actual bicycle routes will be determined when the proposed street network is more fully developed.*
- 15. *Identify and develop local or collector streets which can provide good parallel bicycle facilities with less vehicular traffic within a short distance of an arterial as the preferred bicycle route.*
- 16. *Encourage the provision of bicycle racks for existing commercial, industrial, civic, and school facilities.*

RESPONSE: Bicycle parking spaces will be provided with this development to encourage bicycle travel.

Transit

17. *Promote local transit service for Sandy.*

RESPONSE: The owners and employees of this development can take advantage of future transit service because of the location next to a major shopping center.

Major Roadway Circulation

20. *Work with property owners and developers to limit the number of accesses onto major roadways. Encourage the use of shared driveways, off-street connections between properties, and access from lower order streets.*

22. *Submit notice of development proposals impacting Highways 26 and 211 to ODOT for review and comment.*

RESPONSE: ODOT will be notified of this zone change application and the future Design Review application. No traffic report is required for this zone change. However, a traffic report may be required for the Design Review application. The proposed parking lot access on Champion Way is the only alternative. A joint access with adjacent property is not possible

Parking

23. *Wherever feasible, encourage the provision of on-street parking on both sides of streets. Cooperation with ODOT will be necessary along Highway 26 and Highway 211.*

24. *Reduce parking requirements for development proposals where existing on-street parking and excess parking from adjacent development is available to meet parking requirements. Consideration should also be given to allowing payment of fees in lieu of required on-site parking. The fees shall be dedicated to the development of public parking lots.*

26. *Encourage shared parking arrangements when parking demands for the sharing uses can be satisfied.*

27. *Require convenient and safe bicycle parking as part of the parking requirement for all new development, except single-family houses.*

RESPONSE: On-street parking is available on both streets because no-parking signs are absent. The posted speed limit is 25 MPH which is conducive to on-street parking. Shared parking is not possible for this property. However, the opportunity may be available in the future for parking space rental depending on the future uses of adjacent property.

Goal 13 - Energy Conservation

This goal is to establish policies to conserve energy.

1. *Promote infill developments to reduce the need to extend services and streets.*

4. *Encourage energy-efficient design.*

RESPONSE: This is an infill development. The building will be developed with energy efficiency.

Goal 14 - Land Use and Urbanization

This goal is to establish policies to provide for an orderly and efficient transition from rural to urban land use.

RESPONSE: This goal does not apply because this rezone will not be transition from rural to urban land use.

Urbanization Policies

1. *Maintain an urban growth boundary with sufficient residential, commercial, industrial, and public use lands necessary to support forecast population and employment for a 20-year horizon. The City will evaluate and update the 20- year land supply at each periodic review plan update.*

2. *Urban growth should be directed in a generally contiguous manner consistent with the city's ability to economically maintain and extend public services and facilities.*

3. *The City of Sandy shall encourage the development of land according to the following priorities:*
 - a) *Vacant, buildable lands or underutilized lands located within developed or developing areas.*

 - b) *Lands contiguous to development areas where services can be easily and economically extended.*

 - c) *Lands which are significantly separated from developing areas by vacant land, or areas which would place an undue burden on the city's infrastructure.*

RESPONSE: This rezone will help the city retain industrial land to support the 20-year employment forecast. Development of the site is located in an area with significant existing development. The subject property is in **Category 3a** above which is the highest priority for development.

Coordination with Clackamas County

7. *The City of Sandy shall have the lead role in designating planned land uses and densities for incorporated and unincorporated lands within the UGB and the URA. The Comprehensive Plan shall constitute the comprehensive plan for all land within the Urban Growth Boundary and Urban Reserve Area.*

8. *The City of Sandy shall have the lead role in coordinating public facility planning (streets, sanitary and storm sewers, water, parks and open space, schools) within the UGB and the URA.*

RESPONSE: The City of Sandy has the lead role with zoning designations in and outside the city limits and coordination of public facilities. The subject property has all the public facilities and services necessary for on-site development. It is a prime candidate for rezoning from I-1 to I-2 to encourage manufacturing jobs in the city. Significant C-2 retail commercial and service business I-1 zoning is already available in the city as shown by the existing zoning map, Exhibit 3. I-1 zoning is more conducive to retail and service uses as opposed to manufacturing. Therefore, the subject property is more suitable for I-2 zoning.

EXHIBIT D

Legal Description of Tax Lot 205, Map 2-4E-15A

Parcel 1, PARTITION PLAT NO. 1999-72, in the City of Sandy, County of Clackamas and State of Oregon.

Estimated Acres: 1.69

Current Year Assessed Value: \$273,818.00

Market Building Value: \$0.00

Market Land Value: \$656,562.00

Market Total Value: \$656,562.00

Sale Price: \$275,000.00

Doc Date: 12/05/2012

Doc Type: S

Tax Code: 046017

Exhibit 12

EXHIBIT E

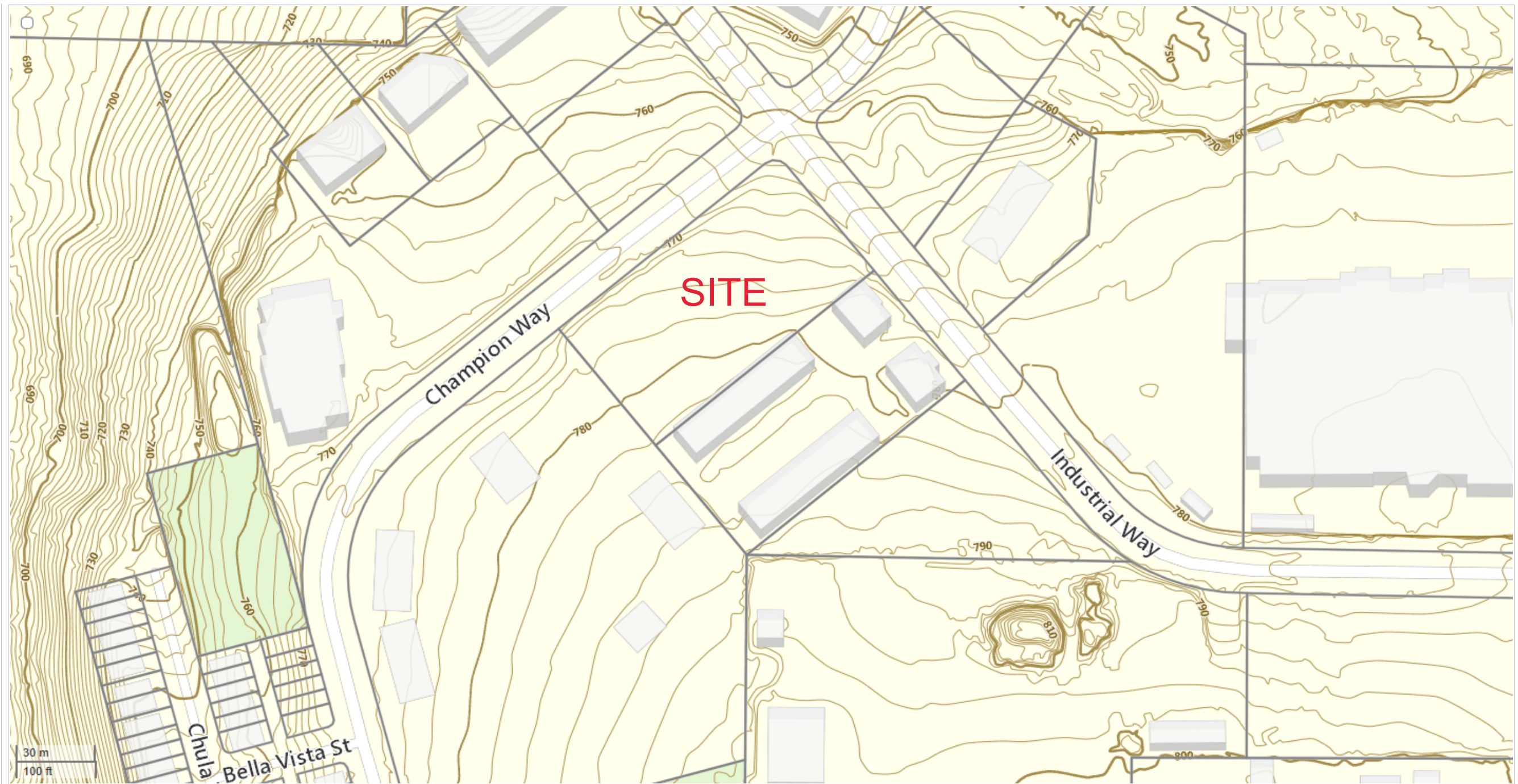


Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 1

EXHIBIT F



Data Resource Center
600 NE Grand Ave, Portland, OR 97232
503.797.1742 – drc@oregonmetro.gov

This Web site is offered as a public service, integrating various government records into a region-wide mapping system. The property assessment records are a multi-county integration of Clackamas, Multnomah and Washington County records. MetroMap blends each county's records into a common database on a quarterly basis. Therefore, to view each county's official records, go to their respective web sites or offices. The other MetroMap data are derived from city, county, state, federal and Metro sources. The metadata (data about the data) are included on this site, including the sources to be consulted for verification of the information contained herein. It describes some cases where Metro blends city and county records by generalizing the disparities. Metro assumes no legal responsibility for the compilation of multi-source government information displayed by Metro Map.

EXHIBIT 2

SANDY ZONING MAP

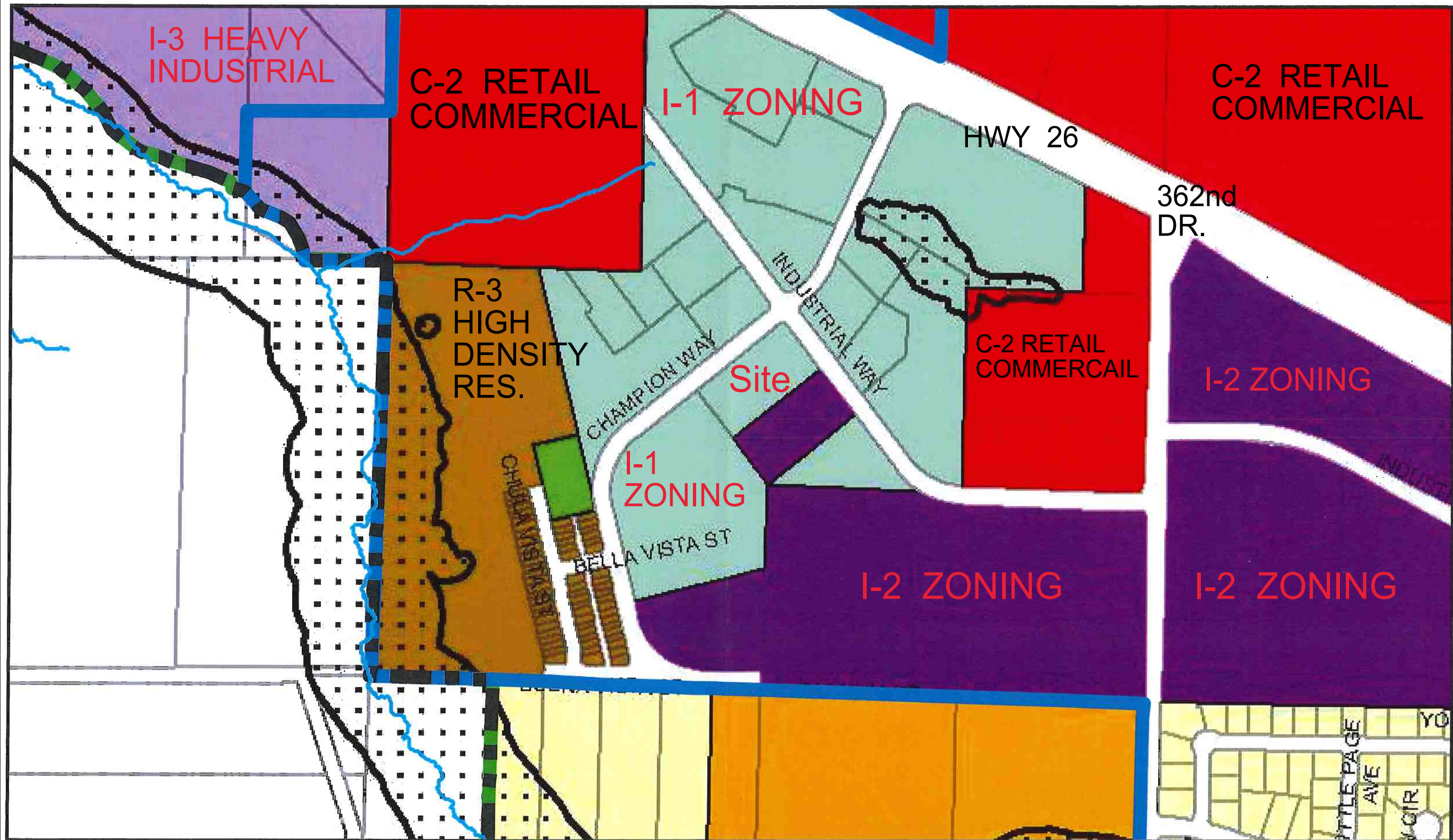


EXHIBIT H

PLEASE NOTE: Zoning designations for all parcels located outside of the City Limits are conceptual only and non-binding. The conceptual zoning designations are used to promote preferred development patterns, per the 2040 Comprehensive Plan.

**Zoning Map
Sandy, Oregon
Adopted October 20, 1997
Ordinance No. 11-97**

- Streams
- UGB
- City Limits
- Urban Reserve Boundary
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- POS (Parks & Open Space)
- SFR (Single Family Residential)
- R1 (Low Density Residential)
- R2 (Medium Density Residential)
- R3 (High Density Residential)
- C1 (Central Business District)
- C2 (Retail / Commercial)
- C3 (Village Commercial)
- I1 (Industrial Park)
- I2 (Light Industrial)
- I3 (Heavy Industrial)

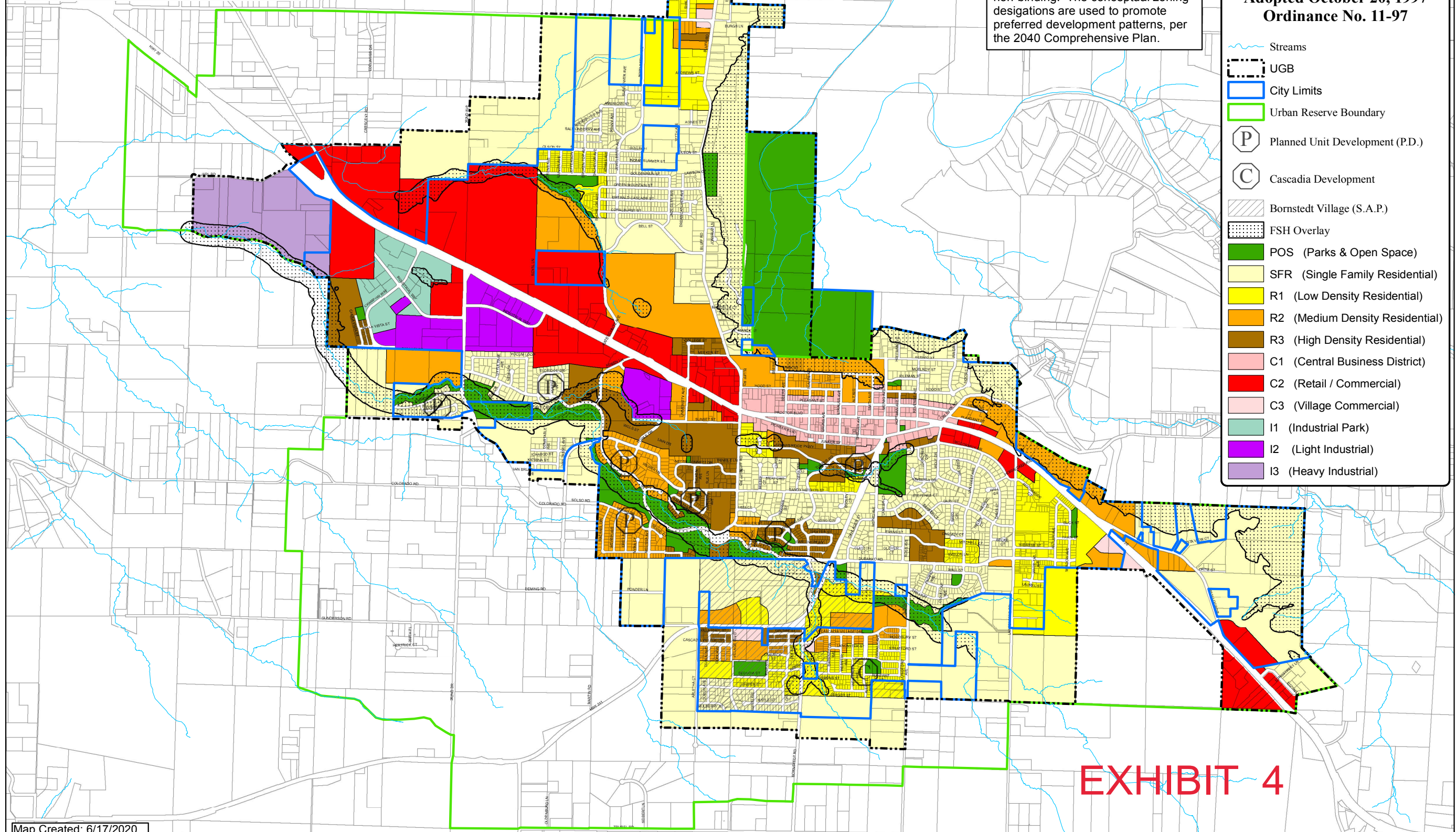


EXHIBIT 4

Map Created: 6/17/2020

EXHIBIT I

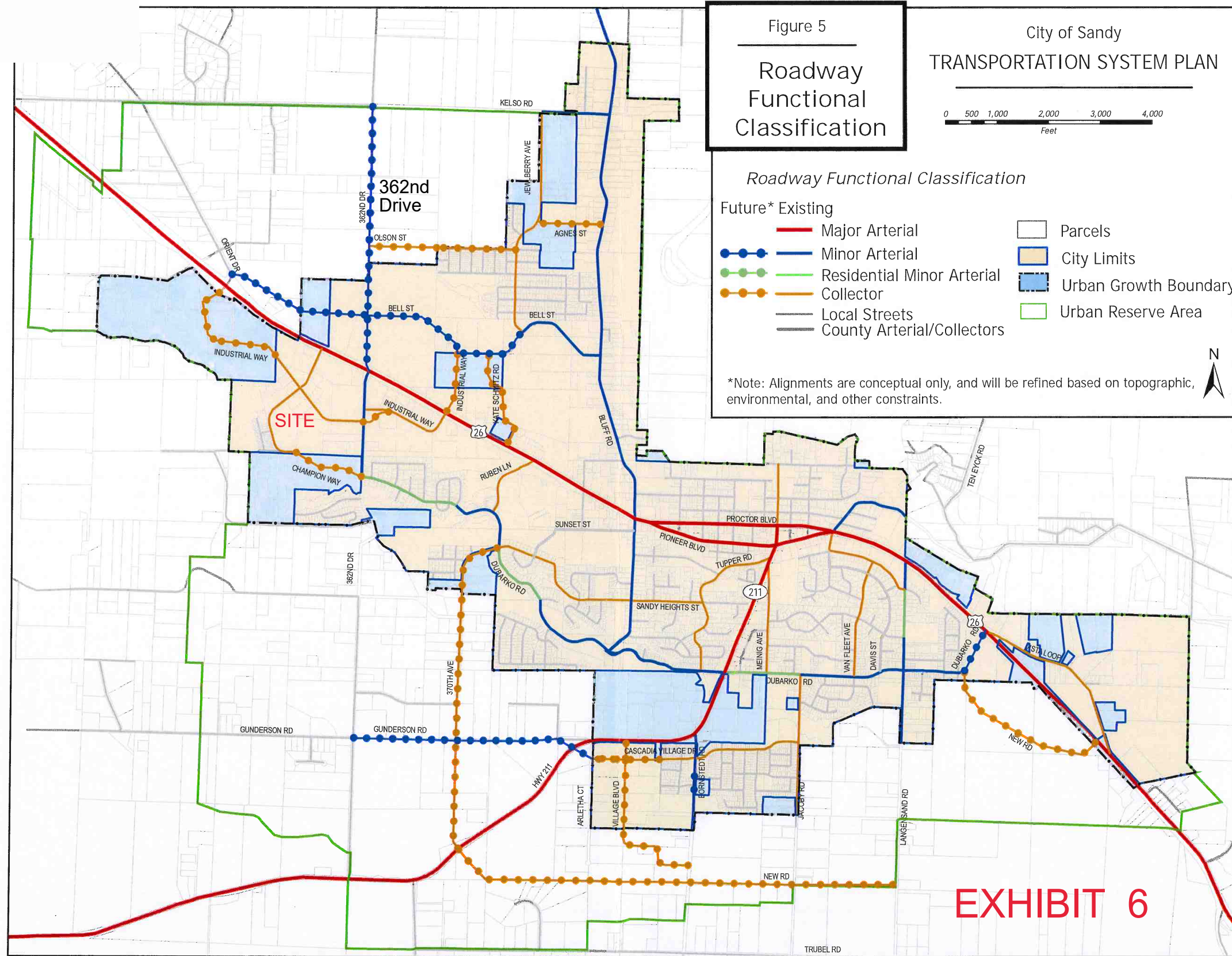
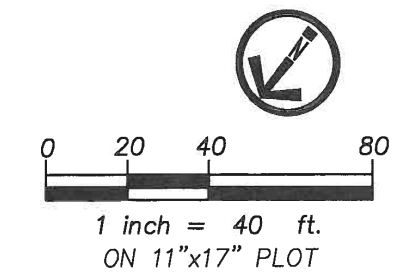


EXHIBIT 6

EXHIBIT J

**PROPOSED TUBE BENDING
MANUFACTURING EQUIPMENT & SALES**
PARCEL 1 OF PARTITION PLAT 1999-72



EXISTING ZONING I-1
PROPOSED ZONING I-2

PROPOSED 20%
ADJUSTMENT FOR 24'
FRONT YARD ON
INDUSTRIAL WAY

REQUIRED SETBACKS:
FRONT YARD 30'
(INDUSTRIAL WAY)
STREET SIDE YARD 15'
(CHAMPION WAY)
REAR YARD 0'
INTERIOR SIDE YARD 0'

30 EMPLOYEES PER SHIFT
36 PARKING SPACES PROVIDED

SANITARY MH
RIM = 775.78
IE IN = 770.68
IE OUT = 765.18

10'
PUE

ELECTRIC VAULT
GAS RISER

APPLICANT:
JOEY GAMBINO
42335 SE MARIMOT ROAD,
SANDY, OREGON 97055
OFFICE: (503) 389-5413
CELL: (871)822-0243

DESIGN REVIEW &
ZONING CHANGE
ROGUE FABRICATION
CHAMPION WAY, SANDY, OREGON
TAX MAP T2S, R4E, SECTION 15A, TAX LOT 205

NO.	DATE	DESCRIPTION

PLANNING & LAND DESIGN, LLC
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

SHEET
OF
AUGUST, 2020

EXHIBIT 7

EXHIBIT K



EXHIBIT N



EXHIBIT O

Technical Memorandum

To: Joey Gambino, Rogue Fabrication

From: Michael Ard, PE

Date: November 18, 2020

Re: Rogue Fabrication Zone Change (20-041 ZC) - Sandy, OR



This memorandum is written to provide information related to a proposed zone change for a 1.69-acre property located immediately southeast of Champion Way and southwest of Industrial Way in the City of Sandy, Oregon. The subject property is Tax Lot 24E15A0 – 00205 and is currently zoned I-1 (Industrial Park). Upon approval of the proposed zone change, the property would be rezoned to I-2 (Light Industrial).

The following analysis addresses the potential transportation impacts that can be anticipated following the proposed zone change as well as the requirements of Oregon's Transportation Planning Rule.

TRIP GENERATION

In order to quantify the potential change in site traffic volumes associated with the proposed annexation and zone change, an estimate of trip generation for the "reasonable worst case development scenario" was developed for both the existing I-1 zoning and the proposed I-2 zoning. The comparison between these two development scenarios shows the maximum potential change in traffic that could result from the proposed zone change.

Under existing conditions, the I-1 zoning allows for site development with a wide variety of uses including manufacturing facilities, athletic clubs, auto repair, day care centers, community services, schools, banks, medical clinics, hospitals, offices, self-storage, social organizations, fuel stations, auto sales and rental, convenience stores, restaurants (including drive-throughs), supermarkets, assisted living facilities, hotels, nurseries, outdoor recreation, warehousing and distribution centers, and wholesale lumber/building materials.

Under the proposed I-2 zoning, a similar range of uses are permitted. However, under the I-2 zoning athletic clubs, schools, banks, medical clinics, hospitals, fuel stations, convenience stores, supermarkets and hotels are not outright permitted uses. The I-2 zoning also permits a few uses which are not permitted in the I-1 zone including indoor recreation/sports (except athletic clubs), laboratories, and salvage yards.

In order to compare the trip generation potential of the site under the existing and proposed zonings, it was necessary to identify the mix of permitted uses that would result in the highest permissible traffic volumes for the respective zoning designations. For the analysis it was assumed that the highest-intensity



development within the site would yield a gross floor area of approximately 25 percent of the gross land area, resulting in 18,500 square feet of building area under both the I-1 and I-2 zoning.

Under the existing I-1 zoning, the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot supermarket. Under the proposed I-2 zoning, the supermarket would not be a permitted use so the reasonable worst-case development scenario would consist of a 3,000 square foot fast-food restaurant with a drive-through window, a 5,000 square foot day care center, and a 10,500 square foot shopping center. Notably, the trip rates for indoor recreation/sports, laboratories, and salvage yards that are permitted under the I-2 zoning generate far fewer trips than other allowed uses, so all of the uses considered in the I-2 zoning analysis are also permitted under the existing I-1 zoning.

Trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. The trip estimates for each land use category are based on the gross floor areas of the prospective site uses. A summary of the trip generation calculations is provided in the table below. Detailed trip generation calculation worksheets are also included in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Supermarket (10,500 sf)	23	17	40	49	48	97	1122
- Pass-by Trips (36%)	-7	-7	-14	-17	-17	-34	-404
I-1 Zoning Net Site Trips	82	68	150	89	86	175	1760
Fast Food w/ Drive Through (3,000 sf)	62	59	121	51	47	98	1412
- Pass-by Trips (43%)	-26	-26	-52	-21	-21	-42	-608
Day Care Center (5,000 sf)	30	25	55	27	29	56	238
Shopping Center (10,500 sf)	6	4	10	19	21	40	396
- Pass-by Trips (34%)	-2	-2	-4	-7	-7	-14	-134
I-2 Zoning Net Trips	70	60	130	69	69	138	1304



Based on the trip generation analysis, the proposed zone change will result in a net reduction in site trips as measured under the reasonable worst-case development scenarios. Following approval of the zone change, 20 fewer trips are projected during the morning peak hour, 37 fewer trips are projected during the evening peak hour, and 456 fewer weekday site trips are anticipated.

It should be noted that the anticipated site use following approval of the requested zone change will consist of a manufacturing facility. Since the parking demands for this facility will be lower than for retail site uses, and since the proposed development would include second-floor office space, the gross floor area of the proposed manufacturing facility will be in excess of that calculated under the reasonable worst case scenario for the allowed retail uses of the site. However, even if manufacturing buildings with a gross floor area as large as 40,000 square feet would generate far fewer site trips than the allowed retail uses analyzed under the reasonable worst-case development scenarios. Accordingly, the proposed use also will not result in an increase in traffic as compared to allowed development under the existing I-1 zoning.

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed annexation and zone change, the City of Sandy must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the potential transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed annexation and zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.



(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Both passenger vehicle trips and truck trips can reasonably be expected under either I-1 or I-2 zoning. The conversion of the subject property to I-2 zoning will not result in additional transportation impacts associated with the types and levels of traffic. Since the surrounding land uses also generate both passenger car and truck trips, the street network in the site vicinity is already designed to accommodate these traffic types and levels.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed annexation and zone change would result in no change in peak hour or daily site trips, since the highest-intensity land uses permitted in the proposed I-2 zoning are also permitted in the existing I-1 zoning. Accordingly, the proposed zone change cannot result in degradation of performance of any existing or planned transportation facilities.

CONCLUSIONS

Based on the analysis, the proposed zone change from I-1 to I-2 zoning on the 1.69-acre property in the southeast corner of the intersection of Champion Way at Industrial Way will result in no change in trip generation during the peak travel hours, and no change in trip generation under average daily traffic conditions as measured under the “reasonable worst case” development scenarios. Accordingly, the zone change will result in no significant effect as defined by Oregon’s Transportation Planning Rule. No transportation-related mitigations are necessary or recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-537-8511.

Appendix

Trip Generation Calculation Worksheet



Land Use Description: Fast-Food Restaurant with Drive-Through
 ITE Land Use Code: 934
 Independent Variable: Gross Floor Area
 Quantity: 3.000 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 40.19 trips per ksf
 Directional Distribution: 51% Entering 49% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 32.67 trips per ksf
 Directional Distribution: 52% Entering 48% Exiting

Total Weekday Traffic

Trip Rate: 470.95 trips per ksf
 Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3.0 ksf Fast-Food Restaurant w/ Drive Thru

	Entering	Exiting	Total
AM Peak Hour	62	59	121
PM Peak Hour	51	47	98
Weekday	706	706	1412

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Day Care Center
ITE Land Use Code: 565
Independent Variable: Gross Floor Area
Quantity: 5.00 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.00 trips per ksf
Directional Distribution: 54% Entering 46% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 11.12 trips per ksf
Directional Distribution: 49% Entering 51% Exiting

Total Weekday Traffic

Trip Rate: 47.62 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

5.00 ksf Day Care Center

	Entering	Exiting	Total
AM Peak Hour	30	25	55
PM Peak Hour	27	29	56
Weekday	119	119	238

Data Source: *Trip Generation Manual, 10th Edition* , Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Supermarket
ITE Land Use Code: 850
Independent Variable: Gross Floor Area
Quantity: 10.500 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.82 trips per ksf
Directional Distribution: 58% Entering 42% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 9.24 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Total Weekday Traffic

Trip Rate: 106.78 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.500 ksf Supermarket

	Entering	Exiting	Total
AM Peak Hour	23	17	40
PM Peak Hour	49	48	97
Weekday	561	561	1122

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Shopping Center
ITE Land Use Code: 820
Independent Variable: Gross Floor Area
Quantity: 10.5 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.94 trips per ksf
Directional Distribution: 62% Entering 38% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.81 trips per ksf
Directional Distribution: 48% Entering 52% Exiting

Total Weekday Traffic

Trip Rate: 37.75 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

10.5 ksf Shopping Center

	Entering	Exiting	Total
AM Peak Hour	6	4	10
PM Peak Hour	19	21	40
Weekday	198	198	396

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017

Trip Generation Calculation Worksheet



Land Use Description: Manufacturing
ITE Land Use Code: 140
Independent Variable: Gross Floor Area
Quantity: 40.0 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.62 trips per ksf
Directional Distribution: 88% Entering 12% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.67 trips per ksf
Directional Distribution: 13% Entering 87% Exiting

Total Weekday Traffic

Trip Rate: 3.93 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

40.0 ksf Manufacturing

	Entering	Exiting	Total
AM Peak Hour	22	3	25
PM Peak Hour	4	23	27
Weekday	79	79	158

Data Source: *Trip Generation Manual, 10th Edition*, Institute of Transportation Engineers, 2017



AGENCY COMMENTS

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

EXHIBIT P

December 15, 2020

Mr. Kelly O'Neill
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

**SUBJECT: REVIEW OF TECHNICAL MEMORANDUM – ROGUE FABRICATION
REZONING**

Dear Kelly:

In response to your request, I have reviewed materials submitted in support of the annexation and rezoning of the site owned by Rogue Fabrication located at the intersection of Champion Way and Industrial Way. The Technical Memorandum (TM), dated November 20, 2020, was prepared under the direction of Michael Ard, PE of Ard Engineering.

The TM quantifies the impact of development of the site under current zoning and the proposed zoning for the 1.69-acre parcel. The analyses were conducted for a reasonable worst-case development scenario for two zoning categories. The parcel is currently zoned I-1; the proposed zoning is I-2. As described in the TM, a wide variety of uses are permitted under both zoning categories.

Consistent with usual procedures, the applicant analyzed development scenarios under both zoning categories that seeks to identify and quantify the uses that generate high traffic volumes consistent with the City of Sandy development standards. It is worth noting that industrial uses tend to have low trip generation rates, so the worst-case development scenarios for both I-1 and I-2 zoning tend to include various retail uses.

Lot Coverage and Building Size

The engineer assumed lot coverage of 25 percent for buildings with the remainder of the site devoted to parking, landscaping, required setbacks, and other non-building uses. Building size is calculated to be approximately 18,500 square feet for both the development scenarios. I found this lot coverage assumption to be reasonable.

Mr. Kelly O'Neill
December 15, 2020
Page 2

Worst-Case Development Assumptions

Under the existing, I-1 zoning, the engineer assumed the following uses: a 3000-square foot fast-food restaurant with drive-through; a 5,000-square foot daycare center; and a 10,500-square foot supermarket. For the analysis of the proposed I-2 zoning, the engineer substituted a 10,500-square foot shopping center for the supermarket. A supermarket is not permitted in the I-2 zone. I found the assumptions about high trip-generation uses under the two zoning categories to be reasonable for a worst-case development scenario.

Trips Generated

The engineer properly accounted for pass-by trips for the proposed uses. Under the I-1 zoning, the engineer calculated net site trips totaling 150 AM peak hour trips; 175 PM peak hour trips; and 1760 weekday trips. Under the proposed I-2 zoning, the engineer calculated net site trips totaling 130 AM peak hour trips; 138 PM peak hour trips; and 1304 weekday trips. The proposed zoning produces fewer trips during all analyzed time periods than under the existing zoning. I concur with the engineer's calculations and conclusions about trips.

Transportation Planning Rule Considerations

In addition to the calculation of trips generated under a reasonable worst-case development scenario for both zoning categories, the TM provides a detailed analysis of the individual requirements of the Transportation Planning Rule (TPR.)

The engineer concludes that no changes to the city's street classification designation or standards are warranted by the rezoning and that the proposed rezoning does not have a significant effect on the transportation system and that mitigation is not necessary. He concludes the Transportation Planning Rule is satisfied. I concur with the engineer's conclusions.

Conclusion and Recommendations

I find the TM addresses the city's requirements for assessing the impact of the proposed rezoning including the analysis of the requirements of the Transportation Planning Rule.

Mr. Kelly O'Neill
December 15, 2020
Page 3

The applicant may be required to perform additional analysis of transportation impacts of specific development proposals as specified in Title 17 of the Sandy Development Code as indicated in Section 17.84.50 Street Requirements.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,



John Replinger, PE
Principal

RogueFabTIS121520

1/8/2021

City of Sandy Mail - Comments on Sandy application 20-041



EXHIBIT Q

Shelley Denison <sdenison@ci.sandy.or.us>

Comments on Sandy application 20-041

DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
To: Shelley Denison <sdenison@ci.sandy.or.us>

Thu, Jan 7, 2021 at 10:21 AM

Hi Shelley,

Thanks for checking in. Since this is a downzone, we concur with the traffic analysis that was prepared with the land use application that concludes that the zone change will result in no significant effort per the Transportation Planning Rule.

Please let me know if you need formal comments.

Marah Danielson, Senior Planner

ODOT Development Review Program

Marah.b.danielson@odot.state.or.us

503.731.8258

From: Shelley Denison <sdenison@ci.sandy.or.us>
Sent: Tuesday, January 5, 2021 11:55 AM
To: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Subject: Comments on Sandy application 20-041

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

[Quoted text hidden]

This e-mail is a public record of the City of Sandy and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

<https://mail.google.com/mail/u/0?ik=72b2d2374d&view=pt&search=all&permmsgid=msg-f%3A1688253195350471840&simpl=msg-f%3A16882531953...> 1/1

1/8/2021

City of Sandy Mail - 20-041 ZC



EXHIBIT R

Shelley Denison <sdenison@ci.sandy.or.us>

20-041 ZC

MW <mwalker@ci.sandy.or.us>

Tue, Jan 5, 2021 at 3:06 PM

To: Shelley Denison <sdenison@ci.sandy.or.us>

Shelley:

PW doesn't have any comments on this proposed zone change. Let me know if you need anything else.

--

Mike Walker

Director of Public Works

City of Sandy

39250 Pioneer Blvd.

Sandy, OR 97055

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www.ci.sandy.or.us

14 January 2021

To: City of Sandy Planning Commissioners
From: David C. Snider
Economic Development Manager, City of Sandy
Re: Letter of support – Rogue Fabrication zone change request

Dear Sandy Planning Commissioners –

I would like to submit a letter in support of the zone change proposed by Rogue Fabrication for the property they have recently purchased at the south corner of Champion Way and Industrial Way in Sandy.

Considering the location of this parcel, the request to change the zoning designation for this light manufacturing business seems in line with the surrounding area. Industrial Way has traditionally been Sandy's area for industrially-zoned businesses, with more than half of the lots in this "district" having an I-2 zoning designation. In addition, the lot in question is adjacent to the industrial business park owned by Pinehurst Land Development LLC, which is currently zoned I-2 and houses multiple industrial tenants. In my view, this proposed change is appropriate for the location and should not result in any significant change in demand for city services for this lot other than adding the basic utility service needs of a small light manufacturer.

Sandy has also traditionally had a limited supply of developable land with traditional industrial zoning designations, and this is particularly true of I-2 zoned land. The requirements for Sandy's industrial park (I-1) zone are virtually identical to its general commercial (C-1) zone requirements, and this designation makes up most of the available industrially zoned land in the city. As Sandy has been a bedroom community for the greater Portland area and has much heavier interest from retail commercial development interests than it does for industrial ones, this has served Sandy's residents well over the years in most aspects.

The current policies and development approach espoused by Oregon's economic development organization (Business Oregon) pay particular attention to "traded sector" companies and work to encourage their establishment and growth. "Traded sector" companies are defined as companies that make goods or services that they export to outside the state of Oregon and include most light manufacturers. One of the primary reasons the State of Oregon focuses so much energy on recruiting and developing them is that they typically create good, living wage jobs for the community. The small amount of developable land available in Sandy to traded sector companies like Rogue Fabrication that require light industrial zoning makes it difficult to attract and encourage new industrial development in this community. As there were virtually no I-2 zoned lots available for development in Sandy at the time they were looking for parcels to purchase and develop, this path was the only real viable option for

Rogue Fabrication (currently operating out of a residential garage in Sandy) to proceed with their expansion and to establish their headquarters in our community.

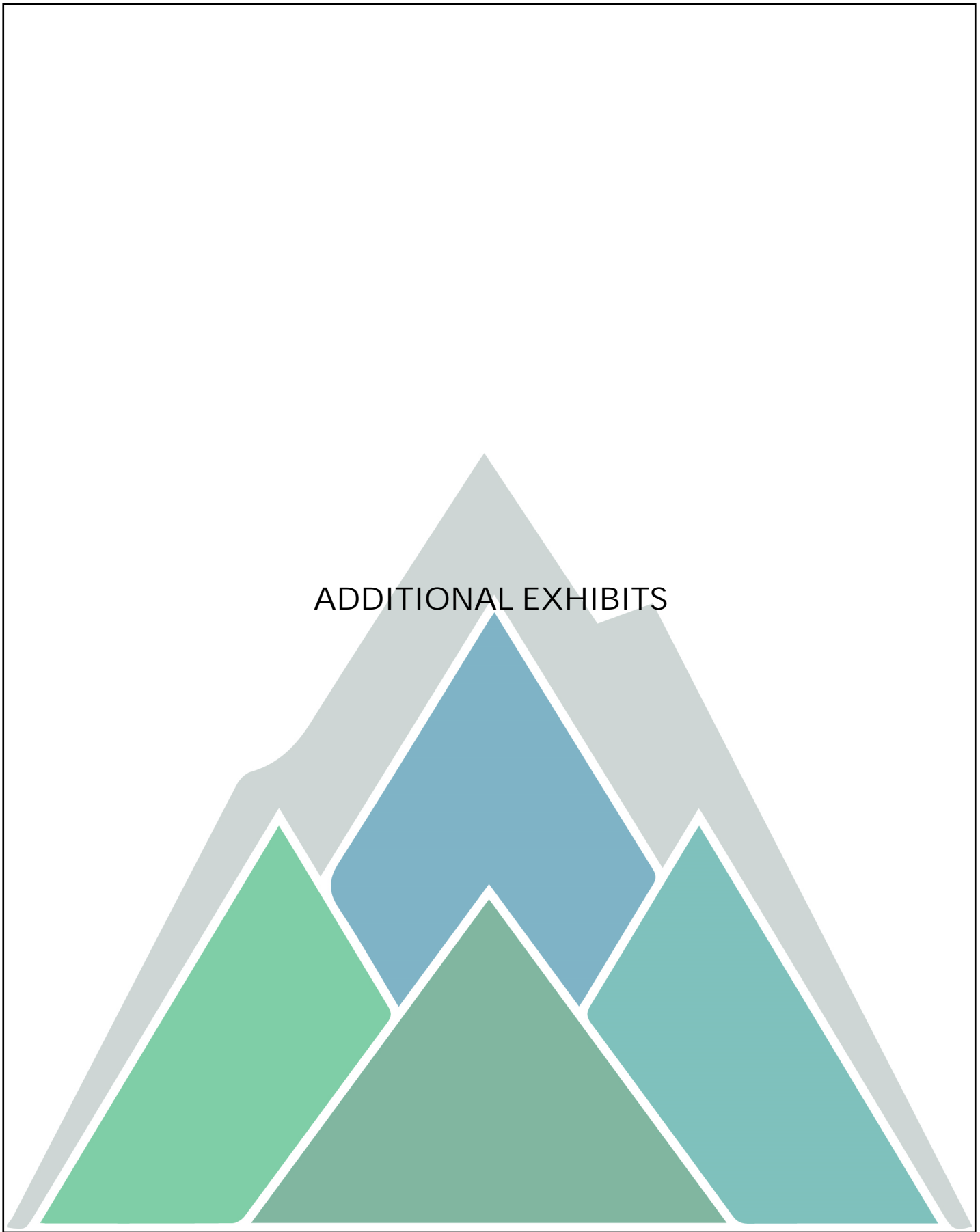
Rogue Fabrication has a strong business model and is showing exceptional growth potential for the future. This is exactly the kind of manufacturer we want to develop and help grow Sandy's industrial base. I strongly encourage the Sandy Planning Commission to consider and approve this zone change, and I thank you for your time.

Sincerely,

David C. Snider



ADDITIONAL EXHIBITS



**EXHIBIT T**

Marisol Martinez <mmartinez@ci.sandy.or.us>

Fwd: Supplemental information for Rouge Fab Zone Change 20-041-ZC

Joey Gambino <gambino.joey@gmail.com>
To: Marisol Martinez <mmartinez@ci.sandy.or.us>

Fri, Nov 20, 2020 at 11:17 AM

This was sent from Ryan O'Brien to Shelly Yesterday. I am only forwarding this in case it is helpful.

Joseph

----- Forwarded message -----

From: **Ryan O'Brien** <ryanobrien1@frontier.com>

Date: Fri, Nov 20, 2020 at 1:20 AM

Subject: Supplemental information for Rouge Fab Zone Change 20-041-ZC

To: <sdenison@ci.sandy.or.us>






Cc: Joey Gambino <gambino.joey@gmail.com>, Nicole Gambino <gambino.nicolec@gmail.com>, Jeff DeBois <jeff@planetreale.com>

Shelley,

Attached is a revised Narrative for the zone change application addressing the attached traffic report prepared by Mike Ard, traffic engineer. Also attached is the legal description for the property and the supplemental land use application from. The traffic report address the Oregon Transportation Planning Rule. We do not plan to contact ODOT. According to our traffic engineer, ODOT will not comment on an application until it is accepted by the city and after the city sends the application to them. With a very large project, ODOT may comment prior to preparation of the the traffic report. Please accept this zone change application as complete. Contact Joey or Nicole if you need additional copies of the application printed and delivered to you. Give me a call if you have any questions or comments about this application.

Ryan O'Brien
Planning & Land Design LLC
1862 NE Estate Drive
Hillsboro, Oregon 97124
503-780-4061 cell
ryanobrien1@frontier.com

5 attachments

-  **Rogue Fab Zone Change Narrative 11-19-20.pdf**
361K
-  **12 - Legal Description & Tax Assessment.pdf**
69K
-  **13 - Supplemental Land Use Form.pdf**
1045K
-  **14 - Rogue Fab Traffic Study.pdf**
1542K
-  **Notice of Incomplete Application.pdf**
110K

PRE-APPLICATION CONFERENCE NOTES

Project Name: Champion Way Zone Change – Tube Bender

Pre-Application Conference Date: September 15, 2020

Applicant Name: Joseph Gambino

Staff: Emily Meharg, Kelly O’Neill Jr., David Snider, Mike Walker

FIRE DISTRICT COMMENT: “I don’t really have a specific comment for the Champion Way Zone Change Pre-App. Specific comments about fire apparatus access and fire flow requirements will be submitted later if the applicant proceeds with development.”

PLANNING DEPARTMENT REVIEW

Sandy Development Code (SDC): Chapters 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.26 Zoning District Amendments; 17.30 Zoning Districts; 17.50 I-2 Light Industrial; 17.66 Adjustments and Variances; 17.74 Accessory Development; 17.80 Additional Setbacks on Collector and Arterial Streets; 17.84 Improvements Required with Development; 17.90 Design Standards; 17.92 Landscaping and Screening; 17.98 Parking, Loading and Access Requirements; and Chapter 15.30 Dark Sky.

***Caveat:** This analysis includes a review of those code sections that may conflict with the proposed design as submitted. This review is not intended to be a comprehensive analysis of all applicable code sections nor shall this review nullify code requirements that are determined necessary during land use review.*

Zone Change Proposal

- Zoning Map Amendment (Industrial Park, I-1 to Light Industrial, I-2). Narrative will need to address review criteria in Section 17.26.40(B).
- Map amendments shall be done separately from the design review.
- Check with ODOT to determine if they will require Transportation Planning Rule (TPR) findings for the zoning map amendment.

I-2 Zoning District and Setbacks

- What are the proposed uses for both buildings? “Manufacturing, assembly, processing, and production” and “warehousing and distribution facilities” are both primary uses permitted outright.
- Minimum required setbacks are as follows:
 - Front: 30 foot minimum, 70 foot maximum from a transit street (Champion Way and Industrial Way are both transit streets).
 - Side or rear: none, unless abutting a more restrictive district; if abutting, the minimum setback is 50 feet.
 - Corner: 15 feet (however; Chapter 17.80 requires a minimum 20 foot setback on collector streets; both Industrial Way and Champion Way are collector streets).
- For corner lots, the front lot 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 (Section 17.10.30). Where are you proposing to place the front doors of the buildings? What is the phasing plan? Are you just proposing Building 1 now? If so, the front lot line will need to be Champion Way in order to meet the front setback requirement.

Design Review

- The Development Code calls for vehicular and pedestrian connections to adjacent properties. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process (Section 17.50.40(C)). Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer (Section 17.90.130(A.4)). The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties (Section 17.90.130(A.6)). The submitted proposal does not detail any interconnections. Please clarify if you are requesting a Design Deviation to eliminate the requirement to provide vehicular/walkway connections between neighboring developments.
- Special attention shall be given to designing a primary building entrance that is both attractive and functional (Section 17.90.130(B.1)).
- Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code (Section 17.90.130(B.2)).
- Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building (Section 17.90.130(B.3)).
- Building facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings (Section 17.90.130(C.1)).
- Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts (Section 17.90.130(C.2)).
- Lap or horizontal siding or walls of brick, masonry, or stone shall be required. Vertical grooved (i.e. T1-11) sheet siding is prohibited (Section 17.90.130(C.3)).
- Buildings must include changes in relief on 10 percent of the facades facing public streets. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments for pedestrian interest and scale (Section 17.90.130(C.5)).
- Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors (Section 17.90.130(C.6)).
- Ornamental devices, such as molding, entablature, and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 8 inches wide (Section 17.90.130(C.7)).
- Buildings must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun (Section 17.90.130(C.8)).
- Continuous outdoor arcades are strongly encouraged (Section 17.90.130(C.9)).
- For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
 - Clearly delineated upper and lower facades;
 - A lower façade dominated by large windows and a recessed entry or entries;
 - Smaller, regularly spaced windows in the upper floor;
 - Decorative trim, such as window hoods, surrounding upper floor windows;
 - A decorative cornice near the top of the façade. (Section 17.90.130(C.10)).
- Roof pitch shall be a minimum of 3:12. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing. Visible roof materials must be wood or architectural grade composition shingle, slate, tile, or sheet metal with standing or batten seam. All roof and wall-mounted mechanical, electrical, communications, and service

- equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls, or by other approved means. (Sections 17.90.130(D.1-5))
- Buildings require pedestrian access with a primary entrance facing a public street or designated pedestrian way. Primary entrances must be architecturally emphasized and visible from the public right-of-way. Buildings must have an entrance connecting directly between the right-of-way and the building interior; secondary entrances may face parking lots or loading areas. Ground floor units shall face a public street or designated pedestrian way and be visible from the street wherever feasible and shall avoid out-of-direction travel. (Sections 17.90.130(E. 1-4, 6)).
 - Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet (Section 17.90.130(E.5)).
 - Windows that allow views to the interior activity or display areas are encouraged. Windows shall include sills at bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used (Section 17.90.130(F.1)).
 - All new buildings must provide ground floor windows along street frontages.
 - Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - Required windows must have a sill no more than 4 feet above grade.
 - Darkly tinted windows and mirrored windows that block two-way visibility are prohibited for ground floor windows along street facades.
 - Any wall that faces a public right-of-way must contain at least 10 percent of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.
 - Glass curtain windows are not permitted fronting public rights-of-way. (Section 17.90.130(F.2))
 - Upper floor window standards:
 - Glass area dimensions shall not exceed 5 feet by 7 feet.
 - Windows must have trim or molding at least two inches wide around their perimeters.
 - At least half of all the window area in the upper floors must be made up of glass panes with dimensions no greater than 2 feet by 3 feet. Windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged. (Section 17.90.130(F.3))
 - A minimum pedestrian walkway width of 5 feet must be maintained at all times (Section 17.90.130(G.2)). If curbs are used instead of wheel stops, the walkways will need to be at least 7 feet in order to maintain a minimum clearance of 5 feet for pedestrian circulation (Section 17.98.120(F)).
 - All building entrances and exits must be well lit. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. Lighting must be adequate for safety purposes. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare. (Section 17.90.130(H)). The application shall include a Photometric Plan compliant with Chapter 15.30. All lighting shall be full cut-off and shall not exceed 4,125 Kelvins. Outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line receives no more than 0.25 foot-candles of light. Photometric Plan will need to show property line, a line 10 feet beyond the property line, and foot candles.
 - Locate windows in a manner that enables tenants to watch over pedestrian, parking, and loading areas, and enables surveillance of interior activity from the public right-of-way (Section 17.90.130(I.1-2)).
 - Buildings require an identification system, which clearly locates buildings and their entries for patrons and emergency services (Section 17.90.130(I)(3)).

- The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited (Section 17.90.130(J.1)).
- All trash collection areas must be located within the structure or behind the building in an enclosure in accordance with the provisions of Design Standards Appendix A (Section 17.90.130(K.1)).
- Section 17.74.20 contains standards related to building features projecting into setback areas. The allowed projection amounts depend on the type of building feature and which yard setback (front, rear, or side).

Improvements, Access, and Utilities

- Frontage improvements along each proposed street frontage (Industrial Way and Champion Way) are required per Public Works standards; improvements will be required with design review. Sidewalks shall be at least 6 feet wide. Right-of-way dedication or a pedestrian easement may be required to accommodate a six-foot sidewalk and five-foot planter section.
- What is the stormwater management plan? Storm water detention and water quality treatment is required for all new impervious surface on the site (standards based on City of Portland SWMM). Stormwater detention and treatment per Section 13.18-13.20 SMC is required for all new impervious surface or any surfacing material change. Submit a detailed stormwater analysis with design review.
- Submit traffic letter.
- Contact Mike Walker regarding SDCs for transportation, water, and sanitary sewer.

Parking, Landscaping, and Screening:

- Light Industrial (I-2) has a requirement to contain a minimum of 15 percent landscaping for the site (Section 17.50.30). Submit a Landscape Plan with design review. Any existing trees on the property shall be retained and trees on adjacent properties that have critical root zones that extend into the subject property shall be protected in accordance with Section 17.92.10(C).
- Planters shall have a minimum width of 5 feet. Where the curb is used as a tire stop for parking, the planter shall be a minimum width of 7.5 feet (Section 17.92.10(D)).
- Per Section 17.98.20(A.11), manufacturing establishments require at least 1 parking space per employee on the largest shift and two bicycle parking spaces. Are you proposing both buildings at this time, or just Building 1? Parking analysis shall be based on what is actually being proposed with this design review application.
- Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent (Section 17.98.10(Q)).
- Parking shall not be located in the required 30' front setback area (Section 17.50.30(B)). Parking areas shall be set back from a lot line adjoining a street the same distance as the required building setback (Section 17.98.50(C)). The parking spaces by the driveway entrance won't work as proposed as they are located within the required building setback. Some of the easternmost parking spaces also might not work due to insufficient room to back out.
- Standard parking spaces shall be 9 feet by 18 feet; compact parking spaces shall be 8 feet by 16 feet; ADA parking shall be 9 feet by 18 feet with an adjacent access aisle meeting ORS 447.233. No more than 40 percent of the parking spaces shall be compact spaces. (Section 17.98.60(B)).
- Double-sided 90 degree parking with two-way traffic requires a 25 foot wide aisle (Section 17.98.60(C)).

- Driveway accesses to arterials and collectors shall be located a minimum of 150 feet from any other access or street intersection (Section 17.98.80(A)).
- Parking areas, driveways, aisles, and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas (Section 17.98.130(A)).
- All buildings (regardless of use) that are visible from an arterial street (Highway 26) shall be screened from view by a 20-foot minimum depth vegetative buffer as specified in Section 17.50.30(C). If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways. Submit line of sight analysis to determine visibility of the site from Highway 26.
- Landscape and Screening requirements of 17.98.120 need to be met:
 - Screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way (17.98.120(A)). However, the subject property will still need to be screened from arterial streets in accordance with Section 17.50.30(C).
 - Parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers (Section 17.98.120(C)).
 - Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay (Section 17.98.120(D)). Each planter shall contain one major structural tree and ground cover.
 - Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided (Section 17.98.120(F)).

Other

- Per Subsection 17.74.40(B.3) the height of a fence or retaining wall in a front yard shall not exceed 6 ft. for industrial uses.
- Submit garbage and recycling enclosure details with design review application.
- Label building elevations with cardinal directions.
- What is your proposed phasing plan? Will you be constructing building 1 and 2 at this time? If you are only planning to build building 1, then you will need to submit for design review based on that.
- The I-2 design standards contain fewer Sandy Style requirements than I-1. This property is located on the corner of two collector streets and will have high visibility. In order for staff to support a zone change, staff will require additional Sandy Style elements, such as a belly band, on the street facing facades of the building(s) as well as more robust landscaping in the setbacks as conditions of a zone change approval.

Application Process: Type IV Zoning Map Amendment. Type II Design Review (if no deviations or Type III variances are requested), Type II Adjustment to required setback. Design Review will be a separate application.

Projected Fees (subject to change):

Procedure	Fee
Zone Change	
Zoning Map Amendment	\$2,413
Design Review	
Type II Design Review (if no requested variances)	\$1,540 - \$7,682 (depending on project valuation)
Type III Design Review (if variances are requested)	\$1,756 - \$7,682 (depending on project valuation)
Type I Adjustment (if requested)	\$329 per request
Type II Adjustment (setback)	\$442 per request
Type II Variance (if requested; not of the applicant's making)	\$657 per request
Type III Design Deviation (if requested)	\$442 per request
Type III Variance (if requested)	\$1,099 per request

Next Steps:

- Land Use Submittal Requirements. 2 hard copies and 1 digital copy submitted for completeness check. During completeness check staff will determine how many additional hard copies are necessary.
- Submit the following for the zone change request:
 - signed land use application and applicable fees;
 - supplemental land use application No.1;
 - narrative for applicable code sections including review criteria in Section 17.26.40(B); and,
 - list and two sets of mailing labels for all property owners within 500 feet of the subject property with attached radius map and affidavit (a title company can create this).
- Submit the following for the design review request:
 - signed land use application and applicable fees;
 - narrative for applicable code sections;
 - list and two sets of mailing labels for all property owners within 300 feet of the subject property (if Type II; 500 feet if Type III) with attached radius map and affidavit (a title company can create this);
 - site plan;
 - building elevations detailing proposed materials and colors;
 - landscape and street tree plan;
 - irrigation plan;
 - utility plan;
 - grading and erosion control plan;
 - stormwater report;
 - photometric plan and lighting fixture cut-sheets;
 - line of sight analysis;
 - garbage and recycling enclosure details; and,
 - traffic letter.

- **Completeness.** Staff review for completeness (30 days max. per state law), if determined incomplete then the applicant submits additional information as required within 180-days, staff then reviews for completeness again, if the application is deemed complete then the application is processed within 120-days per state law.
- **Hearings.** The zone change application will be required to have a Planning Commission and City Council hearing. The design review application will be required to have a Planning Commission hearing if deviations/variances are requested. Planning Commission meetings are typically the fourth Monday of the month at 7:00 PM, but sometimes are scheduled on different days. Council hearings are typically on the first and third Mondays of the month at 7:00 PM. The applicant should be prepared to present their case to the Planning Commission and City Council. Staff typically presents the facts and code analysis with their recommendation. Staff recommendations are not necessarily in favor of the applicant's proposal.
- **Approval.** If the application for the zone change is approved, the decision shall become effective 30 days after adoption of the ordinance. If the application for design review is approved, then you submit for building permits following the conditions outlined in the final order. *The final order is the land use decision.*
- **Denial.** If the application for the zone change is denied, then you can file an appeal to LUBA. If the application for the design review is denied, then you can file an appeal to Planning Commission (if Type II) or City Council (if Type III) per their requirements. An appeal cannot be filed until the final order is issued.

PLANNING COMMISSION STAFF REPORT

TYPE IV DECISION

DATE: January 15, 2020

FILE NO.: 20-041 ZC

PROJECT NAME: Rogue Fabrication Zone Change

APPLICANT: Joseph and Nicole Gambino, JRG Property Management

OWNER: Eastwinds Industrial Park, Inc.

LEGAL DESCRIPTION: 2-4E-15A, 24E15A, Tax Lot 205 (Parcel 1 of 1999-72)

The above-referenced proposal was reviewed as a Type IV zone change. The following Findings of Fact are adopted supporting approval of the plan in accordance with Chapter 17 of the Sandy Municipal Code.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Supplemental Land Use Application
- C. Project Narrative
- D. Legal Description and Tax Assessment
- E. Vicinity Aerial Map
- F. Vicinity Topographical Map
- G. Sandy Zoning Map (Site)
- H. Sandy Zoning Map (City)
- I. Sandy Transportation System Plan: Functional Roadway Classification
- J. Rogue Fabrication Site Plan
- K. Phase 1 Building Perspective
- L. Phase 1 Building Elevations
- M. Phases 2 & 3 Building Perspective
- N. Phases 2 & 3 Building Elevations
- O. Traffic Study

Agency Comments:

- P. City Transportation Engineer (December 15, 2020)

- Q. ODOT (January 7, 2021)
- R. City of Sandy Public Works (January 5, 2021)

Public Comments:

- S. David Snider (January 14, 2021)

Additional Exhibits

- T. Applicant/ODOT correspondence (November 20, 2020)
- U. Pre-App Notes (September 15, 2020)

FINDINGS OF FACT

General

1. These findings are based on the applicant's submittals received on October 13, 2020. Staff deemed the application incomplete on November 9, 2020. The applicant submitted additional materials on November 20, 2020. The application was deemed complete on November 24, 2020 with a 120-day deadline of March 24, 2021.
2. This report is based upon the exhibits listed in this document, as well as agency comments and public testimony.
3. Notification of the proposal was mailed to property owners within 500 feet of the subject property on January 5, 2021 with a revision clarifying the meeting time sent on January 8, 2021. A legal notice for the Planning Commission meeting was published in the Sandy Post on January 20, 2021.
4. One public comment was received from David Snider, resident and City Economic Development Manager, on January 14, 2021. According to Snider, the proposed zone change will be good for economic growth in the City by providing export manufacturing and job growth.
5. The subject site is approximately 1.69 acres. The site is located at the southeast corner of Industrial Way and Champion Way.
6. The parcel has a Comprehensive Plan Map designation of Industrial and a Zoning Map designation of I-1, Industrial Park.
7. The applicant, JRP Property Management, is requesting a zone change from I-1 (Industrial Park) to I-2 (Light Industrial). According to the applicant, the reason for the requested zone change is to reduce the architectural requirements and setback requirements for future development. I-1 zones have more robust requirements as they are intended to be visible from Highway 26. The applicant states that the subject site is not visible from Highway 26, and therefore an I-2 zoning designation is more appropriate. Additionally, adjacent properties are also zoned I-2.

8. It is important to note that this zone change does not require a Comprehensive Plan Map change as the latter designation will remain Industrial.

17.26 – Zoning District Amendments

9. Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.
10. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.
11. Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services. Extension of sanitary sewer will be required with future development of the lot. The proposed zone change should not negatively impact public facilities or create service capacity shortfalls. The potential uses on the site should have relatively similar impacts on sanitary sewer and water facilities as uses permitted in the I-2 zoning district.
12. Section 17.26.40(B)(2) and (3) requires the City to assure consistency with the purposes of this chapter and with the policies of the Comprehensive Plan, including the following:
 - A. Goal 1 – Adequate public involvement through noticing affected property owners and holding two public hearings has achieved this goal.
 - B. Goal 2 Policy 7 – This proposal is consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
 - C. Goal 9 Policy 36 – Protect designated Industrial lands for Industrial uses. Because this rezoning is not changed the Industrial Comprehensive Plan Map designation, this policy is met.
13. Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:
 - A. Goal 1: Citizen Involvement. The Planning Commission is holding a public hearing for this application on January 25, 2021. The City Council will also hold a public hearing on a date TBD. Public notices have been and will be sent for these respective meetings.
 - B. Goal 2: Land Use Planning. Goal 2 requires the ordinance to be coordinated with other affected governmental entities and to be supported by an adequate factual base. The City provided notice of the proposed zone change to the state, as Oregon law requires.
 - C. Goal 9: Economy. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. As the EOA describes, Sandy has a need for smaller employment sites (< five acres). The EOA also describes Sandy’s comparative advantage for attracting businesses and suggested the City establish policies to

attract professional service businesses, retirement facilities, personal services (lodging, restaurants, tourist-oriented retail, etc.) and small-scale manufacturing firms. Based on the city's advantages, the EOA predicted these types of businesses are most likely to choose to locate in Sandy. The proposed zone change will further the city's efforts to capitalize on those advantages as explained in the EOA.

- D. Goal 11: Public Facilities. The City has an existing public facilities plan that includes all properties within the city's urban growth boundary, including islands of unincorporated property. The proposed zone change will not undermine or contradict any aspect of the existing public facilities plan. The Public Works Director submitted an email (Exhibit R) stating the Public Works Department doesn't have any comments regarding the proposed zone change.
- E. Goal 12: Transportation. The applicant submitted a traffic analysis from Ard Engineering (Exhibit O) and this analysis was reviewed by Replinger & Associates, the City's Traffic Consultant (Exhibit P). This submittal was also reviewed by the Oregon Department of Transportation (Exhibit Q). This document calculated the development potential of the site based on current and proposed zoning and calculated a trip generation rate based on these assumptions. The analysis estimated at full development of the site, based on current I-1 zoning, the AM peak hour total trip count is 150, the PM peak hour total trip count is 175, and the daily total trip count is 1,760. Based on proposed I-2 zoning, the AM peak hour total trip count is 130, the PM peak hour total trip count is 138, and the daily total trip count is 1,304. Therefore, the proposed zoning of I-2 would likely generate 456 fewer daily trips based on a reasonable worst-case scenario. ODOT reviewed and concurs with this traffic analysis (Exhibit Q).

- 14. Given that the proposed development conforms with the Sandy Municipal Code and Comprehensive Plan goals, and that multiple conditions have been put in place to ensure that the development meets the intent of the Code and goals, staff finds that these criteria have been met.

17.50 – Light Industrial (I-2)

- 15. According to the intent of this Chapter, this zoning district is meant for light industrial uses that do not depend on high visibility. Such uses are intended to be screened from view from arterial streets and highways.
- 16. The two streets which mark the location of the site—Industrial Way and Champion Way—are neither arterial streets nor highways. Rather, they are both defined as collector streets.
- 17. The subject site is approximately 900 feet from Highway 26 (as measured from Google Earth), and this distance is intersected by Champion Way. Additionally, the site is screened from Highway 26 by the Mt. Hood National Forest Headquarters and Fred Meyer. When driving by the Tractor Supply Store and AMPM there is a small visual window to see this property, but due to distance and other buildings between the highway and the subject site the

prominence of this location is not highly visible. Based on limited visibility of the site from Highway 26 staff recommends the following conditions are imposed on future development of the site:

- A. Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping;
- B. SandyStyle approved colors on all future buildings on the subject site, including all walls and any metal roofs;
- C. Design features consistent with those identified in the submitted elevations; and
- D. In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.

18. Manufacturing, assembly, and production uses that do not produce significant levels of noise or odor beyond the boundaries of the site are permitted outright uses. Additionally, incidental retail associated with the primary use of the site is allowed so long as it occupies less than 35 percent of the gross floor area of the building(s). Use of the site shall be determined in a future design review application.

19. All development and design requirements found in this Chapter as well as in Chapters 17.80, 17.84, 17.90, and 17.90 shall be determined in a future design review application.

RECOMMENDATION

Staff recommends the Planning Commission pass a motion to recommend approval of the requested zone change to the City Council with additional conditions as identified in Finding #17.

EXHIBIT W



MINUTES
Planning Commission Meeting
Monday, January 25, 2021 Zoom 6:30 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Steven Hook, Commissioner, Chris Mayton, Commissioner, and Jerry Crosby, Commissioner

COMMISSIONERS ABSENT:

STAFF PRESENT: Kelly O'Neill, Development Services Director, Emily Meharg, Senior Planner, Shelley Denison, Associate Planner, David Doughman, City Attorney, and Jeff Aprati, City Recorder

MEDIA PRESENT:

1. Meeting Format Notice

Chairman Crosby called the meeting to order at 6:36 p.m.

2. Roll Call

3. New Planning Commissioner Introductions

Chairman Crosby introduced Commissioner Hook. Commissioner Hook stated he recently moved from Fairview where he was a Planning Commissioner. Mr. Hook said he works for Providence Medical. All Commissioners welcomed Commissioner Hook.

4. Chair and Vice Chair Appointments

Chairman Crosby stated that the Commission needs to nominate and vote for a chair and vice chair. Commissioner Mayton asked if there are other people that would like to be the chair or vice chair. Attorney Doughman said that it's a very informal process and doesn't need to have many protocols. Commissioner Mayton asked if there are any rotation rules to which Chairman Crosby said no.

Commissioner Carlton nominated Crosby and Commissioner Maclean-Wenzel seconded the nomination. Commissioner Crosby was selected as Chair for 2021 with a vote of 6:0.

The commission had a discussion about the Vice Chair position, including an idea to have different commissioners chair on different items. Commissioner Mayton nominated Carlton as Vice Chair and Commissioner Lesowski seconded the nomination. Commissioner Carlton was selected as Vice Chair for 2021 with a vote of 6:0.

5. Approval of Minutes

5.1. Draft Planning Commission Minutes from December 16, 2020

Motion: Approve the Planning Commission minutes for December 16, 2020.

Moved By: Commissioner Carlton

Seconded By: Commissioner Lesowski

Yes votes: All Ayes

No votes: None

Abstentions: Commissioner Hook

The motion passed.

6. Requests From the Floor - Citizen Communication on Non- Agenda Items

None

7. Director's Report

Development Services Director O'Neill explained the upcoming meeting date of February 22 and asked the Commission when they want to meet in March. O'Neill explained that the February 22 meeting will be a work session regarding the Transportation System Plan (TSP) and an update on the Bypass Feasibility Assessment. After some discussion the Commission selected March 29 as the March meeting date.

8. Planning Commissioner Discussion

Commissioner Carlton asked what information the Council received between the first reading and the second reading of Bull Run Terrace that changed their vote. O'Neill and Associate Planner Denison explained the main different between the two hearings was that staff had an opportunity to review the density difference between the existing zoning and the proposed zoning, and that the unit number difference was enough to change the Council's vote.

9. NEW BUSINESS

9.1. **Rogue Fabrication Zone Change (20-041 ZC):**

Chairman Crosby opened the public hearing on File No. 20-041 ZC at 6:56 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to

any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Associate Planner Denison summarized the staff report and provided an overview of the proposal, history of the project, and explained the zone change criteria.

Applicant Testimony:

Joey Gambino
42335 SE Marmot Road
Sandy, OR 97055

Rogue Fabrication started as a side business as Mr. Gambino wanted to start making roll cages for vehicles. He has since expanded to making tube benders. Mr. Gambino has outgrown his current space and would like to expand his manufacturing business to an industrial property. He stated he only employs local people and uses products that are only made in the United States. Mr. Gambino explained that his building elevations were created to show the potential of the buildings on the subject property.

Ryan O'Brian
1862 NE Estate Drive
Hillsboro, OR 97124

Mr. O'Brian introduced the applicant team. Mr. O'Brian explained that Sandy did not have a lot of I-2 zoned land. He also explained that Mr. Gambino submitted elevations to show the Planning Commission that his businesses will have some nice architectural elements.

Mike Ard
17790 SW Dodson Drive
Sherwood, OR 97140

Mr. Ard explained that the change in zoning will actually lead to a decrease in trips compared to what would be allowed in the I-1 zone.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

Ellie Kassab
Owner of Sandy Cinema
16605 Champion Way
Sandy, OR 97055

In favor of the development and wants more employment in Sandy.

Staff Recap:

Denison stated that she thinks the proposal is great and it is refreshing that it's not controversial. All elevations and a site plan will be evaluated with a future design review. O'Neill stated he supports applications that create living wage jobs.

Applicant Rebuttal:

Mr. Gambino thanked Mr. Kassab and city staff.

Discussion:

Commissioner Maclean-Wenzel stated she appreciates the applicant's presentation and thanked the applicant for incorporating some SandyStyle themes into the future building. Commissioner Lesowski asked a clarification on the 20 foot buffer. Denison said it would be 20 feet of landscape screening between the street right-of-way and any future off-street parking and outside storage. She stated the intent was to keep some of the I-1 features by providing more landscaping and building design. Commissioner Lesowski and Chairman Crosby asked that additional clarity is added to the landscape buffer.

Commissioner Mayton asked a question about sustainability. Mr. Gambino stated that a lot of the equipment intensive work with coolants would be done offsite. He said they are sorting different metals to be recycled and are sorting and recycling cardboard and other packaging items.

Commissioner Carlton stated that he heard that one of the main reasons for the zone change seemed to be mainly to save costs associated with construction of the buildings. He stated there is residential past Champion Way to the south of the subject site. Mr. Carlton said he would have preferred variances instead of a zone change. Commissioner Mayton stated that when the zoning map was created it was a different time and that drawing jobs into the community is a need. Since it has been over two decades since the last comprehensive plan amendment maybe it is time to reevaluate the existing zoning designations. Commissioner Hook thanked the applicant for the design documents and said that in Fairview they had many commercial and industrial lands that were vacant for years. He thinks that Sandy needs to consider this zone change to help growth and create more jobs. Commissioner Lesowski

asked Mr. Gambino what the cost difference is between developing the buildings to the standards of I-1 and the standards of I-2. O'Neill reminded the Commission that the zone change request before the Commission tonight is based on the criteria for zone change.

Mr. Ard explained the difference between variances and zone changes. The applicant felt that the variance procedure is a more discretionary process than the zone change process. Mr. O'Brian said the property directly to the east of the subject site is zoned I-2 and is designed as an industrial facility.

Carlton requested the public hearing be closed.

Motion: Motion to close the public hearing at 7:50 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

Chairman Crosby said the additional design submittals were welcomed but that it may have made the decision more complicated. O'Neill stated he believes Commissioner Hook is spot on that if the property has been vacant for a long time and we have development interest that will create living wage jobs then we should try to accommodate the request. He stated that the subject property has been vacant for decades and since his time in Sandy starting in 2011 there has been little interest to develop the property. Mr. O'Neill explained that as soon as 362nd Drive is extended north of Highway 26 the city of Sandy will have 120 acres of commercial property for development so he would like to see the subject property developed to accommodate living wage jobs and not worry about preserving the land for SandyStyle commercial buildings.

Motion: Motion to recommend approval of the zone change to the City Council with the additional recommendations in finding #17 and additional clarification on the 20 foot landscaping buffer.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 7:57 p.m.

Break at 7:57 p.m.

9.2. **Sandy High School Field House (20-040 DR/VAR):**

Chairman Crosby opened the public hearing on File No. 20-040 DR/VAR at 8:04 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Senior Planner Meharg summarized the staff report and provided an overview of the proposal, history of the project, and explained the variance requests.

Applicant Testimony:

Bryce Baillie
31520 Hamlet Drive
Boring, OR 97009

Mr. Baillie said that most 6A high schools in Oregon have field houses and Sandy athletes deserve a fieldhouse. He also stated he has worked with Jones Architecture on several projects.

Sienna Shiga
120 NW 9th Avenue, Suite 210
Portland, OR 97209

The structure is a pre-engineered steel building with a metal roof and metal siding. One of the primary reasons for this minimalist design is cost considerations, but thinks that designing the building as a backdrop, instead of a main feature is the best idea. Ms. Shiga shared a brief presentation and described some of the existing buildings on the site. She then explained the reasons for the special variance requests.

Proponent Testimony:

Jen Mine
37573 Coralburst Street
Sandy, OR 97055

Ms. Mine said she has been on the board for Sandy Pioneer Baseball and has been helping assist with this project for years. She explained that children will use this space for baseball, softball, and as a hangout. She also explained that the building will not be highly visible.

Michelle Allsop
PO Box 891
Sandy, OR 97055

Ms. Allsop said she is also on the board for Sandy Pioneer Baseball and supports the request.

Opponent Testimony:

None

Neutral Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Ms. Walker said that she lives in the neighborhood and appreciates the purpose of the facility. She said that she doesn't like the basic metal design of the structure and thinks additional architecture features would be great. Also thinks the school site should have a master plan for all future athletic facilities and cohesive design for all future buildings.

Staff Recap:

Meharg stated that 17.90.120 does have some design elements that are related to having street frontage, but based on line of sight analysis the building does not need to have a stone base or the three additional design features/elements. Meharg said the building meets the setback distance to parking. O'Neill said the large design on the building will need to be processed as a sign permit.

Applicant Rebuttal:

Mr. Baillie said it will be an indoor training facility for all sports. Ms. Shiga said the intent of the large graphic can be modified. Mr. O'Neill asked for clarification on sign code regulations and first amendment rules. City Attorney David Doughman said that defining what is and isn't a sign is very difficult, but anything that is meant to visually communicate something could be considered a sign.

Discussion:

Commissioner Carlton said he supports the fieldhouse, but that the design of the building should be constructed to municipal code. He said he is fine with the modification to the roof pitch, thinks fake windows could be used but wants fire exiting to be approved, and thinks the key element to consider is

the metal siding. Mr. Carlton is supportive of metal on the north and east sides, but the west and south sides should not exceed 30 percent metal.

Commissioner Mayton stated he agrees with Commissioner Carlton on almost all of the items. He believes there should be windows on the building, and that the west and south sides of the building should not exceed 30 percent metal.

Commissioner Maclean-Wenzel is excited to see a fieldhouse in the works, but the west and south sides of the building should not exceed 30 percent metal. She said the entry covers should be pitched and based on other school buildings there should be more windows on the building, especially by the doors, for increased safety and security.

Commissioner Hook asked what is to the north of the building and what is to the east? Meharg said to the north is a parking lot for a church and to the east is the backyard of a residential property. Commissioner Hook asked if any property around the fieldhouse could be developed? Meharg said all properties have redevelopment potential, but staff is not aware of any development being proposed.

Commissioner Lesowski said he is fine with the modified roof pitch but would like to see additional windows and the west and south sides of the building should contain less than 100 percent metal.

Chairman Crosby said he is in-line with the other commissioners. Agrees that the north and east sides can be 100 percent metal, but the other two sides need portions to be siding material other than metal. Crosby stated he would like to see real windows that can be screened from the inside of the windows. He likes windows for providing natural daylight and also for surveillance.

O'Neill stated that staff would prefer a percentage of windows per elevation, instead of a specific design requirement, such as windows in a specific location on the building.

Commissioner Hook made a clarification on the variance criterion. Attorney Doughman explained the variance procedures and the criterion. Commissioner Lesowski asked do windows need to be on more than one elevation? Meharg stated windows need to only be located on the activated frontage. The window percentage would have to be 30 percent per the code standards. Commissioner Maclean-Wenzel said she likes the high windows for light, but that she would like windows by doors and to meet the 30 percent requirement. Commissioner Carlton said he believes the west and south sides

of the building are equally important. Chairman Crosby said he is fine with the windows only on the west elevation. Crosby then asked a question regarding the special variance review criteria to the city attorney. Attorney Doughman addressed Crosby's question and explained how to address the criterion.

Commissioner Hook asked what flexibility the applicant has to accept conditions. Mr. Baillie said he can accept some windows and siding that is not metal.

Motion: Motion to close the public hearing at 9:17 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Lesowski

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Motion to approve the 100 percent metal on only the north and east facades with the west and south facades not exceeding 30 percent metal, approve the roof pitch of 4:12, and deny the special variance for window percentage with windows at least 30 percent on the activated frontage, and approval of all other findings and conditions.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Mayton

Yes votes: Carlton, Lesowski, Maclean-Wenzel, Mayton, and Crosby

No votes: Hook

Abstentions: None

The motion passed at 9:27 p.m.

Note: Commissioner Hook voiced that his primary concern was related to allowing metal siding at 100 percent and this was the primary reason for his vote of denial.

9.3. **House Bill 2001 Code Amendments (20-032 DCA):**

Chairman Crosby opened the public hearing on File No. 20-032 DCA at 9:34 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Senior Planner Meharg summarized the staff report and provided an overview of House Bill 2001 code amendments.

Public Testimony:

None

Motion: Motion to close the public hearing at 9:49 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Hook

Yes votes: All Ayes

No votes: None

Abstentions: None

Discussion:

Commissioner Carlton asked staff an interpretation on density. He then stated he has a concern with the density requirements of House Bill 2001 and that he is concerned there is not adequate off-street parking. Meharg provided some clarity on parking and that the State of Oregon is predicting that 3 percent of lots will be converted to duplex lots.

Commissioner Lesowski stated that he believes the market will change and that as density increases hopefully people's habits change. Commissioner Carlton said that density will increase everywhere but that Sandy is not Portland. He also said there are some positives that could come forward as a result of House Bill 2001.

Chairman Crosby asked for information on the definition. Commissioner Hook said that ADUs are important and that he believes we should accommodate them. Commissioner Maclean-Wenzel said that ADUs help people maintain their status and location in a community. The Commissioners did not have any issues with the recommended changes to flag lots on transit streets nor the increase from 600 square feet to 800 square feet for ADUs. Meharg made some additional clarification on the definition for ADUs. Attorney Doughman said that the Commission needs to recommend either an ADU with a single family residence and/or an ADU with a duplex. O'Neill, Commissioner Carlton, and Attorney Doughman provided additional clarity on ADUs and the low demand for duplexes and ADUs all on one lot.

Motion: Motion to recommend approval to the City Council as recommended by staff with the additional modifications to the ADU definition to allow them with single family homes and duplexes.

Moved By: Commissioner Hook
Seconded By: Commissioner Mayton
Yes votes: Carlton, Lesowski, Maclean-Wenzel, Mayton, Hook, and Crosby
No votes: None
Abstentions: None
The motion passed at 10:16 p.m.

10. Adjourn

Motion: To adjourn
Moved By: Commissioner Carlton
Seconded By: Commissioner Maclean-Wenzel
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

Chairman Crosby adjourned the meeting at 10:17 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr

EXHIBIT X

Rogue Fabrication Zone Change



20-041 ZC

Planning Commission: January 25, 2021

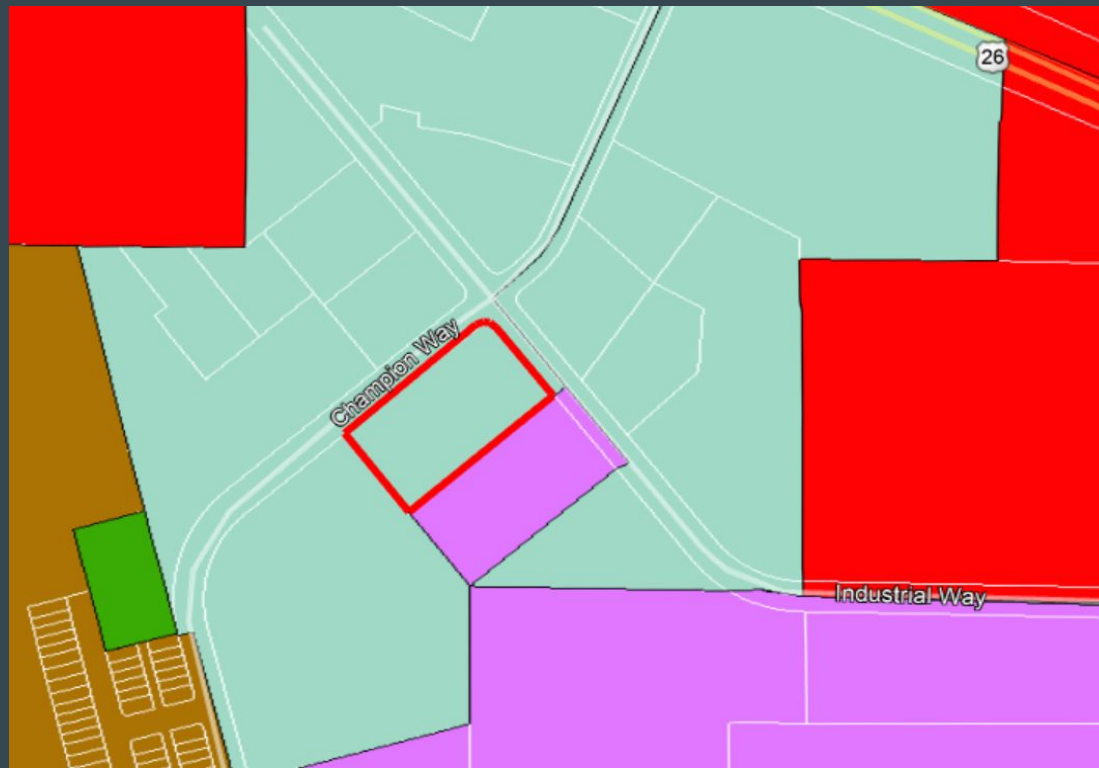
Vicinity Map



Request

- Type IV Zone Change from I-1 (Industrial Park) to I-2 (Light Industrial)
 - Note: does not require a Comprehensive Plan change

Current Zoning Map



I-1 versus I-2

I-1 (Industrial Park)

“intended to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites which will blend harmoniously with their surroundings and adjacent land uses.” (*Comp Plan*)

I-2 (Light Industrial)

“intended to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels pre-existing at the boundary of the site.” (*Comp Plan*)

“Because building design standards are less restrictive in this zone than in other zones, buildings (regardless of use) shall be screened from view from arterial streets and highways.” (*SDC*)

Review Criteria

- Determine the effects on City facilities and services
- Assure consistency with the purposes and intent of SDC Chapter 17.26
- Assure consistency with the policies of the Comprehensive Plan
- Assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council

Effects on City Facilities and Services

- I-2 land uses are anticipated to have lower traffic volume than I-1 land uses.
- The proposed zone change should not negatively impact public facilities or create service capacity shortfalls.
- Extension of water and sanitary sewer will be required with future development.

Review Criteria

- Determine the effects on City facilities and services
- Assure consistency with the purposes and intent of SDC Chapter 17.26
- Assure consistency with the policies of the Comprehensive Plan
- Assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council

Statewide Planning Goals

- Goal 9: Economy
 - Smaller manufacturing businesses are beneficial to Sandy as outlined in the City's EOA.
- Goal 12: Transportation
 - The proposed zoning of I-2 would likely generate 456 fewer daily trips.

Conditions of Future Development

- Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping.
- Sandy Style approved colors on all future buildings on the subject site, including all walls and any metal roofs
- Design features consistent with those identified in the submitted elevations.
- In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels pre-existing at the boundary of the site.

Public Comments

- Zone change to allow applicant's potential land use will encourage diversity of jobs and support a small business in Sandy.

Recommendation

Forward recommendation of approval to City Council.



NO. 2021-04

AN ORDINANCE AMENDING THE CITY OF SANDY ZONING MAP BY CHANGING THE ZONING MAP DESIGNATION FOR 1.69 ACRES

Whereas, Rogue Fabrication and JRG Property Management submitted a request to change the Zoning Map designation for a property identified as 2-4E-15A, 24E15A, Tax Lot 205; and

Whereas, the applicant, Rogue Fabrication and JRG Property Management, desires to change the Zoning Map designation for the identified property from Industrial Park (I-1) to Central Light Industrial (I-2); and

Whereas, on December 3, 2020, the City provided notice of the proposed map amendment to DLCD in conformance with ORS 197.610; and

Whereas, the Planning Commission held a public hearing to review the map amendment on January 25, 2021 and forwarded a recommendation of approval to the City Council; and

Whereas, the City Council then held a public hearing to review the proposal on March 15, 2021;

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

Section 1: The Council approves the Zoning Map amendment for a property identified as 2-4E-15A, 24E15A, Tax Lot 205. The Zoning Map designation for the identified property will be changed from Industrial Park (I-1) to Light Industrial (I-2).

Section 2: The Zoning Map amendment is supported by the Findings and Conditions contained in the March 5, 2021 staff report attached as Exhibit A and incorporated into this Ordinance.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 15 day of March 2021

Stan Pulliam, Mayor

#2021-04

ATTEST:

Jeff Aprati, City Recorder

#2021-04

CITY COUNCIL STAFF REPORT

TYPE IV DECISION

DATE: March 5, 2021

FILE NO.: 20-041 ZC

PROJECT NAME: Rogue Fabrication Rezone

APPLICANT: Joseph and Nicole Gambino, JRG Property Management

OWNER: Eastwinds Industrial Park, Inc.

LEGAL DESCRIPTION: 2-4E-15A, 24E15A, Tax Lot 205 (Parcel 1 of 1999-72)

The above-referenced proposal was reviewed as a Type IV zone change. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the proposed conditions of approval.

PROJECT OVERVIEW:

The applicant, Rogue Fabrication, is requesting a zone change for their 1.69 acre property at the Southeast corner of Industrial Way and Champion Way. The current zoning designation for the site is I-1 (Industrial Park). The applicant is requesting a rezoning of the site to I-2 (Light Industrial). The key difference between these zoning designations are architectural requirements, screening requirements, and setback requirements. I-1 has stricter requirements as these sites are meant to be visible from Highway 26. The applicant states that the site is not visible from Highway 26 and therefore an I-2 designation is more appropriate. Additionally, I-2 zones have fewer expected vehicle trips than I-1 zones based on a reasonable worst-case scenario.



REVIEW CRITERIA:

Zoning District Amendments: 17.26

Quasi-judicial zoning district changes shall be reviewed to:

1. Determine the effects on City facilities and services;
2. To assure consistency with the purposes of this chapter;
3. To assure consistency with the policies of the Comprehensive Plan;
4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

Analyses of these criteria can be found in Findings 13 through 17.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Supplemental Land Use Application
- C. Project Narrative
- D. Legal Description and Tax Assessment
- E. Vicinity Aerial Map
- F. Vicinity Topographical Map
- G. Sandy Zoning Map (Site)
- H. Sandy Zoning Map (City)
- I. Sandy Transportation System Plan: Functional Roadway Classification
- J. Rogue Fabrication Site Plan
- K. Phase 1 Building Perspective
- L. Phase 1 Building Elevations
- M. Phases 2 & 3 Building Perspective
- N. Phases 2 & 3 Building Elevations
- O. Traffic Study

Agency Comments:

- P. City Transportation Engineer (December 15, 2020)
- Q. ODOT (January 7, 2021)
- R. City of Sandy Public Works (January 5, 2021)
- S. Economic Development Manager (January 14, 2021)

Public Comments:

None

Additional Exhibits

- T. Applicant/ODOT correspondence (November 20, 2020)
- U. Pre-App Notes (September 15, 2020)
- V. Planning Commission staff report (January 15, 2021)
- W. Planning Commission draft meeting minutes (January 25, 2021)
- X. Planning Commission slide presentation (January 25, 2021)

FINDINGS OF FACT:

General

1. These findings are based on the applicant's submittals received on October 13, 2020. Staff deemed the application incomplete on November 9, 2020. The applicant submitted additional materials on November 20, 2020. The application was deemed complete on November 24, 2020 with a 120-day deadline of March 24, 2021.
2. This report is based upon the exhibits listed in this document, as well as agency comments.
3. Notification of the proposal for the Planning Commission meeting was mailed to property owners within 500 feet of the subject property on January 5, 2021 with a revision clarifying the meeting time sent on January 8, 2021. A legal notice for the Planning Commission meeting was published in the Sandy Post on January 20, 2021.
4. Notification of the proposal for the City Council meeting was mailed to property owners within 500 feet of the subject property on February 24, 2021. A legal notice for the City Council meeting was published in the Sandy Post on March 3, 2021.
5. An agency comment was received from David Snider, City Economic Development Manager, on January 14, 2021. According to Snider, the proposed zone change will be good for economic growth in the City by providing export manufacturing and job growth.
6. The subject site is approximately 1.69 acres. The site is located at the southeast corner of Industrial Way and Champion Way.
7. The parcel has a Comprehensive Plan Map designation of Industrial and a Zoning Map designation of I-1, Industrial Park.
8. The applicant, JRP Property Management, is requesting a zone change from I-1 (Industrial Park) to I-2 (Light Industrial). According to the applicant, the reason for the requested zone change is to reduce the architectural requirements and setback requirements for future development. I-1 zones have more robust requirements as they are intended to be visible from Highway 26. The applicant states that the subject site is not visible from Highway 26, and therefore an I-2 zoning designation is more appropriate. Additionally, an adjacent property is also zoned I-2.
9. It is important to note that this zone change does not require a Comprehensive Plan Map change as the Comprehensive Plan Map designation will remain Industrial.
10. Planning Commission held a public hearing for this application on January 25, 2021. At that meeting, Planning Commission forwarded to City Council a recommendation of approval for the zone change with conditions with a vote of 7 to 0.

17.26 – Zoning District Amendments

11. Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.
12. Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.
13. Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services. Extension of sanitary sewer will be required with future development of the lot. The Public Works Director stated that he had no comment on the proposal, from which we can deduce that the City sees no potential negative impacts on public facilities with this zone change. Additionally, the potential uses on the site, should it be rezoned to I-2, would have relatively similar impacts on sanitary sewer and water facilities as uses permitted in the I-1 zoning district.
14. Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of Chapter 17.26. The purposes of the chapter are as follows:
 - A. Maintain sound, stable, and desirable development within the City. The applicant intends to construct an industrial building which will create living wage jobs and add to Sandy's exporting industries, making it a desirable type of development.
 - B. Permit changes in the zoning district boundaries where appropriate. Staff believes this is an appropriate zone change given the intents on I-1 zoning, I-2 zoning, and the distance of the subject site from Highway 26.
 - C. Ensure zoning changes are consistent with the community's land use policies and goals. See finding 15 for an analysis of land use policies.
 - D. Lessen the influence of private economic interests in the land use decision-making process. While this process has been initiated by and would be beneficial to private interests, so long as the decision-making body (in this case, City Council) makes a decision according to the review criteria, this purpose is met.
15. Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan. The following Comprehensive Plan policies are relevant to this application:
 - A. Goal 1 – Adequate public involvement through noticing affected property owners and holding two public hearings has achieved this goal.
 - B. Goal 2, Policy 7 – This proposal is consistent with the Sandy Development Code, Municipal Code, and all adopted standards and enforcement codes of the City of Sandy.
 - C. Goal 9, Policy 36 – Protect designated Industrial lands for Industrial uses. Because this rezone is not changing the Industrial Comprehensive Plan Map designation, this policy is met.
16. Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

- A. Goal 1: Citizen Involvement. The Planning Commission held a public hearing for this application on January 25, 2021. The City Council also held a public hearing on March 15, 2021. Public notices have been sent for these respective meetings.
- B. Goal 2: Land Use Planning. Goal 2 requires the ordinance to be coordinated with other affected governmental entities and to be supported by an adequate factual base. The City provided notice of the proposed zone change to the state, as Oregon law requires.
- C. Goal 9: Economy. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. As the EOA describes, Sandy has a need for smaller employment sites (< five acres). The EOA also describes Sandy’s comparative advantage for attracting businesses and suggested the City establish policies to attract professional service businesses, retirement facilities, personal services (lodging, restaurants, tourist-oriented retail, etc.) and small-scale manufacturing firms. Based on the city’s advantages, the EOA predicted these types of businesses are most likely to choose to locate in Sandy. The proposed zone change will further the city’s efforts to capitalize on those advantages as explained in the EOA.
- D. Goal 11: Public Facilities. The City has an existing public facilities plan that includes all properties within the city’s urban growth boundary (UGB), including islands of unincorporated property. The proposed zone change will not undermine or contradict any aspect of the existing public facilities plan. The Public Works Director submitted an email (Exhibit R) stating the Public Works Department doesn’t have any comments regarding the proposed zone change.
- E. Goal 12: Transportation. The applicant submitted a traffic analysis from Ard Engineering (Exhibit O) and this analysis was reviewed by Replinger & Associates, the City’s Traffic Consultant (Exhibit P). This submittal was also reviewed by the Oregon Department of Transportation (Exhibit Q). This document calculated the development potential of the site based on current and proposed zoning and calculated a trip generation rate based on these assumptions. The analysis estimated at full development of the site, based on current I-1 zoning, the AM peak hour total trip count is 150, the PM peak hour total trip count is 175, and the daily total trip count is 1,760. Based on proposed I-2 zoning, the AM peak hour total trip count is 130, the PM peak hour total trip count is 138, and the daily total trip count is 1,304. Therefore, the proposed zoning of I-2 would likely generate 456 fewer daily trips based on a reasonable worst-case scenario. ODOT reviewed and concurs with this traffic analysis (Exhibit Q).

17. Given that the proposed development conforms with the Sandy Municipal Code and Comprehensive Plan goals, and that multiple conditions have been put in place to ensure that the development meets the intent of the Code and goals, the Planning Commission finds that these criteria have been met.

17.50 – Light Industrial (I-2)

18. According to the intent of Chapter 17.50, this zoning district is meant for light industrial uses that do not depend on high visibility. Such uses are intended to be screened from view from arterial streets and highways.
19. The two streets which mark the location of the site—Industrial Way and Champion Way—are neither arterial streets nor highways. Rather, they are both defined as collector streets.
20. The subject site is approximately 900 feet from Highway 26 (as measured from Google Earth), and this distance is intersected by Champion Way. Additionally, the site is screened from Highway 26 by the Mt. Hood National Forest Headquarters, Fred Meyer, and numerous trees. When driving by the Tractor Supply Store and AMPM there is a small visual window to see this property, but due to distance and other buildings between the highway and the subject site the prominence of this location is not highly visible. Based on limited visibility of the site from Highway 26 the Planning Commission recommends the following conditions are imposed on future development of the site:
- A. Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping;**
 - B. SandyStyle approved colors on all future buildings on the subject site, including all walls and any metal roofs;**
 - C. Design features consistent with those identified in the submitted elevations (e.g., exposed timbers, gabled roof pitches); and**
 - D. In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.**
21. Manufacturing, assembly, and production uses that do not produce significant levels of noise or odor beyond the boundaries of the site are permitted outright uses. Additionally, incidental retail associated with the primary use of the site is allowed so long as it occupies less than 35 percent of the gross floor area of the building(s). Use of the site shall be determined in a future design review application.
22. All development and design requirements found in this chapter as well as in Chapters 17.80, 17.84, 17.90, 17.92, 17.98 and 15.32, and other chapters identified with future land use submittal shall be determined in a future design review application.

RECOMMENDATION:

Planning Commission recommends that the City Council approve the zone change application with additional conditions as identified in Finding #20.

Rogue Fabrication Zone Change



20-041 ZC

City Council: March 15, 2021

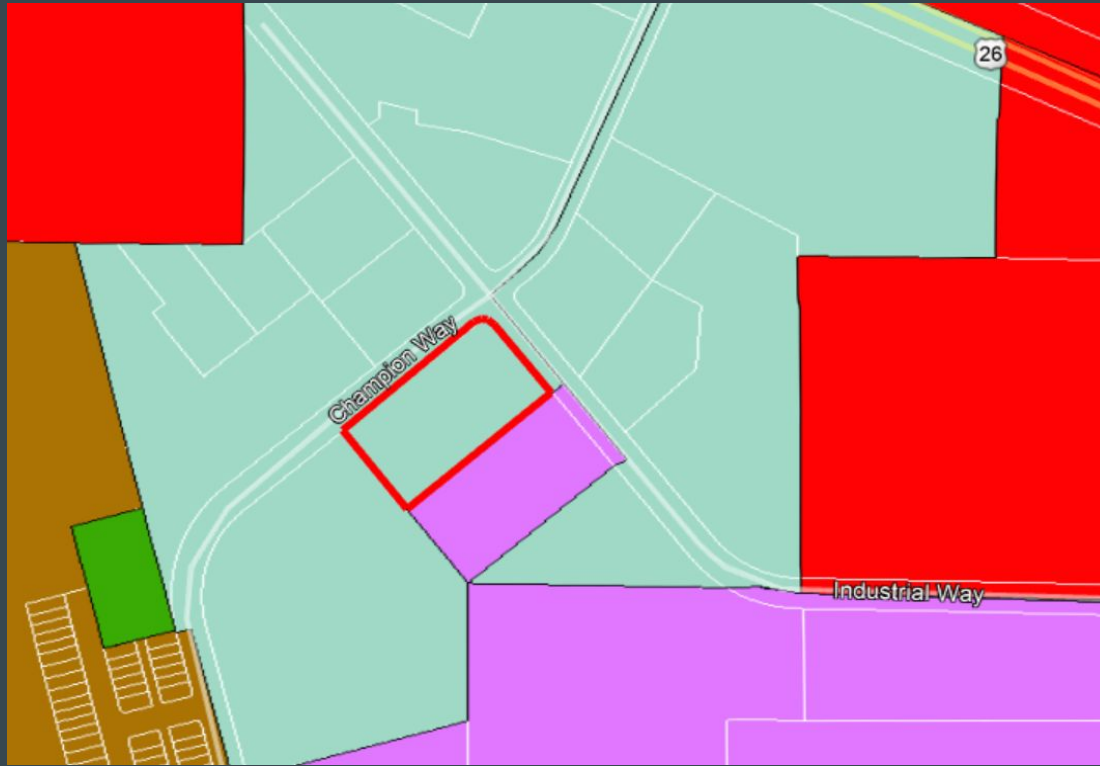
Vicinity Map



Request

- Type IV Zone Change from I-1 (Industrial Park) to I-2 (Light Industrial)
 - Note: does not require a Comprehensive Plan change

Current Zoning Map



- I-1, Industrial Park
- I-2, Light Industrial
- C-2, General Commercial
- R-3, High Density Res.
- POS, Parks and Open Space



I-1 versus I-2

I-1 (Industrial Park)

“intended to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites which will blend harmoniously with their surroundings and adjacent land uses.” (*Comp Plan*)

I-2 (Light Industrial)

“intended to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels pre-existing at the boundary of the site.” (*Comp Plan*)

“Because building design standards are less restrictive in this zone than in other zones, buildings (regardless of use) shall be screened from view from arterial streets and highways.” (*SDC*)

Review Criteria

- Determine the effects on City facilities and services
- Assure consistency with the purposes of SDC Chapter 17.26
- Assure consistency with the policies of the Comprehensive Plan
- Assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council

Effects on City Facilities and Services

- I-2 land uses are anticipated to have lower traffic volume than I-1 land uses.
- The proposed zone change should not negatively impact public facilities or create service capacity shortfalls.
- Extension of water and sanitary sewer will be required with future development.

Purposes of SDC 17.26

- Maintain sound, stable, and desirable development within the City
- Permit changes in the zoning district boundaries where appropriate
- Ensure zoning changes are consistent with the community's land use policies and goals
- Lessen the influence of private economic interests in the land use decision-making process

Comprehensive Plan

- Goal 1: Public involvement
- Goal 2, Policy 7: Consistency with development code
- Goal 9, Policy 36: Protect industrial land for industrial use

Statewide Planning Goals

- Goal 9: Economy
 - Smaller manufacturing businesses are beneficial to Sandy as outlined in the City's EOA.
- Goal 12: Transportation
 - The proposed zoning of I-2 would likely generate 456 fewer daily trips based on reasonable worst case scenario.

Conditions of Future Development

- Robust screening of the parking area or any outdoor storage with at least 20 feet of landscaping.
- Sandy Style approved colors on all future buildings on the subject site, including all walls and any metal roofs.
- Design features consistent with those identified in the submitted elevations.
- In accordance with the Comprehensive Plan definition of I-2 zoned areas, future development of the property shall have minimal impact on its surroundings and shall not produce noise, light, smoke, odor or other pollutants in excess of average levels pre-existing at the boundary of the site.

Recommendation

Planning Commission has forwarded a recommendation of approval to City Council (Vote: 7 to 0).



Staff Report

Meeting Date: March 15, 2021
From: Emily Meharg, Senior Planner
SUBJECT: 20-032 DCA House Bill 2001 Code Amendments

BACKGROUND:

This public hearing and Council discussion is intended as a preliminary step to gather feedback and direction as the City works to bring its code into compliance with Oregon House Bill (HB) 2001. Ordinance adoption is not yet recommended at this meeting.

HB 2001, enacted in 2019, requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

File No. 20-032 DCA seeks to amend Chapters 17.10, 17.30, 17.34, 17.46, 17.54, 17.74, 17.82, 17.86, 17.98, and 17.100 of the Development Code, which contain definitions, zoning districts, single-family residential (SFR), village commercial (C-3), specific area plan overlay, flood and slope hazard (FSH) overlay district, accessory development, transit streets, parkland & open space, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with HB 2001.

Chapter 17.10 Definitions

- **Discretionary item:** Clarified the definition of “accessory dwelling unit” to allow an ADU on the same lot as a duplex.
- **Discretionary item:** Clarified the definition of “building types, multi-family dwelling” to specify that an ADU and duplex on the same lot are not considered multi-family for the purposes of the multi-family design standards in Section 17.90.160. (Note: This proposed modification is only needed if Council decides to go with the Planning Commission’s recommendation to allow an ADU on the same lot as a duplex.)

Chapter 17.30 Zoning Districts

- **Legislatively required:** Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- **Legislatively required:** Added “duplex” as a primary use permitted outright.
- **Legislatively required:** Removed “duplex” as a minor conditional use.
- **Legislatively required:** Amended references to “single detached dwelling” for minimum lot area and minimum average lot width to read “single detached dwelling or duplex.”

Chapter 17.46 Village Commercial (C-3)

- **Legislatively required:** Revised residential primary uses permitted outright to include duplexes above, beside or behind a commercial business.

Chapter 17.54 Specific Area Plan Overlay

- **Legislatively required:** Updated the table in Section 17.54.80 so that duplexes have the same standards as single family residential.
- **Administrative change:** Added duplexes to the single-family residential design standards in Section 17.54.110 and referenced Chapter 17.90 for design standard calculation for single-family residences and duplexes for consistency in review and streamlining reviews.
- **Legislatively required:** Updated language in 17.54.100(E) to reference Chapter 17.100, Land Division, for standards related to private drives that treat duplexes the same as single-family residences.

Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- **Legislatively required:** Updated off-street parking standard to be “no minimum.”
- **Legislatively required:** Deleted text related to occupancy limitations.
- **Discretionary item:** Increased maximum square footage of an ADU to 800 square feet.
- **Legislatively required:** Revised design standards and additional requirements to be clear and objective.

Chapter 17.82 Special Setbacks on Transit Streets

- **Legislatively required:** Exempted single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).
- **Discretionary item:** Exempted single-family residences and duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

Chapter 17.86 Parkland & Open Space

- **Administrative change:** Clarified the parkland fee-in-lieu calculation for duplexes and conversions that add additional units and removed the rounding clause from the calculation since rounding doesn't work when calculating the required dedication for the conversion of an SFR to a duplex.

Chapter 17.98 Parking, Loading, and Access Requirements

- **Legislatively required:** Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- **Legislatively required:** Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- **Legislatively required:** Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling.
- **Legislatively required:** Exempted ADUs and conversion of a single-family residence to a duplex from the on-street parking standard.
- **Administrative change:** Exempted multi-family from the on-street parking standard. When the on-street parking standards were written in the code, multi-family was never intended to be included. But since it is not clearly stated and we have received past inquiries/questions we want to add clarity in the code.

Chapter 17.100 Land Divisions

- **Legislatively required:** Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

RECOMMENDATION:

Recommended Discussion Topics

- HB 2001 does not require a city to allow both a duplex and an ADU on the same lot, but a city can choose to allow both if they choose. *The Planning Commission recommended allowing a duplex and an ADU on the same lot, and the definition of ADU in Chapter 17.10 has been updated accordingly.*
- If Council decides to allow both an ADU and a duplex on a single lot, the three units would technically qualify as multi-family per the definition of multi-family in Chapter 17.10. Staff proposes updating the definition of multi-family to exempt an ADU and duplex on the same lot from the multi-family design standards in Section 17.90.160. *This change was identified by staff after the Planning Commission hearing so the Planning Commission did not make a recommendation.*
- HB 2001 requires cities to allow attached duplexes wherever detached single family dwellings are allowed. It is up to each city whether to also allow detached duplexes. The existing Development Code allows both attached and detached duplexes where single family dwellings are allowed, except in the SFR zone. The proposed code amendments will allow duplexes outright in the SFR zone in conformance with HB 2001; however, a city can decide whether to allow both detached and attached duplexes in the SFR zone. A city may also allow additional middle-housing options (triplexes, four-plexes, cottage clusters, etc.) if

they choose. *The Planning Commission recommended continuing to allow both attached and detached duplexes in all zones that permit single family dwellings but did not make a recommendation to allow additional middle-housing options in zones that don't currently allow them.*

- HB 2001 does not allow a city to require more off-street parking spaces for a duplex than for a single-family residence. This means that the maximum number of off-street parking spaces for a duplex is 2 total (not 2 per unit as written in the existing code). However, a city may require that these spaces shall be side-by-side, and not tandem. *The Planning Commission did not make any recommendations regarding parking layout.*
- HB 2001 does not allow a city to apply more restrictive design standards to a duplex than to a single-family residence; however, HB 2001 does not require a city to apply design standards to duplexes. A city may decide to not apply design standards to a duplex if they choose. The existing Development Code applies the same design standards to single-family residences and duplexes (Section 17.90.150), in compliance with HB 2001. Staff clarified Section 17.54.110(B) such that the design standards for the BVO will apply to both single-family residences and duplexes. *The Planning Commission did not recommend removing design standards from duplexes. (Note: The Planning Commission did not review the proposed code changes to Chapter 17.54 as these were identified as needing to be updated after the Planning Commission hearing.)*
- Though not required by HB 2001, staff recommends increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Increasing the maximum square footage of an ADU may indirectly support HB 2001 by encouraging more people to build ADUs. *The Planning Commission recommended increasing the maximum square footage of an ADU from 600 square feet to 800 square feet.*
- In accordance with the existing Development Code, conversion of a single-family dwelling to a duplex on a flag lot on a transit street would trigger additional requirements in Chapter 17.82 regarding orientation of the dwelling unit and connection to the sidewalk, which would not be permitted by HB 2001. Staff proposed exempting conversion of a single-family dwelling to a duplex from the standards in Section 17.82.20(A and B), which would be required by HB 2001. In addition, staff is recommending exempting single-family residences and duplexes from the standards in Section 17.82.20(A and B), which is not required by HB 2001, based on the reasoning that requiring a separate pedestrian walkway adjacent to a paved flag seems redundant and would result in increased impervious surface and potentially stormwater movement on to abutting properties. *The Planning Commission recommended keeping the exemptions as proposed by staff.*

- HB 2001 contains an exception to the middle housing requirements for areas subject to natural hazards, including flood hazard and other hazards. The City is not required to modify Chapter 17.60 based on the exception, provided the adopted ordinance includes findings related to the hazard. Staff does not recommend broadening permitted uses in the Flood and Slope Hazard (FSH) overlay district and, therefore, recommends not including the Chapter 17.60 modifications. *This exemption was identified after the Planning Commission hearing.*
- HB 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges (SDCs), property tax exemptions, and construction taxes, but does not require cities to adopt those policies at this point. Currently, the calculation for the City's land component portion of the parks SDC, including the fee-in-lieu option, is contained in Chapter 17.86. *The Planning Commission did not review the proposed code changes to Chapter 17.86 as these were identified as needing to be addressed after the Planning Commission hearing.*

Recommendation

Staff recommends the City Council hold a public hearing and take public testimony, and provide staff feedback on discretionary items so that staff can return with revised code language, an ordinance, and findings at an April or May City Council meeting. Staff recommends adopting the code changes prior to June 2021 so that the City of Sandy is in compliance with the mandates of House Bill 2001. If the City does not adopt code amendments in compliance with House Bill 2001 with an effective date of June 30, 2021 or earlier, the state's model code will go into effect in Sandy on July 1, 2021.

LIST OF ATTACHMENTS/EXHIBITS:

- Ordinance 2021-03
 - Exhibit A: Chapter 17.10 Code Modifications
 - Exhibit B: Chapter 17.30 Code Modifications
 - Exhibit C: Chapter 17.34 Code Modifications
 - Exhibit D: Chapter 17.46 Code Modifications
 - Exhibit E: Chapter 17.54 Code Modifications
 - Exhibit F: Chapter 17.74 Code Modifications
 - Exhibit G: Chapter 17.82 Code Modifications
 - Exhibit H: Chapter 17.86 Code Modifications
 - Exhibit I: Chapter 17.98 Code Modifications
 - Exhibit J: Chapter 17.100 Code Modifications
 - Exhibit K: Ordinance 2021-03 HB 2001 Draft Findings
- Exhibit L: DLCDCD HB 2001 Documents
- Exhibit M: Medium Cities Middle Housing Model Code
- Exhibit N: January 25, 2021 Planning Commission Staff Report



NO. 2021-03

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 17 OF THE SANDY MUNICIPAL CODE IN COMPLIANCE WITH OREGON HOUSE BILL 2001.

Whereas, the City Council wishes to modify the Development Code to achieve compliance with Oregon House Bill 2001 (HB 2001); and

Whereas, HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences, including design standards, parking requirements, and density thresholds; and

Whereas, HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to accessory dwelling units (ADUs); and

Whereas, the City Council wishes to update the definition of “accessory dwelling unit” to allow accessory dwelling units associated with both single-family residences and duplexes, and to update the definition of “building type, multi-family” to exempt a duplex and an ADU on the same lot from the design standards in Section 17.90.160; and

Whereas, the City Council wishes to clarify that duplexes shall be counted the same as a single-family residence for the purpose of calculating maximum density; and

Whereas, the City Council wishes to add “duplex” as a primary use permitted outright in the Single-Family Residential (SFR) zone and remove “duplex” as a minor conditional use; and

Whereas, the City Council wishes to add “duplex above, behind, or beside a commercial business” as a primary use permitted outright in the Village Commercial (C-3) zone; and

Whereas, the City Council wishes to apply the same standards to duplexes as to single-family residences in the Bornstedt Village Overlay; and

Whereas, the City Council wishes to remove the minimum off-street parking requirement and owner occupancy limitations for ADUs, increase the maximum square footage of an ADU, and revise the design standards and additional requirements for ADUs to be clear and objective; and

#2021-03

Whereas, the City Council wishes to exempt single-family residences, duplexes, or single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C) in Chapter 17.82, Special Setbacks on Transit Streets; and

Whereas, the City Council wishes to clarify the parks fee-in-lieu calculation for duplexes and the conversion of a single-family residence to a duplex; and

Whereas, the City Council wishes to reduce the minimum number of required parking spaces for duplexes to match the required 2-parking space minimum for single-family residences, revise the code language so that the driveway requirement for a duplex is the same as for a single-family dwelling, and revise the residential on-street parking requirement to be the same for a duplex as for a single-family dwelling; and

Whereas, the City Council wishes to revise the residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences; and

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

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

Whereas, on December 8, 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 January 25, 2021 and forwarded a recommendation of approval with one minor addition to the City Council; and

Whereas, the City Council then held a public hearing to review the proposal on March 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy

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 17.30 is amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3. Sandy Municipal Code Chapter 17.34 is amended as detailed in Exhibit C, attached and incorporated by reference.

#2021-03

Section 4. Sandy Municipal Code Chapter 17.46 is amended as detailed in Exhibit D, attached and incorporated by reference.

Section 5. Sandy Municipal Code Chapter 17.54 is amended as detailed in Exhibit E, attached and incorporated by reference.

Section 6. Sandy Municipal Code Chapter 17.74 is amended as detailed in Exhibit F, attached and incorporated by reference.

Section 7. Sandy Municipal Code Chapter 17.82 is amended as detailed in Exhibit G, attached and incorporated by reference.

Section 8. Sandy Municipal Code Chapter 17.86 is amended as detailed in Exhibit H, attached and incorporated by reference.

Section 9. Sandy Municipal Code Chapter 17.98 is amended as detailed in Exhibit I, attached and incorporated by reference.

Section 10. Sandy Municipal Code Chapter 17.100 is amended as detailed in Exhibit J, attached and incorporated by reference.

Section 11. In support of this ordinance, the City Council adopts the findings and conclusions attached as Exhibit K.

Section 12. All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

#2021-03

Jeff Aprati, City Recorder

#2021-03

**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.

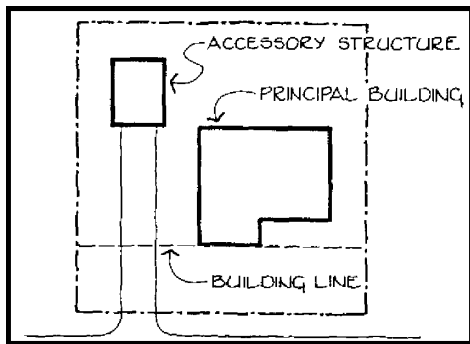
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

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 duplex, or in a separate accessory structure on the same lot as the ~~main~~ single-family dwelling or duplex, 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~~ single-family dwelling or duplex.

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.

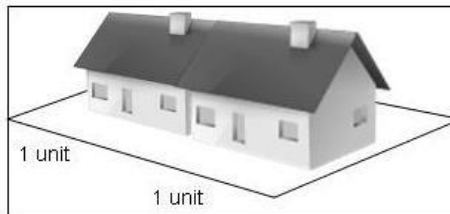
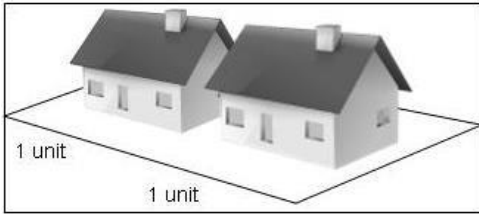
Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

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.

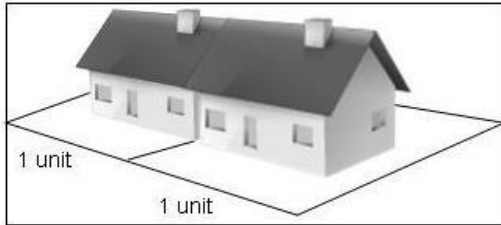
Acre, Net: Net acre means an acre area of land, which does not include in its measurement public streets or other areas to be dedicated or reserved for public use.

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.

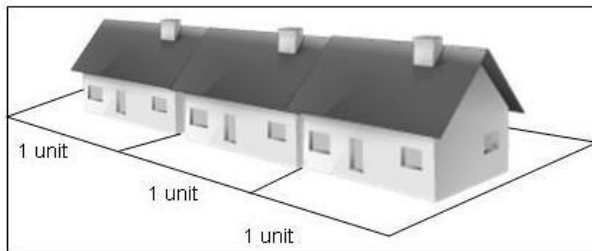
Actual Construction: The placing of construction materials in a permanent position and fastened in a permanent manner.



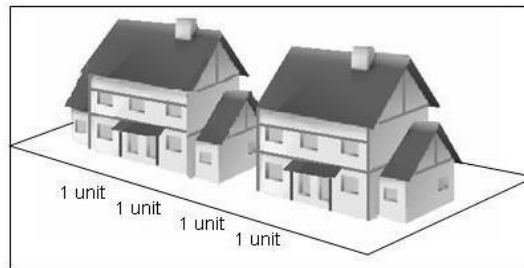
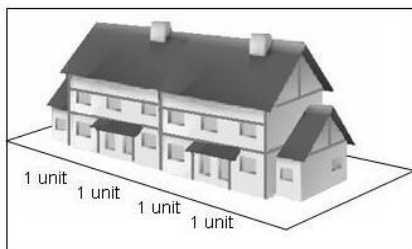
- 4. Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



- 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. [One duplex and one accessory dwelling unit \(ADU\) constructed on a single lot of record are exempt from the additional requirements for multi-family developments in Section 17.90.160.](#)



- 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

EXHIBIT B

CHAPTER 17.30 - ZONING DISTRICTS

17.30.00 ZONING DISTRICT DESIGNATIONS

For the purposes of this title, the city is divided into districts designated as follows:

DISTRICT	SYMBOL
Parks and Open Space	POS
Residential	
Single Family Residential	SFR
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Commercial	
Central Business District	C-1
General Commercial	C-2
Village Commercial	C-3
Industrial	
Industrial Park	I-1
Light Industrial	I-2
General Industrial	I-3
Overlay Districts	
Planned Development	PD
Cultural & Historic Resource	CHR
Flood Slope Hazard	FSH
Specific Area Plan Overlay	SAP

17.30.10 ZONING MAP

The Zoning Map is incorporated herein and is deemed as much a part of this Code as if fully set forth. If a conflict appears between the Zoning Map and the written portion of this Code, the written portion shall control. The map and each amendment shall remain on file in the Planning Director's Office.

The boundaries of all districts are established as shown on the Zoning Map, which is made a part of this Code. All notations and references and other matters shown shall be and are hereby made part of this Code.

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

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

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas

The allowable range of housing units on a piece of property is calculated by multiplying the net site area (NSA) in acres by the minimum and maximum number of dwelling units allowed in that zone.

For example: A site (NSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 30 units and allows a maximum of 58 units. (NSA x 3 units/acre = 30 units minimum) (NSA x 5.8 units/acre = 58 units maximum)

B. Minimum and Maximum Dwelling Units for Sites with Restricted Areas

1. Unrestricted Site Area: To calculate unrestricted site area (USA): subtract all restricted development areas (RDA) as defined by Section 17.60.20(A) from the net site area (NSA), if applicable.

$$\text{NSA} - \text{RDA} = \text{USA}$$

2. Minimum Required Dwelling Units: The minimum number of dwelling units required for the site is calculated using the following formula:

USA (in acres) x Minimum Density (Units per Acre) of Zoning District = Minimum Number of Dwelling Units Required.

3. Maximum Allowed Dwelling Units: The maximum number of dwelling units allowed on a site is the lesser of the results of these two formulas:

a. NSA (in acres) x Maximum Density of Zoning District (units/acre)

b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)

For example: suppose a site in a zone with a maximum density of eight (8) units per acre has 6 acres of unrestricted site area (USA= 6) and two acres of restricted development area (RDA=2), for a total net site area of 8 acres (NSA= 8). Then NSA (8) x 8 units/acre = 64 and USA (6) x 8 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 64 (the lesser of the two results).

- C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying zoning district.

- D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater

than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

For example: A calculation of 3.7 units is rounded down to 3 units. A calculation of 4.2 units is rounded down to 4 units and a calculation of 4.5 units is rounded up to 5 units.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e., duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

**CHAPTER 17.34
SINGLE-FAMILY RESIDENTIAL (SFR)**

17.34.00 INTENT

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

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;
- ~~2.3. Duplex.~~

B. Accessory Uses Permitted Outright:

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
3. Family day care, as defined in Chapter 17.10 subject to any conditions imposed on the residential dwellings in the zone;
4. Home business subject to the provisions in Chapter 17.74;
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
6. Minor utility facility;
7. Other development customarily incidental to the primary use.

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Single detached or attached zero lot line dwelling;
- ~~3. Duplex;~~
- ~~4.3.~~ Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- ~~5.4.~~ Other uses similar in nature.

B. Conditional Uses:

1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling <u>or duplex</u> ----- Other permitted uses	7,500 square ft. No minimum
B. Minimum Average Lot Width ----- - Single detached dwelling <u>or duplex</u>	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.90
D. Minimum Average Lot Depth	No minimum
E. Setbacks (Main Building) Front yard Rear yard Side yard (interior) Corner Lot	10 ft. minimum 20 ft. minimum 7.5 ft. minimum 10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.150) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

17.34.40 MINIMUM REQUIREMENTS

- A. Must connect to municipal water.
- B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
 1. A county septic permit is secured and a copy is provided to the city;
 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

¹ Must comply with clear vision requirements of Chapter 17.74.
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3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- C. The location of any real improvements to the property must provide for a future street network to be developed.
 - D. Must have frontage or approved access to public streets.

17.34.50 ADDITIONAL REQUIREMENTS

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.
- D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

**CHAPTER 17.46
VILLAGE COMMERCIAL - C-3**

17.46.00 INTENT

The intent of the village commercial district is primarily oriented to serve residents of the village and the immediately surrounding residential area. The Village Commercial area is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

17.46.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:

1. Single family dwelling or duplex above, beside or behind a commercial business;
2. Multi-family dwellings above, beside or behind a commercial business.

B. Primary Uses Permitted Outright – Commercial (in buildings with up to 7,500 square ft. of gross floor area):

1. Retail uses, including but not limited to:
 - a. Automotive, trailer, recreational vehicle, motorcycle sales and rental;
 - b. Convenience market/store;
 - c. Eating and drinking establishment including fast-food and high-turnover sit down restaurant but excluding drive-through;
 - d. Grocery store or supermarket;
2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution excluding drive-through;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - i. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
 - a. Brewery, distillery, or winery with pub/tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Overnight lodging;
8. Park and ride station;
9. Parking lot or garage (when not an accessory use);
10. Other uses similar in nature.

C. Accessory Uses Permitted Outright:

1. A use customarily incidental and subordinate to a principal use permitted outright;

2. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
3. Accessory dwelling units, detached or attached;
4. Accessory structures;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses;
7. Parking lot or garage (when associated with development).

17.46.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Congregate housing;
2. Multi-family dwellings not located above a commercial business and occupying no more than 30% of the C-3 district area in a village;
3. Nursery/greenhouse;
4. Outdoor product display or storage of merchandise covering greater than 10% of the total retail sales area;
5. Outdoor recreation;
6. Public park, plaza, playground or recreational area, and associated buildings;
7. Other uses similar in nature.

B. Conditional Uses:

1. Automotive fueling stations;
2. Buildings designed for one or more occupants with more than 7,500 square feet of gross floor area;
3. Drive-through facilities in conjunction with a bank, savings and loan, credit union, or an eating and drinking establishment on a site abutting a state highway, subject to all other applicable provisions of the Sandy Development Code and the following special conditions:
 - a. No drive-through facility will be permitted unless the development site is at least 2 acres in size and only one drive-through facility shall be allowed on each development site.
 - b. Each drive-through facility shall be oriented to the adjacent public street and shall be otherwise designed to prioritize pedestrian access and circulation over vehicular access and circulation. Pedestrians shall not have to cross drive-through lanes to access entry doors.
 - c. A drive-through facility may be conditioned to operate during hours that do not negatively impact adjacent residential uses in terms of noise and lighting.
 - d. Each drive-through facility may have only one (1) drive-through lane, which shall not be positioned between the primary building and a local residential street.
4. Major public facility;
5. Other uses similar in nature.

17.46.30 DEVELOPMENT STANDARDS

A.

Residential - Not in Conjunction with a Commercial Business	
Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R-3)

Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%
Off-Street Parking	See Chapter 17.98

Commercial	
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100 ft. recommended;
Lot Coverage	No maximum
Setbacks ¹	No minimum; maximum 20 ft.
Structure Height	45 ft.
Landscaping	10% (includes required civic space per 17.90.110.)
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

- B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District
1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.;
 2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be free-standing. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
 3. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

¹ Unless abutting a more restrictive zoning district or as required to maintain vision clearance.

**CHAPTER 17.54
SPECIFIC AREA PLAN OVERLAY**

17.54.00 SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS

- A. Purpose. The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan coordinating and directing development in terms of transportation, utilities, open space and land use, however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development.
- B. Initiation. The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan.
- C. Advisory Committee. The City Council may appoint an advisory committee to guide development of the plan. The advisory committee may include persons representing affected property owners, neighbors, city staff, agencies, special districts and the community at large. The role of the committee is advisory to the Planning Commission and the City Council.
- D. Adoption. A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.
- E. Map identification. A specific area plan overlay zone is identified on the City of Sandy Zoning Map with a specific border around the perimeter of the plan area and a letter “S” depicted approximately in the center of the plan area. A report that includes the specific area plan and relevant development standards shall be adopted as an exhibit to the ordinance approving the overlay zone district.
- F. Comprehensive Plan Amendment. A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.
- G. Compliance with Specific Area Plan Standards and Procedures. New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.
- H. Specific Area Plan Standards. Specific standards for adopted specific area plans are defined below.

17.54.10 SPECIFIC AREA PLAN CONTENT

At a minimum, a specific area plan shall include the following text and diagrams:

- A. Plan Objectives. A narrative shall set forth the goals and objectives of the plan.
- B. Site and Context. A map of the site and existing context shall identify the project area.

- C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.
- D. Density. If residential uses are proposed, a narrative shall describe planned residential densities.
- E. Facilities Analysis. The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.
- F. Circulation/Transportation Diagram. The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.
- G. Market Analysis. Specific area plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation.
- H. Design and Development Standards. If standards differ from normal City standards, design and development standards shall be included in the plan.

17.54.20 LAND USE REVIEW

The review procedures outlined in Chapter 17.12, Procedures for Decision Making, shall apply for all development subject to a specific area plan overlay zone, unless modified below.

- A. Type I. The Director, at his or her discretion, may refer a Type I application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.10, the following activities shall be reviewed administratively.
 - 1. Administrative amendments to a specific area plan, as defined by Section 17.54.30 (A).
- B. Type II. The Director, at his or her discretion, may refer a Type II application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.20, the following activities shall be reviewed administratively with notices to neighboring property owners.
 - 1. Minor amendments to a specific area plan, as defined by Section 17.54.30 (B).
- C. Type III. In addition to the procedures detailed in Section 17.12.30, the following activities shall be reviewed by the Planning Commission as either a quasi-judicial or legislative amendment.
 - 1. Major amendments to the specific area plan, as defined by Section 17.54.30 (C).

17.54.30 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC AREA PLAN

Amendments to an approved specific area plan are classified as administrative, minor, or major amendments.

- A. Administrative Amendments. The City Planning Director may approve administrative amendments pursuant to the Type I procedures of the Sandy Development Code. Administrative amendments include:
1. Street, easement, sidewalk, and trail relocations that result in a location change of less than 50 feet from what is depicted on specific area plan diagrams.
 2. Public park relocations that result in a location change of less than 100 feet from what is depicted on specific area plan diagrams.
 3. Increases in the size of public neighborhood parks, provided that transportation connections remain consistent with the specific area plan.
 4. Reductions in the size of public neighborhood parks, provided the reductions are less than 10% of park area depicted on specific area plan diagrams.
 5. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific area plan.
 6. A change in the utility plan other than what would be necessary for other authorized adjustments.
- B. Minor Amendments. A minor amendment to a specific area plan shall be processed as a Type II land use decision. The decision shall include findings demonstrating that the change will not adversely affect:
1. The purpose and objectives of the specific area plan, and
 2. The functioning of the specific area plan, and
 3. The coordination of transportation and infrastructure provision to properties within the specific plan area.
- Minor amendments are those that result in any of the following:
- a. A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the specific area plan circulation/transportation diagram.
 - b. A change in the land use diagram that reduces the size of a public park or facility more than 10%, or moves the location more than 100 feet from the location depicted on the land use diagram.
- C. Major Amendment. A major amendment to a specific area plan shall be processed as a Type III Procedure affecting the existing specific area plan. The amendment shall follow either quasi-judicial or legislative procedures and meet plan amendment and zone change criteria. Findings must demonstrate that the change will not adversely affect:
1. The purpose and objectives of the specific area plan, and

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2. The functioning of the specific area plan, and
3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Major amendments are those that result in any of the following:

- a. A change in a land use plan boundary or density, unless as part of the original approvals an alternative design was approved outlining acceptable plan designation options (e.g. a residential use may be approved on a park site).
- b. A change in the circulation/transportation plan that causes a required transportation element, including a trail, to be added, eliminated or moved more than 100 feet from the location depicted on the specific area plan circulation/transportation diagram.
- c. A change in the Parks Plan that adds or eliminates a designated public park or facility.
- d. A change in development standards, except those set forth as minor or administrative amendments.
- e. Increase or decrease in density, as much as 20% over or under density permitted by an underlying zoning district.
- f. Other amendments to the specific area plan not defined as administrative or minor amendments.

17.54.40 BORNSTEDT VILLAGE OVERLAY (BVO) DISTRICT

The City of Sandy developed a specific area plan for Bornstedt Village, a mixed-use neighborhood located south of downtown Sandy surrounding the intersection of Hwy 211 and Bornstedt Road, as depicted on the City of Sandy Zoning Map. The Bornstedt Village Specific Area Plan Report, the background document that includes Figures referenced in this Chapter, is available for review in the City of Sandy Planning Department.

17.54.50 BVO INTENT

The Bornstedt Village Overlay (BVO) district is intended to guide the development of a new, pedestrian-oriented neighborhood in Sandy, and, implement the Comprehensive Plan's village policies. The district is intended to integrate land use, transportation, natural resource and infrastructure planning in a way that recognizes and enhances the unique qualities of Bornstedt Village. The district references other chapters within the Sandy Development Code in combination with provisions that apply solely within Bornstedt Village. Where there is a conflict between a referenced section of the Code and this chapter, the BVO district provisions supercede.

The planning objectives for Bornstedt Village are to:

- A. Create a Livable Village – Create a neighborhood-oriented village that fulfills the village definition in the Sandy Comprehensive Plan, and, responds to the unique opportunities and site conditions of Bornstedt Village.

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- B. Provide Transportation Options and a Local Street Network – Provide for transportation improvements and a village setting that is conducive to walking, bicycling and transit, while accommodating automobile traffic. Integrate planned land uses with existing and future transportation modes.
- C. Plan for a New, Village-Oriented Character for Hwy 211, Bornstedt and Jacoby Roads – Evaluate ways to calm traffic, improve safety, create an attractive character, protect natural resources and generally minimize adverse impacts from traffic on these high-speed roads.
- D. Protect, Restore, and Enhance Natural Resources in Balance with Creating an Urban Village – Plan for integration for land use, transportation, and natural resources in the village. This objective seeks to protect, restore and enhance key resources and implement appropriate green and sustainable development practices, all in balance with creating an urban village.
- E. Plan for a Parks and Open Space – Provide parks that implement the City of Sandy Parks Master Plan, and other open space opportunities that enhance the livability of the village.
- F. Provide Housing Choices – Provide a variety of housing choices that meet the needs of a broad spectrum of Sandy residents.
- G. Ensure Attractive and Village-Oriented Design – Identify zoning and design guidelines that will result in attractive design that supports the creation of a walkable village.

17.54.60 BVO APPLICABILITY

Development and land use within the Bornstedt Village Overlay district, as shown on the City of Sandy Zoning Map (reflecting Figure 5 in the Bornstedt Village Specific Area Plan), shall be in conformance with the provisions outlined in this chapter. Cascadia Village Subdivisions #1 through #6 are exempt from Sections 17.54.70-17.54.110.

17.54.70 BVO PERMITTED USES

Within the Bornstedt Village Overlay district, all uses shall be consistent with the underlying zoning district, as referenced below. Uses are determined through the referenced zone district unless specifically modified or exempted herein.

- A. Single Family Residential (SFR) – see SDC 17.34. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.34.10 and 17.34.20.
- B. Low Density Residential (R1) – see SDC 17.36. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.36.10 and 17.36.20.
- C. Medium Density Residential (R2) – see SDC 17.38
- D. High Density Residential (R3) – see SDC 17.40
- E. Village Commercial (C-3) – see SDC 17.46. Multi-family dwellings above, beside or behind a commercial business are permitted except as modified as follows: residential dwellings

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shall only be permitted to be located above, beside or behind the commercial use(s) if a minimum of 80% of the ground floor of each building footprint is occupied by the commercial use(s). In such cases where the 80% standard is met, a maximum of 20% of the ground floor of each building footprint may be used for residential purposes and to provide access to residential dwellings located above, beside or behind the commercial uses(s).

17.54.80 BVO DEVELOPMENT STANDARDS
Residential Development Standards

Type	SFR	R1	R2	R3
Minimum Average Lot Width	50 ft. single family detached or duplex ;	40 ft. single family detached or 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house	40 ft. single family detached or duplex ; 30 ft. zero lot line and duplex ; 20 ft. row house	40 ft. single family detached or duplex ; 20 ft. zero lot line; duplex and row house
Lot Width at Building Line	40 ft. single family detached or duplex	40 ft. single family detached or 50 ft. duplex; 20 ft. zero lot line; 20 ft. row house	40 ft. single family detached or duplex ; 30 ft. duplex ; 20 ft. zero lot line and row house	40 ft. single family detached or duplex ; 20 ft. zero lot line; duplex and row house
Minimum Lot Frontage	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Ave. Lot Depth	No minimum	No minimum	No minimum	No minimum
Setbacks Front Yard Rear Yard Side Yard (interior)	10 ft. min. 20 ft. min. 7.5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.
Corner Lot Setback	10 ft. on side abutting the street	10 ft. on side abutting the street	10 ft. on side abutting the street	10 ft. on side abutting the street
Garage Setback	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Projection into Required Setbacks	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74
Accessory Structures	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74
Structure Height	35 ft. max.	35 ft. max.	35 ft. max.	35 ft. max.
Building Site Coverage	No maximum	Maximum - 80 percent maximum for manufactured home parks	Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks	Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks
Off-Street Parking	See Chapter 17.98	See Chapter 17.98	See Chapter 17.98	See Chapter 17.98

17.54.90 BVO Village Commercial Development Standards

Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100 <u>ft.</u> ²
Lot Coverage	No maximum
Setbacks*	No minimum front, side or corner setback; 10 ft. maximum. Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating
Structure Height	45 ft.
Landscaping	10%
Off-Street Parking	See Chapter 17.98

*Unless abutting a more restrictive zoning district, then match abutting district’s setback

17.54.100 BVO Village Commercial - Residential in Conjunction with a Commercial Business

Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R3)
Setbacks	In conformance with Chapter 17.40 (R3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%

17.54.110 BVO DESIGN STANDARDS

- A. Design Review – Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.
- B. Single Family Residential and Duplex Design Standards – All single family dwellings, and manufactured dwellings, and duplexes on individual lots of record shall follow the design standard calculations in Chapter 17.90. utilize at least six of the following design features to provide visual relief along the front of the home:

- ~~1. Dormers~~
- ~~2. Gables~~
- ~~3. Recessed entries~~
- ~~4. Covered front porches~~
- ~~5. Pillars or posts~~
- ~~6. Bay or bow windows~~
- ~~7. Eaves of 12 inches or greater~~
- ~~8. Off set of 16 inches or greater on building face or roof~~
- ~~9. Window trim (minimum 4 inches wide nominal) or shutters (minimum 8 inches wide nominal)~~
- ~~10. Balconies or porch rail~~
- ~~11. Shakes, shingles, brick or other similar decorative materials occupy at least 100 square feet of the street façade~~

C. Variety of Housing Standard for Subdivisions and Planned Developments – In order to reduce repetition of the same building type and promote housing choices, all subdivisions and planned unit developments exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third (33.3%) of the dwellings, by one or more of the following:

1. A mix of attached and detached dwellings.
2. A variety of lot sizes for detached dwellings where the “varied” lot sizes are at least 20% larger or smaller than the average lot size for the remaining lots.
3. A mix of one and two story dwellings.
4. A mix of multi-family housing and detached dwellings, where allowed by the underlying zoning district.
5. Other techniques as approved by the Planning Commission through a Type III review process.

D. Garage Standards – The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:

1. Ensure that there is a physical and visual connection between the living area and entrance of the dwelling and the street.
2. Enhance public safety for residents and visitors and provide opportunities for community interaction.
3. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk.

Garages that are accessed from the front lot area of the dwelling must meet one of the four options listed below, unless the garage is placed behind the dwelling.

- a. The length of the garage wall may be up to 60% of the length of the street-facing building façade when the garage does not extend closer to the front lot line than the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
- b. The length of the garage may be up to 70% of the length of the street-facing building façade when the garage is recessed at a minimum of 2 feet from the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
- c. The garage may extend up to 6 feet in front of the longest street-facing wall when its width does not exceed 50% of the total street-facing façade, and, the garage is not closer to the street lot line than the front of the porch. As referenced here, the porch must be at least 48 square feet in area, have a solid roof that is not more than 12 feet above the porch (Figure 10b in the Bornstedt Village SAP).
- d. A garage door that is oriented at least 90 degrees to the street lot line is not subject to standards a-c above. Such side-oriented garages must have at least 15% of their street-facing wall (measured in square feet) in windows (Figure 10b in the Bornstedt Village SAP).

E. Access to Narrow Lots – In order to minimize the extent of curb cuts on each block, to de-emphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway [shall adhere to the standards in Chapter 17.100, Land Division](#). ~~may serve: 1) as many as 6 dwelling units, none of which takes direct access on the public~~

~~street; or 2) two dwelling units, where both dwelling units share a common driveway approach on a public street (where permitted).~~ The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

- F. Landscaping Standards Adjacent to Highway 211 – The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum 2”) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

17.54.120 BVO CIRCULATION

New streets and vehicle access shall be developed consistent with the Bornstedt Village Circulation Plan (Figure 7 of the Bornstedt Village Specific Area Plan). Through-roads shown on the circulation plan are considered “required” street connections, however, there is flexibility regarding the specific alignment of the streets. Proposed road “arrows” (shown on Circulation Plan) are considered suggested locations for additional connections between the through streets, recognizing that flexibility is needed for the specific number and location of additional streets. The combination of development of the through streets and additional connections shall provide circulation resulting in a logical and connected network of local neighborhood streets. Figure 8 of the Bornstedt Village Specific Area Plan is an illustrative, non-binding, plan of how this standard could be implemented. Within the Bornstedt Village Overlay District, changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be added or moved more than 100 feet from the location depicted on the specific area plan Circulation diagram, shall be subject to the amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be eliminated, shall be subject to the amendment procedures of 17.54.30 (C).

- A. Highway 211 Parkway Section. Development shall be consistent with the design of the Highway 211 Parkway cross-section (Figure 6 of the Bornstedt Village Specific Area Plan), subject to ODOT approval. The parkway cross-section may be modified, as needed, to adjust to topographic and other constraints. Modifications as part of the review of any land use application or development permit shall be approved by City Engineer and are subject to ODOT approval.
- B. Traffic Calming on Bornstedt Road. The intersection of Bornstedt Road and Cascadia Village Drive shall be stop controlled. Other traffic calming methods such as striping, reflectors, narrowing of the pavement section, regrading, landscaping and other traffic calming techniques shall be considered during land use reviews and public improvement projects.
- C. Boulevards.
1. The concept for the Barlow Road Boulevard is to build a neighborhood street that:
 - a. Follows the general alignment of the historic Barlow Road, as shown on Figures 7 and 11 of the Bornstedt Village Specific Area Plan; and

- b. Includes a landscaped park-block section that is a minimum of 20 feet wide and includes interpretive signage and a trail within the median. The conceptual design recognizes that the historic road is no longer visible, but is still valuable and important to incorporate into the design of the neighborhood; and
 - c. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
 - d. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
2. The concept for the Village Boulevard is to build a neighborhood street that:
- a. Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and
 - b. This street should include a landscaped park-block median that is a minimum of 20 feet wide; and
 - c. The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and
 - d. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
 - e. Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
3. The concept for Cascadia Village Drive, west of Bornstedt Road, is to build a neighborhood street that:
- a. Features a landscaped park-block median that is a minimum of 20 feet wide, except where the street must avoid areas regulated by Chapter 17.60, the FSH Overlay District; and
 - b. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
 - c. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
- D. Green Streets – Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.

17.54.130 BVO PARKS

The Open Space, Parks and Trails Map (Figure 9 of the Bornstedt Village Specific Area Plan) illustrates both existing parks and the location of new neighborhood parks. The proposed parks are conceptually located. The parks are an important element of the BVO district, however, they do not bind the subject properties to use as only parkland. Rather, the exact location and size of the parks shall be established through acquisition by the City, parkland dedication during development reviews as required by Chapter 17.86, development agreements, or other means that involve property owner participation. Within the Bornstedt Village Overlay District, changes in the parks plan that cause a required park, path or trail to be added or moved more than 100 feet from the location depicted on the specific area plan parks diagram, shall be subject to the Amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the parks plan that cause a required park, path or trail to be eliminated, shall be subject to the Amendment procedures of 17.54.30 (C).

17.54.140 BVO ENVIRONMENTAL STANDARDS

The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:

1. Flood Slope and Hazard (FSH) Overlay – see Chapter 17.60
2. Hillside Development – see Chapter 17.56
3. Urban Forestry – see Chapter 17.102, except where modified by this Chapter
 - A. Tree Retention – The landowner is responsible for retention and protection of retained trees as specified below:
 1. Within Bornstedt Village at least 9 trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and 6 trees per acre in other areas of the village.

All other standards of Chapter 17.102 shall remain in effect.

**CHAPTER 17.74
ACCESSORY DEVELOPMENT
ADDITIONAL PROVISIONS AND PROCEDURES**

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director’s determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10 RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

Accessory Structure Size	Interior Side Yard Setback	Rear Yard Setback
Up to 120 sq. ft., Up to 10 ft. tall	1 foot	1 foot
Up to 120 sq. ft., Up to 12 ft. tall	3 feet	3 feet
Larger than 120 sq. ft up to 200 sq. ft. and up to 12 ft. in height	3 feet	3 feet
Larger than 200 sq. ft. or taller than 12 ft. in height	5 feet minimum or same as primary structure whichever is greater	15 feet minimum or same as primary structure whichever is greater

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Figure 17.74.10-A: Interior Lot

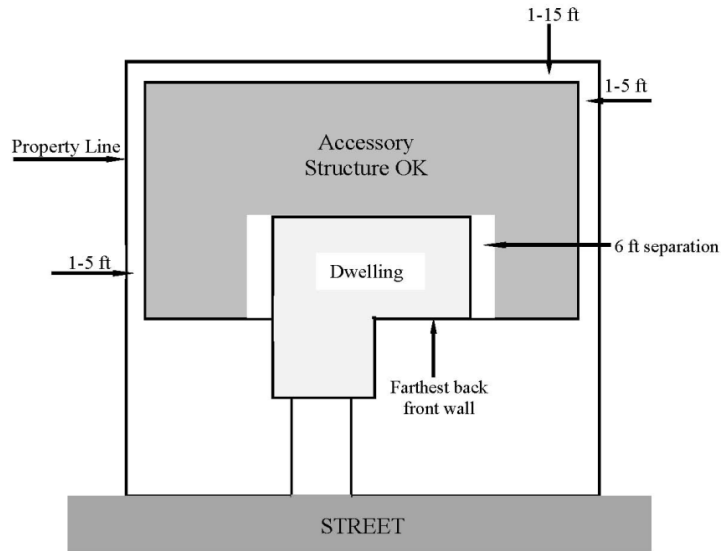
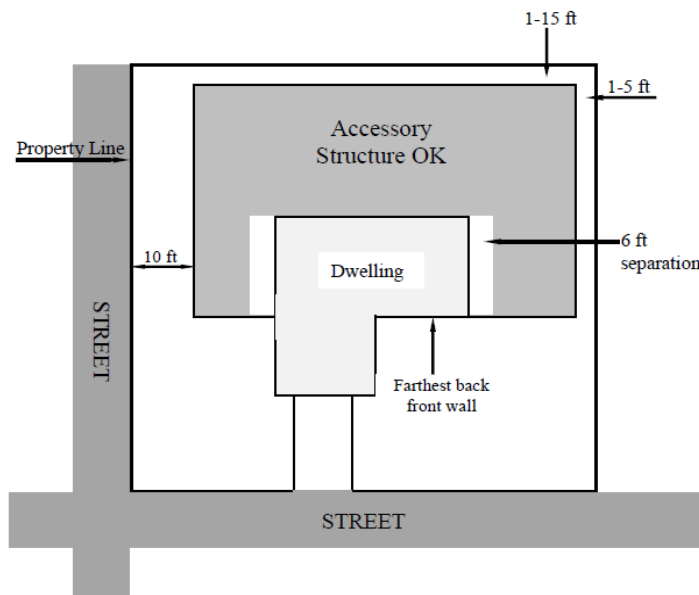


Figure 17.74.10-B: Corner Lot



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B. General Standards.

1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - a. Both lots are under the exact same ownership; and
 - b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
 - c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages ¹	5 ft.	2 ½ ft.	5 ft.
Awnings	5 ft.	2 ½ ft.	5 ft.
Chimneys	5 ft.	2 ½ ft.	5 ft.
Decks (unroofed) - ground level 30" in height or less	5 ft.	2 ½ ft.	Footnote ²
Decks (unroofed) - ground level more than 30" in height or second story (building permit required)	5 ft.	2 ½ ft.	Footnote ³
Eaves	5 ft.	2 ½ ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2 ½ ft.	5 ft.
Planters	5 ft.	2 ½ ft.	5 ft.
Porches (roofed)	5 ft.	2 ½ ft.	Footnote ³
Windows (bow or bay)	5 ft.	2 ½ ft.	5 ft.

¹ Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

- B. Vertical Projections. Height limitations shall not apply to the following:
1. Fire and parapet walls
 2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
 3. Smokestacks
 4. Steeples
 5. Windmills
 6. Other similar structures

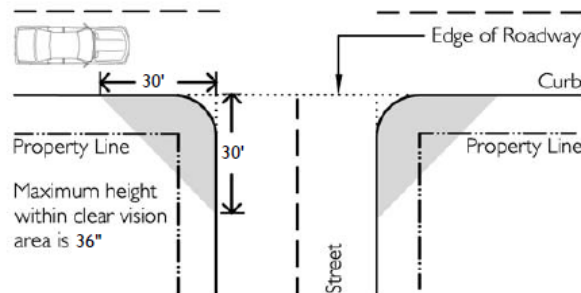
17.74.30 VISION CLEARANCE AREA

- A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the “vision clearance area” between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.
- B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

Functional Street Classification	Measurement along curb line
Intersection of a street and an alley	20 feet
Intersection of a street and another street	30 feet

Figure 17.74.20 – Vision Clearance Measurement



- C. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenance.
 2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.

3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

- C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

- D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.

1. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

- F. Fences in excess of 6 ft. in height require a building permit.

17.74.50 DECKS

- A. Decks may encroach into required yard areas as specified in 17.74.20 above.
- B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

- A. Temporary Uses. Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.
- B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.
- C. Portable Outdoor Storage Unit. Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

17.74.70 ACCESSORY DWELLING UNITS

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Revised by Ordinance No. 2014-05 (effective 06/02/14)

Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and ~~the disabled people with disabilities.~~
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- ~~Foster better housing maintenance and neighborhood stability.~~
- ~~Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.~~
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-800 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98 <u>No minimum</u>
Landscaping	Same as underlying zoning district

~~C. Occupancy Limitations.~~

- ~~1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.~~
- ~~2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit~~

C. Design Standards.

1. The accessory dwelling unit shall ~~remain subordinate~~ be accessory to the ~~principal~~ primary residence.
2. ~~The~~ ADU shall ~~have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk~~ be adequate provisions for ingress and egress, but separation is not required. The pedestrian walkway shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian walkway shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- ~~3. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal primary residence.~~

~~4.3.~~ An ADU may be either stick-built or a modular dwelling unit in compliance with Section 17.90.140, but may not be a single wide manufactured dwelling unit.

~~5.4.~~ Detached ADUs shall ~~be architecturally consistent with the principal primary dwelling unit~~ provide at least three design standards consistent with Section 17.90.150 on the street-facing façade(s) and shall provide at least X percent windows on the ground floor elevation of the street facing façade(s).

~~6.~~ Attached ADUs shall have the appearance of a single family dwelling.

~~7.5.~~ Primary entrances shall not be in front of the ~~principal primary unit~~ residence.

~~DE.~~ Permit Issuance.

1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
2. Required permit information shall be limited to that for single-family dwellings.
3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

~~EF.~~ Additional Requirements.

~~1. Adequate provisions shall be made for drainage. The ADU shall connect to municipal water and sewage wastesanitary sewer if the primary dwelling is connected to the municipal water and sewer system.~~

2. The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.

~~3. ADUs may not be developed for sale and may only be rented.~~

~~4.3.~~ Illegal ADUs may be legalized if they conform, or are brought into conformance with the Sandy Municipal Code and the Oregon Structural Specialty Code, basic zoning, building, plumbing, mechanical and electrical codes.

~~5. ADU requirements shall be recorded as a deed restriction against the property.~~

~~6.4.~~ Periodic review of ADUs shall be conducted by the ~~city~~ City to evaluate and reconsider existing densities.

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations.

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city.
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.

7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - 1) Investigate the complaints;
 - 2) Prepare a report to the Planning Commission; and,
 - 3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a) Generation of excessive traffic;
 - b) Monopoly of on-street parking spaces;
 - c) Frequent deliveries and pickups by motor freight;
 - d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e) Smoke, fumes, or odors in excess of those created by normal residential use;
 - f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a) Approve the use as it exists;
 - b) Require the use to be terminated;
 - c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS

A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.

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Revised by Ordinance No. 2014-05 (effective 06/02/14)

3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.
10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.

3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

Fire Safety

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

Health and Sanitation

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
26. Sites containing more than one food cart shall provide a restroom facility on-site.
27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
 - a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
 - b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
 - c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.
2. Requirements for properties containing one or more food carts:
 - a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.
3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

2. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.
3. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

CHAPTER 17.82
SPECIAL SETBACKS ON TRANSIT STREETS

EXHIBIT G

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

~~D.~~E.Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Sections 17.82.20(B and C).

CHAPTER 17.86
PARKLAND and OPEN SPACE

17.86.00 INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for the following:
 - a. Tentative plat for a subdivision or partition;
 - b. Planned Development conceptual or detailed development plan;
 - c. Design review for a multi-family development or manufactured home park; and
 - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.
2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula ~~rounded to the nearest 1/100 (0.00) of an acre:~~

$$\text{Required parkland dedication (acres)} = (\text{proposed units}) \times (\text{persons/unit}) \times 0.0043 \text{ (per person park land dedication factor)}$$

- a. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family residential dwelling unit	3.0
Duplex dwelling unit	2.0*
Standard multi-family unit	2.0
Manufactured dwelling parkunit	2.0
Congregate multi-family unit	1.5

*The total persons per unit for the entire duplex (both units) would be 4.

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment. The fee-in-lieu shall be based on the number and type of units proposed at time of plat, but additional fee in-lieu will be necessary and calculated on a per lot basis if any lots are constructed or converted to add additional units. For example, if an existing single family dwelling is converted into a duplex the existing single family home shall receive a credit, but the new unit shall pay the difference in persons per unit. This would equate to 1 proposed unit multiplied by 1 additional person multiplied by 0.0043.

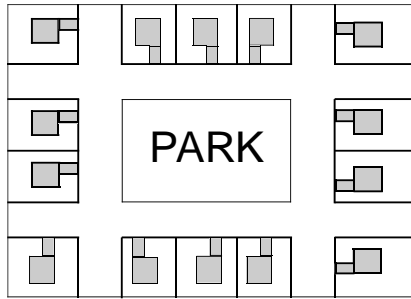
- b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan¹. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

17.86.20 MINIMUM PARKLAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

- 1. Homes must front on the parkland as shown in the example below:

¹ Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person.



2. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.
3. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.
4. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.
5. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

17.86.30 DEDICATION PROCEDURES

Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

- A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:
 1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,
 2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
- B. Additional Requirements
 1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements

which, in the opinion of the Director, will interfere with the use of the land for park, open space or recreational purposes.

The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

- C. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by 17.86.30 (A.1.) shall be made prior to approval of the final plat for the phase that includes the park land.

17.86.40 CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
 - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;
 - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
 - d. Availability of previously acquired property; and
 - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
 - a. 50 percent of the payment shall be paid prior to final plat approval, and
 - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge, shall be paid as specified by City Council Resolution.

17.86.50 MINIMUM STANDARDS FOR OPEN SPACE DEDICATION

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Revised by Ordinance No. 2013-03 (effective 07/03/13)

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
 - a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
 - b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.
2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
 - a. Designate the boundaries of all open space areas; and
 - b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
 - c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.
3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
 - a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
 - b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
 - c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or

- d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.
5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

EXHIBIT I

CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations is to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests/visitors, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

- A. Provision and Maintenance. The provision of required off-street parking for vehicles and bicycles and loading facilities for vehicles is a continuous obligation. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.
- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10 (D.), (E.) and (F.) does not apply to commercial uses in the Central Business District (C-1).
- E. Increased Intensity. When increased intensity requires no more than four (4) vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.
- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.

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Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- H. Inoperative Motor Vehicles. In all residential zoning districts, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.
- I. Truck Parking. In all residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming on the premises where such use is conducted.
- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
1. Location and dimension of required parking spaces as specified in Section 17.98.200.
 2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 3. Location and design of parking courts (if applicable).
- N. Location of Required Parking.
1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes shall be provided on the development site of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.
 2. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.
- O. Unassigned Parking in Residential Districts.
1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.
 2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

- P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.
- Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. **Off Street Parking Requirements.** Off street parking shall conform to the following standards:

1. Commercial uses in the Central Business District (C-1) are exempt from off street parking requirements. Residential uses in the Central Business District (C-1) have to provide off street parking per this section but may get a reduction per Section 17.98.30 (B.).
2. All square footage measurements are gross square feet of total floor area.
3. 24 lineal inches of bench shall be considered 1 seat.
4. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections 8 – 11 below.
5. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 8 – 11 below.
6. In addition to requirements for residential off-street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.
7. Uses that rely on square footage for determining parking requirements may reduce the overall square footage of the use by deducting bathrooms, mechanical rooms, and other auxiliary rooms as approved by the Director.

8.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached/Attached	2 per dwelling unit	Exempt
Duplexes	1 2 per dwelling unit	Exempt
Manufactured Home Park	2 per dwelling, plus 1 visitor space for each 10 vehicle spaces	Exempt
Multi-Family Dwellings	1.5 per studio unit or 1-bedroom unit 2.0 per 2-bedroom unit or greater	1 per dwelling unit
Congregate Housing, Retirement Homes, Intermediate Care Facilities, Group Care Facilities, and Halfway Houses	1 per each 3 residents, plus 1 per 2 employees	5% or 2 whichever is greater

9.

Community Service, Institutional and Semi-Public Uses	Number of Parking Spaces	Number of Bicycle Spaces
Administrative Services	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater

Community Recreation Buildings, Library, or Museum	1 per 250 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Church, Chapel, Auditorium, or Fraternal Lodge without eating and drinking facilities	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	5% or 2 whichever is greater
Hospitals	1 per examine room or bed, and 1 per 4 seats in waiting room or chapel, plus 1 per 2 employees	5% or 2 whichever is greater
Commercial Daycare	2 for the facility, plus 1 per employee on the largest shift	2
School – Preschool/Kindergarten	2 per classroom, plus 1 per 2 employees	2
School – Elementary or Middle School/Junior High	2 per classroom, plus 1 per 2 employees	5% or 2 whichever is greater
School – Senior High, Vocational or College	6 per classroom, plus 1 per employee on the largest shift	5% or 2 whichever is greater

10.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Retail Sales, General or Personal Services, Professional Offices, Shopping Centers, Grocery Stores, Convenience Stores	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Retail Sales of Bulky Merchandise (examples: furniture or motor vehicles)	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, plus 1 per 2 employees	5% or 2 whichever is greater
Funerals and Interment Services: Crematory and Undertaking <i>Interring and Cemeteries are exempt</i>	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	2
Fuel Sales (without store)	1 per employee on the largest shift	2
Medical or Dental Office or Clinic	1 per examine room or bed, and 1 per 4 seats in waiting room, plus 1 per 2 employees	5% or 2 whichever is greater
Participant Sports or Recreation: Indoor or Outdoor; Spectator Sports; Theater or similar use	1 per 4 fixed seats or 1 space per 4 participants based on projected participant capacity, plus 1 per 2 employees	5% or 2 whichever is greater
Campground or RV Park	1 per designated space, plus 1 visitor space for each 8 designated spaces, plus 1 per 2 employees	Exempt
Hotel or Motel	1 per guest room or suite, plus 1	2

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Revised by Ordinance No. 2020-06 (effective 05/06/2020)

	per 2 employees	
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11.

Industrial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Sales, Storage, Rental, Services and Repairs of: Agricultural and Animals Automotive/Equipment Fleet Storage Light Equipment Non-operating vehicles, boats and recreational vehicles Building Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Sales, Storage, Rental, and Repairs of: Heavy Equipment, or Farm Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Storage, Distribution, Warehousing, or Manufacturing establishment; trucking freight terminal	1 per employee on the largest shift	2

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.

1. Any existing or proposed use in the C-2, C-3, or I-1 Zoning Districts subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10 percent by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping provided such landscaping does not exceed 25 percent of the total area dedicated for transit oriented purposes.
2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.
3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Residential uses in the Central Business District and Village Commercial District Reduction.

Required off-street parking for residential uses in the C-1 and C-3 Zoning District may be reduced by 25 percent.

17.98.40 SHARED USE OF PARKING FACILITIES

- A. Except for single family dwellings (both attached and detached) and duplexes, required parking facilities may be located on an adjacent parcel of land or separated only by an alley or local street, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve or a shared parking agreement that can only be released by the Director is recorded in the deed records of Clackamas County.

- B. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.
- C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument recorded in the deed records of Clackamas County establishing such joint use.

17.98.50 SETBACKS

- A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and duplexes, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

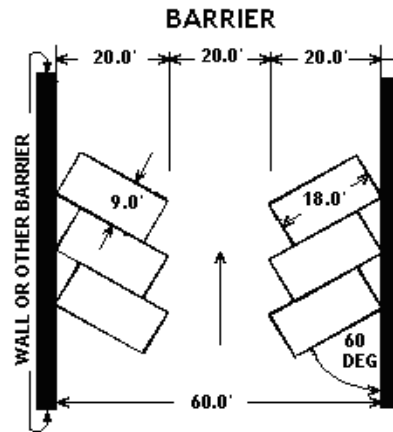
All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

- A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.
- B. Size of Space.
 - 1. A standard parking space shall be 9 feet by 18 feet.
 - 2. A compact parking space shall be 8 feet by 16 feet.
 - 3. Accessible parking spaces shall be 9 feet by 18 feet and include an adjacent access aisle meeting ORS 447.233. Access aisles may be shared by adjacent spaces. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 - 4. Parallel parking spaces shall be a length of 22 feet.
 - 5. No more than 40 percent of the parking stalls shall be compact spaces.

C. Aisle Width.

Parking Aisle	Single Sided One-Way	Single Sided Two-Way	Double Sided One-Way	Double Sided Two-Way
90 degree	20 feet	22 feet	25 feet	25 feet
60 degree	20 feet	20 feet	20 feet	20 feet

45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall be based on a traffic impact analysis and parking

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and circulation plan and consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

- C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. At the Director's discretion development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner signs an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder's Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling or duplex shall have a minimum width of 10 feet. The driveway approach within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.)
- ~~C. A driveway for a two family dwelling shall have a minimum width of 20 feet. The driveway approach in the public right of way shall not exceed 24 feet in width as measured in section B above. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete.~~
- ~~D.C.~~ Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width, but such clearance may be reduced in parking structures as approved by the Director.

E.D. No driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway.

E.E. The nearest edge of a driveway approach shall be located a minimum of 15 feet from the point of curvature or tangency of the curb return on any street.

E.F. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B above shall not exceed fifty percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.

Acronyms on the next page:

PT = point of tangency

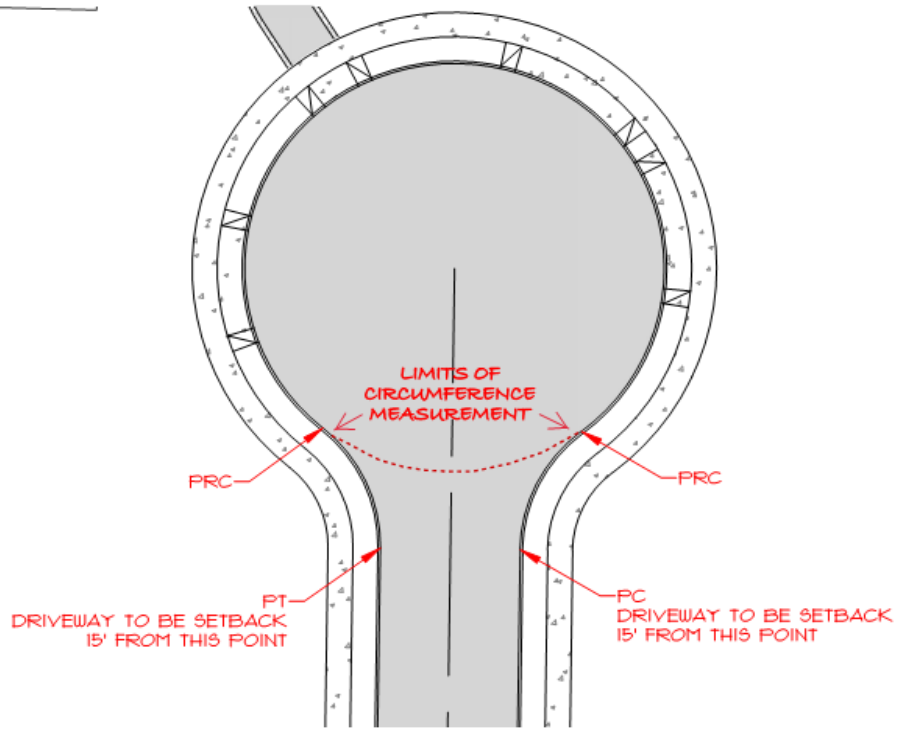
PC = point of curvature

PRC = point of reverse curvature

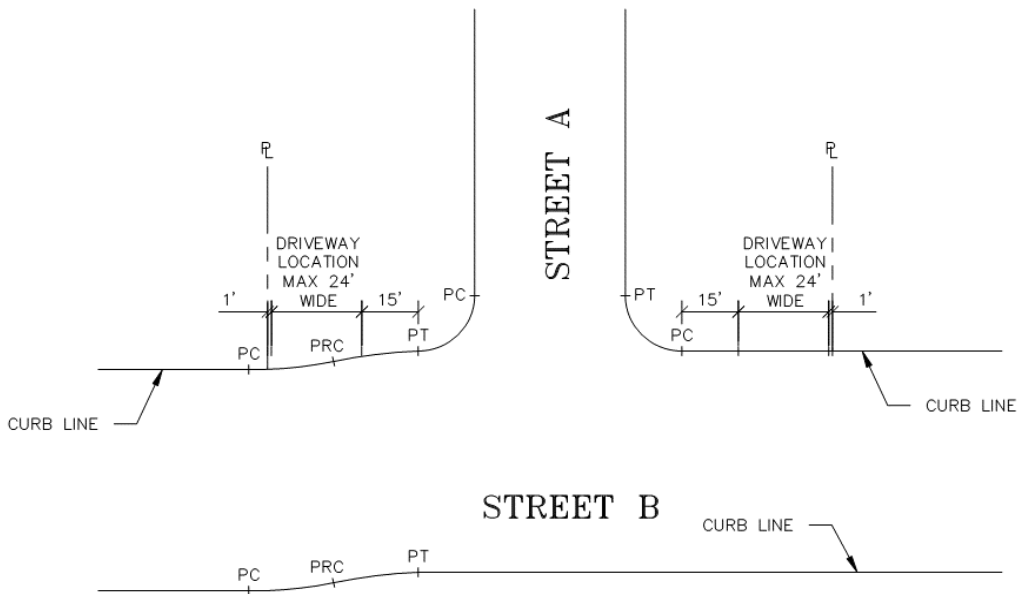
H.G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

H.H. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

CUL-DE-SAC EXHIBIT



DRIVEWAY LOCATION EXHIBIT



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17.98.110 VISION CLEARANCE

- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

17.98.120 LANDSCAPING AND SCREENING

- A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5 feet depth of buffer plantings adjacent to the right-of-way.
- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscurer screen that is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.
- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.
- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. No vehicle may project over a property line or into a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for pedestrian circulation is required.

17.98.130 PAVING

- A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

- B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

17.98.150 LIGHTING

The Dark Sky Ordinance in Chapter 15 of the municipal code applies to all lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

A. Location.

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the primary structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If bicycle parking is covered, vertical clearance of 7 feet shall be provided.
2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

C. Security.

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks.

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- 3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely.
 - 4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.
- D. **Signing.** Where bicycle facilities are not directly visible from the public right-of-way, primary structure entry, or civic space then directional signs shall be provided to direct bicyclists to the bicycle parking facility.
- E. **Exemptions.** Temporary uses and other uses identified in Section 17.98.20 as not requiring bicycle parking are exempt from Section 17.98.160.

17.98.170 CARPOOL AND VANPOOL PARKING

New industrial, commercial, and community service uses with more than 100 employees shall meet the following minimum requirements for carpool and vanpool parking.

- A. **Number and Marking.** At least 10 percent of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked “Reserved - Carpool/Vanpool Only”.
- B. **Location.** Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.180 SCHOOL DESIGN REQUIREMENTS

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 50 students.

17.98.190 OFF-STREET LOADING FACILITIES

- A. All commercial and industrial uses that anticipate loading and unloading of products/materials shall provide an off-street area for loading/unloading of products/materials.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 300 feet of each ~~dwelling~~ single family residence or duplex except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling. Accessory dwelling units, multi-family developments, and conversions of single-family homes to duplexes are exempt from this standard.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).
3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.
4. Parallel residential on-street parking spaces shall be a minimum of 22 feet in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces shall be set back a minimum of 15 feet from the point of tangency or curvature at an intersection and may not be located within 10 feet of a fire hydrant.
6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:
 - a. No more than ten (10) parking spaces shall be provided in a parking court, except parking courts that utilize backing movements into the right-of-way in which case the parking court shall be limited to two (2) parking spaces;
 - b. Parking spaces within a parking court shall be nine (9) feet wide and 18 feet in depth. In no instance shall a vehicle or any appurtenances parked in a parking court protrude into the public right-of-way;
 - c. Notwithstanding Section 17.98.70, vehicles parked in a parking court on a local street as defined in the Transportation System Plan are permitted to back onto the public right-of-way from the parking court so long as the parking court is limited to two (2) parking spaces;
 - d. A parking court shall be located within 300 feet of the dwellings requiring parking in accordance with the requirements of Section 17.98.10(M);
 - e. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block face;
 - f. A parking court shall be paved in compliance with the standards of this chapter and constructed to the grading and drainage standards in 17.98.140;
 - g. A parking court adjacent to a public right-of-way, shall be privately owned and maintained;
 - h. If a parking court is adjacent to a private drive, it shall be privately owned and maintained. For any parking court there shall be a legal recorded document which includes:
 - A legal description of the parking court;
 - Ownership of the parking court;
 - Use rights; and

- A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;
- i. A parking court shall be used solely for the parking of operable passenger vehicles.

**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, fiber (broadband), 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:
 - 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;
 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;

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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;
 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;

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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 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.

- 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.
 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.
- 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.

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.
- 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 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.

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- 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-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.

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-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.
2. A shared access easement and maintenance agreement shall be established between the ~~two units~~ lots 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.

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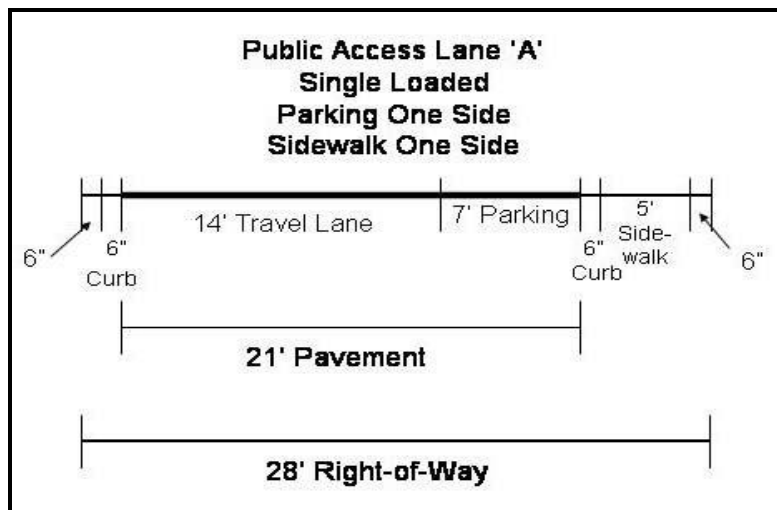
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting 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).

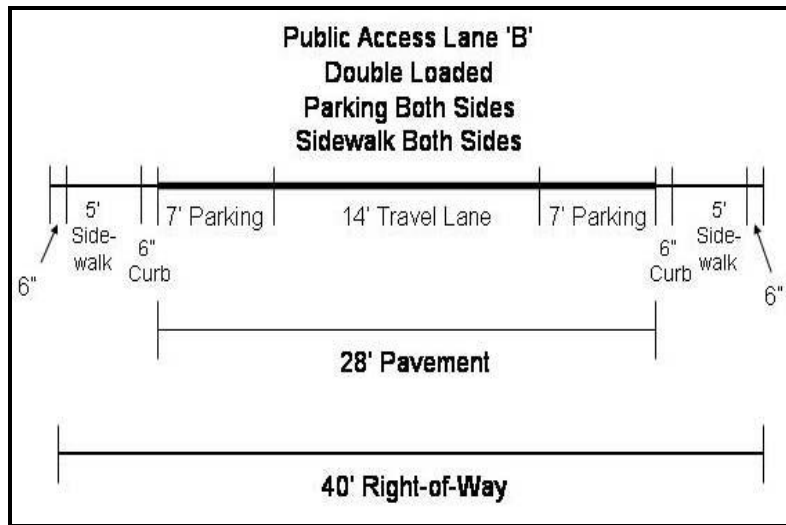
- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

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- 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 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.

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- 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.

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, fiber, cable, 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
- N. Fiber (broadband)

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

- 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

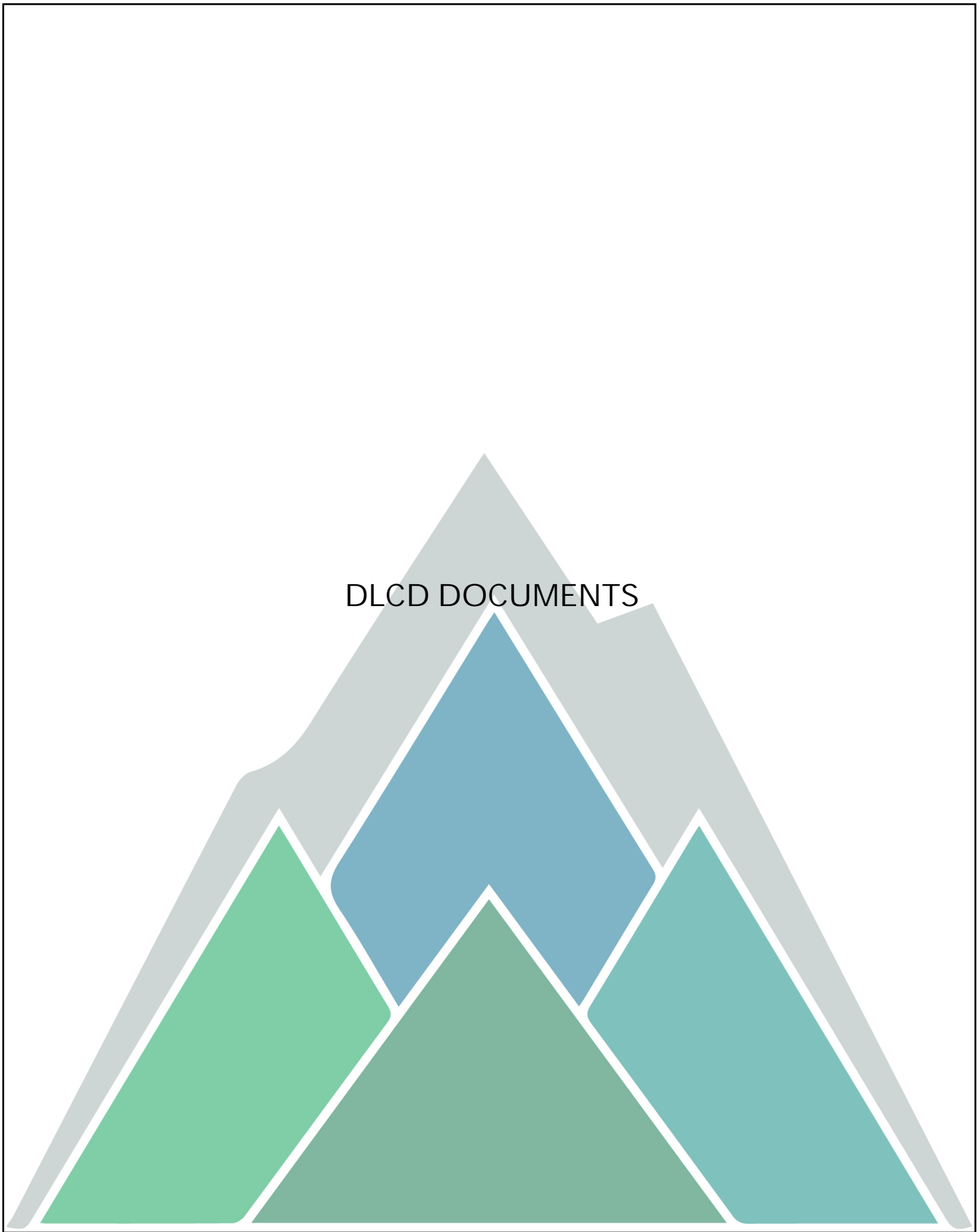
If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 percent of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

- 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.

Exhibit K
Ordinance No. 2021-03

1. Goal 1 – Citizen Involvement. Both the Planning Commission and the City Council held a public hearing prior to adopting the ordinance. The Commission held a public hearing on January 25, 2021. The Council held a public hearing on March 15, 2021. The City provided notice of the public hearings in accordance with state law and the City’s development code. Goal 1 is satisfied.
2. Goal 2 – Land Use Planning. Goal 2 requires the ordinance to be coordinated with other governmental entities and to be supported by an adequate factual base. The City provided 35-day notice to the State of Oregon on December 8, 2020. Goal 2 is satisfied.
3. Goal 3 – Agricultural Lands. Goal 3 does not apply to the decision.
4. Goal 4 – Forest Lands. Goal 4 does not apply to the decision.
5. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 5 does not apply to the decision.
6. Goal 6 – Air, Water and Land Resources Quality. Goal 6 does not apply to the decision.
7. Goal 7 – Areas Subject to Natural Hazards. OAR 660-046-0010(3)(c) contains an exception for middle housing in areas subject to natural hazards. The City of Sandy has one natural hazard overlay, the Flood and Slope Hazard (FSH) Overlay, which currently permits construction or expansion of a single-family residence on a lot-of-record under specific prescribed conditions, as well as replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling. The City considered broadening the allowed uses to include construction, expansion, or replacement of duplexes, in addition to single-family residences; however, the City believes that a duplex would likely accommodate more residents than a single-family residence and, thus, would pose a greater risk to life. The City finds that expanding permitted uses in the FSH to include construction, expansion, or replacement of a duplex presents a greater risk to life or property as it could result in exposing more people to hazards, increasing risk of damage to natural infrastructure, and exacerbating the risk by altering natural resources, hydraulics, or hydrology. In order to reduce additional risk to life or property, the City will not be updating Chapter 17.60 as part of the House Bill 2001 code amendments. Goal 7 is satisfied.
8. Goal 8 – Recreational Needs. No resorts are contemplated or authorized by this decision. The City’s comprehensive plan, parks master plan, and development regulations governing recreational needs (e.g., park dedication/fee in-lieu-of requirements, open space provisions, etc.) are not affected by the decision. The proposed modifications clarify the parks fee in lieu calculation for duplexes. Goal 8 is satisfied to the extent it applies to the decision.
9. Goal 9 – Economic Development. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. The EOA includes in its analysis all properties within the City’s urban growth boundary, including unincorporated property. Nothing in this text amendment affects any aspect of the EOA. Therefore, Goal 9 is satisfied.

10. Goal 10 – Housing. The City has an adopted buildable lands inventory (BLI) and housing needs analysis (HNA), both of which were completed in 2015. Adoption of these provisions could increase the zoned capacity of lands within the UGB. According to ORS 197.296(6)(b), this could be as great as a three percent increase in capacity, but the City lacks sufficient information on the development status of available lands to develop an accurate estimate. In accordance with House Bill 2003, the City will be updating the BLI and HNA by the end of 2024. The City will further consider the impacts of middle housing ordinances on land capacity in the next Housing Needs Analysis. In preparation for the next HNA, the City of Sandy has hired ECONorthwest to put together a housing strategy memo, which includes information about potential policies that could be implemented to address the City’s housing needs, including but not limited to property tax exemptions, waiving or deferring system development charges, and construction taxes. The policies are organized into the following categories: land use regulations, strategies to increase housing types, strategies to manage short-term rental housing, programs that provide financial assistance, strategies to lower development or operational costs, funding sources to support residential development, and policies to support housing equity. At time of adoption of this ordinance, the housing strategies memo is in draft form but is expected to be completed for a work session on March 15, 2021. Therefore, Goal 10 is satisfied.
11. Goal 11 – Public Facilities and Services. The City has an existing public facilities plan that includes all properties within the City’s urban growth boundary, including islands of unincorporated property. This text amendment will not undermine or contradict any aspect of the existing public facilities plan. Goal 11 is satisfied.
12. Goal 12 – Transportation. Section 3(5) of House Bill 2001 states: “When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.” Thus, House Bill 2001 exempts this consideration. Therefore, Goal 12 is satisfied for the purposes of this decision.
13. Goal 13 – Energy Conservation. The City’s comprehensive plan with respect to Goal 13 and its standards governing energy conservation are not affected by the decision. Goal 13 is satisfied.
14. Goal 14 – Urbanization. The decision does not analyze or expand the City’s urban growth boundary. Goal 14 is not applicable.



DLCD DOCUMENTS

House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.



Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

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KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)

Updated Nov. 6, 2019

House Bill 2001 (HB 2001) provides \$3.5 million to DLCD for technical assistance to local governments to:

- 1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or
- 2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

DLCD Required Rulemaking: Who is affected:	Middle Housing Requirements		Infrastructure Deficiency Process
	Medium Cities	Large Cities	Medium & Large Cities
Significant dates:	DLCD Rules and model code adoption December 31, 2020	DLCD Rules and model code adoption December 31, 2020	DLCD Rules adoption [no date specified in bill] Target: July 2020
Local Government Deadlines:	Local Government Adoption of model code or alternative June 30, 2021	Local Government Adoption of model code or alternative June 30, 2022	Medium Cities Extension Requests due by December 31, 2020 Large Cities Extension Requests due by June 30, 2021
Effect of missed deadline:	Model code applies directly	Model code applies directly	No extension granted

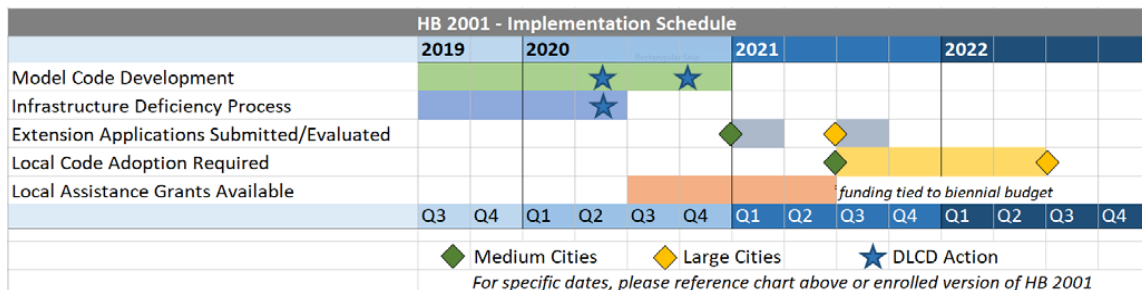
Medium Cities

All Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.	
Middle Housing Requirement	Duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

Large Cities

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.	
Middle Housing Requirement	Duplexes (as above) AND triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of detached single family dwellings.”

Flexibility *Medium and Large Cities “may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay.”*



Other Provisions in HB 2001

- ✓ A local government may request an extension of time to adopt the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development, along with a plan of actions to remedy the deficiencies in those services.
- ✓ The applications for time extensions based on infrastructure deficiency will be reviewed by DLCD and approved or denied.
- ✓ Housing Needs Analyses, in conjunction with a UGB decision, may not assume more than a three percent increase in housing units produced as a result of the adoption of middle housing regulations unless the local government can show that higher increases have been achieved to date.
- ✓ The bill amends requirements relating to accessory dwelling units (ADUs). The bill states, “Reasonable local regulations relating to siting and design’ [for ADUs] does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.” However, such regulations may be applied if the ADU is used for vacation occupancy.
- ✓ Changes the annual housing production survey required by passage of HB 4006 in 2018. Adds requirement to report on ADUs and units of middle housing, both for market rate housing and for regulated affordable units.
- ✓ Directs the Building Codes Division to develop standards to facilitate conversions of single-family dwellings into no more than four residential dwelling units.
- ✓ Prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood.
- ✓ The bill also notes that the department shall prioritize technical assistance to cities or counties with limited planning staff, or that commit to implementation earlier than the date required by the act.

This fact sheet is intended to summarize key elements of HB 2001. It is not intended to replace a detailed review of the legislation. For specific bill language, please review the enrolled version of the HB 2001:
<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

“HB 2001 is focused on increasing the supply of ‘middle housing’ in Oregon cities – not by limiting construction of single family homes, but by allowing development of duplexes, triplexes, and quadplexes. Through technical assistance and resources for local governments, DLCD joins the effort to help create housing opportunities for all Oregonians.”

- Jim Rue, DLCD Director

For more information visit our website at <http://www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx>

DLCD Staff Contacts:

With questions about local implementation –
[Contact your Regional Representative](#)

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HB 2001 and HB 2003 Frequently Asked Questions

Updated on March 25, 2020

House Bill 2001

Requirements for Duplexes

Which jurisdictions will be required to allow duplexes?

All Oregon cities with a population of 10,000 or more, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000. A list is here:

<https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be allowed?

Duplexes must be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

What is meant by “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings”?

A local government that allows single-family dwellings in a residentially zoned lot or parcel must also allow for the development of a duplex. The local government may regulate the siting and design of the duplex so long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules by the Land Conservation and Development Commission.

How will these requirements affect the development standards in my city/county?

Currently, the Department of Land Conservation and Development is only developing rules for duplex requirements. Once administrative rules are adopted, cities outside Portland Metro with populations between 10,000 and 25,000 (referred to as “Medium Cities”) will be required to adopt compliant development codes by June 30, 2021. Final guidance will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by August 2020.

Requirements for other middle housing types

Which jurisdictions will be required to permit other middle housing types (i.e. triplexes, quadplexes, townhouses, and cottage clusters)?

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000 (referred to as “Large Cities”). A list of these jurisdictions is here: <

https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be permitted?

Middle housing types listed in HB 2001 other than duplexes must be allowed “in areas zoned for residential use that allow for the development of detached single family dwellings.”

What is meant by “in areas zoned for residential use that allow for the development of detached single-family dwellings”?

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. The exact interpretation of “in areas” is pending development through rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

What is meant by “Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay”?

The intent of HB 2001 is make the development of middle housing types equally as feasible as single-family dwellings. As such, standards, approval criteria, or processes that impose additional burden on the development of middle housing types above the burden placed upon single family dwellings in the same zone are considered unreasonable - and therefore not in compliance with the intent of HB 2001.

How will local governments know their regulations would not be determined to result in “unreasonable cost or delay”?

The administrative rules and model code adopted through this rulemaking process by the Land Conservation and Development Commission will provide a set of development standards that are considered to be reasonable. Additionally, the rules will define certain parameters for development regulations which will provide jurisdictions with clear guidance as to what is considered unreasonable cost or delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How will these requirements affect development standards related to:

- Density**
- Dimensional Standards (e.g. setbacks, lot coverage, height)**
- Design and Solar Access**
- Infrastructure and Public Facilities**
- Parking**

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. Once administrative rules are adopted, these cities will be required to adopt a development code compliant with the

HB 2001 law and rules by June 30, 2022. More definitive guidance on how the bill will affect development standards for large cities will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by mid-November of 2020.

Infrastructure-Based Time Extension Request (IBTER)

What if infrastructure is unable to accommodate middle housing types?

A local government may request an extension of time to enact the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development in a specific geographic area. In order for this extension request to be approved by the Department, the local government must also provide a plan of actions to remedy the infrastructure deficiency.

When must an Infrastructure-Based Time Extension Request be submitted?

A “Medium City” must submit an extension request by December 31, 2020. A “Large City” must submit an extension request by June 30, 2021.

What is considered “significantly deficient” infrastructure?

HB 2001 states that local governments may request an infrastructure-based time extension if infrastructure is currently significantly deficient, or is expected to be by December 31, 2023. Of course, the level of deficiency is dependent upon the infrastructure system. The Rulemaking Advisory Committee and the DLCD project team are working with technical experts to determine this criteria. The exact interpretation of this section of the bill is currently under development in rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How much development/redevelopment can be anticipated or assumed for an extension request?

HB 2001 provides at least some guidance as to how much redevelopment a jurisdiction could reasonably anticipate as a result of adopting middle housing development standards. The bill states that a local government may not assume an increase in residential capacity above achieved density by more than 3% for the purposes of accommodating needed housing over a 20-year planning period. For the purposes of calculating if existing infrastructure can accommodate this growth by December 31, 2023, draft administrative rules currently under development have simplified this redevelopment rate to a growth rate of 1% in infill development situations and 3% in greenfield development situations.

How long of an extension can be granted?

A local government is expected to make good faith action to remedy an infrastructure deficiency in a timely manner. The proposed length of the initial time extension is five years, with the opportunity for a one-time additional five year extension.

How does a jurisdiction prepare an IBTER for an area where they do not have ownership or authority over a type of infrastructure such as a State highway or service provider district?

Parameters for ensuring coordination between local governments and service providers is currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Requirements for Accessory Dwelling Units (ADUs)

How will HB 2001 change how ADUs are regulated?

The new law prohibits jurisdictions from requiring owner-occupancy or off-street parking for ADUs. However, such regulations may be applied if the ADU is used for vacation occupancy.

What is the difference between an ADU and a duplex?

There may be rare situations where a proposed development could meet the definition of both a duplex and a single-family dwelling with an internal ADU. In these situations, the property owner will be allowed to elect which definition they wish to apply to their proposed development. The property owner is not allowed to define their proposed development as both or change their election.

Will HB 2001 require jurisdictions to allow both an ADU and duplex on a single lot?

We are currently exploring this legal question as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

What is the Model Code? How will it be applied?

If a jurisdiction does not adopt a compliant development code by the statutory deadline outlined in the bill, then a model ordinance developed by the Land Conservation and Development Commission (LCDC) will apply directly. Currently, there are two model ordinances under development – one applicable to “Medium” cities and another applicable to “Large” Cities.

What is the difference between the Model Code and Administrative Rules?

The purpose of the Model Code is three-fold. Firstly, it provides an ordinance that can apply directly in the event a jurisdiction does not adopt an ordinance that complies with HB 2001. Secondly, local governments can choose to adopt the model code “wholesale” and be assured that the standards are HB 2001-compliant. Thirdly, it defines standards

for minimum compliance to provide guidance to jurisdictions that seek to develop their own middle housing standards.

The administrative rules outline the process and criteria by which the Department of Land Conservation and Development will evaluate middle housing ordinances adopted by local jurisdictions to determine whether they comply with the intent of HB 2001.

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2001?

The required timeline for compliance with HB 2001 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

How will existing and future Codes, Covenants, and Restrictions (CC&Rs) be affected by HB 2001?

HB 2001 prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood. However, existing CC&Rs will remain in place.

What is meant by “clear and objective” standards? Will discretionary review processes for middle housing be allowed under HB 2001?

[OAR 660-008-0015](#) establishes that local governments may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Local governments may adopt and apply an optional alternative approval process based on approval criteria regulating appearance or aesthetics that are not clear and objective if the applicant retains the option of proceeding under the approval process that is clear and objective, the alternative process complies with applicable statewide land use planning goals and rules, and the alternative approval process authorizes a density at or above the density level authorized in the zone under the clear and objective approval process.

In other words, local governments will be able to adopt and apply a discretionary review process for middle housing, but all middle housing development applications must have the option of a clear and objective review path that does not have the effect of unreasonable cost or delay.

How will HB 2001 affect the Urban Growth Boundary (UGB) expansion process?

At periodic review or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government must demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

HB 2001 allows jurisdictions to adopt density expectations assumed to result from the provision of middle housing, but this expectation may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.

For jurisdictions located outside of a metropolitan service district (i.e. Metro), a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

How will HB 2001 affect historic properties and districts?

Parameters for historic properties and districts in the model code and administrative rules are currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Will HB 2001 affect the application of System Development Charges (SDCs), property tax exemptions/freezes, or construction taxes?

As part of the comprehensive plan and development code amendment process, HB 2001 requires local governments to consider ordinances and policies to increase the affordability of middle housing including:

1. Waiving or deferring system development charges
2. Adopting or amending criteria for property tax exemptions or freezes
3. Assessing a construction tax

House Bill 2003

Regional Housing Needs Analysis (RHNA)

What is the Regional Housing Needs Analysis?

The Regional Housing Needs Analysis (RHNA; pronounced “ree-na”) is a statewide needs analysis by region to analyze and quantify the housing shortage and future needs in our state. The methodology for this analysis is currently under development by Oregon Housing and Community Services. HB 2003 requires that this analysis determine housing needs of a region and of each city and Metro for a 20-year period. Additionally, the RNHA will include analysis related to the equitable distribution of publicly supported housing within a region and a housing shortage analysis for each city and Metro.

This is a feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration related to how this analysis might continue to be conducted in the future. HB 2003 requires that the methodology be completed and run by September 1, 2020, with a report due to the Oregon Legislature by March 1, 2021.

What data will be used in this analysis? Will it provide an accurate assessment of regional housing needs?

There is limited availability of statewide data sets that can provide sufficient level of detail to conduct the required analysis. To ensure the analysis provides as accurate of an assessment of regional housing needs as practical, the RHNA will utilize Census American Community Survey Public Use Microdata Sample (PUMS) 5-year data, and the shortage analysis will utilize Census Comprehensive Housing Affordability Strategy (CHAS) data.

Will there be opportunities to include qualitative data in the RHNA? Or is it solely quantitative?

Given the timeline and resource constraints associated with conducting a robust qualitative methodology, the RHNA as required by HB 2003 will be conducted using quantitative data. Recommendations in the legislative report due March 1, 2021 will include considerations of how to improve the process, which may include the incorporation of a qualitative component.

How are the regions defined?

Census American Community Survey Public Use Microdata Sample (PUMS) divides Oregon counties into discrete geographies. While it is possible to combine PUMS regions, it is not advisable to break these regions into smaller subregions. Unfortunately, this means that regional boundaries are limited by the boundaries utilized by PUMS data.

While final regions have not yet been defined, it is clear that boundaries in this first iteration of the RHNA may not fully correspond to what may be perceived as a regional housing market. The legislative report due March 1, 2021 will discuss the limitations of this approach and provide recommendations on creating regions that better reflect regional housing markets throughout the state.

What does “affordability” mean in context of the RHNA?

HB 2003 requires that the analysis must classify housing by “Affordability” which is housing that is affordable to households with:

1. Very low income - income at or below 50 percent of the area median income
2. Low income - income above 50 percent and at or below 80 percent of the area median income
3. Moderate income - income above 80 percent and at or below 120 percent of the area median income
4. High income – income above 120 percent of the area median income

“Area median income” is defined in the bill as the median income for households established by the United States Department of Housing and Urban Development. OHCS defines affordability as a household spending no more than 30% of their gross income on housing costs.

How will this analysis be used?

The purpose of the RHNA as prescribed in HB 2003 is to conduct a one-time feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration. The analysis will summarize the findings of the regional housing needs analysis, estimate of housing stock, housing shortage analysis and estimate of housing necessary to accommodate growth.

The legislative report provided by the Department of Land Conservation and Development will evaluate the methodology and assessment produced by Oregon Housing and Community Services. You can read about the specific requirements of this report in [Section 2](#) of the bill.

Housing Needs Analysis (HNA)

Which jurisdictions are required to conduct a Housing Needs Analysis?

HB 2003 requires adoption of a statewide schedule for cities with a population greater than 10,000 to update a local Housing Needs Analysis (HNA).

When will they need to complete a Housing Needs Analysis?

Cities within Metro will be required to update HNAs every six years, cities outside Metro must update every eight years. You can find a completed Housing Needs Analysis Update Schedule here: <

https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf>

Housing Production Strategy (HPS)

What is a Housing Production Strategy? Which jurisdictions are required to produce a Housing Production Strategy?

HB 2003 requires cities with a population greater than 10,000 to prepare and adopt a housing production strategy, in accordance with rules adopted by DLCD. A Housing Production Strategy (HPS) is an extension of a Housing Needs Analysis and must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA.

When will they need to produce a Housing Production Strategy?

A city is required to adopt a Housing Production Strategy within one year of the adoption of their six or eight year Housing Needs Analysis.

What strategies will a jurisdiction need to incorporate in their HPS?

A housing production strategy (HPS) must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA. This may include:

1. The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable.

2. The creation of financial and regulatory incentives for development of needed housing, including creating incentives for needed housing at higher densities or that is affordable.
3. The development of a plan to access resources available at local, regional, state and national levels to increase the availability and affordability of needed housing.

Currently, the Department of Land Conservation and Development is developing rules that will provide further guidance on specific actions that a jurisdiction can incorporate into Housing Production Strategies they develop and adopt.

Will there be enforcement for jurisdictions to implement strategies identified in their HPS?

Section 6 of [HB 2003](#) establishes Land Conservation and Development Commission (LCDC) enforcement authority to ensure Housing Production Strategy implementation and progress. Specific parameters for enforcement is currently under development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2003?

The required timeline for compliance with HB 2003 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Implementation

Rulemaking

What rules will be adopted for HB 2001 and HB 2003?

In response to HB 2001 and HB 2003, the Land Conservation and Development Commission has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. These include administrative rules for the following elements of HB 2001 and HB 2003:

- Infrastructure Based Time Extension Request
- Middle Housing in "Medium" Cities
- Middle Housing in "Large" Cities
- Housing Production Strategy

To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process. You can find out more information about committee meetings on the [Housing Rulemaking](#) page.

When will Administrative Rules be adopted?

Each set of Administrative Rules has its own timeline for adoption based on statutory deadlines and priorities of LCDC. They are listed below.

Infrastructure Based Time Extension Request – To provide local governments sufficient time to develop an IBTER, LCDC aims to adopt administrative rules by early August 2020.

Middle Housing in “Medium” Cities – The statutory required adoption date for administrative rules is December 31, 2020, but to provide local governments sufficient time to develop and adopt middle housing code, LCDC aims to adopt a model code and administrative rules by early August 2020.

Middle Housing in “Large” Cities – The statutory required adoption date for administrative rules is December 31, 2020. The anticipated date of LCDC rule adoption is November 12-13, 2020.

Housing Production Strategy – There is no statutory deadline for Housing Production Strategy rule adoption. The anticipated date of LCDC rule adoption is November 12-13, 2020.

How do I provide comments to DLCD, the Land Conservation and Development Commission, the Rulemaking Advisory Committee, or the Technical Advisory Committee during the rulemaking process?

You are welcome to submit comments electronically or in-person during the rulemaking process. If you would like to submit comments electronically, please submit them to housing.dlcd@state.or.us. If you would like to attend a Rulemaking or Technical Advisory Committee meeting and submit comments in-person, please visit the [Housing Rulemaking](#) page for additional information on time and location of these meetings.

EXHIBIT M

Medium Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that "Medium Cities" (defined as cities with a population of more than 10,000 and less than 25,000 that are not within Metro's jurisdiction) allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings. Duplexes provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of duplexes, provided that the regulations do not, individually or cumulatively, discourage duplex development through unreasonable costs or delay. When regulating siting and design of duplexes, Medium Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.

Medium Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Medium Cities do not wish to prepare their own standards or if Medium Cities do not adopt the required code amendments by June 30, 2021, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Medium Cities throughout the state. The model rules are consistent with the requirements and intent of HB 2001 and are intended to ensure that a duplex is no more difficult to develop than a detached single family home. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Sections:

- A. Purpose**
- B. Definitions**
- C. Applicability**
- D. Relationship to Other Regulations**
- E. Permitted Uses and Approval Process**
- F. Development Standards**
- G. Design Standards**
- H. Duplex Conversions**
- I. Figures**

A. Purpose

The purpose of this model middle housing code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for duplexes developed on lots or parcels that allow for the development of detached single family dwellings.

B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
2. “Duplex” means two dwelling units on a lot or parcel in any configuration. Figures 1–6 in Section I illustrate examples of possible duplex configurations. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.
3. “Lot or Parcel” means any legally created unit of land.
4. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

C. Applicability

1. Except as specified in subsection (2) of this section (C), the standards in this code allow for the development of duplexes, including those created through conversion of existing detached single family dwellings, on lots or parcels zoned for residential use that allow for the development of detached single family dwellings.
2. The standards in this code do not allow the following, unless otherwise permitted by the development code:

- Creation of duplexes on lots or parcels on lands that are not zoned for residential use. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.
- Creation of more than two dwelling units on a single lot or parcel.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other standards applicable to a duplex, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.
3. Protective Measures. Duplexes shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

F. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

G. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

H. Duplex Conversions

Conversion of an existing detached single family dwelling to a duplex is allowed, pursuant to Section C, provided that the conversion does not increase nonconformance with applicable clear and objective standards.

I. Figures

The following figures illustrate examples of possible duplex configurations. Other configurations may also be acceptable, provided the development meets the definition of duplex, pursuant to Section B.

Figure 1. Stacked Duplex

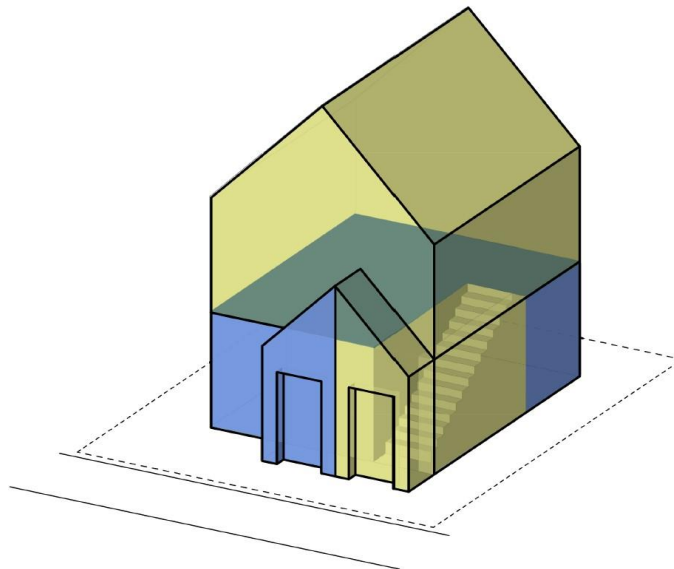


Figure 2. Side-by-Side Duplex

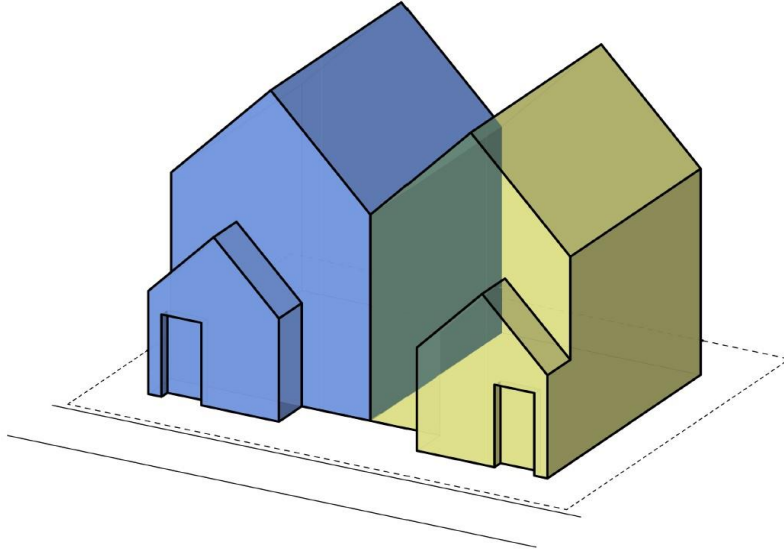


Figure 3. Duplex Attached by Garage Wall

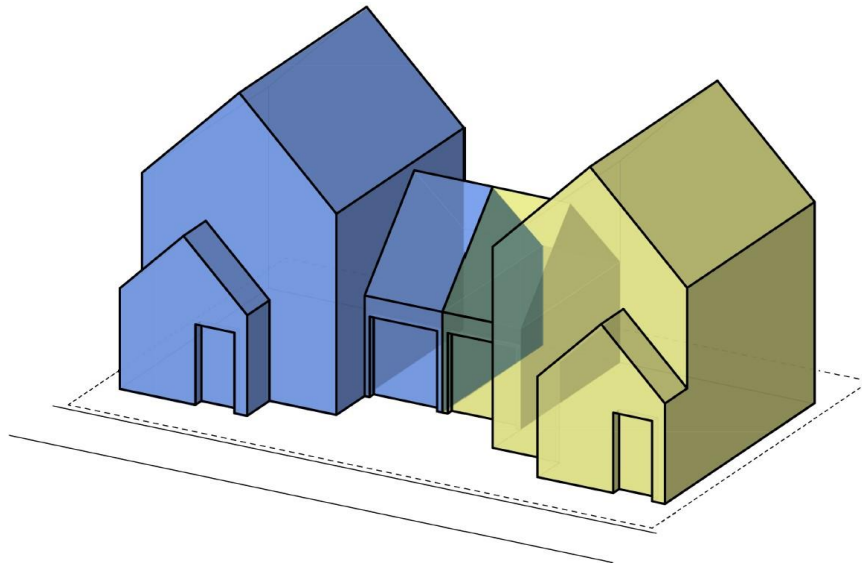


Figure 4. Duplex Attached by Breezeway

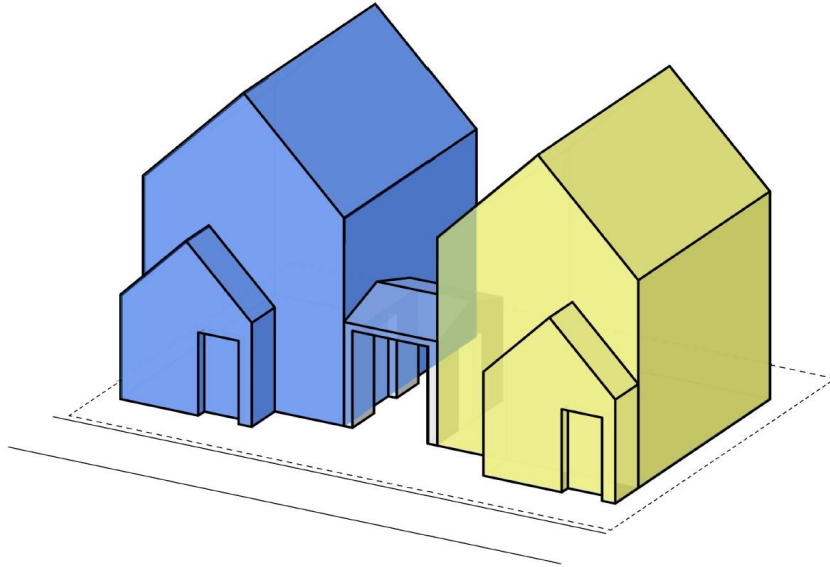


Figure 5. Detached Duplex Units Side-by-Side

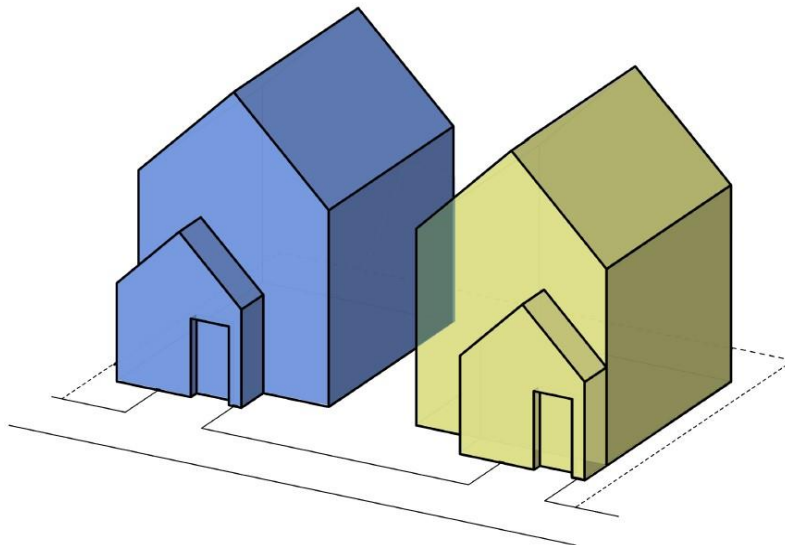


Figure 6. Detached Duplex Units Front and Back

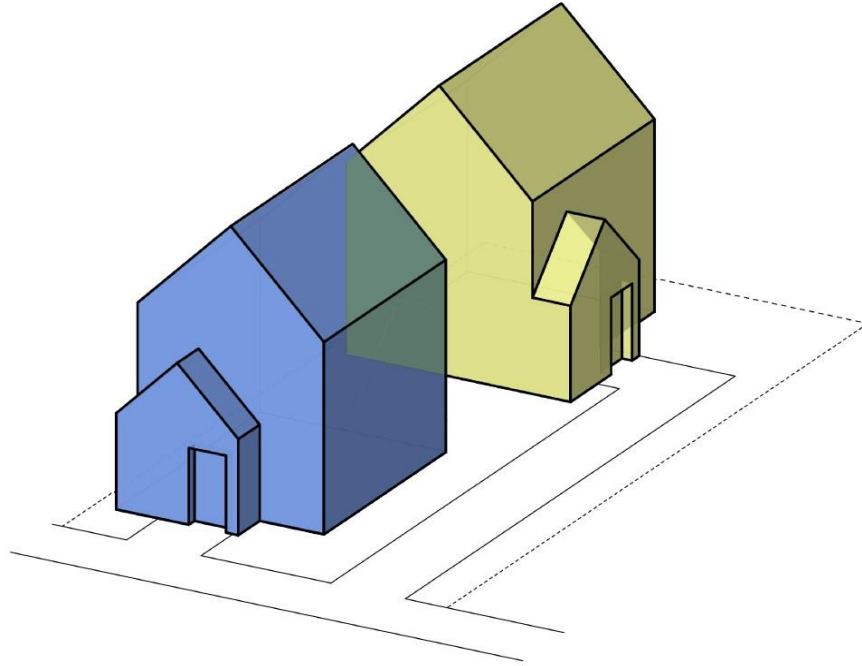


EXHIBIT N



Staff Report

Meeting Date: January 25, 2021
From: Emily Meharg, Senior Planner
SUBJECT: 20-032 DCA HB 2001 Code Amendments

BACKGROUND:

File No. 20-032 DCA amends Chapters 17.30, 17.34, 17.60, 17.74, 17.82, 17.98, and 17.100 of the Development Code, which contain the procedures for zoning districts, single-family residential (SFR), flood and slope hazard (FSH) overlay district, accessory development, transit streets, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with House Bill (HB) 2001. HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

Chapter 17.30 Zoning Districts

- Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- Added "duplex" as a primary use permitted outright.
- Removed "duplex" as a minor conditional use.
- Amended references to "single detached dwelling" for minimum lot area and minimum average lot width to read "single detached dwelling or duplex."
- Clarified requirement related to sanitary sewer connection.

Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District

- Added "or duplex" after all references to single-family dwellings.

Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- Updated off-street parking standard to be "no minimum."
- Deleted text related to occupancy limitations.
- Increased maximum square footage of an ADU to 800 square feet.
- Revised design standards and additional requirements to be clear and objective.

Chapter 17.82 Special Setbacks on Transit Streets

- Exempted single-family residences, duplexes, or single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

Chapter 17.98 Parking, Loading, and Access Requirements

- Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling, and exempted ADUs, multi-family, and conversion of a single-family residence to a duplex from the on-street parking standard.

Chapter 17.100 Land Divisions

- Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

It has recently come to staff's attention that the definition of "accessory dwelling unit" in Chapter 17.10 may limit ADUs to lots with single-family residences. The current definition of an ADU is: "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." HB 2001 requires medium sized cities like Sandy to allow a duplex wherever single-family residences are allowed; however, it does not require a City to allow both a duplex and an ADU. If the Commission wants to allow both a duplex and an ADU on the same lot, the definition of an ADU will likely need to be updated to include reference to a duplex (and potentially even multi-family residential, if so desired). Either way, the definition should be clarified.

RECOMMENDATION:

The Commission's role in this process will be to review the proposed code amendments and forward a recommendation to the City Council.

LIST OF ATTACHMENTS/EXHIBITS:

ATTACHMENTS:

- Chapter 17.30 Code Modifications
- Chapter 17.34 Code Modifications
- Chapter 17.60 Code Modifications
- Chapter 17.74 Code Modifications
- Chapter 17.82 Code Modifications

Chapter 17.98 Code Modifications
Chapter 17.100 Code Modifications
DLCD Documents

PC Staff Report

CHAPTER 17.30 - ZONING DISTRICTS

17.30.00 ZONING DISTRICT DESIGNATIONS

For the purposes of this title, the city is divided into districts designated as follows:

DISTRICT	SYMBOL
Parks and Open Space	POS
Residential	
Single Family Residential	SFR
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Commercial	
Central Business District	C-1
General Commercial	C-2
Village Commercial	C-3
Industrial	
Industrial Park	I-1
Light Industrial	I-2
General Industrial	I-3
Overlay Districts	
Planned Development	PD
Cultural & Historic Resource	CHR
Flood Slope Hazard	FSH
Specific Area Plan Overlay	SAP

17.30.10 ZONING MAP

The Zoning Map is incorporated herein and is deemed as much a part of this Code as if fully set forth. If a conflict appears between the Zoning Map and the written portion of this Code, the written portion shall control. The map and each amendment shall remain on file in the Planning Director's Office.

The boundaries of all districts are established as shown on the Zoning Map, which is made a part of this Code. All notations and references and other matters shown shall be and are hereby made part of this Code.

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

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

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Revised by Ordinance 2013-04 effective 07/03/13

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas

The allowable range of housing units on a piece of property is calculated by multiplying the net site area (NSA) in acres by the minimum and maximum number of dwelling units allowed in that zone.

For example: A site (NSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 30 units and allows a maximum of 58 units. (NSA x 3 units/acre = 30 units minimum) (NSA x 5.8 units/acre = 58 units maximum)

B. Minimum and Maximum Dwelling Units for Sites with Restricted Areas

1. Unrestricted Site Area: To calculate unrestricted site area (USA): subtract all restricted development areas (RDA) as defined by Section 17.60.20(A) from the net site area (NSA), if applicable.

$$\text{NSA} - \text{RDA} = \text{USA}$$

2. Minimum Required Dwelling Units: The minimum number of dwelling units required for the site is calculated using the following formula:

USA (in acres) x Minimum Density (Units per Acre) of Zoning District = Minimum Number of Dwelling Units Required.

3. Maximum Allowed Dwelling Units: The maximum number of dwelling units allowed on a site is the lesser of the results of these two formulas:

a. NSA (in acres) x Maximum Density of Zoning District (units/acre)

b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)

For example: suppose a site in a zone with a maximum density of eight (8) units per acre has 6 acres of unrestricted site area (USA= 6) and two acres of restricted development area (RDA=2), for a total net site area of 8 acres (NSA= 8). Then NSA (8) x 8 units/acre = 64 and USA (6) x 8 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 64 (the lesser of the two results).

- C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying zoning district.

- D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater

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Revised by Ordinance 2013-04 effective 07/03/13

than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

For example: A calculation of 3.7 units is rounded down to 3 units. A calculation of 4.2 units is rounded down to 4 units and a calculation of 4.5 units is rounded up to 5 units.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e. duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

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Revised by Ordinance 2013-04 effective 07/03/13

EXHIBIT B

CHAPTER 17.34
SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 INTENT

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

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;
- ~~2.3. Duplex.~~

B. Accessory Uses Permitted Outright:

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
3. Family day care, as defined in Chapter 17.10 subject to any conditions imposed on the residential dwellings in the zone;
4. Home business subject to the provisions in Chapter 17.74;
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
6. Minor utility facility;
7. Other development customarily incidental to the primary use.

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Single detached or attached zero lot line dwelling;
- ~~3. Duplex;~~
- ~~4.3.~~ Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- ~~5.4.~~ Other uses similar in nature.

B. Conditional Uses:

1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

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Revised by Ordinance 2013-11 effective 12/18/13

4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling <u>or duplex</u> - Other permitted uses	7,500 square ft. No minimum
B. Minimum Average Lot Width - Single detached dwelling <u>or duplex</u>	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.90
D. Minimum Average Lot Depth	No minimum
E. Setbacks (Main Building) Front yard Rear yard Side yard (interior) Corner Lot	10 ft. minimum 20 ft. minimum 7.5 ft. minimum 10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.150) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

17.34.40 MINIMUM REQUIREMENTS

- A. Must connect to municipal water.
- B. Must connect to municipal sewer if service is currently within 3200 feet of the site. Sites Parcels more than 3200 feet from a municipal sewer, may ~~be approved to~~ connect to a new or existing on-site sewer ~~alternative~~ disposal system provided all of the following are satisfied:
 1. An on-site sewage disposal ~~county septic~~ permit or permit modification is secured from Clackamas County and a copy is provided to the city;
 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not

¹ Must comply with clear vision requirements of Chapter 17.74.
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Revised by Ordinance 2013-11 effective 12/18/13

Commented [EM1]: Sean's comment:
I see these as public facilities requirements, but it is unclear to me how they would be applied. The primary applicable rule language is OAR 660-046-0120(7)

"A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the same exceptions to Duplexes."

My primary questions is how connections to water and sewer and frontage/access will be applied. For example, if someone came in wanting to convert their SFD to a duplex, are the requirements here the same that apply to SFD or would they be more restrictive (e.g. requiring two separate connections for water sewer, more frontage/access, etc.)?

Commented [EM2R1]: Kelly or Mike will need to elaborate but my understanding is that these standards are the minimum for whatever is proposed and don't think they treat duplexes any differently than SFR.

limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- C. The location of any real improvements to the property must provide for a future street network to be developed.
 - D. Must have frontage or approved access to public streets.

Commented [EM3]: Mike's comment: "An applicant might not be able to satisfy a. through d. They might be able to satisfy d. but not a. This could get messy since you can have a legal lot of record that is smaller than 1 acre that cannot obtain a new or modified on-site sewage disposal permit under DEQ or Clackamas County regulations."

Commented [EM4]: Check with Mike to see if this can be deleted. Mike says to check with David D. ("I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.? Might check with our legal team though.")

17.34.50 ADDITIONAL REQUIREMENTS

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.
- D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

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Revised by Ordinance 2013-11 effective 12/18/13

EXHIBIT C

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

17.60.00 INTENT

This chapter is intended to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP). This chapter is also intended to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.60.10 INTERPRETATION AND MAPPING

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

- A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department and areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study (FIS) for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs). This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.
 - 1. The FIS and FIRMs are hereby adopted by reference and declared to be a part of Section 17.60 and are on file at the City of Sandy.

Revised by Ordinance No. 2019-01 effective 1/07/19

B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

C. Interpretation

All provisions of the FSH overlay code shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

D. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site-specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. Area of Special Flood Hazard boundaries and elevations as determined by the January 18, 2019 FIS for Clackamas County and Incorporated Areas.
3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

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

A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:

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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.

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

1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
2. Removal of refuse and permitted fill.
3. Planting of native vegetation species included on a list maintained by the Director.
4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
6. Construction or expansion of public facilities or private roads necessary to support permitted development.
7. Construction or expansion of a single-family residence or duplex on a lot-of-record, under the following prescribed conditions:
 - a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
 - b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.
 - c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.
 - d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20%; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20%.
 - e) The option of an adjustment under Section 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.
 - f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.
8. Replacement of a single-family or duplex dwelling constructed over substantially the same footprint as the original dwelling.
9. Repair or stabilization of unstable slopes.
10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:
 - a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.

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- b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
 - c) Reduce the steepness of the bank along reaches that have been highly eroded.
 - d) Reduce the velocity of water carried by the stream.
 - e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.
- 11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.
 - 12. Appurtenant structures as permitted under Section 17.60.70(J).

C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

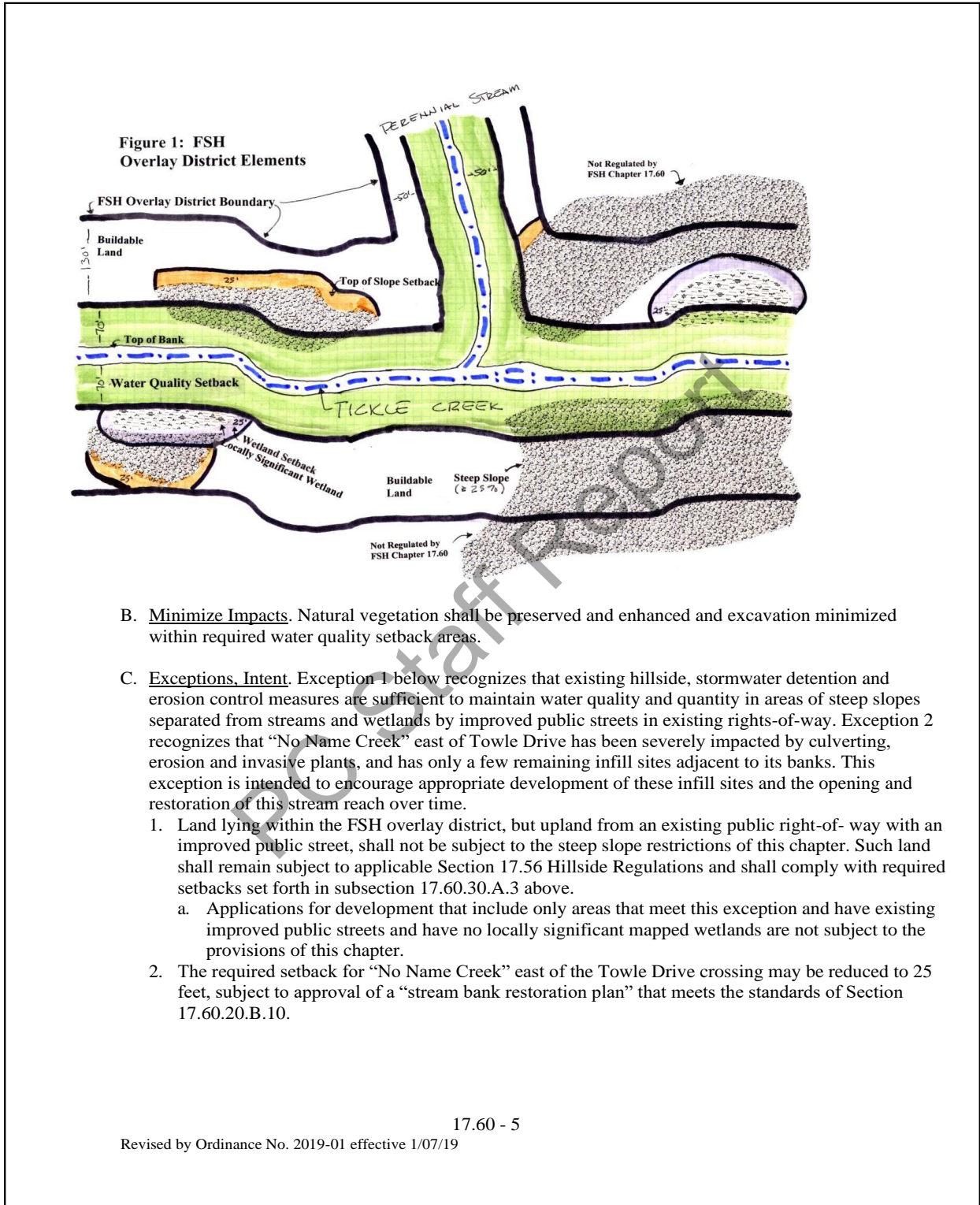
17.60.30 REQUIRED SETBACK AREAS

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

- A. Required Setbacks. The required special setback(s) shall be:
- 1. 80 feet from the top of bank of Tickle Creek;
 - 2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
 - 3. 25 feet around the edge of any mapped locally significant wetland; and
 - 4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

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- B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.
- C. Exceptions. Intent. Exception 1 below recognizes that existing hillside, stormwater detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public streets in existing rights-of-way. Exception 2 recognizes that “No Name Creek” east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.
1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.
 - a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.
 2. The required setback for “No Name Creek” east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a “stream bank restoration plan” that meets the standards of Section 17.60.20.B.10.

17.60.40 REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed by the Director to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

- A. Type I Procedure. The following uses shall be reviewed under a Type I procedure:
1. Planting of native plant species identified on the Native Plant list on file with the Director.
 2. Removal of permitted fill.
 3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.
 4. Appurtenant structures as permitted under Section 17.60.70(J).
- B. Type II Procedure. The following uses shall be reviewed under a Type II review procedure:
1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.
 2. Construction or expansion of trails.
 3. Construction, expansion or replacement of a new single-family residence or duplex within a restricted development area or floodway on a lot of record.
 4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
 5. Stream bank restoration plans.
 6. Exemption of Type II development applications from one or more required reports.
 7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
 8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.
- C. Type III Procedure. The Planning Commission shall review all other public and private development requests under a Type III procedure.
- D. Establishment of Development Permit. A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically the following information is required:

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1. Proposed elevation in relation to mean sea level of the lowest floor (including basement of all structures).
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria detailed in Section 17.60.70(F) below.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.60.50 SPECIAL REPORTS

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one or more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

- A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.
- B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

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- C. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

17.60.60 APPROVAL STANDARDS AND CONDITIONS

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.
 2. Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.
 3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.
 4. Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.
 5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.
 6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
- B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:
1. The permit requirements of Chapter 17.60 have been satisfied;
 2. All other required state and federal permits have been obtained; and,
 3. The site is reasonably safe from flooding.

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- C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- D. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the Area of Special Flood Hazard.

- A. Residential and Non-residential Structures. No new residential structures (including manufactured dwellings) with the exception of 17.60.40(B)(3), non-residential structures or critical facilities shall be permitted in the Area of Special Flood Hazard.
- B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.
- C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.
 - 1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Facilities and roads located within a floodway may be permitted only where a registered professional engineer certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Utilities necessary to serve permitted development, or a single family home or duplex on a legally-approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
 - 2. Water supply and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to floodwaters, streams and wetlands.
 - 3. On-site septic systems, waste disposal systems, and private wells shall be prohibited within the FSH overlay district.
- D. Structural Elevation Report. An application for any substantially improved structure, nonresidential structure or manufactured dwelling within the area of special flood hazard shall include the elevation, referenced to mean sea level, of the lowest floor, of the bottom of the lowest horizontal structural member (for manufactured dwellings), or the elevation to which the structure will be flood-proofed. The elevation of the

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lowest floor, and any basement area and the elevation of the service facilities/mechanical equipment shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation certificate.

- E. Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)). Improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence or duplex per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Materials used shall be resistant to flood damage;
 3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
 4. The lowest floor (including basement) shall be elevated at least one foot above the base flood level;
 5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Existing Non-Residential Structures. Improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a)above;
 2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered

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professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Director for verification.

G. Recreational Vehicles. Recreational Vehicles within the floodplain shall comply with one of the following:

1. Be located on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use; or
3. Meet the elevation and anchoring requirements for manufactured homes dwellings and permit requirements of NFIP Regulations.

H. Anchoring. All new construction and substantial improvements (including manufactured dwellings) shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

I. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
3. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. Appurtenant Structures (Detached Garages and Storage Structures).

Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;
6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);
7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and
8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

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Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards of Chapter 17.60.

17.60.80 NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

- A. Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- D. Obtain and maintain the following for public inspection and make available as needed:
 - 1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 17.60.70(F).
 - 3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

17.60.90 WATER QUALITY TREATMENT FACILITIES

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

- A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.
- B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

17.60.100 DENSITY TRANSFER PROVISIONS

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Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.
- B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.
- C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.
- D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.110 ADJUSTMENTS

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

- A. Adjustment Option. One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.
- B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:
 - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
 - 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
 - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
 - 4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of restricted development area except for a private drive that reduces the disturbance to restricted development areas.

5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.
6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise restricted development areas.

17.60.120 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.

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EXHIBIT D

**CHAPTER 17.74
ACCESSORY DEVELOPMENT
ADDITIONAL PROVISIONS AND PROCEDURES**

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10 RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

Accessory Structure Size	Interior Side Yard Setback	Rear Yard Setback
Up to 120 sq. ft., Up to 10 ft. tall	1 foot	1 foot
Up to 120 sq. ft., Up to 12 ft. tall	3 feet	3 feet
Larger than 120 sq. ft up to 200 sq. ft. and up to 12 ft. in height	3 feet	3 feet
Larger than 200 sq. ft. or taller than 12 ft. in height	5 feet minimum or same as primary structure whichever is greater	15 feet minimum or same as primary structure whichever is greater

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Revised by Ordinance No. 2014-05 (effective 06/02/14)

Figure 17.74.10-A: Interior Lot

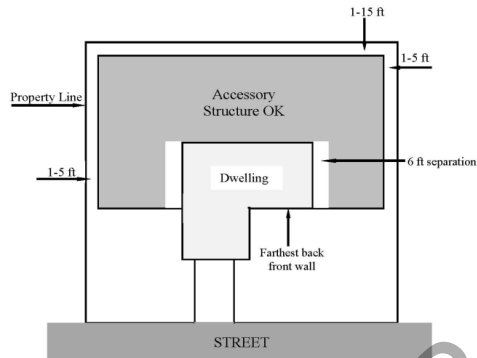
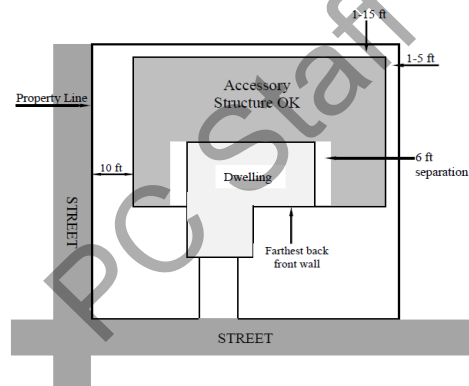


Figure 17.74.10-B: Corner Lot



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B. General Standards.

1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - a. Both lots are under the exact same ownership; and
 - b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
 - c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages ¹	5 ft.	2 ½ ft.	5 ft.
Awnings	5 ft.	2 ½ ft.	5 ft.
Chimneys	5 ft.	2 ½ ft.	5 ft.
Decks (unroofed) - ground level 30" in height or less	5 ft.	2 ½ ft.	Footnote ²
Decks (unroofed) - ground level more than 30" in height or second story (building permit required)	5 ft.	2 ½ ft.	Footnote ³
Eaves	5 ft.	2 ½ ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2 ½ ft.	5 ft.
Planters	5 ft.	2 ½ ft.	5 ft.
Porches (roofed)	5 ft.	2 ½ ft.	Footnote ³
Windows (bow or bay)	5 ft.	2 ½ ft.	5 ft.

¹ Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

B. Vertical Projections. Height limitations shall not apply to the following:

1. Fire and parapet walls
2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
3. Smokestacks
4. Steeples
5. Windmills
6. Other similar structures

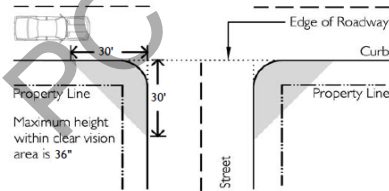
17.74.30 VISION CLEARANCE AREA

- A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the "vision clearance area" between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.
- B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

Functional Street Classification	Measurement along curb line
Intersection of a street and an alley	20 feet
Intersection of a street and another street	30 feet

Figure 17.74.20 – Vision Clearance Measurement



C. The foregoing provisions shall not apply to the following:

1. A public utility pole, signal pole, light pole, or other utility appurtenance.
2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.

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3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

- C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

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D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Commented [EM1]: Gender neutral

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.

1. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

F. Fences in excess of 6 ft. in height require a building permit.

17.74.50 DECKS

A. Decks may encroach into required yard areas as specified in 17.74.20 above.

B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

A. Temporary Uses. Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

C. Portable Outdoor Storage Unit. Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

17.74.70 ACCESSORY DWELLING UNITS

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Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and ~~the disabled people with disabilities.~~
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- ~~Foster better housing maintenance and neighborhood stability.~~
- ~~Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.~~
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-800 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98 No minimum
Landscaping	Same as underlying zoning district

~~C. Occupancy Limitations:~~

- ~~1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.~~
- ~~2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit~~

~~C. Design Standards.~~

- ~~1. The accessory dwelling unit shall remain subordinate be accessory to the principal primary residence.~~
- ~~2. There ADU shall have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk be adequate provisions for ingress and egress, but separation is not required. The pedestrian walkway shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian walkway shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.~~
- ~~3. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal primary residence.~~

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- ~~4.3~~ An ADU may be either stick-built or a modular dwelling unit in compliance with Section 17.90.140, but may not be a single-wide manufactured dwelling unit.
- ~~5.4~~ Detached ADUs shall be architecturally consistent with the principal primary dwelling unit provide at least three design standards consistent with Section 17.90.150 on the street-facing façade(s) and shall provide at least X percent windows on the ground floor elevation of the street facing façade(s).
- ~~6.~~ Attached ADUs shall have the appearance of a single-family dwelling.
- ~~7.5~~ Primary entrances shall not be in front of the principal primary unit residence.

DE. Permit Issuance.

- 1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
- 2. Required permit information shall be limited to that for single-family dwellings.
- 3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
- 4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

EF. Additional Requirements.

- ~~1.~~ Adequate provisions shall be made for drainage. The ADU shall connect to municipal water and sewage waste sanitary sewer if the primary dwelling is connected to the municipal water and sewer system. Parcels more than 300 feet from a municipal sewer may connect to a new or existing on-site sewage disposal system provided all of the following are satisfied:
 - a. An on-site sewage disposal permit or permit modification is secured from Clackamas County and a copy is provided to the city;
 - b. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
 - c. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 - ~~a.d.~~ Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- ~~2.~~ The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.
- ~~3.~~ ADUs may not be developed for sale and may only be rented.
- 3. Illegal ADUs may be legalized if they conform, or are brought into conformance with the Sandy Municipal Code and the Oregon Structural Specialty Code, basic zoning, building, plumbing, mechanical and electrical codes.
- ~~4.~~ ADU requirements shall be recorded as a deed restriction against the property.
- ~~5.4~~ Periodic review of ADUs shall be conducted by the city City to evaluate and reconsider existing densities.

Commented [EM2]: Check with Mike to see if this can be deleted. Mike says to check with David D. ("I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.?" Might check with our legal team though.)

Commented [EM3]: Mike's comment: "What about allowing ADUs to connect to the primary dwelling's water and/or sewer system, (i.e. no separate water meter or sewer connection) if permitted by the Oregon State Speciality Code? The primary dwelling owner or the developer can decide if they want a separate water meter and sewer connection. In a Homeowner-developed ADU I assume they would choose the former and a Developer would choose the latter."

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the

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appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations.

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city.
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.
7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - 1) Investigate the complaints;
 - 2) Prepare a report to the Planning Commission; and,
 - 3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a) Generation of excessive traffic;
 - b) Monopoly of on-street parking spaces;
 - c) Frequent deliveries and pickups by motor freight;
 - d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e) Smoke, fumes, or odors in excess of those created by normal residential use;
 - f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a) Approve the use as it exists;
 - b) Require the use to be terminated;
 - c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS

A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as

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food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.
3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.

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10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.
3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

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Fire Safety

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

Health and Sanitation

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
26. Sites containing more than one food cart shall provide a restroom facility on-site.
27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
 - a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
 - b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
 - c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.

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2. Requirements for properties containing one or more food carts:
 - a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.
3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

2. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.
3. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

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**CHAPTER 17.82
SPECIAL SETBACKS ON TRANSIT STREETS**

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

~~D.~~ E.Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Sections 17.82.20(B and C).

EXHIBIT F

CHAPTER 17.98 PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations is to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests/visitors, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

- A. Provision and Maintenance. The provision of required off-street parking for vehicles and bicycles and loading facilities for vehicles is a continuous obligation. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.
- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10 (D.), (E.) and (F.) does not apply to commercial uses in the Central Business District (C-1).
- E. Increased Intensity. When increased intensity requires no more than four (4) vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.
- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.

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- H. Inoperative Motor Vehicles. In all residential zoning districts, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.
- I. Truck Parking. In all residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming on the premises where such use is conducted.
- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
1. Location and dimension of required parking spaces as specified in Section 17.98.200.
 2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 3. Location and design of parking courts (if applicable).
- N. Location of Required Parking.
1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes shall be provided on the development site of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.
 2. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.
- O. Unassigned Parking in Residential Districts.
1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.
 2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

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P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. **Off Street Parking Requirements**. Off street parking shall conform to the following standards:

1. Commercial uses in the Central Business District (C-1) are exempt from off street parking requirements. Residential uses in the Central Business District (C-1) have to provide off street parking per this section but may get a reduction per Section 17.98.30 (B.).
2. All square footage measurements are gross square feet of total floor area.
3. 24 linear inches of bench shall be considered 1 seat.
4. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections 8 – 11 below.
5. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 8 – 11 below.
6. In addition to requirements for residential off-street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.
7. Uses that rely on square footage for determining parking requirements may reduce the overall square footage of the use by deducting bathrooms, mechanical rooms, and other auxiliary rooms as approved by the Director.

8.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached/Attached	2 per dwelling unit	Exempt
Duplexes	2 per dwelling unit	Exempt
Manufactured Home Park	2 per dwelling, plus 1 visitor space for each 10 vehicle spaces	Exempt
Multi-Family Dwellings	1.5 per studio unit or 1-bedroom unit 2.0 per 2-bedroom unit or greater	1 per dwelling unit
Congregate Housing, Retirement Homes, Intermediate Care Facilities, Group Care Facilities, and Halfway Houses	1 per each 3 residents, plus 1 per 2 employees	5% or 2 whichever is greater

9.

Community Service, Institutional and Semi-Public Uses	Number of Parking Spaces	Number of Bicycle Spaces
Administrative Services	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater

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Community Recreation Buildings, Library, or Museum	1 per 250 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Church, Chapel, Auditorium, or Fraternal Lodge without eating and drinking facilities	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	5% or 2 whichever is greater
Hospitals	1 per examine room or bed, and 1 per 4 seats in waiting room or chapel, plus 1 per 2 employees	5% or 2 whichever is greater
Commercial Daycare	2 for the facility, plus 1 per employee on the largest shift	2
School – Preschool/Kindergarten	2 per classroom, plus 1 per 2 employees	2
School – Elementary or Middle School/Junior High	2 per classroom, plus 1 per 2 employees	5% or 2 whichever is greater
School – Senior High, Vocational or College	6 per classroom, plus 1 per employee on the largest shift	5% or 2 whichever is greater

10.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Retail Sales, General or Personal Services, Professional Offices, Shopping Centers, Grocery Stores, Convenience Stores	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Retail Sales of Bulky Merchandise (examples: furniture or motor vehicles)	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, plus 1 per 2 employees	5% or 2 whichever is greater
Funerals and Interment Services: Crematory and Undertaking <i>Interring and Cemeteries are exempt</i>	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	2
Fuel Sales (without store)	1 per employee on the largest shift	2
Medical or Dental Office or Clinic	1 per examine room or bed, and 1 per 4 seats in waiting room, plus 1 per 2 employees	5% or 2 whichever is greater
Participant Sports or Recreation: Indoor or Outdoor; Spectator Sports; Theater or similar use	1 per 4 fixed seats or 1 space per 4 participants based on projected participant capacity, plus 1 per 2 employees	5% or 2 whichever is greater
Campground or RV Park	1 per designated space, plus 1 visitor space for each 8 designated spaces, plus 1 per 2 employees	Exempt
Hotel or Motel	1 per guest room or suite, plus 1	2

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	per 2 employees	
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11.

Industrial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Sales, Storage, Rental, Services and Repairs of: Agricultural and Animals Automotive/Equipment Fleet Storage Light Equipment Non-operating vehicles, boats and recreational vehicles Building Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Sales, Storage, Rental, and Repairs of: Heavy Equipment, or Farm Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Storage, Distribution, Warehousing, or Manufacturing establishment; trucking freight terminal	1 per employee on the largest shift	2

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.

1. Any existing or proposed use in the C-2, C-3, or I-1 Zoning Districts subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10 percent by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping provided such landscaping does not exceed 25 percent of the total area dedicated for transit oriented purposes.
2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.
3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Residential uses in the Central Business District and Village Commercial District Reduction.

Required off-street parking for residential uses in the C-1 and C-3 Zoning District may be reduced by 25 percent.

17.98.40 SHARED USE OF PARKING FACILITIES

- A. Except for single family dwellings (both attached and detached) and duplexes, required parking facilities may be located on an adjacent parcel of land or separated only by an alley or local street, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve or a shared parking agreement that can only be released by the Director is recorded in the deed records of Clackamas County.

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- B. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.
- C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument recorded in the deed records of Clackamas County establishing such joint use.

17.98.50 SETBACKS

- A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and duplexes, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

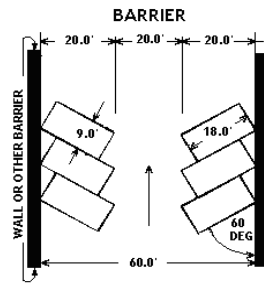
- A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.
- B. Size of Space.
 1. A standard parking space shall be 9 feet by 18 feet.
 2. A compact parking space shall be 8 feet by 16 feet.
 3. Accessible parking spaces shall be 9 feet by 18 feet and include an adjacent access aisle meeting ORS 447.233. Access aisles may be shared by adjacent spaces. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 4. Parallel parking spaces shall be a length of 22 feet.
 5. No more than 40 percent of the parking stalls shall be compact spaces.
- C. Aisle Width.

Parking Aisle	Single Sided One-Way	Single Sided Two-Way	Double Sided One-Way	Double Sided Two-Way
90 degree	20 feet	22 feet	25 feet	25 feet
60 degree	20 feet	20 feet	20 feet	20 feet

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45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall be based on a traffic impact analysis and parking

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and circulation plan and consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

- C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. At the Director's discretion development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner signs an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder's Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

B. A driveway for a single-family dwelling or duplex shall have a minimum width of 10 feet. The driveway approach within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.)

~~C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. The driveway approach in the public right-of-way shall not exceed 24 feet in width as measured in section B above. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete.~~

~~D. C~~ Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width, but such clearance may be reduced in parking structures as approved by the Director.

Commented [BS1]: This is in conflict with OAR 660-046-01 10(3) -

"Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone."

You could address this by either adding duplexes to 17.98.100(B) or constructing this standard to relate to the number of parking spaces provided (since they are the same, they wouldn't affect duplexes differently - and would control scenarios where people elect to provide more parking spaces)

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E.D. No driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway.

F.E. The nearest edge of a driveway approach shall be located a minimum of 15 feet from the point of curvature or tangency of the curb return on any street.

G.F. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B above shall not exceed fifty percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.

Acronyms on the next page:
PT = point of tangency
PC = point of curvature
PRC = point of reverse curvature

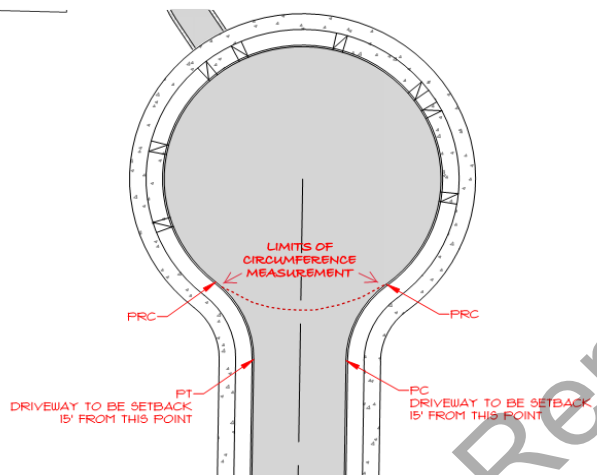
H.G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

I.H. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

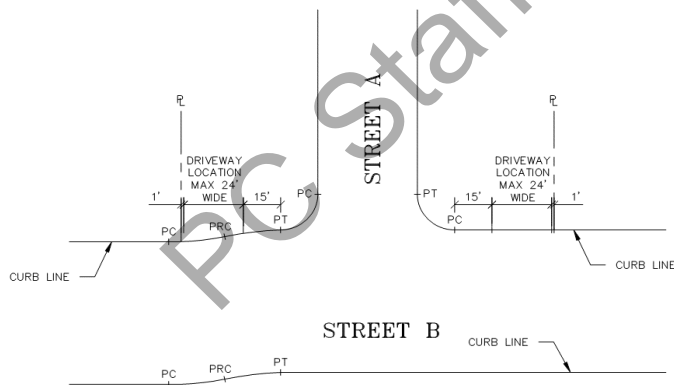
CUL-DE-SAC EXHIBIT

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DRIVEWAY LOCATION EXHIBIT



17.98.110 VISION CLEARANCE

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- A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
- B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

17.98.120 LANDSCAPING AND SCREENING

- A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5 feet depth of buffer plantings adjacent to the right-of-way.
- B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80 percent opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.
- C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.
- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. No vehicle may project over a property line or into a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for pedestrian circulation is required.

17.98.130 PAVING

- A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to City standards for off-street vehicle areas.

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- B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

17.98.150 LIGHTING

The Dark Sky Ordinance in Chapter 15 of the municipal code applies to all lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

A. Location.

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the primary structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If bicycle parking is covered, vertical clearance of 7 feet shall be provided.
2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

C. Security.

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks.

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3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely.
4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.

D. **Signing.** Where bicycle facilities are not directly visible from the public right-of-way, primary structure entry, or civic space then directional signs shall be provided to direct bicyclists to the bicycle parking facility.

E. **Exemptions.** Temporary uses and other uses identified in Section 17.98.20 as not requiring bicycle parking are exempt from Section 17.98.160.

17.98.170 CARPOOL AND VANPOOL PARKING

New industrial, commercial, and community service uses with more than 100 employees shall meet the following minimum requirements for carpool and vanpool parking.

- A. **Number and Marking.** At least 10 percent of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only".
- B. **Location.** Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.180 SCHOOL DESIGN REQUIREMENTS

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 50 students.

17.98.190 OFF-STREET LOADING FACILITIES

- A. All commercial and industrial uses that anticipate loading and unloading of products/materials shall provide an off-street area for loading/unloading of products/materials.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

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A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 300 feet of each ~~dwelling~~ single family residence or duplex except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling. Accessory dwelling units, multi-family developments, and conversions of single-family homes to duplexes are exempt from this standard.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).
3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.
4. Parallel residential on-street parking spaces shall be a minimum of 22 feet in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces shall be set back a minimum of 15 feet from the point of tangency or curvature at an intersection and may not be located within 10 feet of a fire hydrant.
6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:
 - a. No more than ten (10) parking spaces shall be provided in a parking court, except parking courts that utilize backing movements into the right-of-way in which case the parking court shall be limited to two (2) parking spaces;
 - b. Parking spaces within a parking court shall be nine (9) feet wide and 18 feet in depth. In no instance shall a vehicle or any appurtenances parked in a parking court protrude into the public right-of-way;
 - c. Notwithstanding Section 17.98.70, vehicles parked in a parking court on a local street as defined in the Transportation System Plan are permitted to back onto the public right-of-way from the parking court so long as the parking court is limited to two (2) parking spaces;
 - d. A parking court shall be located within 300 feet of the dwellings requiring parking in accordance with the requirements of Section 17.98.10(M);
 - e. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block face;
 - f. A parking court shall be paved in compliance with the standards of this chapter and constructed to the grading and drainage standards in 17.98.140;
 - g. A parking court adjacent to a public right-of-way, shall be privately owned and maintained;
 - h. If a parking court is adjacent to a private drive, it shall be privately owned and maintained. For any parking court there shall be a legal recorded document which includes:
 - A legal description of the parking court;
 - Ownership of the parking court;
 - Use rights; and

Commented [BS2]: As discussed via email previously, this section will require reworking to ensure it is in compliance with Division 046. The primary thing here is: ensure whatever standard applies to duplexes - at a minimum - is not more restrictive than what applies to a single-family detached dwellings.

Interpreting this standard to require one space for "each dwelling unit" would be in conflict with HB 2001, because it would require one space for single-family detached dwellings and two spaces for duplexes.

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- A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;
- i. A parking court shall be used solely for the parking of operable passenger vehicles.

PC Staff Report

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EXHIBIT G

**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, fiber (broadband), 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:
 - 1. Existing streets are stubbed to the property boundaries and are linked by the land division.

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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;
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;

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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;
 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;

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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 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.

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- 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.

- 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

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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.

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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.
- 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

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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.

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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.

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.

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- 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.
- 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).

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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 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.

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- 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.

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17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of ~~two-four (4) dwelling~~ required off-street parking spaces on a maximum of two legal lots of record. ~~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-four (4) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.
2. A shared access easement and maintenance agreement shall be established between the ~~two units~~ lots 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.

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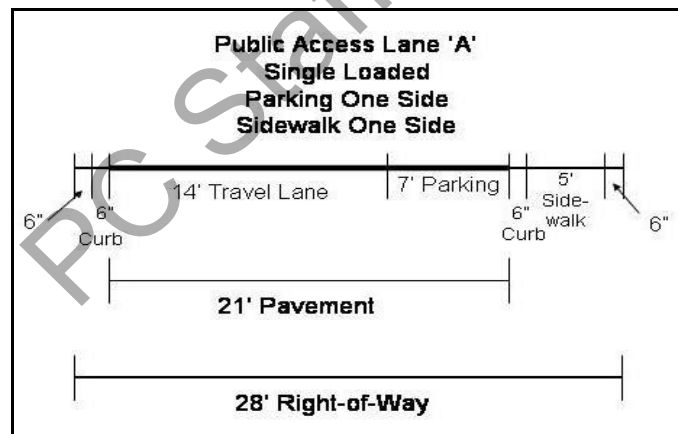
Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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'



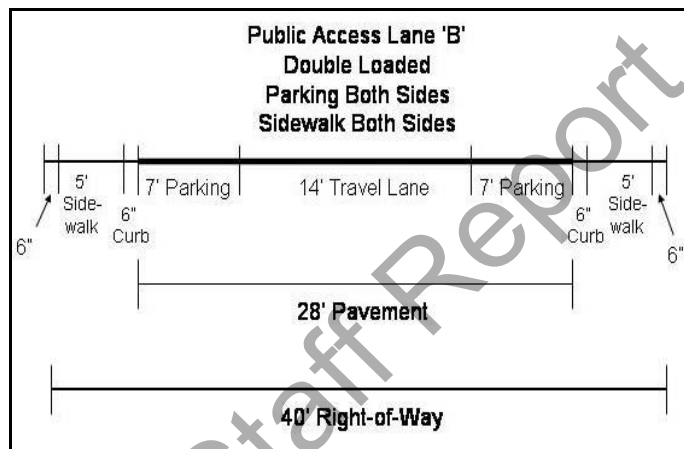
2. Public Access Lane Option 'B' (Figure 17.100 - B).
 - a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
 - b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

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- 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

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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.

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- 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.

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.

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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, fiber, cable, 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
- N. Fiber (broadband)

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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

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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. 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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House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

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Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.





KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)

Updated Nov. 6, 2019

House Bill 2001 (HB 2001) provides \$3.5 million to DLCD for technical assistance to local governments to:

- 1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or
- 2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

DLCD Required Rulemaking: Who is affected:	Middle Housing Requirements		Infrastructure Deficiency Process
	Medium Cities	Large Cities	Medium & Large Cities
Significant dates:	DLCD Rules and model code adoption December 31, 2020	DLCD Rules and model code adoption December 31, 2020	DLCD Rules adoption [no date specified in bill] Target: July 2020
Local Government Deadlines:	Local Government Adoption of model code or alternative June 30, 2021	Local Government Adoption of model code or alternative June 30, 2022	Medium Cities Extension Requests due by December 31, 2020 Large Cities Extension Requests due by June 30, 2021
Effect of missed deadline:	Model code applies directly	Model code applies directly	No extension granted

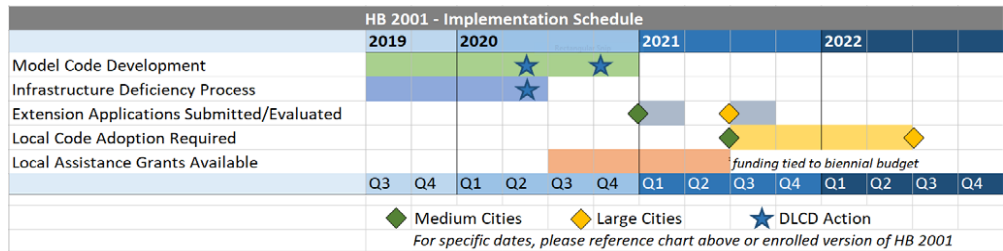
Medium Cities

All Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.	
Middle Housing Requirement	Duplexes to be allowed "on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings."

Large Cities

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.	
Middle Housing Requirement	Duplexes (as above) <u>AND</u> triplexes, quadplexes, cottage clusters, and townhouses "in areas zoned for residential use that allow for the development of detached single family dwellings."

Flexibility *Medium and Large Cities "may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay."*



Other Provisions in HB 2001

- ✓ A local government may request an extension of time to adopt the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development, along with a plan of actions to remedy the deficiencies in those services.
- ✓ The applications for time extensions based on infrastructure deficiency will be reviewed by DLCD and approved or denied.
- ✓ Housing Needs Analyses, in conjunction with a UGB decision, may not assume more than a three percent increase in housing units produced as a result of the adoption of middle housing regulations unless the local government can show that higher increases have been achieved to date.
- ✓ The bill amends requirements relating to accessory dwelling units (ADUs). The bill states, "Reasonable local regulations relating to siting and design' [for ADUs] does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking." However, such regulations may be applied if the ADU is used for vacation occupancy.
- ✓ Changes the annual housing production survey required by passage of HB 4006 in 2018. Adds requirement to report on ADUs and units of middle housing, both for market rate housing and for regulated affordable units.
- ✓ Directs the Building Codes Division to develop standards to facilitate conversions of single-family dwellings into no more than four residential dwelling units.
- ✓ Prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood.
- ✓ The bill also notes that the department shall prioritize technical assistance to cities or counties with limited planning staff, or that commit to implementation earlier than the date required by the act.

This fact sheet is intended to summarize key elements of HB 2001. It is not intended to replace a detailed review of the legislation. For specific bill language, please review the enrolled version of the HB 2001:

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

"HB 2001 is focused on increasing the supply of 'middle housing' in Oregon cities – not by limiting construction of single family homes, but by allowing development of duplexes, triplexes, and quadplexes. Through technical assistance and resources for local governments, DLCD joins the effort to help create housing opportunities for all Oregonians."

- Jim Rue, DLCD Director

For more information visit our website at <http://www.oregon.gov/lcd/JP/Pages/Housing-Choices.aspx>

DLCD Staff Contacts: With questions about local implementation – [Contact your Regional Representative](#)

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HB 2001 and HB 2003 Frequently Asked Questions

Updated on March 25, 2020

House Bill 2001

Requirements for Duplexes

Which jurisdictions will be required to allow duplexes?

All Oregon cities with a population of 10,000 or more, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000. A list is here: https://www.oregon.gov/lcd/JP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf

Where will they be allowed?

Duplexes must be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

What is meant by “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings”?

A local government that allows single-family dwellings in a residentially zoned lot or parcel must also allow for the development of a duplex. The local government may regulate the siting and design of the duplex so long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules by the Land Conservation and Development Commission.

How will these requirements affect the development standards in my city/county?

Currently, the Department of Land Conservation and Development is only developing rules for duplex requirements. Once administrative rules are adopted, cities outside Portland Metro with populations between 10,000 and 25,000 (referred to as “Medium Cities”) will be required to adopt compliant development codes by June 30, 2021. Final guidance will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by August 2020.

Requirements for other middle housing types

Which jurisdictions will be required to permit other middle housing types (i.e. triplexes, quadplexes, townhouses, and cottage clusters)?

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000 (referred to as “Large Cities”). A list of these jurisdictions is here: <

https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be permitted?

Middle housing types listed in HB 2001 other than duplexes must be allowed “in areas zoned for residential use that allow for the development of detached single family dwellings.”

What is meant by “in areas zoned for residential use that allow for the development of detached single-family dwellings”?

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. The exact interpretation of “in areas” is pending development through rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

What is meant by “Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay”?

The intent of HB 2001 is make the development of middle housing types equally as feasible as single-family dwellings. As such, standards, approval criteria, or processes that impose additional burden on the development of middle housing types above the burden placed upon single family dwellings in the same zone are considered unreasonable - and therefore not in compliance with the intent of HB 2001.

How will local governments know their regulations would not be determined to result in “unreasonable cost or delay”?

The administrative rules and model code adopted through this rulemaking process by the Land Conservation and Development Commission will provide a set of development standards that are considered to be reasonable. Additionally, the rules will define certain parameters for development regulations which will provide jurisdictions with clear guidance as to what is considered unreasonable cost or delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How will these requirements affect development standards related to:

- Density**
- Dimensional Standards (e.g. setbacks, lot coverage, height)**
- Design and Solar Access**
- Infrastructure and Public Facilities**
- Parking**

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. Once administrative rules are adopted, these cities will be required to adopt a development code compliant with the

HB 2001 law and rules by June 30, 2022. More definitive guidance on how the bill will affect development standards for large cities will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by mid-November of 2020.

Infrastructure-Based Time Extension Request (IBTER)

What if infrastructure is unable to accommodate middle housing types?

A local government may request an extension of time to enact the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development in a specific geographic area. In order for this extension request to be approved by the Department, the local government must also provide a plan of actions to remedy the infrastructure deficiency.

When must an Infrastructure-Based Time Extension Request be submitted?

A “Medium City” must submit an extension request by December 31, 2020. A “Large City” must submit an extension request by June 30, 2021.

What is considered “significantly deficient” infrastructure?

HB 2001 states that local governments may request an infrastructure-based time extension if infrastructure is currently significantly deficient, or is expected to be by December 31, 2023. Of course, the level of deficiency is dependent upon the infrastructure system. The Rulemaking Advisory Committee and the DLCD project team are working with technical experts to determine this criteria. The exact interpretation of this section of the bill is currently under development in rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How much development/redevelopment can be anticipated or assumed for an extension request?

HB 2001 provides at least some guidance as to how much redevelopment a jurisdiction could reasonably anticipate as a result of adopting middle housing development standards. The bill states that a local government may not assume an increase in residential capacity above achieved density by more than 3% for the purposes of accommodating needed housing over a 20-year planning period. For the purposes of calculating if existing infrastructure can accommodate this growth by December 31, 2023, draft administrative rules currently under development have simplified this redevelopment rate to a growth rate of 1% in infill development situations and 3% in greenfield development situations.

How long of an extension can be granted?

A local government is expected to make good faith action to remedy an infrastructure deficiency in a timely manner. The proposed length of the initial time extension is five years, with the opportunity for a one-time additional five year extension.

How does a jurisdiction prepare an IBTER for an area where they do not have ownership or authority over a type of infrastructure such as a State highway or service provider district?

Parameters for ensuring coordination between local governments and service providers is currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Requirements for Accessory Dwelling Units (ADUs)

How will HB 2001 change how ADUs are regulated?

The new law prohibits jurisdictions from requiring owner-occupancy or off-street parking for ADUs. However, such regulations may be applied if the ADU is used for vacation occupancy.

What is the difference between an ADU and a duplex?

There may be rare situations where a proposed development could meet the definition of both a duplex and a single-family dwelling with an internal ADU. In these situations, the property owner will be allowed to elect which definition they wish to apply to their proposed development. The property owner is not allowed to define their proposed development as both or change their election.

Will HB 2001 require jurisdictions to allow both an ADU and duplex on a single lot?

We are currently exploring this legal question as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

What is the Model Code? How will it be applied?

If a jurisdiction does not adopt a compliant development code by the statutory deadline outlined in the bill, then a model ordinance developed by the Land Conservation and Development Commission (LCDC) will apply directly. Currently, there are two model ordinances under development – one applicable to “Medium” cities and another applicable to “Large” Cities.

What is the difference between the Model Code and Administrative Rules?

The purpose of the Model Code is three-fold. Firstly, it provides an ordinance that can apply directly in the event a jurisdiction does not adopt an ordinance that complies with HB 2001. Secondly, local governments can choose to adopt the model code “wholesale” and be assured that the standards are HB 2001-compliant. Thirdly, it defines standards

for minimum compliance to provide guidance to jurisdictions that seek to develop their own middle housing standards.

The administrative rules outline the process and criteria by which the Department of Land Conservation and Development will evaluate middle housing ordinances adopted by local jurisdictions to determine whether they comply with the intent of HB 2001.

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2001?

The required timeline for compliance with HB 2001 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

How will existing and future Codes, Covenants, and Restrictions (CC&Rs) be affected by HB 2001?

HB 2001 prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood. However, existing CC&Rs will remain in place.

What is meant by “clear and objective” standards? Will discretionary review processes for middle housing be allowed under HB 2001?

[OAR 660-008-0015](#) establishes that local governments may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Local governments may adopt and apply an optional alternative approval process based on approval criteria regulating appearance or aesthetics that are not clear and objective if the applicant retains the option of proceeding under the approval process that is clear and objective, the alternative process complies with applicable statewide land use planning goals and rules, and the alternative approval process authorizes a density at or above the density level authorized in the zone under the clear and objective approval process.

In other words, local governments will be able to adopt and apply a discretionary review process for middle housing, but all middle housing development applications must have the option of a clear and objective review path that does not have the effect of unreasonable cost or delay.

How will HB 2001 affect the Urban Growth Boundary (UGB) expansion process?

At periodic review or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government must demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

HB 2001 allows jurisdictions to adopt density expectations assumed to result from the provision of middle housing, but this expectation may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.

For jurisdictions located outside of a metropolitan service district (i.e. Metro), a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

How will HB 2001 affect historic properties and districts?

Parameters for historic properties and districts in the model code and administrative rules are currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Will HB 2001 affect the application of System Development Charges (SDCs), property tax exemptions/freezes, or construction taxes?

As part of the comprehensive plan and development code amendment process, HB 2001 requires local governments to consider ordinances and policies to increase the affordability of middle housing including:

1. Waiving or deferring system development charges
2. Adopting or amending criteria for property tax exemptions or freezes
3. Assessing a construction tax

House Bill 2003

Regional Housing Needs Analysis (RHNA)

What is the Regional Housing Needs Analysis?

The Regional Housing Needs Analysis (RHNA; pronounced “ree-na”) is a statewide needs analysis by region to analyze and quantify the housing shortage and future needs in our state. The methodology for this analysis is currently under development by Oregon Housing and Community Services. HB 2003 requires that this analysis determine housing needs of a region and of each city and Metro for a 20-year period. Additionally, the RHNA will include analysis related to the equitable distribution of publicly supported housing within a region and a housing shortage analysis for each city and Metro.

This is a feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration related to how this analysis might continue to be conducted in the future. HB 2003 requires that the methodology be completed and run by September 1, 2020, with a report due to the Oregon Legislature by March 1, 2021.

What data will be used in this analysis? Will it provide an accurate assessment of regional housing needs?

There is limited availability of statewide data sets that can provide sufficient level of detail to conduct the required analysis. To ensure the analysis provides as accurate of an assessment of regional housing needs as practical, the RHNA will utilize Census American Community Survey Public Use Microdata Sample (PUMS) 5-year data, and the shortage analysis will utilize Census Comprehensive Housing Affordability Strategy (CHAS) data.

Will there be opportunities to include qualitative data in the RHNA? Or is it solely quantitative?

Given the timeline and resource constraints associated with conducting a robust qualitative methodology, the RHNA as required by HB 2003 will be conducted using quantitative data. Recommendations in the legislative report due March 1, 2021 will include considerations of how to improve the process, which may include the incorporation of a qualitative component.

How are the regions defined?

Census American Community Survey Public Use Microdata Sample (PUMS) divides Oregon counties into discrete geographies. While it is possible to combine PUMS regions, it is not advisable to break these regions into smaller subregions. Unfortunately, this means that regional boundaries are limited by the boundaries utilized by PUMS data.

While final regions have not yet been defined, it is clear that boundaries in this first iteration of the RHNA may not fully correspond to what may be perceived as a regional housing market. The legislative report due March 1, 2021 will discuss the limitations of this approach and provide recommendations on creating regions that better reflect regional housing markets throughout the state.

What does “affordability” mean in context of the RHNA?

HB 2003 requires that the analysis must classify housing by “Affordability” which is housing that is affordable to households with:

1. Very low income - income at or below 50 percent of the area median income
2. Low income - income above 50 percent and at or below 80 percent of the area median income
3. Moderate income - income above 80 percent and at or below 120 percent of the area median income
4. High income – income above 120 percent of the area median income

“Area median income” is defined in the bill as the median income for households established by the United States Department of Housing and Urban Development. OHCS defines affordability as a household spending no more than 30% of their gross income on housing costs.

How will this analysis be used?

The purpose of the RHNA as prescribed in HB 2003 is to conduct a one-time feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration. The analysis will summarize the findings of the regional housing needs analysis, estimate of housing stock, housing shortage analysis and estimate of housing necessary to accommodate growth.

The legislative report provided by the Department of Land Conservation and Development will evaluate the methodology and assessment produced by Oregon Housing and Community Services. You can read about the specific requirements of this report in [Section 2](#) of the bill.

Housing Needs Analysis (HNA)

Which jurisdictions are required to conduct a Housing Needs Analysis?

HB 2003 requires adoption of a statewide schedule for cities with a population greater than 10,000 to update a local Housing Needs Analysis (HNA).

When will they need to complete a Housing Needs Analysis?

Cities within Metro will be required to update HNAs every six years, cities outside Metro must update every eight years. You can find a completed Housing Needs Analysis Update Schedule here: <

https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf>

Housing Production Strategy (HPS)

What is a Housing Production Strategy? Which jurisdictions are required to produce a Housing Production Strategy?

HB 2003 requires cities with a population greater than 10,000 to prepare and adopt a housing production strategy, in accordance with rules adopted by DLCD. A Housing Production Strategy (HPS) is an extension of a Housing Needs Analysis and must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA.

When will they need to produce a Housing Production Strategy?

A city is required to adopt a Housing Production Strategy within one year of the adoption of their six or eight year Housing Needs Analysis.

What strategies will a jurisdiction need to incorporate in their HPS?

A housing production strategy (HPS) must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA. This may include:

1. The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable.

2. The creation of financial and regulatory incentives for development of needed housing, including creating incentives for needed housing at higher densities or that is affordable.
3. The development of a plan to access resources available at local, regional, state and national levels to increase the availability and affordability of needed housing.

Currently, the Department of Land Conservation and Development is developing rules that will provide further guidance on specific actions that a jurisdiction can incorporate into Housing Production Strategies they develop and adopt.

Will there be enforcement for jurisdictions to implement strategies identified in their HPS?

Section 6 of [HB 2003](#) establishes Land Conservation and Development Commission (LCDC) enforcement authority to ensure Housing Production Strategy implementation and progress. Specific parameters for enforcement is currently under development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2003?

The required timeline for compliance with HB 2003 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Implementation

Rulemaking

What rules will be adopted for HB 2001 and HB 2003?

In response to HB 2001 and HB 2003, the Land Conservation and Development Commission has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. These include administrative rules for the following elements of HB 2001 and HB 2003:

- Infrastructure Based Time Extension Request
- Middle Housing in "Medium" Cities
- Middle Housing in "Large" Cities
- Housing Production Strategy

To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process. You can find out more information about committee meetings on the [Housing Rulemaking](#) page.

When will Administrative Rules be adopted?

Each set of Administrative Rules has its own timeline for adoption based on statutory deadlines and priorities of LCDC. They are listed below.

Infrastructure Based Time Extension Request – To provide local governments sufficient time to develop an IBTER, LCDC aims to adopt administrative rules by early August 2020.

Middle Housing in “Medium” Cities – The statutory required adoption date for administrative rules is December 31, 2020, but to provide local governments sufficient time to develop and adopt middle housing code, LCDC aims to adopt a model code and administrative rules by early August 2020.

Middle Housing in “Large” Cities – The statutory required adoption date for administrative rules is December 31, 2020. The anticipated date of LCDC rule adoption is November 12-13, 2020.

Housing Production Strategy – There is no statutory deadline for Housing Production Strategy rule adoption. The anticipated date of LCDC rule adoption is November 12-13, 2020.

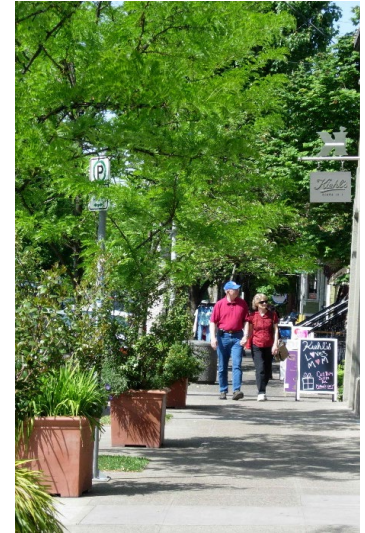
How do I provide comments to DLCD, the Land Conservation and Development Commission, the Rulemaking Advisory Committee, or the Technical Advisory Committee during the rulemaking process?

You are welcome to submit comments electronically or in-person during the rulemaking process. If you would like to submit comments electronically, please submit them to housing.dlcd@state.or.us. If you would like to attend a Rulemaking or Technical Advisory Committee meeting and submit comments in-person, please visit the [Housing Rulemaking](#) page for additional information on time and location of these meetings.

HB 2001 | Medium Cities



DLCD



Sean Edging, Housing Policy Analyst
Department of Land Conservation and Development



Oregon's Housing Initiatives

Housing Choices
(HB2001)

Housing Needs and
Production (HB2003)

Housing Program
Webpage:
[https://www.oregon.gov
/lcd/UP/Pages/Housing
-Resources.aspx](https://www.oregon.gov/lcd/UP/Pages/Housing-Resources.aspx)

Historic Context

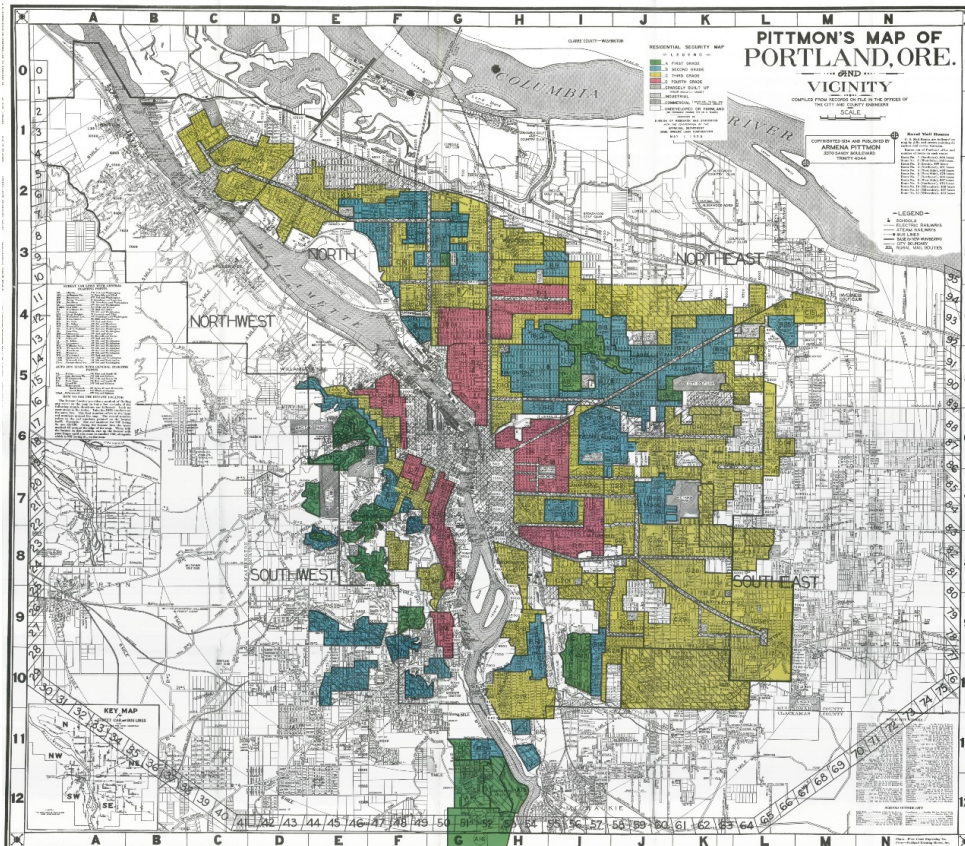


Middle housing is not a new concept

Many examples of historic middle housing among single-family homes

Became illegal with emergence of “single-family exclusionary zone”

The Past Hasn't Gone Anywhere



Explicit historic connection between single-family exclusionary zoning and racial & economic segregation

e.g. historic residential security maps to assess credit risk of neighborhoods

A "Best"

B "Still Desirable"

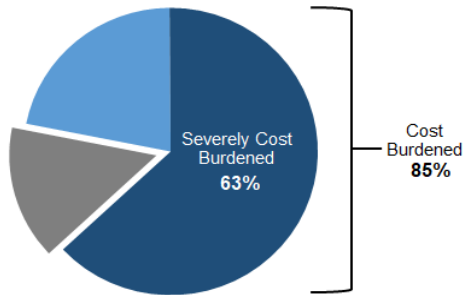
C "Definitely Declining"

D "Hazardous"

The Past Hasn't Gone Anywhere

Large majority of low-income renters struggle to afford housing

Share of Oregon renter households making less than \$25,000 in 2016 that were cost burdened

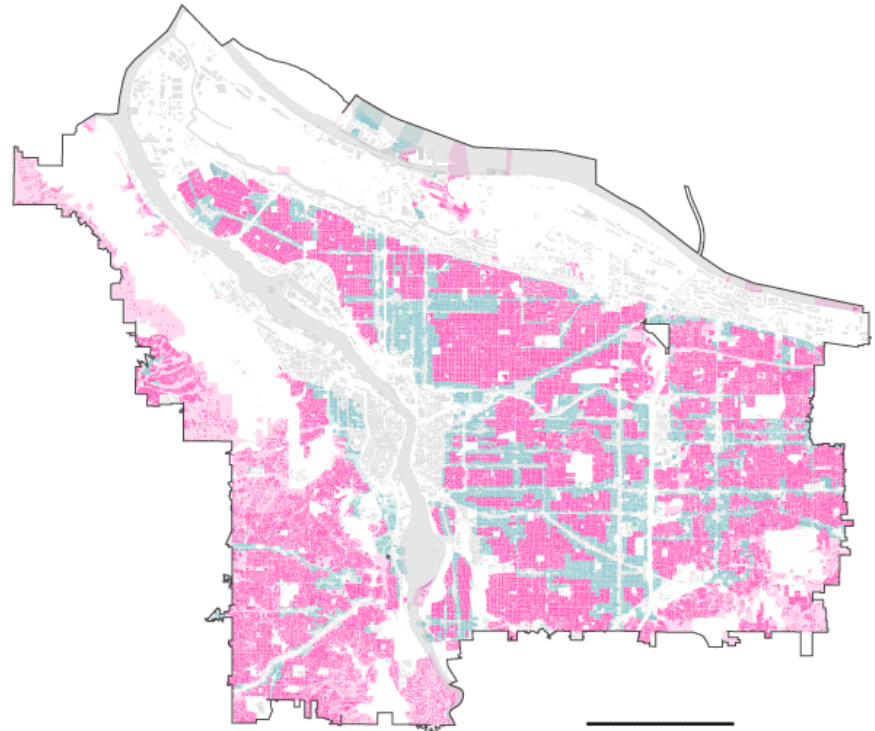
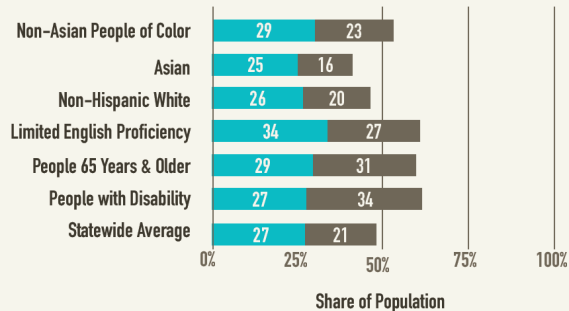


Cost-burdened households spend more than 30% of their income on housing; severely cost-burdened households spend over 50%.

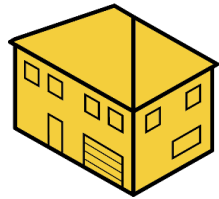
Source: OCPP analysis of Census Bureau American Community Survey data.

OREGON CENTER FOR PUBLIC POLICY | OCPP.ORG

Exhibit 1. Rent Burdened and Severely Rent Burdened, Selected Demographic Characteristics, Oregon, 2018

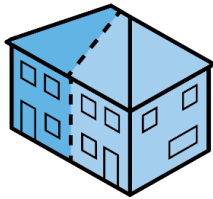


House Bill 2001 enables



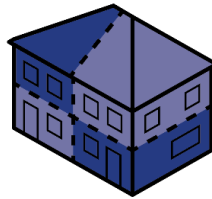
Single-Family
Detached

in cities >10,000
population

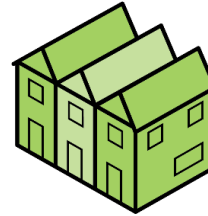


Duplexes
“on each lot
or parcel...”

in cities >25,000 population, Metro cities >1,000
population, and urbanized portions of Metro counties



Triplexes and
Quadplexes



Townhouses



Cottage Clusters

“in areas...”

“...that allow(s) for the development of detached single-family dwellings”

House Bill 2001



Regulation Allowed

The Middle Housing Bill enables both Medium and Large Cities to regulate siting and design of middle housing types.



Model Code and Administrative Rules

DLCD/LCDC directed to
adopt a **model code**

Written such that cities
can apply directly

Cities that don't adopt their
own compliant codes must
apply the model code
directly (June 30, 2021)

Administrative rules
allow for additional range
of standards

Oregon Administrative Rules Chapter 660, Division 46
Middle Housing in Medium and Large Cities

**Purpose, Applicability,
Definitions, Process, etc**

Minimum Compliance Standards

**Spectrum of Reasonable Siting and Design
Standards**



OAR 660-046

City of Sandy Staff-led Code Amendments



Staff Report

Meeting Date: March 15, 2021

From Mike Walker, Public Works Director
Ordinance 2021-2 Amending Title 13 - Water and Sewer Sandy

SUBJECT: Municipal Code

BACKGROUND:

At their February 1st work session the Council reviewed proposed changes to Title 13 of the Municipal Code. Staff prepared a summary of the comments and questions from the work session and sent it to the Council for review on February 12th. Based on the comments from the work session subsections B and C of Section 13.12.010 were deleted; Section 13.12.040 was deleted in its entirety and the ten day timeline in Section 13.14.02(A) was clarified to reflect a 10 business day time frame. The City Attorney made a few changes shown in purple in sections 13.12.100, 13.12.140 and 13.14.030 of the redlined document. Staff recommends that all other proposed changes remain as is.

BUDGETARY IMPACT:

None, revenue neutral. A small fee (\$50) is established in 13.14.030 to cover the cost of ensuring compliance with the provisions of section 13.14.

RECOMMENDATION:

Approve the proposed changes to Title 13 - Water and Sewer of the Sandy Municipal Code

SUGGESTED MOTION:

I move to approve the first reading of Ordinance 2021-2.

LIST OF ATTACHMENTS/EXHIBITS:

- Ordinance 2021-2
- Title 13 - redlined



NO. 2021-02

AN ORDINANCE AMENDING TITLE 13 - WATER AND SEWER OF THE SANDY MUNICIPAL CODE

Whereas, The City Council desires to update Title 13 - Water and Sewer of the Sandy Municipal Code in order to reflect current practices, eliminate outdated references and better manage the water and sewer utilities; AND

Whereas, The proposed changes will provide the City with the ability to inspect, repair and replace sanitary sewer laterals on private property if found to be a source of inflow and infiltration into the wastewater collection system thus reducing wet weather flows to wastewater conveyance, pumping and treatment facilities; AND

Whereas, The proposed amendments were made available for public comment in January and the City Council reviewed the proposed amendments at their February 1st Work Session and instructed staff to make certain changes which have been incorporated in this amendment.

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

Section 1: Title 13 - Water and Sewer of the Sandy Municipal Code is deleted in its entirety and replaced with Exhibit A, attached.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 15 day of March 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-02

EXHIBIT A

Title 13 WATER AND SEWER

Chapter 13.04 WATER SYSTEM-RULES AND REGULATIONS

13.04.010 Application for water use.

Application for the use of water shall be made on forms furnished by the city. Said application shall be made at the time a building or plumbing permit is applied for. The applicant or applicants shall agree to conform to the rules and regulations of the city, now or hereafter in effect, as a condition for the use of water. (Ord. 38-75 § 1, 1975; Ord. 10-73 § 2, 1973.)

13.04.030 Restriction on water use.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his or her application. No user of water will be entitled to supply water in any way to other persons or users. (Ord. 10-73 § 4, 1973.)

13.04.040 Connection.

The materials for the connection the public water supply system, including the meter, shall be and remain the property of the city. All connections to public water mains shall be done under the direction of the public works director, or their designee. The meter shall be placed in the public right-of-way or in a dedicated utility easement. Water service laterals and connections are those pipes and connections which convey water from the public water main to the water meter. All public water mains, service laterals connections and appurtenances shall be under the exclusive control and ownership of the city, and no person, other than the public works director or their designee, will be permitted to install any service laterals or connections or make any repairs or alterations or changes in any public water lines, service laterals, connections and meters. (Ord. 10-73 § 5, 1973.)

13.04.045 Changes in service.

When new buildings are to be erected on the site of old ones or it is desired to increase the size or change the location of an existing service connection, or where a service connection to any premises is abandoned or no longer in use, a new service shall be required, as needed, upon application of the occupant and upon payment for a new connection including all applicable Systems Development Charges. Water service shall be considered abandoned if utility bills, including any unpaid balance remain unpaid for twelve consecutive billing cycles. (Ord. 38-75 § 2, 1975; Ord. 10-73 § 5A, 1973.)

13.04.050 Placement of stop and waste cocks.

All private service pipes from the property line shall be properly installed and at all times maintained in good order by the owner with no leakage or wasting of water. (Ord. 10-73 § 6, 1973.)

13.04.070 Separate service for each house-Exception.

A separate service and meter will be required for each parcel or legal lot of record that is to be supplied with water. (Ord. 10-73 § 8, 1973.)

13.04.080 Conditions under which water will not be furnished.

Water will not be furnished where there are active or potential, unprotected cross-connections as defined in Section 13.06. (Ord. 10-73 § 9, 1973.)

13.04.090 Plumber-Prohibited actions.

No plumber or other person will be allowed to make any alteration in any conduit, pipe or other fixture

connecting with the city mains or to turn water off or on the premises at the meter without permission from the city. (Ord. 10-73 § 10, 1973.)

13.04.110 Interrupted service.

The water may at any time be shut off from the mains, without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. (Ord. 10-73 § 13, 1973.)

13.04.130 Monthly reports by administrative office.

The administrative office shall prepare a monthly report indicating: the number of customers (by customer class); the amount of water produced and sold, together with such other data as the council may require. (Ord. 10-73 § 14, 1973.)

13.04.140 Records.

Utility staff shall, as a part of their duties, record the address, parcel number, meter number of all premises where water is furnished by the city, and shall furnish a record of such to utility billing staff for purposes of accurate billing. Utility staff shall also keep and maintain accurate hard copies and digital records of all pipes, valves, fittings, hydrants, services and other appurtenances within the water system. (Ord. 10-73 § 15, 1973.)

13.04.150 Use of fire hydrants.

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned by the city or connected to the public water system without first obtaining written permission from the city. The provisions of this section shall not apply to emergency or other uses by the Sandy Rural Fire Protection District No. 72. The city may require that accurate records or estimates of City water used for fire suppression, training or other uses by the Sandy Rural Fire Protection District No. 72 be submitted on a regular basis but not more frequently than monthly. (Ord. 10-73 § 16, 1973.)

13.04.160 Fire protection service.

Fire protection pipes to be used in case of fire will be allowed within and without buildings on the following conditions:

A. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that unapproved connections have been added to the system or that registration has been recorded on the meter or detector check, the immediate installation of a billing meter on the fire service line may be required by the city at the sole expense of the owner or agent.

B. No charge shall be made for water used in the extinguishing of fires if the owner or agent reports such use to the city in writing within ten days of such usage. A minimum service charge for fire protection purposes established by Council resolution may be billed each month to the owner or agent of the property supplied. (Ord. 10-73 § 17, 1973.)

13.04.170 Use of private water and city water.

Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily between the city water supply and that of a private water supply. Where such connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross-connection has been completely and permanently severed. (Ord. 10-73 § 18, 1973.)

13.04.180 Water for building purposes on meter basis.

If the owner or agent of any premises applies for water service and the meter has been installed, water shall be furnished for building purposes at meter rates, to be charged against the premises. (Ord. 10-73 § 19, 1973.)

13.04.190 Ownership, damage and registration of meters.

All meters of the city water system are the property of the city, and any repairs to said meters shall be made by the city. If a meter is burned out by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, the city will repair or replace the meter, and the cost of such repairs or replacement shall be charged against the owner of the property and if not paid within thirty days, shall then become a lien against said property. When a meter fails to register accurately, the charge shall be either based on the average quantity of water used, as shown by the meter when in order, or if there is no such average consumption, then the quantity of water used during the same billing cycle in the prior year shall be used. If freezing or snowing weather shall make reading of the meters impracticable, an estimated reading shall be made by the city during the time such conditions exist. Estimated readings for other just conditions affecting reading of a meter shall be made only on approval of the city. (Ord. 10-73 § 20, 1973.)

13.04.200 Services outside the city.

A. Excess water of the city, as determined by the council, may be served to individual users, companies or water districts outside the city boundaries, under such rates, charges and rules as the council may from time to time prescribe, or as outlined under special contracts. All regulations now or hereafter that affect the users inside the city shall apply to users outside the city, except as provided by the council. Service to users outside the city shall at all times be subject to the prior superior right of residents of the city to said water. The city shall have the right to refuse to sell water to consumers who do not comply with the requirement of this section.

B. The city may require annexation prior to service extension if such annexation is practical and in the best interest of the city. If annexation is not required, the owner must enter into an agreement for future annexation to the city, upon the city's request in an agreement form, satisfactory to the city attorney. The water service extension will be installed to city standards. A person or persons requesting service extension will bear all costs of the extension of the service, including, but not limited to, the cost of public lines and any oversizing as specified by the public works director. A water service connection will be provided only for a permitted use as identified in the Clackamas County Development Code and the City Comprehensive Plan. The extension of water service facilities shall follow an approved shadow plat design for future extension of infrastructure for the site, which meets the satisfaction of the city. No service extension shall conflict with existent natural hazards and/or goals criteria.

(Ord. 5-93 § 1, 1993; Ord. 10-73 § 21, 1973.)

13.04.220 Regulations pertaining to inadequate supply or shortages of water.

A. Upon determination that water consumption exceeds availability and/or water storage within the system is approaching the minimum required to meet fire protection and other essential requirements, as determined by the city manager, the city manager shall have authority to request voluntary reduction of water use by customers, including but not limited to the following specific actions:

1. Requesting patrons to limit landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requesting voluntary compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered days, and odd numbered addresses on odd numbered days);
3. Requesting other voluntary measures on the part of city customers.

B. Upon determination of serious water shortages by the city council, the city council may declare an emergency restricting certain uses. Pursuant to such action the city council may impose the following measures:

1. Prohibiting landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requiring compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered dates, and odd numbered addresses on odd numbered days.);
3. Restricting other outdoor uses as determined by the city council.

C. Upon determination of critical water shortages by the city council, the city council may declare an emergency prohibiting certain uses. Pursuant to such action by the city council it shall be expressly prohibited to:

1. Water, sprinkle or irrigate lawns, grass or turf unless:
 - a. It is new lawn, grass or turf that has been seeded or sodded after March 1st of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established,
 - b. Lawn, grass or turf that is part of a commercial sod farm,
 - c. High use athletic fields that are used for organized play,
 - d. Golf tees and greens, and
 - e. Park and recreation areas deemed by the city council to be of a particular significance and value to the community that would allow exception to the prohibition;
2. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas unless:
 - a. In the opinion of the city council there is a demonstrable need in order to meet public health, safety requirements including but not limited to alleviation of immediate fire or sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality,
 - b. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction and not solely for aesthetic purposes;
3. Washing cars, trucks, trailers, tractors, or other land vehicles or boats or other water borne vehicles except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism unless the city council finds that the public health, safety and welfare is contingent upon frequent vehicle cleaning such as cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law.

D. Upon determination that the restrictions and/or prohibitions permitted pursuant to this section have not reduced water consumption to the level necessary to eliminate emergency water conditions, the city council may as an additional conservation measure adopt a temporary conservation water rate schedule. The city council may do so by the passage of a resolution.

E. Any violation of the restrictions or prohibitions permitted by this section shall be enforced by the city as follows:

1. The city shall personally deliver a notice of violation to the occupant of the premises. If the occupant is not present, the city may post the same on the premises advising the user of the violation and warning the user of

what specific sanctions may be imposed if the violations continue. The city shall also mail the notice of violation by regular mail to the occupant at the address of the subject premises where the violation has occurred.

2. The following penalties may be imposed if violations continue:

Second violation
\$100.00 Fine
Third violation
\$300.00 Fine
Fourth and subsequent violations \$500.00 Fine

In the case of continuing violations, the city also has the authority to discontinue water service.(Ord. 12-92 §1, 1992: Ord. 10-73 § 23, 1973.)

13.04.240 Private pipe or main-Council permission required.

No person shall be permitted to lay any private pipes or mains in or upon any public right-of-way, street or road in the city without issuance of a revocable permit by the council. (Ord. 10-73 § 26, 1973.)

13.04.250 Violation-Penalty.

Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff for any other part of the water system belonging to the city, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court of said city be fined in the sum of not more than one hundred dollars for each offense, or by imprisonment for a period of not more than ten days, or by both fine and imprisonment. (Ord. 10-73 § 25, 1973.)

**Chapter 13.06
CROSS-CONNECTIONS**

13.06.010 Purpose and scope.

The purpose of this chapter is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers. (Ord. 9-82 § 1 (part), 1982.)

13.06.020 Definitions.

- A. "Backflow" shall mean the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.
- B. "Backflow prevention device (approved)" shall mean a device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of back-flow prevention devices by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an "approved testing laboratory," recommending such approval.
- C. "Backflow prevention device (type)" shall mean any approved device used to prevent

backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

D. "Contamination" shall mean the entry into or presence in a public water supply of any substance which may be deleterious to health and/or quality of the water.

E. "Cross-connection" shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

F. "Director" shall mean the director of public works of the city of Sandy, or authorized agent.

G. "Hazard, degree of" shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

H. "Hazard, health" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

I. "Hazard, plumbing" shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

J. "Hazard, pollutional" shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

K. "Hazard, system" shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

L. "Health Division Officer" shall mean the Oregon State Health Division Officer, or authorized agent.

M. "Potable water supply" shall mean any system of water supply intended or used for human consumption or other domestic use.
(Ord. 9-82 § 1 (part), 1982.)

13.06.030 Cross-connections.

The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules chapter 333 Public Water Systems Section 42-230. The director shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter. The building official is authorized to enforce the provisions of this chapter in the inspection of existing, new, and remodeled buildings. (Ord. 9-82 § 1 (part), 1982.)

13.06.040 Use of backflow prevention devices.

A. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this chapter. Service of water to any premises shall be discontinued by the city if a back-flow prevention device required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

D. Backflow prevention devices shall be installed under circumstances including but not limited to the following:

1. Premises having an auxiliary water supply;
2. Premises having cross-connections that are not correctable, or intricate planning arrangements which make it impractical to ascertain whether or not cross-connections exist;
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
4. Premises having a history of cross-connections being established or re-established;
5. Premises on which any substance is handled under pressure so as to permit entry into the

public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result;

7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:

- a. Hospitals, mortuaries, clinics,
- b. Laboratories,
- c. Metal plating industries,
- d. Piers and docks,
- e. Sewage treatment plants,
- f. Food or beverage processing plants,
- g. Chemical plants using a water process,
- h. Petroleum processing or storage plants,
- i. Radioactive material processing plants or nuclear reactors,
- j. Facilities with fire service lines as specified by Oregon State Health Division,
- k. Others specified by the city.

E. The type of protective device required shall depend on the degree of hazard which exists:

1. An air-gap separation or a reduced- pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.

2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure- principle backflow prevention device shall be installed.

F. Backflow prevention devices required by this chapter shall be installed under the supervision, and with the approval, of the city.

G. Any protective device required by this chapter shall be approved by the director.

H. These devices shall be furnished and installed by and at the expense of the

customer.

I. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the director deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the director. It shall be the duty of the director to see that these timely tests are made. The customer-user shall notify the director in advance when the tests are to be undertaken so that the director or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the director.

J. No underground sprinkling device will be installed without adequate backflow prevention devices.

K. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.
(Ord. 9-82 § 1 (part), 1982.)

13.06.050 Cross-connection inspection.

A. No water shall be delivered to any structure hereafter built within the city of Sandy or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.

B. Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the director, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

C. Inspections shall be made at the discretion of the director of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the city.
(Ord. 9-82 § 1 (part), 1982.)

13.06.060 Liability.

This chapter shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections. (Ord. 9-82 § 1 (part), 1982.)

13.06.070 Penalties.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the city, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine in a sum not exceeding five hundred dollars or imprisonment for

a term not exceeding ten days, or by both fine and imprisonment. (Ord. 982 § 1 (part), 1982.)

Chapter 13.08 WATER SYSTEM-CONNECTION CHARGES AND RATES

13.08.010 Connection charges.

When an application for water service has been made, as provided for in Chapter 13.04, a connection charge for each living unit as established by the city council by resolution, plus the cost of meter and connections, system development charges and applicable installation charges at the actual cost of same or at city's established fee schedule, shall be paid for connections inside the city limits. The connection fee for connections outside the city limits shall be set by the city council by resolution for each living unit, plus the cost meter and connections, system development charges and applicable charges for installation at the actual cost of same or at the city's established fee schedule. (Ord. 18-93 § 8, 1993; Ord. 387 § 1(A), 1987; Ord. 1480 § 1, 1980; Ord. 279 § 1, 1979; Ord. 3875 § 3, 1975; Ord. 973 § 2, 1973.)

13.08.020 Water Charges to Premises: Payment/Delinquent Charges.

All charges for furnishing water through the City's utility system with the exception of rental premises, shall be chargeable to the premises where the water is supplied. Charges for rental premises shall be charged to the owner of the premises who must consent to responsibility for charges where water is supplied. Whenever any charge for furnishing to any premises should not be paid within fifteen (15) days after the same becomes due and payable, the city may terminate water service to such premises, and water shall not be furnished again thereto until all outstanding obligations for water supplied to such premises have been paid in full. Written notice of termination of water service for non-payment of water charges shall be given to the owner or occupant by regular mail, or by posting on the premises at least ten (10) days in advance of such termination of service. In the case of rental premises, the aforesaid notice shall be given both to the tenant and to the owner of the premises. For the purposes of this chapter, the terms "owner" and "tenant" shall have the meaning as defined in ORS 91.705. (Ord. 18-93 § 9, 1993; Ord. 11-91 § 2, 1991; Ord. 3-87 § 1(B), 1987; Ord. 9-73 § 3, 1973; Ord. 2001-02 § 1.)

13.08.050 Water rates.

A. Water rates, as permitted by this section are based upon actual costs of service, as reflected in the methodologies contained in the city's current utility rate model.

B. The water rates permitted by this section include a number of components. These components include the following:

1. A monthly service charge for each individual customer class;
2. A monthly service charge by meter size, with different rates for inside and outside city customers;
3. A volume charge per each one hundred cubic foot unit of consumption, with different rates for inside and outside city customers based upon individual customer classes;
4. An inside/outside rate differential setting total outside city rates at the sum of fifty percent over total inside city rates.

C. The monthly charges for individual water rate components shall be set by the city council by resolution. (Ord. 18-93 § 10, 1993; Ord. 13-92 § 1, 1992; Ord. 6-91 § 1, 1991; Ord. 9-90 § 1, 1990; Ord. 3-87 § 1(D), 1987; Ord. 19-81 § 1, 1981; Ord. 14-80 § 2, 1980; Ord. 2-79 § 2, 1979; Ord. 973 § 1, 1973.)

13.08.060 Testing meters.

When any water customer makes a complaint that the consumption amount for any particular billing cycle is excessive, the city will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested, he will be required to make a deposit in an amount established by the city council by resolution to cover the cost of making such test. The meter will then be tested by an independent third-party. Should the meter upon testing show a registration in excess of three percent of actual usage, the amount deposited will be refunded and the bill for the period in question adjusted accordingly. The excess registration not to exceed the two previous billing cycles shall be credited to the account. Where no error is found, the amount deposited will be retained to cover the expense of testing. (Ord. 18-93 § 11, 1993: Ord. 973 § 8, 1973.)

13.08.070 Use of funds.

Water service charges as and when collected shall be paid into a fund designated as the water fund. Payment of the operational costs of the city's water system costs associated with improvements of the city's water system shall be made from said funds. Moneys received in this fund are to be invested by the city manager in such manner as the council may from time to time direct. (Ord. 3-87 § 1(E), 1987: Ord. 1-80 § 1, 1980: Ord. 2-76 § 1, 1976: Ord. 9-73 § 10, 1973.)

13.08.080 Water shut-off on failure to comply.

On failure to comply with the rules and regulations established herein, or any of them as conditions to the use of water, or failure to pay water rates or other charges in the time and manner provided, the water may be shut off until payment is made in the amount due. Additionally, a reconnection fee will be charged for expenses of turning the service off and on.

These reconnection fees shall be established by resolution by the city council. (Ord. 18-93 § 12, 1993: Ord. 3-87 § 1(F), 1987; Ord. 8-82, 1982: Ord. 9-73 § 5, 1973.)

13.08.090 Violation-Penalty.

Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed one hundred dollars or imprisonment of not to exceed ten days, or both. (Ord. 9-73 § 9, 1973.)

**Chapter 13.12
SANITARY SEWER SYSTEM-RULES AND
REGULATIONS²**

13.12.010 Application for sewer connection or repair.

A. No private sanitary sewer or sewer lateral shall be built, repaired, extended or connected to any public sanitary sewer unless and until an application has been made and plans for same submitted to and approved by the city.

B. All applications for sewer connection permits shall be made by the property owner or by the person, firm, or company employed to perform the work. The plan shall show the whole course of the private sewer from its connection with the house or building to the public sewer and show the location of all branches.

13.12.020 Permit.

The city shall issue a permit therefor upon payment of the city's sewer connection fee and applicable system development charges, which sum shall be paid and collected before the permit shall be issued or any construction or work performed. (Ord. 3-73 § 2, 1973.)

13.12.030 Connection.

Wherever there is now or may hereafter be constructed in any right-of-way, street or easement, a public sewer for the purpose of conveying wastewater, the owner(s) of improved property abutting on, adjacent to or along the side of such sewer line and/or within two hundred feet of the terminal end of same, must connect and maintain a sewer connection with such sewer if the property poses a public health risk due to a failing or improperly maintained on-site sewage disposal system as determined by county or state public health officials. Whenever Clackamas County Water Environment Services, the Oregon Department of Environmental Quality or the city shall notify in writing the owner or owners of improved property as stated, it shall be the duty of the owner or owners to make a sewer connection application and file plans therefor in the manner provided and complete such connection within sixty days from the date of such notice, unless good and sufficient reasons prevail, whereby the city council may approve an extension of time. (Ord. 99-4, 1999: Ord. 3-73 § 3, 1973.)

13.12.050 Joints.

All joints shall be gas and watertight, in accordance with the testing and acceptance procedures in the Oregon Plumbing Specialty Code. (Ord. 3-73 § 5, 1973.)

13.12.060 Connections to the main sewer.

Where no public lateral is extended to a property, the main sewer shall be tapped and a lateral extended to the property. All service laterals shall be made under the supervision of the city engineer, public works director or someone under their direction. If the city makes the connection, it shall be done in accordance with the city's established fee schedule or at the actual cost of the lateral extension. If the property owner or their agent makes the connection such work shall comply with the standards and specifications of the City and the most recent version of the Oregon Standard Specifications for Construction (Ord. 33-75 § 1, 1975: Ord. 3-73 § 6, 1973.)

13.12.070 Excavations.

All excavations in public rights-of-way, streets or easements for sewer lateral connections shall be performed under the supervision and monitoring of the city engineer, public works director, or someone else under their direction. All trenches shall be carefully backfilled to prevent sags or changes in grade of the lateral. The entire sewer connection shall meet the approval of the city before any sewage is allowed to pass through to the public sewer. The city may require low-pressure air testing and video inspection of all sewer connections to ensure a water tight connection. Reasonable notice shall be given to the city to inspect all sewer connections before their completion and while said connections are still uncovered. (Ord. 33-75 § 2, 1975: Ord. 3-73 § 7, 1973.)

13.12.080 Prohibited Discharges.

The city shall have the right to refuse to issue a sewer connection permit, or the city shall have the right to disconnect and plug any existing sewer connection in case it is found that any of the following will be or have been discharged into the public sewer:

A. Ashes, cinders, sand, earth, coal, sawdust, wood chips, garbage, rubbish, rags, metal or any other material, liquid or chemical that would form a deposit or obstruction in the sewer or damage its flow capacity;

B. Grease, gasoline, oil, oil sludge, or other similar materials from wash racks, garages, machine shops and other establishments. An approved and properly sized grease trap or interceptor constructed to meet the approval of the city shall be required in any sewer connected to all wash racks, garages, machine shops, laundries, creameries, hotels, restaurants and other food service establishments that may waste fats, oils and grease, gasoline, cleaning fluids, inflammable liquids and similar material;

C. Paints, asphalt, bitumen, coal tar and other similar substances;

D. Wheat, flour, grain, fruit pits, fruit skins, vegetable parings and other similar material, except the waste liquid from processing

E. Garbage, tin cans, bottles, rubbish and other similar materials.

F. Any waste material or liquid which in the judgement of the city may obstruct or injure the sewers or which does not yield readily to treatment by the process used in the sewage treatment plant. No acid, corrosive liquid, germicide or antiseptic of such strength and quantity as to interfere with bacterial action in the sewage treatment plant shall be discharged into public sewers.

G. Discharges of materials listed in sections A, C, D, E and F above may be permitted if such discharges are properly pre-treated to be reduced to levels at or below that of standard residential wastewater as defined in Section 13.16.020(B) or upon issuance of a discharge permit approved by the City Engineer or their designee; (Ord. 2021-2, 2021)

13.12.090 Separate connections.

Separate sewer connections shall be provided for each parcel Party sewers serving more than one dwelling or parcel are prohibited. Existing party sewers may be allowed if all parties served by a common lateral sign and record an agreement outlining responsibilities for repairs, replacement and maintenance. (Ord. 3-73 § 9, 1973.)

13.12.100 On-Site Sewage Disposal Systems.

Where there are existing on-site sewage disposal systems in use prior to the provision of public sewer service a new sewer connection shall run direct from the home or building to the public sewer lateral. Immediately after connection, the on-site disposal system shall be abandoned or decommissioned in accordance with Oregon Department of Environmental Quality and/or Clackamas County Water Environment Services guidelines. All on-site systems shall be replaced with public sewer connections per the requirements of Section 13.12.030. (Ord. 3-73 § 10, 1973.)

13.12.110 Outdoor toilets.

No outdoor toilet or privy shall be permitted in the city except in an emergency situation during

a construction project or other unusual circumstances. Authorization for such must be granted by the city. (Ord. 3-73 § 11, 1973.)

13.12.120 Illegal hookups.

No spring, creek, surface water drainage, downspout, refrigerator, cooler, open fixtures, steam exhaust boiler, blow-off, or drip pipes shall be connected to the city sewer system without permission and the approval of the city. (Ord. 3-73 § 12, 1973.)

13.12.130 Unauthorized personnel.

No unauthorized person or persons shall enter into, obstruct or damage any manhole, sewer, pump station or anything pertaining to the city's sewer system. No unauthorized person or persons shall enter the sewer treatment plant enclosure or structures or tamper or interfere or damage same in any manner. No person or persons shall interfere with or obstruct any city official or city employee when installing, operating, repairing, maintaining or inspecting any sewer, manhole, pump station, or the sewage treatment plant or when inspecting any private sewer connection. (Ord. 3-73 § 13, 1973.)

13.12.140 Replacements on private property.

To the fullest extent allowed by law, and with at least twenty-four hour prior notice unless an emergency exists, the building official, the city engineer, public works director or any other authorized city employee or person shall have the right to enter upon the premises and enter any house or building connected to the sewage collection and conveyance system during normal working hours, eight a.m. to five p.m., for the purpose of inspection of sewers, drains, traps and plumbing fixtures connected therewith. Inspections include closed circuit television inspection of sewers using cameras inserted at the building cleanout or launched from the public sewer lateral. If it is found from such inspection or otherwise that any provision of this ordinance is not being complied with in any respect, or that any part of the drainage system is in need of cleaning out or repair, the city shall serve notice upon the owner and upon the tenant or occupant, specifying the work to be done to make the installation, system or condition comply with state law, the Oregon Plumbing Specialty Code and city ordinances and standards. (Ord. 3-73 § 14, 1973.)

13.12.150 Appeal from official decision.

Appeal may be made to the city council from any ruling or decision by the City either granting or refusing a sewer connection permit. (Ord. 3-73 § 15, 1973.)

13.12.160 Location map.

It shall be the duty of the city to maintain accurate hard copy and digital records of all sanitary sewer mains, manholes, cleanouts, laterals, pump stations and appurtenances. (Ord. 33-75 § 3, 1975; Ord. 3-73 § 16, 1973.)

13.12.170 Violation-Penalty.

Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed three hundred dollars, or by imprisonment for not more than one hundred days, or both. (Ord. 3-73 § 17, 1973.)

13.12.180 Recovery of damages.

Any person or persons who, as a result of violating any of the provisions of this chapter, cause any expenses, loss or damages to the city shall immediately become liable to the city for the full

sum of such expenses, loss or damages. The city council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 3-73 § 18, 1973.)

Chapter 13.14 INFILTRATION AND INFLOW

13.14.010 Notification, Sources of Infiltration and Inflow.

All property owners identified by the city as contributors to excessive or improper infiltration or inflow to the collection system and treatment works shall be advised in writing of infiltration and inflow issues. This chapter does not apply to discharges to the public storm drainage system authorized under chapters 13.18 and 13.20 of this title.

A. Drainage or inflow from roofs, foundation drains, low-point drains, gutters, uncontaminated cooling water or surface or ground water drains shall not be permitted to enter the city's sanitary sewer system. Leaks or infiltration due to cracked or damaged pipe, non-watertight joints or fittings and connections in or on private sewer laterals, including but not limited to building and side sewers, into the city's sanitary sewer system shall not be permitted. Neither temporary nor permanent drainage or pumped discharges from excavations into the city's sanitary sewer system shall be allowed. Overflows or drains from private or public swimming pools, fountains or water features into the city's sanitary sewer system shall not be permitted without prior written approval of the city.

13.14.020 Abatement Plans, Corrections and Actions Taken.

Any such properties causing inflow from stormwater runoff, or infiltration from groundwater including but not limited to sources described in section 13.14.010 A shall be provided an opportunity in which to correct and eliminate the infiltration and inflow sources in a timely manner as identified by the city.

A. Upon notification by the city of a source of infiltration or inflow originating on their property a property owner or an agent authorized to act on their behalf shall submit a written plan within ten business days of the date of the notification letter from the city which shall include steps and actions to be undertaken to correct and eliminate sources of infiltration and inflow.

B. Upon correction and elimination of identified infiltration and inflow sources, each property owner shall promptly notify the city of corrective actions that have been taken, or are in progress, which action shall be specified in the reply to the city.

13.14.030 Failure to Correct or Eliminate Infiltration and Inflow Sources, Abatement by City.

In the event of infiltration or inflow into the sanitary sewer system of the city continuing beyond the time identified for correction by the city, it is declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs. The assessment shall be levied by the filing of statement of the costs together with the

description of the name of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall enter such assessment as a lien against the property in the lien docket of the city. An administrative fee of \$50 shall be charged and collected by the city in addition to the other direct and incidental costs of abatement to cover the cost of notification, administration and abatement. Nothing in this subsection limits the city from pursuing any other remedy that is available to the city to correct or eliminate infiltration or inflow into the city's sanitary sewer system.

13.14.040 Additional Administrative Standards, Procedures and Criteria.

The City Council may by motion direct city staff to establish additional administrative standards, procedures and criteria for infiltration and inflow correction, elimination and abatement for the purpose of preventing and removing infiltration and inflow from the city's sanitary sewer system.

Chapter 13.16

SANITARY SEWER SYSTEM-CONNECTION FEES AND CHARGES

13.16.010 Authority and intent.

Pursuant to the statutes of the state and the powers granted in the Charter of the city, the city declares its intention to continue operation and maintenance of sanitary sewers, sewage pump stations, sewage treatment plants and outfall sewers; to extend and expand the existing sewerage system of said city, and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the city. (Ord. 4-73 § 1, 1973.)

13.16.020 Definitions.

A. "BOD" (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter (mg/l).

B. "ERU" (denoting equivalent residential unit) shall mean the unit of sewage which incurs the same cost for operation and maintenance as the average volume of domestic waters discharged from a single-family residence in the sewage collection and treatment service area. In the city one ERU shall be equivalent to ninety-two thousand gallons/year (two hundred fifty gallons/day) of sewage flow, one hundred ninety lbs. of BOD/year (two hundred fifty mg/l per day) and one hundred ninety lbs. of SS/year (two hundred fifty mg/l per day).

C. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

D. "Sewage" means a combination of the water-carried wastes, from residences, business buildings, institutions and industrial establishments.

E. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

F. "Sewer" means a pipe or conduit for carrying sewage.

G. "Sewerage system" means all publicly owned facilities for collecting, pumping, treating and disposing of sewage.

H. "SS" (denoting suspended solids) means solids that either float on the surface of (or are in suspension in) the water sewage or other liquids and which are removable by laboratory filtering.
(Ord. 5-88 § 2, 1988.)

13.16.030 Charges levied and imposed.

A. All houses, buildings or properties used for human occupation, employment, recreation or other purposes which are required to connect to the sanitary sewer collection system under the provisions of this chapter shall pay a systems development charge based on the number of equivalent residential units (ERU) generated by the type of use. ERUs for each type of use shall be calculated according to the following chart:

Type of Use	ERUs
Single-family, duplex, triplex	1 per household unit
Multi-family (4 or more units)	0.7 per household unit
Manufactured homes	1 per household unit
Room and board facilities	1 per three tenants
Motels	1 per three motel units
Restaurants	1 per 8 seats
Taverns, bar/lounge	1 per 15 seats
Hospitals and similar institutions	1 per 3 beds
Auto service stations	1 per 3 pumps
Car washes	1 per 250 gallons/day of water consumption
Theaters and other meeting places	1 per 250 seats
Churches	1 per 200 seats
Laundromats	1 per 2 washers
Bakeries	1 per 3 employees
Mortuaries	1 per 6 employees

Elementary schools and middle schools without showers	1 per 40 students
Middle schools with showers and highschools	1 per 20 students
Colleges	1 per 20 students
Office, retail	1 per 8 employees or 1,500 sq. ft. of office space if 6,000 sq. ft. of retail space, whichever results in the greater number of units
Other commercial	1 per 8 employees or 250 gallons per day of water consumption, whichever results in the greater number of units
Industrial and high-volume dischargers	1 per 250 gallons of metered wastewater discharge per day. If metered wastewater discharge is not available, 1 per 250 gallons per day of metered water consumption or 1 per 8 employees, whichever results in the greater number of units

When calculating ERUs for all user classes except multi-family, fractions will be rounded to the nearest full ERU. Multi-family ERUs will be calculated to the nearest tenth.

For expansions of existing uses a fractional ERU may be calculated based on the table above. In all other cases the minimum number of ERUs will be one.

Where there is no user class established for a new customer, the city manager shall evaluate and assign the appropriate numbers of ERUs.
(Ord. 18-96 §§ 1 - 3, 1997; Ord. 5-88 § 3, 1988.)

13.16.040 Rates.

The bimonthly service charge for all sanitary sewer system users shall be reviewed annually. Sewer rates shall be set by resolution of the city council. (Ord. 9-90 § 2, 1990; Ord. 2-87 § 1, 1987; Ord. 20-81 § 1, 1981; Ord. 1680 § 1, 1980; Ord. 479 § 1, 1979; Ord. 473 § 4, 1973.)

13.16.050 Payment and collections.

A. Every person subject to a charge hereunder shall pay the same when due to the administrative office.

B. Sewer service charges as and when collected shall be paid into a fund designated as the "sewer revenue fund." Payment of the costs of sewage collection and treatment, maintenance of sewage facilities, repairs and administrative costs therefor shall be made from said fund.

C. Sewer service charges as hereinbefore provided shall be collected monthly and if not paid on or before thirty days after the date of billing, said charges shall be deemed to be delinquent.

D. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served with sewage disposal facilities when such a delinquency as defined in subsection C of this section exists.
(Ord. 6-85 § 2, 1985; Ord. 4-73 § 5, 1973.)

13.16.060 Enforcement.

A. The administrative office of the city may use such means of collection as may be provided by the laws of the state or permitted by the charter and ordinances of the city.

B. Any delinquencies may be certified to the tax assessor of Clackamas County and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected and paid over.

C. In the event it becomes necessary to certify the service charges and delinquent charges established because of the nonpayment thereof, there shall be added to such charges a penalty in the amount of ten percent thereof.
(Ord. 4-73 § 6, 1973.)

13.16.070 Protection from damage.

No person or persons shall unlawfully, maliciously, willfully, or as a result of gross negligence on his or their part break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. (Ord. 4-73 § 7, 1974.)

13.16.080 Disbursement.

The council, by resolution or motion duly adopted, shall from time to time, and not less than once each fiscal year, direct the transfer of funds from the account to all or any of the following:

- A. The account or accounts for the construction, operation or maintenance of the sewerage system;
- B. The account or accounts for the payment of principal and interest on maturing sewer bonds;
- C. The account or accounts established for a sinking fund to meet future interest and principal obligations on sewer bonds.
(Ord. 4-73 § 8, 1973.)

13.16.090 Powers and authority of inspectors.

The building official, city engineer and other duly authorized employees or representatives of the city shall be permitted to enter upon all properties for the purpose of inspection in accordance with this chapter during normal working hours, eight a.m. to five p.m., and except upon emergencies, the giving of twenty-four hour notice. (Ord. 4- 73 § 9, 1973.)

13.16.100 Violation-Penalty.

- A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars or by imprisonment for not more than one hundred days, or both.
- B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars or imprisonment of not to exceed ten days, or both.
(Ord. 4-73 § 10, 1973.)

13.16.110 Recovery of damages.

Any person or persons who, as the result of violating any of the provisions of this chapter, cause any expenses, loss or damage to the city, shall immediately become liable to the city for the full sum of such expense, loss or damage. The council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 4-73 § 11, 1973.)

Chapter 13.18 STORM WATER MANAGEMENT

13.18.00 Intent

The intent of these regulations is to:

- A. Minimize storm water runoff
- B. Reduce storm water peak flows and volumes to pre-development conditions
- C. Increase groundwater recharge and evapotranspiration
- D. To minimize the discharge of pollutants to receiving water bodies

13.18.10 Definitions.

- **Best Management Practice (BMP) non-structural:** Strategies implemented to manage storm water runoff that focus on pollution prevention such as alternative site design, minimizing impervious surfaces, land use ordinances, education and good housekeeping measures.
- **Best Management Practice (BMP) structural:** Engineered or manufactured devices or structures implemented to manage, treat or reduce storm water runoff and pollution.
- **BOD:** Biochemical Oxygen Demand, the amount of oxygen used by microorganisms in the breakdown or decay of organic matter in a water body.
- **Building:** Any structure for the shelter, support or enclosure of persons, animals, or property. When separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.
- **Detention:** The temporary storage and slow release of storm water following a precipitation event by means of an excavated pond, enclosed depression, piping or tanks. Detention is used for storm water storage and peak flow reduction.
- **Developer:** The owners of property or their agents or contractors, or their successors and assigns, who have undertaken or are proposing development.
- **Development:** Any artificial change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, excavation, vegetation removal, mining, dredging, filling, grading, compaction, paving, drilling, stream alteration or channeling, or other similar activities. For purposes of this section development also includes the redevelopment of existing developed sites.
- **Director:** means the City of Sandy Public Works Director and the director's duly appointed designees.
- **Impervious Surface Areas:** Areas of impervious material including but not limited to:

roofs, driveways, patios, sidewalks, parking areas, sports courts, non-porous concrete or asphalt streets

- **Impervious Surface:** A surface that cannot be penetrated by water, preventing infiltration and generating runoff.
- **Impervious:** Any material that impedes or prevents the natural filtration of water into the soil.
- **Imperviousness:** The degree to which a site or material is impervious.
- **Infiltration:** The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground.
- **Land disturbing activity:** Any clearing, grading, stripping, excavation, fill, or any combination thereof.
- **Lot:** A parcel of land occupied or intended for occupancy by one main building, together with any accessory buildings.
- **Off-site storm water facility:** Any storm water facility located outside the boundaries of a specific development site but designed to manage storm water discharge from that development.
- **On-site storm water facility:** Any storm water management facility necessary to manage storm water within an individual development project and located wholly within the project boundaries.
- **Point Source:** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.
- **Pollutant:** Any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture and industrial waste, and the characteristics of the wastewater (*i.e.*, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
- **Porous pavement and paving:** Alternatives to conventional asphalt and concrete utilizing a variety of porous media that allows water to infiltrate.
- **Public Works Department:** The City of Sandy Public Works Department.
- **Redevelopment:** Any development that requires demolition or removal of existing structures or impervious surfaces on a site, and replacement with new development, structures and impervious surfaces. Maintenance activities such as pavement overlays of existing impervious surfaces are not considered redevelopment.

- **Retention:** The collection and storage of storm water runoff without subsequent discharge to surface waters.
- **Site Expansion:** The addition of new building(s), structures, parking lot(s), or any other new impervious surface to the site. Construction of any new impervious surface on an area previously pervious, which does not meet the definition of redevelopment, as defined in this section shall be considered as expansion.
- **Site:** That portion of the lot or parcel upon which a building and appurtenances are to be placed or are already existing, including adequate areas for parking, maneuvering, driveways, clearance, and proper drainage.
- **Storm Frequency:** The average recurrence interval, in years, between rainfall events, which equal or exceed the given event. The magnitude and frequency of the anticipated rainfall events are based on statistical data recorded and maintained by the National Climatic Data Center. For example a 2-year frequency storm is a storm of an intensity which has a 50% chance of occurring in any year, or is expected to occur on the average, at least once in two (2) years, and of a duration, which will produce the peak rate of runoff for the watershed of interest.
- **Storm Water Conveyance:** Any feature of the landscape or earth, manmade or natural, which collects and or carries water in a concentrated flow.
- **Storm Water Management Plan:** A plan designed and submitted in accordance with the City of Portland *Storm water Management Manual*, (September 2002 or latest revisions) to minimize water quality impacts, prevent off-site sediment transport and manage storm water runoff.
- **Storm Water Management:** The qualitative and quantitative measures for managing storm water runoff. Qualitative measures consist of vegetative, structural, and other measures which manage or treat pollutants carried or generated by surface runoff.
- Quantitative measures consist of vegetative and structural measures which manage the increased volume and rate of surface runoff caused by man-made changes to the land and have the effect of maintaining the predevelopment patterns of flood magnitude and frequency.
- **Storm water Runoff:** The water from precipitation that flows across the land surface and is not infiltrated, evaporated, or otherwise stored within the contributing drainage area of a site.
- **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 drainageways, stream corridors, rivers, ponds, wetlands and impoundments.
- **TSS:** Total Suspended Solids

13.18.20 Applicability.

It is the policy of the city that all developed land within the city limits shall have sufficient storm

water management systems in place to provide adequate protection of life, property and natural resources. To this end, as a minimum, all land disturbing activity subject to this ordinance, shall provide sufficient management of post-development runoff from the 2-year, 5-year 10-year, and 25-year frequency storms such that the discharge rates of post-development storm water runoff do not exceed the pre- development rates. In certain cases, depending on the capacity of downstream drainage facilities, (or in cases where the storm drainage system receiving runoff from the site is only designed to accept street runoff only), a higher standard of retention and/or detention may be required by the City.

13.18.30 Area of application.

A. Exemptions:

1. Developments such as subdivisions of planned unit developments with city-approved storm water management systems that meet the standards of this ordinance.
- 2 Single-family dwellings on legal lots of record.
3. Areas of the city, as determined by the director, where flow control is not needed or desirable.

Water quality treatment facilities may be required for land use developments, under any of the following conditions.

A. Any portion of the development site is within the FSH overlay district.

B The development may otherwise cause significant degradation of water quality in the receiving stream as a result of erosion, sedimentation or transport of water-born pollutants without detention or treatment.

C. The development site has an existing or proposed impervious surface area greater than 5,000 square feet.

D. The development involves impervious parking or storage areas, fuel storage or dispensing areas; vehicle storage, wash, maintenance or dismantling areas; or mechanical equipment storage or maintenance areas.

E. The development involves site expansion.

F. Infiltration is proposed for storm water management.

13.18.40 Acceptable storm water quality facilities.

The following storm water quality treatment methods and facilities are acceptable to the City:

A. Detention and sedimentation: Detention of storm water runoff allows for the settling of fine particles and sediment, and the pollutants associated with these particles.

B. Filtration: Filtration of storm water is provided by flowing water through various types of

media, such as vegetation, sand or synthetic materials, which absorb and filter out pollutants.

C. Retention/Infiltration: Retention or infiltration facilities allow for temporary storage and disposal of storm water by allowing the water to percolate into the ground.

D. Oil and Water Separation: Various types of commercially-available oil and water separators that use sedimentation, separate chambers, baffles, plates and or physical-chemical processes to separate water from oil products.

Different types of storm water facilities can be combined to meet the performance standard. Other storm water quality facilities not included in the above list may be approved by the city engineer. Design and performance criteria for acceptable storm water quality facilities are contained in *Storm Water Management Manual*, City of Portland, (2016, or most recent revision thereof).

13.18.50 General design standards.

A. The location of the facility shall be consistent with applicable standards of the Sandy Development Code.

B. The facility shall be designed by a registered Professional Engineer.

C. On-site or off-site storm water management facilities shall be located as close as is practicable to the development, and storm water management facilities shall avoid a negative impact on nearby streams, wetlands, groundwater, and other water bodies.

D. Direct storm water discharges to stream channels, seasonal drainages and active waterways are to be avoided. Where soil conditions permit and where runoff velocities and erosive forces can be minimized or eliminated storm water discharges should travel overland to take maximum advantage of infiltration opportunities.

E. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use.

F. Discharges from on-site facilities shall be conveyed via an approved drainage facility or storm water conveyance.

G. The quality of storm water leaving the site after development shall be equal to or better than the quality of storm water leaving the site before development, to the maximum extent practicable, based on the following criteria:

1. Water quality control facilities required for development shall be designed, installed and maintained in accordance with the *Storm Water Management Manual*, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the *Storm Water Management Manual*.

2. Land use activities that may be pollution sources shall be required to implement additional Best Management Practices for pollution control, including but not limited to, those management practices specified in the *Storm Water Management Manual*.

3. Facilities shall be designed to safely conduct the less frequent, higher flows through or around facilities without damage to the facilities.

4. Storm water for any parcel created after the effective date of this Chapter shall be fully treated on-site or within the original parcel from which the new parcel was created, or in a privately developed off-site facility with sufficient capacity, as determined by the City.

13.18.60 Storm water quality treatment performance standard.

All developments shall treat 80 percent of the average annual volume of storm water runoff for the site. This standard can be met by installing storm water quality treatment facilities to satisfy the following design criteria:

A. Detention based storm water quality control: The required design volume for detention-based control is equal to the entire runoff volume that would occur from a site with a 1.2-inch, 12-hour storm. The draw-down time for the entire volume must be greater than or equal to 48 hours. For the lower half of the detention volume, the draw-down time must be greater than 36 hours. Additional design criteria for inlet and outlet spacing and design, as well as guidelines for calculating volumes, are contained in the Public Works Department Standards.

B. Flow-through based storm water quality control: the required design flow rate for treatment is the runoff that would be produced from a rainfall intensity of 0.2 inches/hour for on-line facilities, and 0.11 inches/hour for off-line facilities. This rate must be maintainable for a minimum of three hours. Additional design criteria for flow calculation, as well as specific treatment criteria for various types of storm water facilities (e.g., infiltration and storm water filters), are contained in the Public Works Standards.

C. Combination detention based on flow-through based storm water quality control: Detention facilities may be combined with flow-through facilities. The applicant must demonstrate that the combined system could sufficiently treat storm water runoff for the runoff produced by the flow-through treatment rates of 0.2 inches/hour (on-line facilities), occurring for a three-hour period.

Storm water quality facilities selected for the site shall be appropriate to treat expected storm water pollutants based on the intended use of the site under full build-out conditions.

13.18.70 Pretreatment for storm water infiltration systems.

When proposed for use as a storm water quality facility, infiltration systems shall include appropriate pretreatment to remove pollutants expected from the intended use of the site under full build-out conditions.

13.18.80 Review procedures.

Review of storm water management plans is not a limited land use decision and shall be processed in the same manner as a building permit.

13.18.90 Approval or denial of storm water management plan.

After receipt of a complete storm water management plan, the director may order a technical

review of the plan by a qualified professional consultant- selected by the City. The cost of any such review shall be borne by the applicant.

A. Following completion of the technical review of the plan, the director shall:

1. Approve the application and indicate on the plans in writing if the plan as submitted conforms to the applicable technical guidelines. The City of Portland Storm Water Management Manual shall be the recognized authority; or
2. Return the plan to the applicant for required revisions.

B. The approved plan shall not be changed, modified, or altered without authorization from the director and shall be constructed as planned.

1. Such approval shall be a condition of subdivision or site plan approval.

13.18.100 Submission requirements.

The application shall provide sufficient information to evaluate the applicant's intent to include on-site storm water quality controls in order to reduce or eliminate the discharge of sediments and other storm water pollutants to the storm sewer or natural drainage channel (e.g., stream). The information contained in a storm water management plan shall include, at a minimum:

A. Site plan showing:

1. Location of the development site showing property lines, adjacent roads and streets and the development site boundaries
2. North arrow, scale, date
3. Locations of the storm water quality facilities (including inlet and outlet structures) with relation to buildings and other structures
4. Storm sewer system for the site
5. Natural watercourses (e.g., streams, wetlands, bogs and marshes) affecting the site
6. Existing and proposed drainage channels (temporary and permanent) and direction of flow
7. Direction of surface water flows
8. Identification of any rivers, streams, wetlands, channels, ditches, or other watercourses and associated setbacks on and immediately adjacent to the development site regulated by Chapter 17.60
9. Delineation of any wetlands, including both inventoried wetlands (LWI) and locally significant wetlands (LSW).

10. Documentation of conformance with applicable Sandy Development Code provisions.

B. Topographic Plan, certified by a registered engineer or land surveyor showing:

1. Topographic map delineating the drainage area served by each storm water quality facility
2. Calculations and estimated volume to be captured, conveyed and treated by each facility
3. The size and physical configuration (with supporting calculations) of each facility
4. Design details for any flow bypass or diversion devices.

In addition, any data required for submission in the City of Portland *Storm Water Management Manual* may also be required.

C. Submittals for storm water management facilities, including construction and installation requirements, and manufacturer's data, as appropriate.

D. A statement of the intended use of the site for full build-out conditions and the appropriateness of the selected storm water quality facilities for treating the storm water pollutants expected in relation to the land use.

E. The maintenance methods and frequencies necessary to ensure optimum performance of the storm water quality facilities over their projected life. Following areview of this information, the City shall work with the developer to determine maintenance responsibilities, and may require a maintenance agreement for the proposed storm water quality facilities.

13.18.110 Applicant's responsibility & maintenance.

A. Maintenance of private storm water quality system shall be the responsibility of the property owner. Maintenance responsibility shall include all elements of the system up to the point of connection with the public storm water system. Such connection shall besubject to the City's approval.

B. Maintenance requirements shall be specified in an approved maintenance plan at thetime of project acceptance.

C. Private storm water quality facilities are subject to periodic inspection by the City toensure proper maintenance and performance.

13.18.120 Warning and disclaimer of liability.

The degree of storm water management required by this ordinance is considered reasonable for regulatory purposes and is based on common engineering and scientific

practices. This chapter does not imply that areas approved for development will be free from surface water stagnation or non-point source pollution or that all water treatment projects to control the quantity and quality of runoff can be constructed cost-effectively. This chapter shall not create city liability for damage resulting from reliance on the provisions of this Section or any administrative decision lawfully made hereunder.

13.18.130 Referenced regulations.

All referenced regulations are available as specified below:

A. Storm Water Management Manual. The *Storm Water Management Manual* is maintained by the Public Works Department and is available for review at City Hall.

**Chapter 13.20
STORMWATER UTILITY**

13.20.010 Intent and scope.

A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair stormwater management systems within the city limits consistent with city policy, intergovernmental agreements and state law. Stormwater management systems are defined as those natural or man-made facilities used to convey stormwater from public or private places to appropriate destinations with minimal adverse impact. Included in the stormwater management system are drainage ditches, swales, culverts, manholes, pipes, detention ponds, streams, creeks, sumps, storage facilities, curbs, gutters, catchment basins, pump stations, and any other facility necessary for the conveyance or treatment of stormwater.

B. The Council finds, determines and declares the necessity of providing for the city's stormwater management systems by the formation of a stormwater utility.

C. Prohibited Activities. No person shall cause pollution of any waters of the city's stormwater management system or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the city's stormwater management system by any means. Wastes which are unlawful to discharge or cause to be discharged directly or indirectly into the city stormwater management system shall include, but not be limited to, the following:

1. Any discharge having a visible sheen such as, but not limited to, petroleum-based products;
2. Any discharge having a pH of less than 6.0 standard units (S.U.) or greater than 9.0 S.U.;
3. Any discharge that contains toxic chemicals in toxic concentrations;

4. Any discharge that contains visible floating solids;
5. Any discharge which causes or may cause visible discoloration (including, but not limited to, dyes and inks) of the receiving waters;
6. Any discharge which causes or may cause damage to the city's stormwater management system;
7. Any discharge which causes interference in the city's stormwater management system;
8. Any discharge which causes or may cause a nuisance or a hazard to the city's stormwater management system, city personnel or the receiving waters;
9. Any discharge with a temperature greater than one hundred fifty degrees Fahrenheit;
10. Any discharge (other than noncontact cooling water) from commercial or industrial operations such as, but not limited to, concrete waste, rug and carpet cleaning waste, or paint clean-up waste.
11. Any discharge containing human or animal waste or other waste intended for the sanitary sewer system.

13.20.020 Definitions

Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter.

- A. Development shall be as defined in SMC 13.18.10
- B. Director shall mean the City Director of Public Works or the person designated by the Director.
- C. Duplex shall be as defined in SMC 17.10.30 B (3).
- D. Equivalent Residential Unit (ERU) shall mean an area which is estimated to place approximately equal demand on the public storm drainage facilities as defined in SMC 17.10.30 B (1). One (1) ERU shall be equal to 2,750 square feet of impervious surface.
- E. Impervious Surfaces shall be as defined in SMC 13.18.10.
- F. Improved Property shall mean any area which has been altered such that the runoff from the site is greater than that which could historically have been expected. Such a condition shall be determined by the Director.
- G. Manufactured Home Park shall be as defined in SMC 17.10.30 B (7) as "Mobile home court, park or subdivision".

H. Multiple-family unit (MFU) shall be as defined in SMC 17.10.30 B (6) as a "Multi-Family Dwelling".

I. Open Drainage way shall mean a natural or constructed path, ditch or channel which has the specific function of transmitting natural stream water or storm water from a point of higher elevation to a point of lower elevation.

J. Person responsible shall mean the owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of an improvement on the property.

K. Runoff Control shall mean any measure approved by the Director that reduces stormwater runoff from land surfaces on which development exists.

L. Single Family Dwelling (SFD) shall be as defined in SMC 17.10.30 B (1) as "dwelling, single-detached" or individual units of "Condominiums". A SFD is presumed to have 2,750 square feet of impervious surface area for purposes of this chapter. The term SFD shall be inclusive of those units identified as detached single-family residences, (attached, detached, zero-lot line), unit ownerships, and condominiums, and etc.

M. Storm Drainage Facilities shall mean any structure(s) or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including, but not limited to, pipes, sewers, gutters, manholes, catch basins, ponds, open drainage-ways and their appurtenances. Tickle Creek, No-Name Creek, their tributaries and creeks excluded by action of the Council are not storm drainage facilities.

N. Stormwater shall mean water from precipitation, surface or subterranean water from any source, drainage and non-septic waste water.

13.20.030 Findings

A. The City provides a valuable public service by providing storm drainage facilities for the collection and disposal of storm water discharged from properties and public right-of-ways within the City. The storm drainage facilities constitute a public utility owned and operated by the City. The utility exists for the benefit of any person within the City who desires public storm drainage facilities available for the diversion, collection and/or disposal of storm drainage and other runoff water from the person's property and represents a municipal service in a developed urban environment which is essential to the public health, safety and welfare.

B. Persons who use the public storm drainage facilities ought to be charged fees that reflect the costs of the use relative to the management, maintenance, extension and construction of the public storm drainage facility as a public utility in the City.

C. Accordingly, the structure of the storm drainage utility is intended to be a fee for service and not a charge against property. Although this structure is intended to

constitute a service fee, even if it is viewed as a fee against property or against the person responsible, as a direct consequence of ownership of that property, the utility's fee structure should allow the person responsible to have the ability to control the amount of the fee. Similarly, the utility fee structure should reflect the actual cost of providing the service. The actual costs may include all costs the utility might incur were it in private ownership.

D. Persons using water from the City potable water facilities use substantial amounts of water for irrigating lawns and gardens, washing structures, sidewalks, driveways and parking lots, and for other activities which result in the discharge of runoff into the public storm drainage facilities. These uses of water demonstrate a substantial relationship between persons' use of these water facilities and their use of the public storm drainage facilities.

13.20.040 Stormwater management policies

A. The City shall maintain public storm drainage facilities located on City property, City right-of-way or City easements. Public storm drainage facilities to be managed by the City include, but are not limited to;

1. Open drainageways, swales and detention ponds when located on City property, City right-of-way or City easement;
2. Piped drainage systems and related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the Director;
3. Roadside drainage ditches and swales along improved and unimproved City streets;
4. Flood control facilities (levees, dikes, overflow channels, detention basins, retention basins, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the City.
5. Stormwater management, conveyance, treatment and detention facilities serving multiple single-family residences under separate ownership.

B. Storm drainage facilities not to be maintained by the City include, but are not limited to:

1. Stormwater management facilities not located on City property, City right-of-way, or City easement;
2. Private parking lot stormwater management facilities;
3. Roof, footing, and area drains;
4. Stormwater management facilities not designed and constructed for use by the general public;
5. Driveway approach culverts;
6. Stormwater management, conveyance, treatment and detention facilities serving sites under single ownership.

13.20.050 Establishment of a stormwater utility fee.

There is established a stormwater utility fee to be paid by the account holder for each developed property within the corporate limits of the city. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, equip, operate, maintain and repair the city's storm sewer systems. Fees for users shall be based upon impervious surface area and individual mitigation efforts, if any. The council, by resolution, shall establish the amount and effective date of the fee and may, from time to time, by resolution change the amount of the fee.

13.20.060 Use of stormwater utility fee.

There is established a stormwater fund, and all stormwater utility fees collected by the city shall be paid into the fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (including renewal, replacement and improvement) of the city's stormwater management system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the stormwater management system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement to such fund if additional stormwater utility funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the cost of accounting, management and other administrative costs attributable to the stormwater management system.

13.20.070 Calculation of stormwater utility fee.

A. The amount of the monthly stormwater utility fee shall be determined by resolution approved by the council based upon the amount of impervious surface per location.

B. All single-family residential users shall be deemed to have two-thousand, seven-hundred-fifty square feet of impervious surface area.

C. Whenever a non-single-family residential stormwater utility customer takes measures to mitigate the effect of storm water flow from the impervious surface of their site, the public works director, shall upon written request determine the percent of impervious surface which has been reduced, eliminated or mitigated and a proportional reduction in the stormwater utility fee shall be made, but in no event shall the fee be reduced more than thirty-three percent.

D. The stormwater utility fee shall not be imposed on impervious surfaces of a public street, road or highway.

13.20.080 Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

13.20.090 Billings and collection.

A. The stormwater utility fee shall be billed and collected with the monthly city utility bill.

B. Stormwater utility fees as hereinbefore provided shall be collected monthly and if not paid on or before thirty days after the date of billing, said charges shall be deemed to be delinquent.

C. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served by the stormwater management system when such a delinquency as defined in subsection B of this section exists.

D. Any charge due hereunder which is not paid when due may be recovered from the account holder in an action at law by the city.

E. The stormwater utility fee shall be due when the account holder receives service from the stormwater management system.

F. For purposes of this section any site with impervious surface coverage is considered to be served by the stormwater management system

13.20.100 Administration.

A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.

B. The finance director shall be responsible for the billing and collection of funds.

13.20.110 Violations.

A. Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.

B. When the director finds that a customer has violated or continues to violate any provision of this chapter, a stormwater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that customer a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the customer to the director. Submission of this plan in no way relieves the customer of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Footnotes:

1. For provisions relating to systems development charges, see Ch. 15.28 of this code.
2. For the statutory authority of a city to construct a sewage system partially within and partially outside its limits, see ORS 224.020; for provisions regulating subsurface sewage disposal, see ORS 454.605.

REDLINED

**Title 13
WATER AND SEWER¹**

**Chapter 13.04
WATER SYSTEM-RULES AND REGULATIONS**

13.04.010 Application for water use.

Application for the use of water shall be made on forms furnished by the city. Said application shall be made at the time a building or plumbing permit is applied for, ~~and the water and building permits shall carry the same expiration date. The water permit, along with the building permit, shall expire by limitation and become null and void if work authorized by these permits is not commenced within one hundred eighty days from the date of such permits, or if the work authorized by such permits is suspended or abandoned at any time after work is commenced for a period of one hundred eighty days.~~ The applicant or applicants shall agree to conform to the rules and regulations of the city, now or hereafter in effect, as a condition for the use of water. (Ord. 38-75 § 1, 1975; Ord. 10-73 § 2, 1973.)

~~13.04.020 Application Inspection of premises.~~

~~No application for the use of water shall be granted until the premises where the water is to be supplied has been examined in person by the public works superintendent. (Ord. 10-73 § 3, 1973.)~~

13.04.030 Restriction on water use.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his or her application. No user of water will be entitled to supply water in any way to other persons or ~~families, except upon special written permit from the city council users.~~ (Ord. 10-73 § 4, 1973.)

13.04.040 Connection.

The materials for the connection ~~from the main to and including the curb cock will be supplied by the city, and said material~~ the public water supply system, including the meter, shall be and remain the property of the city. All ~~tapping of connections to public water mains and pipes~~ shall be done ~~by under the direction of the public works superintendent~~ director, or ~~under his supervision~~ their designee. The meter shall be placed ~~at the curb line, or at the property line, at the option of the public works superintendent~~ in the public right-of-way or in a dedicated utility easement, ~~and shall be in a substantial concrete box with a cover, the cost of which box and cover shall be included in the cost of connection. The city may use such meter as the council may, by resolution or motion, from time to time provide.~~ Water Service service pipes laterals and connections are those pipes and connections which ~~bring convey~~ the water from the public water main to the ~~property line~~ water meter. All ~~service pipes and connections shall be laid two feet below the street grade, with the exception of installation of meters.~~ All public water mains, service pipes laterals and connections and appurtenances shall be under the exclusive control and ownership of the ~~city council~~ city, and no person, other than the public works ~~superintendent director or an assistant~~ their designee, will be permitted to install any service pipes laterals or connections or make any repairs or alterations or changes in any ~~public water lines, service pipes laterals, connections and meters.~~ (Ord. 10-73 § 5, 1973.)

13.04.045 Changes in service.

When new buildings are to be erected on the site of old ones ~~and or~~ it is desired to increase the size or change the location of ~~the oldan existing~~ service connection, or where a service connection to any premises is abandoned or no longer in use, a new service shall be required, as needed, upon application of the occupant and upon payment for a new connection ~~including all applicable Systems Development Charges in the regular manner.~~ Water service shall be considered abandoned if utility bills, including any unpaid balance remain unpaid for twelve consecutive billing cycles. (Ord. 38-75 § 2, 1975; Ord. 10-73 § 5A, 1973.)

13.04.050 Placement of stop and waste cocks.

All private service pipes from the property line shall be ~~property properly~~ installed and at all times maintained in good order by the owner with no leakage or wasting of water. ~~Outside pipes shall be placed at least two feet underground, and inside pipes shall be placed or protected so as to prevent freezing. Just inside the basement a stopcock and waste cock, of approved pattern, protected from the frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be drained when necessary during freezing weather. If the building is not provided with a basement, a stop and waste cock must be placed near the outside wall thereof. Additional stop and waste cocks must be placed at sags and bends in pipes when they cannot otherwise be drained.~~ (Ord. 10-73 § 6, 1973.)

~~13.04.060 Leaks Excavation by public works superintendent.~~

~~Where there is a leak under the street and it is doubtful whether the water comes from a break in the city mains or from the private meter, the public works superintendent will make the excavation to determine which it is from. If the leak is found in the main, the city will make all repairs free of charge. If the leak is from the meter to the property served, the owner, lessee or agent will be notified either in person or by letter; it will be his obligation to have the condition corrected immediately by a qualified contractor, and he shall be liable for all damage.~~ (Ord. 10-73 § 7, 1973.)

13.04.070 Separate service for each house-Exception.

A separate service ~~direct to the tap on the main and meter~~ will be required for each ~~house~~-parcel or legal lot of record that is to be supplied with water; ~~provided, that when there are two houses on an inside lot of ground or less, the service may be divided at the curb and a separate stopcock and a meter provided for each place to be supplied.~~ (Ord. 10-73 § 8, 1973.)

13.04.080 Conditions under which water will not be furnished.

Water will not be furnished where there are ~~defective or leaking faucets, closets or other fixtures, or where there are water closets or urinals without self-closing valves, or tanks without self-acting float valves, and when such may be discovered the supply may be shut off~~ inactive or potential, unprotected cross-connections as defined in Section 13.06. (Ord. 10-73 § 9, 1973.)

13.04.090 Plumber-Prohibited actions.

No plumber or other person will be allowed to make any alteration in any conduit, pipe or other fixture connecting with the city mains, ~~or to connect pipes when they have been disconnected,~~ or to turn water off or on the premises ~~at the meter~~ without permission from the ~~public works superintendent~~city. (Ord. 10-73 § 10, 1973.)

~~13.04.100 Plumber Report of work done.~~

~~Plumbers or persons doing any work by which additional water may be drawn from the city mains, or by which there is a change in the kind or classification of service used, must make in writing a true and accurate report of the work done and deliver it at the water office as soon as completed, or within twenty-four hours thereafter.~~ (Ord. 10-73 § 11, 1973.)

13.04.110 Interrupted service.

The water may at any time be shut off from the mains, without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. ~~Water for steam boilers will not be furnished by direct pressure from the mains. Tanks for holding an ample reserve supply of water shall always be provided by the owner of the boiler. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupant of the premises to allow the steam to escape from the water heaters, and should damage result to the meter by reason of steam or hot water, the owner shall be charged for repairs.~~ (Ord. 10-73 § 12, 1973.)

13.04.120 Access.

Employees of the city shall have free access at proper hours of the day to all parts of the buildings and premises

~~in which water may be delivered from the mains, for the purpose of inspecting the conditions of the pipes and fixtures and the manner in which the water is used.~~ (Ord. 10-73 § 13, 1973.)

13.04.130 Monthly reports by administrative office.

The administrative office shall prepare a monthly report indicating: ~~Number of consumers, amount collected for rentals, amount collected for applications, amount for penalties and fines, number of consumers delinquent~~the number of customers (by customer class); the amount of water produced and sold, together with such other data as the council may require, ~~and shall at the close of the calendar year make a summary of these reports.~~ (Ord. 10-73 § 14, 1973.)

13.04.140 Records ~~of public works superintendent.~~

~~The public works superintendent~~Utility staff shall, as a part of ~~his~~their duties, ~~number~~record the address, parcel number, meter number of all premises where water is furnished by the city, and shall furnish a record of such to ~~the administrative office~~utility billing staff for purposes of accurate billing. ~~He~~Utility staff shall also keep ~~an~~ and maintain ~~-~~accurate hard copies and digital records ~~-of all mains and pipes laid by him or under his direction and belonging to the city, and shall, not oftener than once a month, if the council so requests, make a written report of the condition of the water system, or any part thereof, together with such recommendations as the said superintendent sees fit to include~~pipes, valves, fittings, hydrants, services and other appurtenances within the water system . (Ord. 10-73 § 15, 1973.)

13.04.150 Use of fire hydrants.

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned ~~or used~~by the city ~~or connected to the public water system~~ without first obtaining written permission from the city. The provisions of this section shall not apply to ~~emergency or other uses by the Sandy Rural Fire Protection District No. 72. The city may require that accurate records or estimates of City water used for fire suppression, training or other uses by the Sandy Rural Fire Protection District No. 72 be submitted on a regular basis but not more frequently than monthly.~~ (Ord. 10-73 § 16, 1973.)

13.04.160 Fire protection service.

Fire protection pipes to be used in case of fire will be allowed within and without buildings on the following conditions:

A. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that ~~hose-unapproved~~ connections have been added to the system or that registration ~~is-has been~~ recorded on the meter or detector check, the immediate installation of a ~~compound-billing~~ meter ~~on the fire service line~~ ~~will~~may be required by the city ~~water department~~at the sole expense of the owner or agent.

B. No charge shall be made for water used in the extinguishing of fires if the owner or agent reports such use to the city ~~water department~~in writing within ten days of such usage. A minimum service charge ~~for fire protection purposes shall-established by Council resolution may~~ be billed each month to the owner or agent of the property supplied.

(Ord. 10-73 § 17, 1973.)

13.04.170 Use of private water and city water.

Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily between the city water supply and that of a private water supply. Where such connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water

supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross-connection has been completely and permanently severed. (Ord. 10-73 § 18, 1973.)

13.04.180 Water for building purposes on meter basis.

If the owner or agent of any premises applies for a permanent water service and the meter has been installed, water shall be furnished for building purposes at meter rates, to be charged against the premises. ~~A charge for water shall be billed to said owner or occupant when the meter registers at least five hundred cubic feet, or as soon as the building is occupied.~~ (Ord. 10-73 § 19, 1973.)

13.04.190 Ownership, damage and registration of meters.

All meters of the city water system are the property of the city, and any repairs to said meters shall be made by the city. If a meter is burned out by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, the city ~~water department~~ will repair or replace the meter, and the cost of such repairs or replacement shall be charged against the owner of the property and if not paid within thirty days, shall then become a lien against said property. When a meter fails to register accurately, the charge shall be either based on the average quantity of water used, as shown by the meter when in order, or if there is no such average consumption, then the ~~minimum rate of the city~~ quantity of water used during the same billing cycle in the prior year shall ~~apply~~ be used. If freezing or snowing weather shall make reading of the meters impracticable, an estimated reading shall be made by the city ~~water department~~ during the time such conditions exist. Estimated readings for other just conditions affecting reading of a meter shall be made only on approval of the ~~water department~~ city. (Ord. 10-73 § 20, 1973.)

13.04.200 Services outside the city.

A. Excess water of the city, as determined by the council, may be served to individual users, companies or water districts outside the city boundaries, under such rates, charges and rules as the council may from time to time prescribe, or as outlined under special contracts. All regulations now or hereafter that affect the users inside the city shall apply to users outside the city, except as provided by the council. Service to users outside the city shall at all times be subject to the prior superior right of ~~the people~~ residents of the city to said water. The city shall have the right to refuse to sell water to consumers who do not comply with the requirement of this section.

B. The city may require annexation prior to service extension if such annexation is practical and in the best interest of the city. If annexation is not required, the owner must enter into an agreement for future annexation to the city, upon the city's request in an agreement form, satisfactory to the city attorney. The water service extension will be installed to city standards. A person or persons requesting service extension will bear all costs of the extension of the service, including, but not limited to, the cost of public lines and any oversizing as specified by the public works director. A water service connection will be provided only for a permitted use as identified in the Clackamas County Development Code and the City Comprehensive Plan. The extension of water service facilities shall follow an approved shadow plat design for future extension of infrastructure for the site, which meets the satisfaction of the city. No service extension shall conflict with existent natural hazards and/or goals criteria.

(Ord. 5-93 § 1, 1993; Ord. 10-73 § 21, 1973.)

~~13.04.210 Report from other distributing agencies.~~

~~All water districts, water companies, agencies and other agreeing parties, supplying water furnished to the city from the waterworks of the city of Portland water bureau to customers outside the limits of the city must furnish, not later than June 30th of each year, to the city, a written description of the area supplied or to be supplied by such distributing agency, together with a report and maps showing all mains which now exist or which may be hereafter laid. Such description, report and maps shall be filed with the public works superintendent of the city. No increase in services or extensions of mains shall be made by any water district,~~

~~company or any parties under agreement by the city unless approval of the city council shall first be obtained. (Ord. 10-73 § 22, 1973.)~~

13.04.220 Regulations pertaining to inadequate supply or shortages of water.

A. Upon determination that water consumption exceeds availability and/or water storage within the system is approaching the minimum required to meet fire protection and other essential requirements, as determined by the city manager, the city manager shall have authority to request voluntary reduction of water use by customers, including but not limited to the following specific actions:

1. Requesting patrons to limit landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requesting voluntary compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered days, and odd numbered addresses on odd numbered days);
3. Requesting other voluntary measures on the part of city customers.

B. Upon determination of serious water shortages by the city council, the city council may declare an emergency restricting certain uses. Pursuant to such action the city council may impose the following measures:

1. Prohibiting landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requiring compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered dates, and odd numbered addresses on odd numbered days.);
3. Restricting other outdoor uses as determined by the city council.

C. Upon determination of critical water shortages by the city council, the city council may declare an emergency prohibiting certain uses. Pursuant to such action by the city council it shall be expressly prohibited to:

1. Water, sprinkle or irrigate lawns, grass or turf unless:
 - a. It is new lawn, grass or turf that has been seeded or sodded after March 1st of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established,
 - b. Lawn, grass or turf that is part of a commercial sod farm,
 - c. High use athletic fields that are used for organized play,
 - d. Golf tees and greens, and
 - e. Park and recreation areas deemed by the city council to be of a particular significance and value to the community that would allow exception to the prohibition;
2. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas unless:
 - a. In the opinion of the city council there is a demonstrable need in order to meet public health, safety requirements including but not limited to alleviation of immediate fire or sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality,

b. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction and not solely for aesthetic purposes;

3. Washing cars, trucks, trailers, tractors, or other land vehicles or boats or other water borne vehicles except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism unless the city council finds that the public health, safety and welfare is contingent upon frequent vehicle cleaning such as cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law.

D. Upon determination that the restrictions and/or prohibitions permitted pursuant to this section have not reduced water consumption to the level necessary to eliminate emergency water conditions, the city council may as an additional conservation measure adopt a temporary conservation water rate schedule. The city council may do so by the passage of a resolution.

E. Any violation of the restrictions or prohibitions permitted by this section shall be enforced by the city as follows:

1. The city shall personally deliver a notice of violation to the occupant of the premises. If the occupant is not present, the city may post the same on the premises advising the user of the violation and warning the user of what specific sanctions may be imposed if the violations continue. The city shall also mail the notice of violation by regular mail to the occupant at the address of the subject premises where the violation has occurred.

2. The following penalties may be imposed if violations continue:

Second violation \$100.00 Fine

Third violation \$300.00 Fine

Fourth and subsequent violations \$500.00 Fine

In the case of continuing violations, the city also has the authority to discontinue water service. (Ord. 12-92 §1, 1992: Ord. 10-73 § 23, 1973.)

~~13.04.230 Water for motor power.~~

~~Water for motor power shall not be used until the consumer has made special application to the council and has been granted a special rate. Any failure to comply with the provisions of this section shall be sufficient cause for shutting off the water. (Ord. 10-73 § 24, 1973.)~~

13.04.240 Private pipe or main-Council permission required.

No person shall be permitted to lay any private pipes or mains in or upon any ~~public right-of-way~~, street or road in the city without ~~permission-issuance of a revocable permit of~~ by the council. (Ord. 10-73 § 26, 1973.)

13.04.250 Violation-Penalty.

Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff or any other part of the water system belonging to the city, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court of said city be fined in the sum of not more than one hundred dollars for each offense, or by imprisonment for a period of not more than ten days, or by both fine and imprisonment. (Ord. 10-73 § 25, 1973.)

Chapter 13.08

WATER SYSTEM-CONNECTION CHARGES AND RATES

13.08.010 Connection charges.

When an application for ~~the use of~~ water service has been ~~accepted~~made, as provided for in Chapter 13.04, a

connection charge for each living unit as established by the city council by resolution, plus the cost of meter and connections, ~~system development charges~~ and ~~applicable~~ installation charges at the ~~actual cost of same or at~~ city's ~~prevailing~~ established fee schedule, shall be paid for connections inside the city limits. The connection fee for connections outside the city limits shall be set by the city council by resolution for each living unit, plus the cost meter and connections, ~~system development charges~~ -and ~~those applicable~~ charges for ~~the installation of at~~ the ~~actual cost of same or at the~~ city's ~~prevailing~~ established fee schedule. (Ord. 18-93 § 8, 1993: Ord. 387 § 1(A), 1987; Ord. 1480 § 1, 1980: Ord. 279 § 1, 1979: Ord. 3875 § 3, 1975: Ord. 973 § 2, 1973.)

13.08.020 Water Charges to Premises: Payment/Delinquent Charges.

All charges for furnishing water through the City's utility system with the exception of rental premises, shall be chargeable to the premises where the water is supplied. Charges for rental premises shall be charged to the owner of the premises who must consent to responsibility for charges where water is supplied. Whenever any charge for furnishing to any premises should not be paid within fifteen (15) days after the same becomes due and payable, the ~~water department~~city may terminate water service to such premises, and water shall not be furnished again thereto until all outstanding obligations for water supplied to such premises have been paid in full. Written notice of termination of water service for non-payment of water charges shall be given to the owner or occupant by regular mail, or by posting on the premises at least ten (10) days in advance of such termination of service. In the case of rental premises, the aforesaid notice shall be given both to the tenant and to the owner of the premises. For the purposes of this chapter, the terms "owner" and "tenant" shall have the meaning as defined in ORS 91.705. (Ord. 18-93 § 9, 1993: Ord. 11-91 § 2, 1991: Ord. 3-87 § 1(B), 1987: Ord. 9-73 § 3, 1973; Ord. 2001-02 § 1.)

13.08.050 Water rates.

A. Water rates, as permitted by this section are based upon actual costs of service, as reflected in the methodologies contained in the ~~city's current city of Sandy Water Rates Study, dated May, 1991~~utility rate model.

B. The water rates permitted by this section include a number of components. These components include the following:

1. A monthly service charge for each individual customer class;
2. A monthly service charge by meter size, with different rates for inside and outside city ~~patrons~~customers;
3. A volume charge ~~for each~~per each one hundred cubic foot unit of consumption, ~~with different rates for inside and outside city customers~~ based upon individual customer classes;
- ~~4. An additional outside city patron payment, representing payments in lieu of real property taxes. This payment is added to the volume charge of individual customer classes for out of city patrons;~~
- ~~5. An inside/outside rate differential setting total outside city rates at the sum of fifty percent over total inside city rates.~~

C. The monthly charges for individual water rate components shall be set by the city council by resolution. (Ord. 18-93 § 10, 1993; Ord. 13-92 § 1, 1992; Ord. 6-91 § 1, 1991: Ord. 9-90 § 1, 1990: Ord. 3-87 § 1(D), 1987: Ord. 19-81 § 1, 1981: Ord. 14-80 § 2, 1980: Ord. 2-79 § 2, 1979: Ord. 973 § 1, 1973.)

13.08.060 Testing meters.

When any water ~~consumer~~customer makes a complaint that the ~~bill~~consumption amount for any particular ~~period~~billing cycle is excessive, the ~~public works superintendent~~city will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be ~~changed or~~tested, he will be required to make a deposit in an amount established by the city council by resolution to cover the cost of

making such ~~change or~~ test. The meter will then be ~~changed or~~ tested by an independent third-party. Should the meter upon testing show a registration in excess of three percent ~~in favor of the city of~~ actual usage, the amount deposited will be refunded and the bill for the period in question adjusted accordingly. The excess registration not to exceed the two previous ~~readings-billing cycles~~ shall be credited to the account. Where no error is found, the amount deposited will be retained to cover the expense of ~~such change or testing~~. (Ord. 18-93 § 11, 1993; Ord. 973 § 8, 1973.)

13.08.070 Use of funds.

Water service charges as and when collected shall be paid into a fund designated as the water fund. Payment of the operational costs of the city's water system costs associated with improvements of the city's water system shall be made from said funds. Moneys received in this fund are to be invested by the city manager in such manner as the council may from time to time direct. (Ord. 3-87 § 1(E), 1987; Ord. 1-80 § 1, 1980; Ord. 2-76 § 1, 1976; Ord. 9-73 § 10, 1973.)

13.08.080 Water shut-off on failure to comply.

On failure to comply with the rules and regulations established herein, or any of them as conditions to the use of water, or failure to pay water rates or other charges in the time and manner provided, the water may be shut off until payment is made in the amount due. Additionally, a reconnection fee will be charged for expenses of turning the service off and on.

These reconnection fees shall be established by resolution by the city council. (Ord. 18-93 § 12, 1993; Ord. 3-87 § 1(F), 1987; Ord. 8-82, 1982; Ord. 9-73 § 5, 1973.)

13.08.090 Violation-Penalty.

Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed one hundred dollars or imprisonment of not to exceed ten days, or both. (Ord. 9-73 § 9, 1973.)

**Chapter 13.12
SANITARY SEWER SYSTEM-RULES AND REGULATIONS²**

13.12.010 Application for sewer connection or repair.

A. No private sanitary sewer or sewer ~~connection-lateral~~ shall be built, repaired, extended or connected ~~with-to~~ any public sanitary sewer ~~or drain~~ unless and until an application has been made and plans for same submitted to and approved by the ~~building official and city council if necessary~~ city.

B. ~~Any application for a sewer connection serving a nonresidential use that generates more than ten equivalent residential units (as defined in Section 13.16.020 of this chapter) of wastewater flow shall also require the approval of the city council.~~ All applications for sewer connection permits shall be made by the property owner or by the person, firm, or company employeed to perform the work. The plan shall show the whole course of the private sewer from its connection with the house or building to the public sewer and show the location of all branches.

C. ~~In reviewing sewer connection applications the city council shall consider the following:~~

- ~~1. The impact of the use of the capacity (both present and future) of the sewage treatment plant;~~
- ~~2. The impact of the use on the sewer system and remaining capacity to serve other undeveloped (but serviced) or redevelopable property within the city;~~
- ~~3. The impact of the use on other municipal services;~~

~~4. Pending annexation applications;~~

~~5. The economic benefit to the community from the proposed use;~~

~~6. Assessed value of the proposed use;~~

~~7. Number and type of jobs generated.
(Ord. 5-88 § 1, 1988.)~~

13.12.020 Permit.

The ~~building official~~city shall issue a permit therefor upon payment ~~of the application and inspection, based on~~of the city's sewer connection fee ~~and applicable system development charges~~, which sum shall be paid and collected ~~for the city~~ before the permit shall be issued or any construction or work performed. (Ord. 3-73 § 2, 1973.)

13.12.030 Connection.

Wherever there is now or may hereafter be constructed in any ~~right-of-way~~, street or easement, a public sewer for the purpose of ~~carrying off conveying sewagewastewater within the city sewage system~~, the owner(s) of improved property abutting on, adjacent to or along the side of such sewer line and/or within two hundred feet of ~~the terminal end of~~ same, must connect and maintain a sewer connection with such sewer if the property poses a public health risk due to a failing or improperly maintained ~~septic-on-site sewage disposal~~ system as determined by county or state public health officials. Whenever ~~the building official~~Clackamas County Water Environment Services, the Oregon Department of Environmental Quality or the city shall notify in writing the owner or owners of improved property as stated, it shall be the duty of the owner or owners to make a sewer connection application and file plans therefor in the manner provided and complete such connection within sixty days from the date of such notice, unless good and sufficient reasons prevail, whereby the city council may approve an extension of time. (Ord. 99-4, 1999: Ord. 3-73 § 3, 1973.)

13.12.040 Pipe specifications.

~~All sewer connections shall be made with sewer pipe not less than four inches in diameter, of material approved by the building official. All sewer connections shall be laid to straight line of grade not less than one fourth inch per one foot of length. changes in line or grade shall not be made between the building and "Y" or "T" in the main sewer except when necessary to avoid obstructions, and then it shall be made only with suitable bends, but not the cutting or chipping of the pipe. (Ord. 3-73 § 4, 1973.)~~

13.12.050 Joints.

All joints shall be gas and watertight, in accordance with ~~specification prescribed and approved by the building official~~the testing and acceptance procedures in the Oregon Plumbing Specialty Code. (Ord. 3-73 § 5, 1973.)

13.12.060 Connections to the main sewer.

Where no ~~branch is available within a reasonable distanee~~ public lateral is extended to a property, the main sewer shall be tapped ~~and a hub and a lateral extended to the property. shall be attached by a saddle to a hole cut in the pipe, which hub shall not protrude past the inside wall of the pipe.~~All ~~taps-service~~ laterals shall be made under the supervision of the city engineer, public works ~~superintendent~~director, ~~building official~~ or someone under their direction. If the city makes the connection, it shall be done in accordance with the city's ~~prevailing~~ established fee schedule or at the actual cost of the lateral extension. If the property owner or their agent makes the connection such work shall comply with the standards and specifications of the City and the most recent version of the Oregon Standard Specifications for Construction(Ord. 33-75 § 1, 1975: Ord. 3-73 § 6, 1973.)

13.12.070 Excavations.

All excavations in public ~~rights-of-way~~, streets ~~and-or~~ easements for sewer ~~lateral~~ connections shall be performed under the supervision and monitoring of the city engineer, public works ~~superintendent~~director,

~~building official~~ or someone else under their direction. All trenches ~~not on streets and easements~~ shall be carefully backfilled ~~by tamping or puddling with water as directed by the city engineer~~ to prevent sags or changes in grade of the lateral. The entire sewer connection shall meet the approval of the ~~building official~~ city before any sewage is allowed to pass through to the public sewer. ~~The city may require low-pressure air testing and video inspection of all sewer connections to ensure a water tight connection.~~ Reasonable notice shall be given to the city to inspect all sewer connections before their completion and while said connections are still uncovered. ~~If the excavation work is done by the city, it shall be done in accordance with the city's prevailing fee schedule.~~ (Ord. 33-75 § 2, 1975; Ord. 3-73 § 7, 1973.)

13.12.080 Obstructions Prohibited Discharges.

The ~~building official shall advise the city council immediately and the~~ city shall have the right to refuse to issue a sewer connection permit, or the city shall have the right to disconnect and plug any existing sewer connection in case it is found that any of the following will be or have been discharged into the public sewer:

A. Ashes, cinders, sand, earth, coal, sawdust, wood chips, garbage, rubbish, rags, metal or any other material, liquid or chemical that would form a deposit or obstruction in the sewer or damage its flow capacity;

B. Grease, gasoline, oil, oil sludge, or other similar materials from wash racks, garages, machine shops and other establishments. An ~~adequate approved and properly sized~~ grease trap or ~~catch basin~~ interceptor ~~which shall be constructed to meet the approval of the building official and city engineer~~ shall be required in ~~the any~~ sewer ~~connection connected from~~ to all wash racks, garages, machine shops, ~~laundry~~ laundries, ~~creamery~~ creameries, hotels, restaurants and other food service establishments that may waste fats, oils and grease, gasoline, cleaning fluids, inflammable liquids and similar material;

C. Paints, asphalt, bitumen, coal tar and other similar substances;

D. Wheat, flour, grain, fruit pits, fruit skins, vegetable parings and other similar material, except the waste liquid from ~~same property processing screened and settled~~;

E. Garbage, tin cans, bottles, rubbish and other similar materials. ~~These and all other materials shall not be dumped into manholes or pump pits~~;

F. Any waste material or liquid which ~~in the judgement of the city~~ may obstruct or injure the sewers or which does not yield readily to treatment by the process used in the sewage treatment plant. No acid, corrosive liquid, germicide or antiseptic of such strength and quantity as to interfere with bacterial action in the sewage treatment plant shall be discharged into public sewers.

G. Discharges of materials listed in sections A, C, D, E and F above may be permitted if such discharges are properly pre-treated to be reduced to levels at or below that of standard residential wastewater as defined in Section 13.16.020(B) or upon issuance of a discharge permit approved by the City Engineer or their designee; (Ord. 3-73 § 8, 1973; Ord. 2021-2, 2021)

13.12.090 Separate connections.

Separate sewer connections shall be provided for each ~~city lot parcel and more than one in case the building official determines that better service will be afforded or that the system or treatment plant can be better operated.~~ Party sewers serving more than one dwelling or parcel are prohibited. Existing party sewers may be allowed if all parties served by a common lateral sign and record an agreement outlining responsibilities for repairs, replacement and maintenance. (Ord. 3-73 § 9, 1973.)

13.12.100 Septic tanks On-Site Sewage Disposal Systems.

Where there are existing ~~septic tanks on-site sewage disposal systems~~ in use ~~or cesspools~~ before prior to the

~~provision of public sewer service sewer connection is required, the a new sewer connection shall not drain the same but it shall run direct from the house-home or building soil pipe to the public sewer lateral. Immediately after connection, the septic tank or cesspool shall be completely filled with earth on-site disposal system shall be abandoned or decommissioned in accordance with Oregon Department of Environmental Quality and/or Clackamas County Water Environment Services guidelines.- All septic tanks on-site systems shall be replaced with public sewer connections within sixty days from the time the sewer is available for hookup unless for good and sufficient reason the city council grants an extension of time per the requirements of Section 13.12.030.~~
(Ord. 3-73 § 10, 1973.)

13.12.110 Outdoor toilets.

No outdoor toilet or privy shall be permitted in the city except in an emergency situation during a construction project or other unusual circumstances. Authorization for such must be granted by the ~~building official~~city.
(Ord. 3-73 § 11, 1973.)

13.12.120 Illegal hookups.

No spring, creek, surface water drainage, downspout, refrigerator, cooler, ~~or other receptacle in which provisions are kept~~, open fixtures, steam exhaust boiler, blow-off, or drip pipes shall be connected ~~with~~to the city sewer system without permission and the approval of the ~~building official~~city. (Ord. 3-73 § 12, 1973.)

13.12.130 Unauthorized personnel.

No unauthorized person or persons shall enter ~~into~~, ~~or~~obstruct or damage any manhole, sewer, pump station or anything pertaining to ~~said the city's~~ sewer system. No unauthorized person or persons shall enter the sewer treatment plant enclosure or structures or tamper or interfere or damage same in any manner. No person or persons shall interfere with or obstruct any city official or city employee when installing, operating, repairing, maintaining or inspecting any sewer, manhole, pump station, or the sewage treatment plant or when inspecting any private sewer connection. (Ord. 3-73 § 13, 1973.)

13.12.140 Replacements on private property. To the fullest extent allowed by law, and with at least twenty-four hour prior notice unless an emergency exists, the building official, the city engineer, public works director or any other authorized city employee or person shall have the right to enter upon the premises and enter any house or building connected to the sewage collection and conveyance system during normal working hours, eight a.m. to five p.m., for the purpose of inspection of sewers, drains, traps and plumbing fixtures connected therewith. ~~Inspections include closed circuit television inspection of sewers using cameras inserted at the building cleanout or launched from the public sewer lateral.~~ If it is found from such inspection or otherwise that any provision of ~~law or this~~ ordinance is not being complied with in any respect, or that any part of the drainage system is in need of cleaning out or repair, the ~~building official or other~~ city ~~representative~~ shall ~~immediately~~ serve notice upon the owner and upon the tenant or occupant, specifying the work to be done to make the installation, system or condition comply with state law, ~~Board of Health code the Oregon Plumbing Specialty Code~~ and city ordinances and standards. (Ord. 3-73 § 14, 1973.)

13.12.150 Appeal from official decision.

Appeal may be ~~taken made~~ to the city council from any ruling or decision by the ~~building official~~City either granting or refusing a sewer connection permit. (Ord. 3-73 § 15, 1973.)

13.12.160 Location map.

It shall be the duty of the city ~~engineer to keep maintain in his office complete sewer maps on which shall be drawn, when laid, the location of each sewer connection with any measurements necessary to show the location, depth and any other detail concerning same. The sewer connection number shall be placed alongside each of the maps for reference~~ accurate hard copy and digital records of all sanitary sewer mains, manholes, cleanouts, laterals, pump stations and appurtenances. (Ord. 33-75 § 3, 1975: Ord. 3-73 § 16, 1973.)

13.12.170 Violation-Penalty.

Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed three hundred dollars, or by imprisonment for not more than one hundred days, or both. (Ord. 3-73 § 17, 1973.)

13.12.180 Recovery of damages.

Any person or persons who, as a result of violating any of the provisions of this chapter, cause any expenses, loss or damages to the city shall immediately become liable to the city for the full sum of such expenses, loss or damages. The city council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 3-73 § 18, 1973.)

**Chapter 13.14
INFILTRATION AND INFLOW**

13.14.010 Notification, Sources of Infiltration and Inflow.

All property owners identified by the city as contributors to excessive or improper infiltration or inflow to the collection system and treatment works shall be advised in writing of infiltration and inflow issues. This chapter does not apply to discharges to the public storm drainage system authorized under chapters 13.18 and 13.20 of this title.

A. Drainage or inflow from roofs, foundation drains, low-point drains, gutters, uncontaminated cooling water or surface or ground water drains shall not be permitted to enter the city’s sanitary sewer system. Leaks or infiltration due to cracked or damaged pipe, non-watertight joints or fittings and connections in or on private sewer laterals, including but not limited to building and side sewers, into the city’s sanitary sewer system shall not be permitted. Neither temporary nor permanent drainage or pumped discharges from excavations into the city’s sanitary sewer system shall be allowed. Overflows or drains from private or public swimming pools, fountains or water features into the city’s sanitary sewer system shall not be permitted without prior written approval of the city.

13.14.020 Abatement Plans, Corrections and Actions Taken.

Any such properties causing inflow from stormwater runoff, or infiltration from groundwater including but not limited to sources described in section 13.14.010 A shall be provided an opportunity in which to correct and eliminate the infiltration and inflow sources in a timely manner as identified by the city.

A. Upon notification by the city of a source of infiltration or inflow originating on their property a property owner or an agent authorized to act on their behalf shall submit a written plan within ten **business** days of the date of the notification letter from the city which shall include steps and actions to be undertaken to correct and eliminate sources of infiltration and inflow.

B. Upon correction and elimination of identified infiltration and inflow sources, each property owner shall promptly notify the city of corrective actions that have been taken, or are in progress, which action shall be specified in the reply to the city.

13.14.030 Failure to Correct or Eliminate Infiltration and Inflow Sources, Abatement by City.

In the event of infiltration or inflow into the sanitary sewer system of the city continuing beyond the time identified for correction by the city, it is declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs. The assessment shall be levied by the filing of statement of the costs

together with the description of the name of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall enter such assessment as a lien against the property in the lien docket of the city. An administrative fee of \$50 shall be charged and collected by the city in addition to the other direct and incidental costs of abatement to cover the cost of notification, administration and abatement. Nothing in this subsection limits the city from pursuing any other remedy that is available to the city to correct or eliminate infiltration or inflow into the city's sanitary sewer system.

13.14.040 Additional Administrative Standards, Procedures and Criteria.

The City Council may by motion direct city staff to establish additional administrative standards, procedures and criteria for infiltration and inflow correction, elimination and abatement for the purpose of preventing and removing infiltration and inflow from the city's sanitary sewer system. (Ord. 2021-2, 2021)



Staff Report

Meeting Date: March 15, 2021

From Sarah Richardson, Community Services

SUBJECT: Tickle Creek Village Trail Easement / Fee in Lieu Proposal

BACKGROUND:

Tickle Creek Properties, LLC submitted a land use application to construct a multi-family housing development named Tickle Creek Villages (File 19-038 DR/FSH/VAR/TREE) which was deemed complete on November 26, 2019. Per normal procedure, staff forwarded the file to the Parks and Trails Advisory Board for comment.

At its January 8, 2020 meeting, the Sandy Parks and Trails Advisory Board (Board) originally recommended a fee in lieu be accepted for the Tickle Creek Villages development instead of parkland dedication. Per Sandy Municipal Code Section 17.86.40 a fee in lieu of land dedication is most often used when the City does not desire a land dedication for parkland. This fee in lieu of parkland is separate from parks system development charges (SDCs) that are collected at time of building permit issuance. While the parks SDC is collected to help pay for parkland development (i.e. playground equipment, benches, trail improvements, etc.), the parks fee in lieu is collected to fund future parkland purchase.

At its December 9, 2020 meeting the Board was presented with a new proposal from the developer. Tracy Brown, the developer's representative, attended the meeting to answer questions and to share maps of the area and proposed development.

Two proposals were discussed at the meeting:

1. The developer's interest in dedicating the wetland area to the north of the development site to the city, in exchange for compensation in the form of Fee in Lieu credits.
2. The developer's interest in working with the city to provide the requested trail easement in exchange for Fee in Lieu credit.

At the December 9, 2020 meeting, the Board unanimously modified its original recommendation in favor of the proposed trail easement. The Board was not in favor of the wetland dedication.

The specific language of the Parks and Trails Advisory Board was as follows:

- "The City Council should consider acquiring a 10-12-foot easement through the proposed Tickle Creek Village development for the trail alignment connecting Sunset to Dubarko, and providing a Fee in Lieu Credit.
- Additionally:
 - Consider providing an SDC Credit to the developer for constructing the 4-foot packed gravel trail along the easement.
 - If the developer is interested, consider extending the packed gravel trail construction to the Sunset right of way, in exchange for additional credit."

Mr. Tracy Brown requested an opportunity to address the Council regarding this matter before a final decision is reached.

BUDGETARY IMPACT:

Unknown. Budgetary impacts to the parkland fee in lieu budget should be determined by an appraisal at the expense of the developer and a negotiated price determined by the City Manager. Budgetary impacts to the parks SDC budget should be determined by an engineer estimate from the developer with review and concurrence completed by the City Engineer, Curran McLeod.

RECOMMENDATION:

1. Consider whether to enact the Parks and Trails Advisory Board's recommendation to:
 - A. Acquire a trail easement through the development site and provide a Fee in Lieu credit.
 - B. Provide an SDC Credit for constructing a gravel trail on the development site.
 - C. Provide an option for the developer to extend the packed gravel trail construction to the Sunset Street right-of-way in exchange for additional SDC credit.
2. Consider whether to grant the developer's request to dedicate the wetland area to the north of the development site to the city, in exchange for compensation in the form of Fee in Lieu credits.

LIST OF ATTACHMENTS/EXHIBITS:

- Tickle Creek Village Vicinity Map
- Tickle Creek Village Site Plan

TICKLE CREEK VILLAGE VICINITY MAP



TICKLE CREEK VILLAGE

LOCATED 135 LF SE OF RUBEN LANE, SANDY, OREGON

GENERAL NOTES:

- ALL WORK AND MATERIALS SHALL CONFORM TO THESE PLANS AND THE APPLICABLE PROVISIONS OF THE CITY OF SANDY PUBLIC WORKS STANDARDS. IMPROVEMENTS DEPICTED ON THESE PLANS ARE IN CONFORMANCE WITH THE CITY LAND USE ACTION CASEFILE NO. 12-031 SUB/MOD.
- IN ORDER TO PROTECT UNDERGROUND FACILITIES, EXCAVATORS PERFORMING THE WORK SET FORTH ON THESE PLANS MUST COMPLY WITH THE PROVISIONS OF ORS 757.541 TO 757.571 (REQUIRES CONTRACTOR TO NOTIFY UTILITIES AT LEAST 48 HOURS, BUT NOT MORE THAN 10 BUSINESS DAYS, PRIOR TO ANY EXCAVATION).
- THE LOCATION OF EXISTING UTILITIES SHOWN ON THE PLANS ARE APPROXIMATE ONLY AND SHOWN FOR INFORMATION PURPOSES ONLY. THE CONTRACTOR SHALL HAVE ALL UTILITIES LOCATED PRIOR TO COMMENCING CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST.
- VERTICAL DATUM: CITY OF SANDY BENCHMARK #10, ELEVATION=867.035, LOCATED AT THE SE CORNER OF BLUFF ROAD AND MARCY STREET
- TRENCHES WITHIN THE RIGHTS OF WAY SHALL BE BACKFILLED WITH AN APPROVED GRANULAR MATERIAL CONFORMING TO APWA CLASS B SPECIFICATIONS.
- TRENCHES OUTSIDE OF RIGHTS OF WAY MAY BE BACKFILLED IN ACCORDANCE WITH NATIVE MATERIAL AND COMPACTION SPECIFICATIONS FOR APWA CLASS A BACKFILL.
- VEGETATION AND TOPSOIL ARE TO BE STRIPPED TO MINERAL EARTH (AND INSPECTED BY THE PROJECT ENGINEER OR GEOTECHNICAL ENGINEER) PRIOR TO PLACEMENT OF FILL OR BASE MATERIALS.
- IN ADDITION TO ANY REQUIRED COMPACTION TESTING, THE CITY MAY REQUIRE A PROOF ROLL WITH A FULLY LOADED 10-YARD DUMP TRUCK TO CHECK SUBGRADE COMPACTION PRIOR TO PLACEMENT OF ROCK SUBBASE AND AGAIN AT THE COMPLETION OF THE PLACEMENT OF THE BASE ROCK PRIOR TO PAVING THE FIRST LIFT OF ASPHALT.
- ASPHALTIC CONCRETE MIX IS TO BE BATCHED FROM A MIX FORMULA APPROVED BY OSHD FOR MATERIAL USED. PAVING CONTRACTOR SHALL PROVIDE A CERTIFICATE OF COMPLIANCE FROM ASPHALT PAVEMENT PLANT.
- SUBSEQUENT SETTLEMENT OR CRACKING OF FINISHED SURFACE WITHIN THE WARRANTY PERIOD SHALL BE CONSIDERED TO BE A FAILURE OF THE SUBGRADE AND REPAIRED AT NO COST TO THE CITY AND IN A MANNER ACCEPTABLE TO THE CITY. A PERFORMANCE BOND IS REQUIRED TO GUARANTEE REPAIRS UNDER THE WARRANTY PERIOD.
- THE CONTRACTOR SHALL CONTROL TRAFFIC THROUGH THE PROJECT SITE IN CONFORMANCE WITH THE LATEST EDITION OF "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", "OREGON SUPPLEMENTS". THE CONTRACTOR SHALL AT ALL TIMES MAINTAIN LOCAL ACCESS FOR HOMEOWNERS ALONG THE PROJECT SITE.
- THE CONTRACTOR AND/OR SUB-CONTRACTOR SHALL HAVE A MINIMUM OF ONE (1) SET OF APPROVED CONSTRUCTION PLANS ON THE JOB SITE AT ALL TIMES DURING THE CONSTRUCTION PHASES.
- CONTRACTOR SHALL REMOVE AND DISPOSE OF TREES, STUMPS, BRUSH, ROOTS, TOPSOIL AND OTHER MATERIAL ENCOUNTERED DURING THE CONSTRUCTION OF THE ROADWAY AND WHERE INDICATED ON THE PLANS. MATERIAL SHALL BE DISPOSED OF IN ACCORDANCE WITH LOCAL, REGIONAL AND STATE REGULATIONS AT FACILITIES AUTHORIZED TO ACCEPT SUCH MATERIAL.
- CONTRACTOR SHALL CAREFULLY MAINTAIN BENCHMARKS, PROPERTY CORNERS, MONUMENTS AND OTHER REFERENCE POINTS. IF SUCH POINTS ARE DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND PAY FOR THEIR REPLACEMENT BY EMPLOYING A PROFESSIONAL LAND SURVEYOR TO RESET PROPERTY CORNERS AND OTHER SUCH MONUMENTS.
- EXCESS EXCAVATED MATERIAL SHALL BE HAULED AND DISPOSED OF AT SITES PROVIDED BY THE OWNER AND APPROVED PURSUANT TO AN APPROPRIATE GRADING PERMIT. FILL SITES SHALL BE LEVELED AND GRADED TO DRAIN. THE CONTRACTOR SHALL CORRECT ANY FILL RELATED CONDITIONS.
- FINAL CLEANUP - PRIOR TO FINAL ACCEPTANCE AND PAYMENT, THE CONTRACTOR SHALL CLEAN THE WORK SITE AND ADJACENT AREAS OF ANY DEBRIS, DISCARDED ASPHALTIC CONCRETE MATERIAL OR OTHER ITEMS DEPOSITED BY THE CONTRACTORS PERSONNEL DURING THE PERFORMANCE OF THIS CONTRACT.
- A PERMIT IS REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY, CONTACT THE CITY OF SANDY PUBLIC WORKS DEPARTMENT OR VISIT www.ci.sandy.or.us FOR PERMIT APPLICATION FORMS.
- ALL WORK MUST COMPLY WITH CITY OF SANDY GRADING AND EROSION CONTROL PERMIT #xxx GR/EC ISSUED XX/XX/XX AND THE NPDES 1200C PERMIT ISSUED BY THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY ON YY/YY/YY. ALL WORK MUST COMPLY WITH THE MOST STRINGENT REQUIREMENTS IN BOTH PERMITS.
- ALL WORK MUST COMPLY WITH THE CITY OF SANDY'S EROSION CONTROL STANDARDS. CONTRACTOR TO SCHEDULE INSPECTIONS 48 NORMAL BUSINESS HOURS IN ADVANCE.
- PRIOR TO DEMOLITION OF ANY OF THE EXISTING STRUCTURES ON-SITE, A DEMOLITION PERMIT IS REQUIRED FROM THE CITY OF SANDY.
- ANY EXISTING DOMESTIC OR IRRIGATION WELLS SHALL BE ABANDONED IN CONFORMANCE WITH OAR 690-220-0030. SUBMIT COPY OF WRD ABANDONMENT FORM TO THE CITY. ANY EXISTING ON-SITE SEWAGE DISPOSAL SYSTEM SHALL BE ABANDONED IN CONFORMANCE WITH CLACKAMAS COUNTY WES REGULATIONS. THE CONTRACTOR SHOULD SUBMIT COPY OF THE CERTIFICATES FOR WELL ABANDONMENT AND SEPTIC TANK REMOVAL TO THE CITY.
- IF, AT ANYTIME DURING THE ON-SITE CONSTRUCTION, THE CONTRACTOR OBSERVES AN ENVIRONMENTAL IMPACT ON-SITE SUCH AS OIL TANKS, CONTAMINATION RESIDUE OR HAZARDOUS MATERIALS, SPILLAGE, ETC., IT MUST BE REPORTED, INSPECTED, AND TREATED IN CONFORMANCE WITH THE APPROPRIATE AGENCY'S REQUIREMENTS.

SANITARY SEWER NOTES:

SANITARY SEWER GENERAL NOTES:

- SEWER PIPE AND FITTINGS TO BE GREEN PVC GRAVITY SEWER PIPE CONFORMING TO ASTM D-3034, SDR 35 WITH RUBBER RING TYPE JOINTS CONFORMING WITH ASTM D-3212. SUBMIT CERTIFICATE OF COMPLETION OF 95% MANDREL TEST ON ALL PIPES AFTER COMPACTION.
- PIPE BEDDING, PIPE ZONE MATERIALS SHALL BE 3/4" MINUS CRUSHED ROCK. BACKFILL WITHIN THE RIGHT-OF-WAY SHALL BE 3/4" MINUS CRUSHED ROCK COMPACTED TO 95 % OF AASHTO T-180 (ASTM D-1557).
- SEWER MAINS TO BE AIR TESTED AS PER APWA PART 00445.72. 95% MANDREL TESTED AS PER APWA PART 00445.73, AND VIDEO INSPECTED AS PER APWA PART 00445.74 FOLLOWING TRENCH BACKFILL AND COMPACTION.
- LATERALS SHALL BE 6" 3034 PVC PIPE, GREEN IN COLOR, AND SHALL BE INSTALLED AT 2 % MINIMUM SLOPE UNLESS OTHERWISE NOTED.
- MANHOLE TESTING SHALL BE AS PER APWA PART 00470.71.
- SETTLEMENT OF THE FINISHED SURFACE WITHIN THE WARRANTY PERIOD SHALL BE CONSIDERED TO BE A RESULT OF IMPROPER COMPACTION AND SHALL BE PROMPTLY REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
- ALL AC SAWCUT LINES SHALL BE STRAIGHT. ALL EDGES SHALL BE SEALED AND SANDED UPON COMPLETION.
- ALL SERVICE LATERALS SHALL EXTEND 5 FT. BEYOND THE PROPERTY LINE. THE END SHALL BE MARKED WITH A SINGLE 2X4 WHICH EXTEND 2 FT. ABOVE FINISH GRADE. THE EXPOSED PORTIONS OF THE 2X4 SHALL BE PAINTED WHITE. DEPTH OF LATERAL SHALL BE PAINTED ON THE 2X4.
- SANITARY LATERAL LOCATIONS SHALL BE STAMPED WITH AN "S" ON THE CURB FACE FOR FUTURE LOCATION.
- SEWER AND WATERLINE CROSSINGS MUST MEET THE REQUIREMENTS OF OAR 333-061-0050(9)
- PRIOR TO CONSTRUCTION, OBTAIN APPROVAL FOR THE SANITARY SEWER SYSTEM FROM THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AS PER OAR 340-052 AND SUBMIT A COPY OF THE APPROVAL TO THE CITY (ENGINEER TO APPLY FOR APPROVAL).

UTILITY NOTES:

- THE CONTRACTOR IS REQUIRED TO OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF SANDY PRIOR TO BEGINNING CONSTRUCTION.

NOTIFICATION:

GENERAL - THE CONTRACTOR SHALL, AS A MINIMUM, COORDINATE THE PROPOSED CONSTRUCTION ACTIVITIES WITH THE OWNER AND LOCAL PUBLIC AGENCIES, UTILITIES AND COMPANIES DURING CONSTRUCTION TO AVOID DAMAGE AND TO PREVENT THE INTERRUPTION OF SERVICES AND UTILITIES TO RESIDENTS AND BUSINESSES:

OREGON UTILITY NOTIFICATION CENTER
1-503-246-6699

CLACKAMAS COUNTY
(503) 353-4400

CITY OF SANDY ENGINEERING DEPT. (503) 668-5533
BUILDING DIVISION INSPECTIONS (503) 668-6941

PORTLAND GENERAL ELECTRIC
(503) 226-8111

VERIZON NORTHWEST (TELEPHONE)
1-800-483-4100

NORTHWEST NATURAL GAS
(503) 226-4211

CHARTER COMMUNICATIONS (CABLE TV)
1-866-731-5420

STREET AND STORM DRAINAGE NOTES:

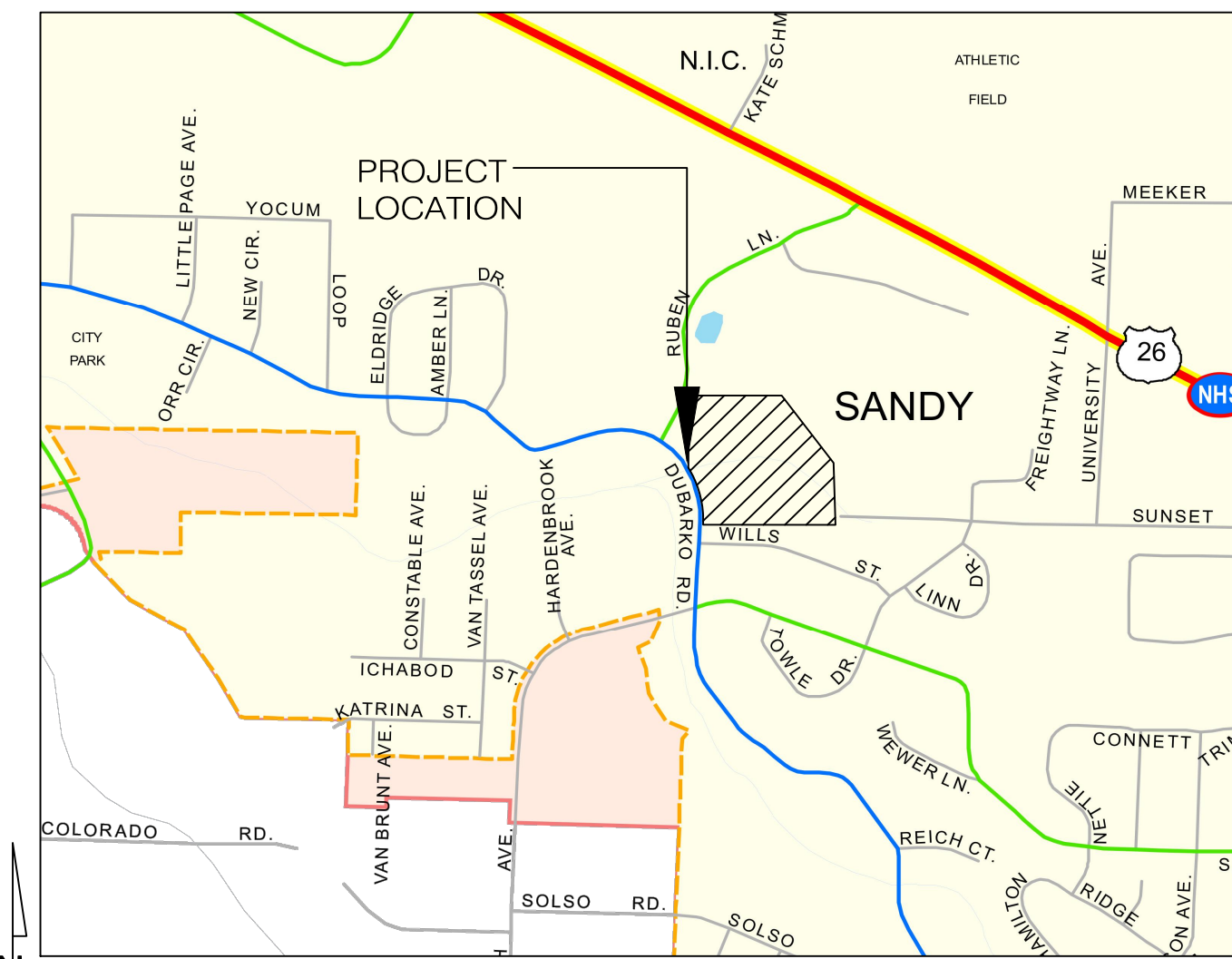
- STREET AND STORM DRAIN IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF SANDY STANDARDS AND REQUIREMENTS.
- ALL TRENCH EXCAVATION SHALL CONFORM TO STANDARD STORM SEWER SPECIFICATIONS AND SHALL BE UNCLASSIFIED.
- PIPE BEDDING AND PIPE ZONE SHALL CONFORM TO THE EXCAVATION AND BACKFILL DETAILS, AND SHALL BE 3/4"-0" CRUSHED ROCK.
- THE CITY REQUIRES COMPACTION WITHIN THE RIGHT-OF-WAY TO BE 95 % OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T-180. CONTRACTOR TO DETERMINE TYPE OF EQUIPMENT AND METHOD USED TO ACHIEVE REQUIRED COMPACTION.
- TRENCH BACKFILL OUTSIDE OF RIGHTS OF WAY OR PAVED AREAS MAY BE EXCAVATED TRENCH MATERIAL. TRENCH BACKFILL IN PAVED AREAS SHALL BE AN APPROVED GRANULAR MATERIAL.
- MATERIAL IN SOFT SPOTS WITHIN THE ROADWAY SHALL BE REMOVED TO THE DEPTH REQUIRED TO PROVIDE A FIRM FOUNDATION AND SHALL BE REPLACED WITH 1-1/2"-0" CRUSHED ROCK. THE ENTIRE SUBGRADE SHALL BE THOROUGHLY COMPACTION TO 95 % AASHTO T-180.
- CONTRACTOR SHALL NOTIFY THE ENGINEER AND CITY OF SANDY WHEN SUBGRADE IS COMPLETE AND 24 HOURS PRIOR TO PLACEMENT OF ROCK BASE MATERIAL AND 24 HOURS PRIOR TO FINAL PAVING FOR AN INSPECTION OF THE WORK. FAILURE TO DO SO WILL MAKE ANY SUBGRADE FAILURE PROBLEMS THE RESPONSIBILITY OF THE CONTRACTOR. A PROOF ROLL WITH A FULLY LOADED 10-YARD DUMP TRUCK MAY BE REQUIRED TO CHECK SUBGRADE COMPACTION PRIOR TO PLACEMENT OF ROCK SUBBASE AND AGAIN AT THE COMPLETION OF THE PLACEMENT OF THE BASE ROCK PRIOR TO PAVING THE FIRST LIFT OF ASPHALT.
- ALL SAWCUT JOINTS SHALL BE STRAIGHT, TACKED AND SAND SEALED UPON PAVING.
- THE CITY REQUIRES A SUCCESSFUL MANDREL PULL ON ONE SECTION OF EACH DIAMETER OF STORM PIPE USED.
- ASPHALT COMPACTION SHALL BE PERFORMED USING NUCLEAR GAUGE. THE RICE DENSITY TESTS SHALL BE 91% FOR THE BASE LIFT AND 92% FOR THE TOP LIFT IN ACCORDANCE WITH ODOT TM305 OR AASHTO T-209. SUBMIT TESTING REPORTS TO THE CITY.
- STORM DRAIN LATERALS SHALL BE 4" 3034 PVC AND WHITE IN COLOR. PLACE 2X4 WOODEN PIPE MARKER AT END OF EACH LATERAL.

GRADING NOTES:

- FILLS SHALL BE COMPACTION TO 95 PERCENT OF MAXIMUM DENSITY IN THE BUILDING ENVELOPE AND 92 PERCENT OF MAXIMUM DENSITY ON THE REMAINDER OF THE LOT AS DETERMINED BY ASTM TEST SD 1557-91, METHOD A, OR AN EQUIVALENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING THE NECESSARY ARRANGEMENTS FOR SUCH TESTING AND FOR SUPPLYING THE RESULTS TO THE CITY OF SANDY.
- ALL CUTS SHALL BE MADE CONSISTENT WITH THE DETAILS NOTED IN THE PLANS. NO CUT SHALL EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS APPROVED BEFOREHAND BY THE ENGINEER AND THE CITY OF SANDY.
- APPROPRIATE BENCHING OF FILLS IS REQUIRED FOR FILLS OVER 5 FEET IN HEIGHT ON SLOPES IN EXCESS OF 5 HORIZONTAL TO 1 VERTICAL. BENCHING MUST BE DONE AS PER THE APPROVED PLANS. THE CITY OF SANDY SHALL INSPECT BENCHES PRIOR TO FILL PLACEMENT.
- CUT AND FILL SLOPES SHALL BE PROTECTED FROM EROSION. SUCH CONTROL MAY CONSIST OF APPROPRIATE REVEGETATION OR OTHER ACCEPTABLE MEANS AND METHODS. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO EARTHWORK OR SITE STRIPPING.
- THE CONTRACTOR SHALL COORDINATE WITH CITY PERSONNEL BY CALLING (503) 668-6941 OR (503) 668-5533 ANYTIME FOR REQUIRED INSPECTIONS AT THE FOLLOWING STAGES OF CONSTRUCTION:

SHEET INDEX

- COVER SHEET AND NOTES
- EXISTING CONDITIONS WITH OVERLAYS
- TREE PRESERVATION AND DEMO PLAN
- TREE PRESERVATION TABLE
- SITE AND DIMENSION PLAN
- SITE UTILITY PLAN
- GRADING AND EROSION CONTROL PLAN
- EROSION CONTROL NOTES AND DETAILS
- EMERGENCY VEHICLE PATHWAY
- SITE AREA EXHIBIT
- LANDSCAPE AND COMMON SPACE



VICINITY MAP

APPROX SCALE: 1" = 600'

WATERLINE NOTES

- STENCIL "W" ON CURBS AT WATER METER LOCATION.
- ALL PUBLIC WATERLINE PIPE SHALL BE PRESSURE CLASS 350 DUCTILE IRON. DUCTILE IRON PIPE SHALL BE CEMENT-MORTAR LINED AND SHALL CONFORM TO AWWA STANDARD C151 AND C104 AND SHALL BE U.S. TYTON JOINT PIPE OR APPROVED EQUAL. RUBBER RING GASKETS SHALL CONFORM TO ANSI A-21.10 AND ANSI A-21.4. MORTAR LINING SHALL BE SAME THICKNESS AS FOR PIPE.
- NO PUBLIC WATER VALVES SHALL BE OPENED OR CLOSED (OPERATED) BY ANYONE BUT THE CITY OF SANDY.
- ALL PUBLIC WATERLINES PIPE SHALL HAVE A MINIMUM OF 36" OF COVER IN STREET RIGHT OF WAYS TO FINISH GRADE UNLESS OTHERWISE SHOWN.
- ALL WATERLINES SHALL BE THOROUGHLY FLUSHED AND CHLORINATED AND PORTABLE WATER TEST SHALL BE APPROVED BY THE OREGON STATE HEALTH DEPARTMENT AND THE CITY OF SANDY PRIOR TO ANY METER SERVICE HOOK-UP OR CONNECTION TO EXISTING SYSTEM. DISINFECTION TESTING OF ALL WATERLINES TO BE PER AWWA C-651
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE PROPER SEPARATION BETWEEN SANITARY SEWER LINES AND WATERLINES AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND SATE DEPARTMENT OF HEALTH.
- ALL FILLING, FLUSHING, AND TESTING OF NEW WATERLINE FACILITIES SHALL BE DONE THROUGH A 6" DOUBLE-CHECK DEVICE AND TEMPORARY BLOW-OFFS.
- MECHANICAL RESTRAINT IS REQUIRED AT ALL FITTINGS AS OPPOSED TO THRUST BLOCKING
- PRIOR TO CONSTRUCTION, OBTAIN APPROVAL FOR THE WATER SYSTEM FROM THE OREGON DEPARTMENT OF HUMAN SERVICES, DRINKING WATER PROGRAM AS PER OAR 333-061 AND SUBMIT A COPY OF THE APPROVAL TO THE CITY (ENGINEER TO APPLY FOR APPROVAL)
- ALL WATERLINES TO BE HYDROSTATIC TESTED PER AWWA C-600

WATER SERVICES

- WATER SERVICE PIPE SHALL BE COPPER TUBING CONFORMING TO ASTM B88, TYPE K, ANNEALED, THE TUBING SHALL BE COUPLED USING FLARE TYPE COMPRESSION FITTINGS CONFORMING TO THE REQUIREMENTS OF AWWA C800 WITH MINIMUM 150 PSI WORKING PRESSURE.
- SADDLES SHALL BE STAINLESS STEEL, DOUBLE STRAPS OR BAND TYPE WITH STANDARD TAPPING TO MATCH SERVICE REQUIREMENTS.
- CORPORATION STOPS SHALL CONFORM TO AWWA C800 AND SHALL BE OF LEAD-FREE BRONZE ALLOY WITH COLD-FLARE CUTS OR COMPRESSION OUTLET. DIRECT TAP CONNECTIONS SHALL BE AWWA TAPERED THREAD INLET. SADDLE CONNECTIONS SHALL BE IP INLET. REFER TO STANDARD DRAWING #408 FOR APPROVED MANUFACTURERS AND MODEL NUMBERS
- METER STOPS SHALL BE ANGLE PATTERN WITH LOCK WINGS, REFER TO STANDARD DETAIL NO. 408 FOR APPROVED MANUFACTURERS AND MODEL NUMBERS.



EXPIRES: 06/30/21
SIGNATURE DATE:

E16-006 COVER SHEET.dwg 09:55 09/13/2019

DATE	NO.	REVISION
9/12/19		CLIENT UPDATES

DRAWN:	DESIGNED:	CHECKED:
SCALE: AS SHOWN	DATE: OCTOBER 2018	
PROJECT NO. E16-006		

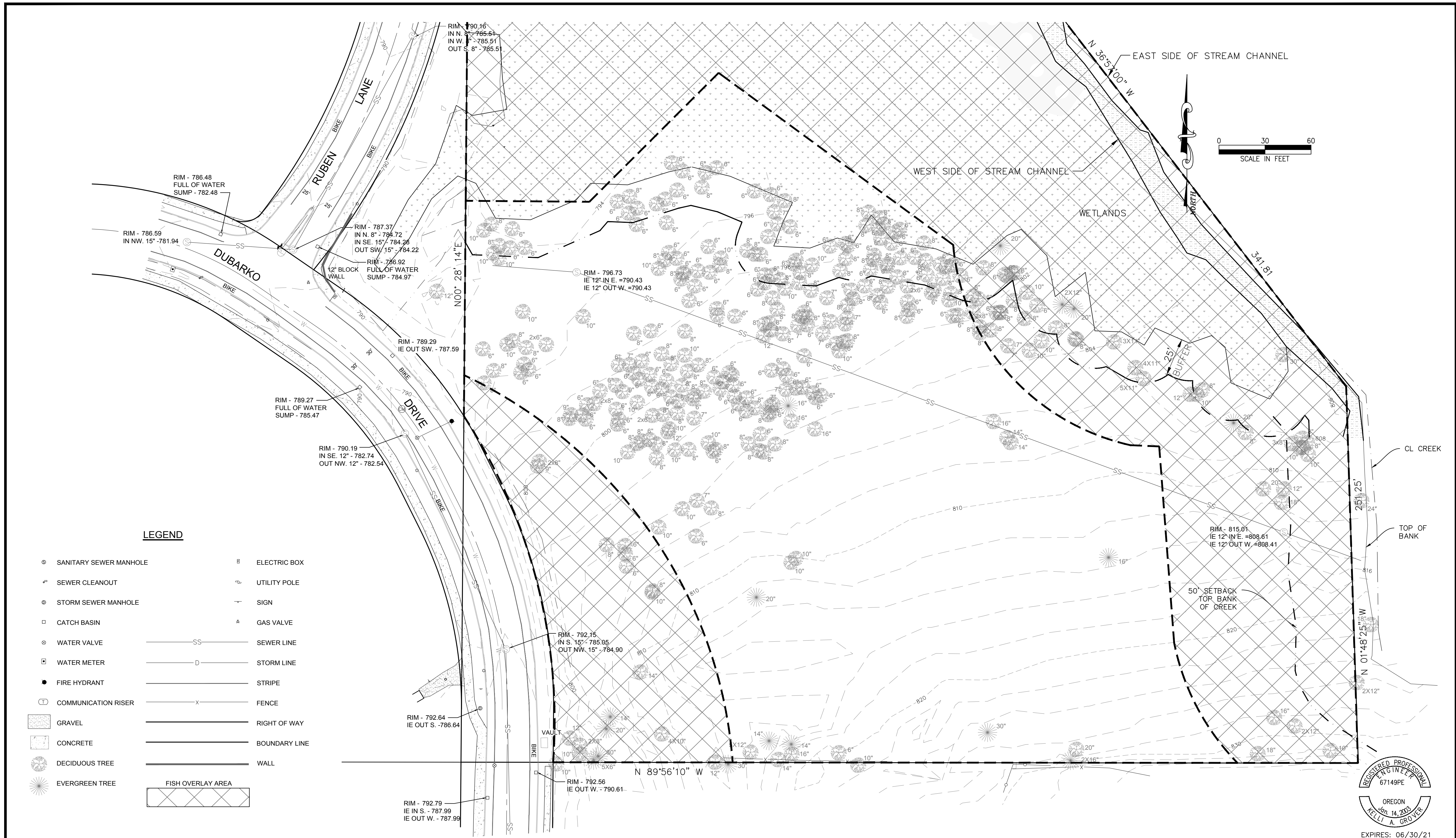
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Firwood Design Group, LLC
SURVEYING • ENGINEERING • PLANNING

369 EAST HISTORIC COLUMBIA RIVER HIGHWAY
TROUTDALE, OREGON 97060
BUS: (503) 668-3737 • FAX: (503) 668-3788

TICKLE CREEK PROPERTIES, LLC
GERRY ENGLER: gerry.e@buildernw.com
PO BOX 873580, VANCOUVER, WA 98687

COVER SHEET AND NOTES
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

1
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LEGEND

- SANITARY SEWER MANHOLE
- ⊕ SEWER CLEANOUT
- ⊙ STORM SEWER MANHOLE
- CATCH BASIN
- ⊙ WATER VALVE
- ⊞ WATER METER
- FIRE HYDRANT
- ⊞ COMMUNICATION RISER
- ▨ GRAVEL
- ▩ CONCRETE
- ⊙ DECIDUOUS TREE
- ⊙ EVERGREEN TREE
- ⊞ ELECTRIC BOX
- ⊙ UTILITY POLE
- ⊞ SIGN
- ⊞ GAS VALVE
- SS — SEWER LINE
- D — STORM LINE
- STRIPE
- X — FENCE
- RIGHT OF WAY
- BOUNDARY LINE
- WALL
- ▨ FISH OVERLAY AREA

E16-006 EXISTING CONDITIONS.dwg 09:55 09/13/2019

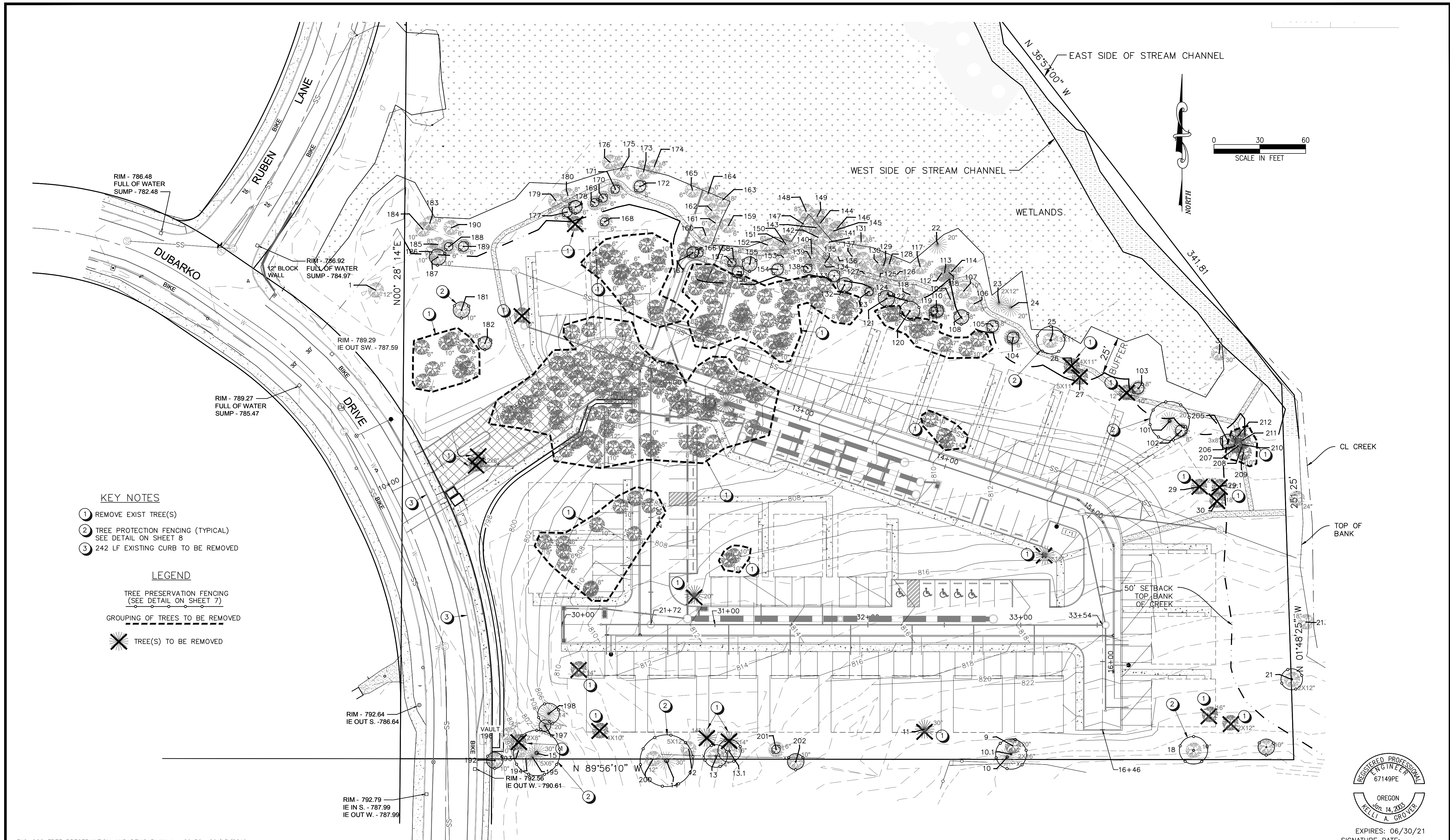
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EXISTING CONDITIONS WITH OVERLAYS
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON





- KEY NOTES**
- ① REMOVE EXIST TREE(S)
 - ② TREE PROTECTION FENCING (TYPICAL) SEE DETAIL ON SHEET 8
 - ③ 242 LF EXISTING CURB TO BE REMOVED
- LEGEND**
- TREE PRESERVATION FENCING (SEE DETAIL ON SHEET 7)
 - GROUPING OF TREES TO BE REMOVED
 - X TREE(S) TO BE REMOVED

REGISTERED PROFESSIONAL ENGINEER
67149PE
OREGON
KELLI A. GROVER
EXPIRES: 06/30/21
SIGNATURE DATE: _____

E16-006 TREE PRESERVATION AND DEMO PLAN.dwg 09:56 09/13/2019

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TREE PRESERVATION AND DEMO PLAN
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

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Tree No	Common Name	Scientific Name	DBH ¹	Single DBH ¹	Condition ²	Structure ³	Min. Root Protection Zone ⁴	Comments
1	Scoulers willow	<i>Salix scouleriana</i>	12	12	fair	fair	6	one sided, short lived species
9	sweet cherry	<i>Prunus avium</i>	20	20	good	fair	10	multiple leaders at 7 with included bark, nuisance species
10	Douglas-fir	<i>Pseudotsuga menziesii</i>	19	19	good	fair	9.5	one sided
10.1	bigleaf maple	<i>Acer macrophyllum</i>	15	15	good	fair	7.5	one sided, added to site plan in approximate location by arborist
11	grand fir	<i>Abies grandis</i>	31	31	fair	fair	15.5	lost top with multiple new leaders at 35, moderate branch dieback
12	sweet cherry	<i>Prunus avium</i>	12,12,12,8,6,6	23	poor	poor	11.5	multiple leaders at ground, heartrot in stem, nuisance species
13	sweet cherry	<i>Prunus avium</i>	14	14	good	fair	7	one sided, nuisance species
13.1	red alder	<i>Alnus rubra</i>	14	14	good	fair	7	moderately one sided, short lived species, added to site plan in approximate location by arborist
14	Douglas-fir	<i>Pseudotsuga menziesii</i>	32	32	good	fair	16	codominant at 40'
15	Douglas-fir	<i>Pseudotsuga menziesii</i>	28	28	good	fair	14	50% live crown ratio
18	sweet cherry	<i>Prunus avium</i>	17	17	good	fair	8.5	multiple leaders, nuisance species
21	bigleaf maple	<i>Acer macrophyllum</i>	13	13	good	fair	6.5	multiple leaders at top of crown
22	western red cedar	<i>Thuja plicata</i>	26	26	good	fair	13	sweep in lower trunk, codominant at 3'
23	western red cedar	<i>Thuja plicata</i>	23	23	good	fair	11.5	multiple leaders at 4 with decay pocket
24	western red cedar	<i>Thuja plicata</i>	23	23	good	good	11.5	
25	red alder	<i>Alnus rubra</i>	10,9,8,7	17	good	fair	8.5	multiple leaders at ground, short lived species
26	bigleaf maple	<i>Acer macrophyllum</i>	32,12,6,6	35	good	fair	17.5	multiple leaders at ground

151	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	25% lcr
152	red alder	<i>Alnus rubra</i>	5	5	fair	poor	2.5	25% lcr
153	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
154	red alder	<i>Alnus rubra</i>	7	7	poor	poor	3.5	25% lcr, top dieback
155	black cottonwood	<i>Populus trichocarpa</i>	9	9	good	poor	4.5	33% lcr
156	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	25% lcr
157	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	10% lcr
158	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
159	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
160	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
161	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
162	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
163	red alder	<i>Alnus rubra</i>	7	7	fair	poor	3.5	25% lcr
164	red alder	<i>Alnus rubra</i>	6	6	fair	poor	3	33% lcr, epicormic growth
165	red alder	<i>Alnus rubra</i>	5	5	fair	poor	2.5	33% lcr, epicormic growth
166	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
167	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
168	red alder	<i>Alnus rubra</i>	6	6	poor	poor	3	branch dieback, thin crown
169	red alder	<i>Alnus rubra</i>	5	5	poor	poor	2.5	suppressed
170	red alder	<i>Alnus rubra</i>	6	6	fair	fair	3	one sided, thin crown
171	red alder	<i>Alnus rubra</i>	5	5	good	fair	2.5	50% lcr
172	red alder	<i>Alnus rubra</i>	7	7	poor	poor	3.5	lost top
173	red alder	<i>Alnus rubra</i>	6	6	good	fair	3	one sided
174	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	33% lcr
175	red alder	<i>Alnus rubra</i>	5	5	good	good	2.5	
176	red alder	<i>Alnus rubra</i>	6	6	good	good	3	
177	red alder	<i>Alnus rubra</i>	6	6	good	good	3	

27	bigleaf maple	<i>Acer macrophyllum</i>	19,13,12,12,12,6,5,5,3	35	fair	fair	17.5	multiple leaders at ground with three dead or decayed stems
29	red alder	<i>Alnus rubra</i>	18	18	good	fair	9	one sided, short lived species
29.1	western red cedar	<i>Thuja plicata</i>	12	12	good	fair	6	one sided, added to site plan in approximate location by arborist
30	red alder	<i>Alnus rubra</i>	20	20	good	fair	10	multiple leaders, short lived species
31	black cottonwood	<i>Populus trichocarpa</i>	28	28	good	fair	14	codominant at top of crown
101	western hemlock	<i>Tsuga heterophylla</i>	24	24	fair	fair	12	thin crown, exposed root crown from growing on nurse stump, previously tree 28
102	Scoulers willow	<i>Salix scouleriana</i>	7	7	fair	fair	3.5	suppressed
103	Scoulers willow	<i>Salix scouleriana</i>	8	8	fair	fair	4	moderately suppressed
104	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% live crown ratio (lcr)
105	red alder	<i>Alnus rubra</i>	7	7	fair	poor	3.5	33% lcr, wounds at lower trunk
106	red alder	<i>Alnus rubra</i>	6	6	fair	poor	3	25% lcr, wounds at lower trunk
107	red alder	<i>Alnus rubra</i>	9	9	good	fair	4.5	60% lcr
108	red alder	<i>Alnus rubra</i>	9	9	good	poor	4.5	25% lcr
109	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	15% lcr
110	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	15% lcr
111	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	25% lcr
112	red alder	<i>Alnus rubra</i>	6	6	good	fair	3	50% lcr
113	red alder	<i>Alnus rubra</i>	5	5	fair	poor	2.5	15% lcr, epicormic growth at lower trunk
114	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	25% lcr
115	red alder	<i>Alnus rubra</i>	7	7	good	fair	3.5	33% lcr
117	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
118	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	25% lcr
119	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	15% lcr
120	sweet cherry	<i>Prunus avium</i>	9,8	12	fair	fair	6	codominant at ground level, nuisance species
121	red alder	<i>Alnus rubra</i>	10	10	good	poor	5	33% lcr
122	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	25% lcr
123	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr

178	red alder	<i>Alnus rubra</i>	8	8	good	fair	4	codominant at 3'
179	red alder	<i>Alnus rubra</i>	5	5	very poor	very poor	2.5	dead
180	red alder	<i>Alnus rubra</i>	7	7	fair	fair	3.5	one sided, epicormic growth
181	black cottonwood	<i>Populus trichocarpa</i>	10	10	good	good	5	
182	red alder	<i>Alnus rubra</i>	8	8	fair	fair	4	multiple leaders at 3'
183	red alder	<i>Alnus rubra</i>	8	8	good	fair	4	one sided
184	red alder	<i>Alnus rubra</i>	10	10	good	fair	5	one sided
185	red alder	<i>Alnus rubra</i>	8	8	fair	fair	4	one sided
186	red alder	<i>Alnus rubra</i>	7	7	good	fair	3.5	one sided
187	red alder	<i>Alnus rubra</i>	10	10	good	fair	5	one sided
188	red alder	<i>Alnus rubra</i>	5	5	good	fair	2.5	one sided
189	red alder	<i>Alnus rubra</i>	6	6	good	fair	3	one sided
190	red alder	<i>Alnus rubra</i>	6	6	good	fair	3	one sided
192	bigleaf maple	<i>Acer macrophyllum</i>	10	10	good	fair	5	one sided, pistol butt
193	sweet cherry	<i>Prunus avium</i>	8	8	fair	fair	4	overtopped by adjacent trees, nuisance species
194	western red cedar	<i>Thuja plicata</i>	7,6,6,5	12	good	fair	6	one sided, multiple leaders at ground level, added to site map in approximate location by arborist
195	western red cedar	<i>Thuja plicata</i>	6,5	7	good	fair	3.5	one sided, codominant at 1', leader previously removed at ground level
196	sweet cherry	<i>Prunus avium</i>	10	10	fair	fair	5	one sided, nuisance species
197	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	25% lcr
198	red alder	<i>Alnus rubra</i>	13	13	good	fair	6.5	moderately one sided, 50% lcr
200	sweet cherry	<i>Prunus avium</i>	12	12	good	fair	6	codominant at 10', one sided, overtopped by adjacent trees, not tagged because property line tree, nuisance species
201	cascara	<i>Rhamnus purshiana</i>	6	6	good	fair	3	multiple leaders at 8'
202	English holly	<i>Ilex aquifolium</i>	10	10	good	fair	5	multiple leaders, not tagged because property line tree, nuisance species
205	red alder	<i>Alnus rubra</i>	9	9	good	poor	4.5	25% lcr

124	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
125	red alder	<i>Alnus rubra</i>	7	7	fair	poor	3.5	25% lcr
126	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	10% lcr
127	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	25% lcr
128	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	25% lcr
129	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	33% lcr
130	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	33% lcr
131	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
132	red alder	<i>Alnus rubra</i>	7,6	9	good	poor	4.5	33% lcr, codominant at ground level
133	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	25% lcr
134	red alder	<i>Alnus rubra</i>	5	5	fair	poor	2.5	15% lcr
135	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	33% lcr
136	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	10% lcr
137	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	25% lcr
138	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	33% lcr
139	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
140	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	25% lcr
141	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	25% lcr
142	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
143	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	10% lcr
144	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	33% lcr
145	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	33% lcr
146	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	25% lcr
147	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	33% lcr
148	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	33% lcr
149	red alder	<i>Alnus rubra</i>	8	8	good	fair	4	40% lcr
150	red alder	<i>Alnus rubra</i>	5	5	good	poor	2.5	10% lcr

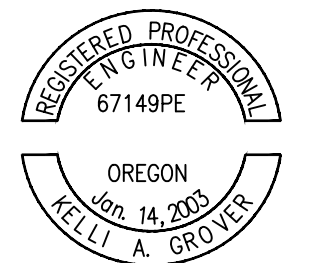
206	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	25% lcr
207	red alder	<i>Alnus rubra</i>	6	6	very poor	very poor	3	dead, 20 snag
208	red alder	<i>Alnus rubra</i>	8	8	good	poor	4	33% lcr
209	red alder	<i>Alnus rubra</i>	6	6	good	poor	3	25% lcr
210	red alder	<i>Alnus rubra</i>	9	9	poor	poor	4.5	25% lcr, top dieback
211	red alder	<i>Alnus rubra</i>	7	7	very poor	very poor	3.5	dead, 40 tall snag
212	red alder	<i>Alnus rubra</i>	7	7	good	poor	3.5	10% lcr
213	red alder	<i>Alnus rubra</i>	11	11	good	fair	5.5	40% lcr, offsite

¹DBH is the trunk diameter in inches.

²Single DBH is the DBH of multistem trees converted into a single DBH according to the following formula: square root of the sum of the squared DBH of each stem at 4.5 feet above ground level.

³Condition and Structure ratings range from very poor, poor, fair, to good.

⁴Minimum Root Protection Zone is the minimum setback to be protected from the trunk of a tree in feet when impacted on one side of the root system.



EXPIRES: 06/30/21
SIGNATURE: DATE:

E16-006 TREE PRESERVATION AND DEMO PLAN_REPORT.dwg 09/13/2019

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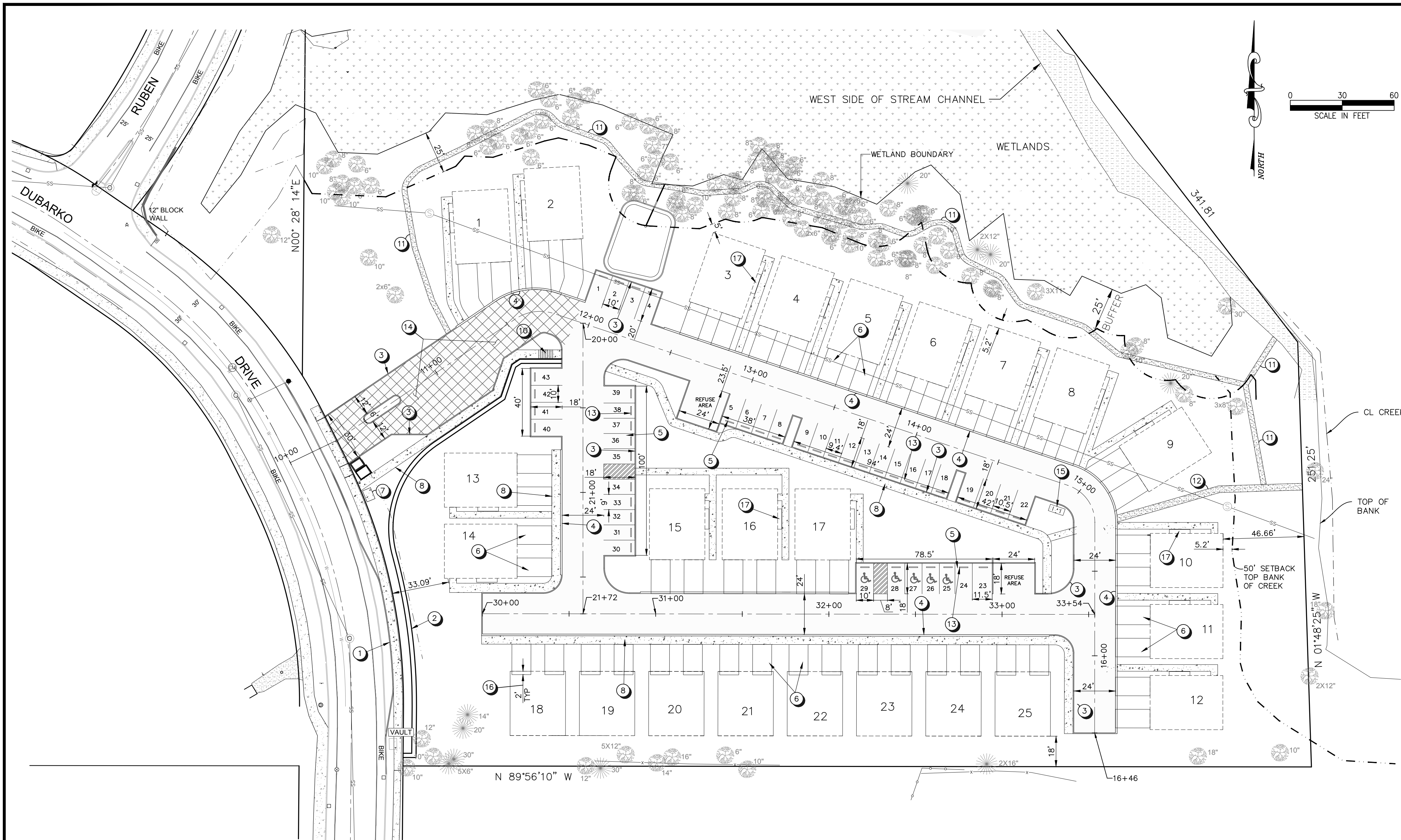
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369 EAST HISTORIC COLUMBIA RIVER HIGHWAY
TROUTDALE, OREGON 97060
BUS: (503) 668-3737 • FAX: (503) 668-3788

TICKLE CREEK PROPERTIES, LLC
GERRY ENGLER: gerry.e@buildernw.com
PO BOX 873580, VANCOUVER, WA 98687

TREE PRESERVATION TABLE
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

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KEY NOTES

- 1 BUS TURNOUT
- 2 RETAINING WALL (QUARRYSTONE FACE)
- 3 STANDARD CURB WITH 6" EXPOSURE (TYPICAL)
- 4 LOW PROFILE MOUNTABLE CURB IN FRONT OF DRIVEWAYS
- 5 PARKING SPACES - 9' WIDE MIN, 10.5' WIDE MAX, 18' DEEP (TYPICAL)
- 6 11' WIDE DRIVEWAY (TYPICAL)
- 7 TRANSFORMER PAD
- 8 5' SIDEWALK
- 9 NOT USED
- 10 SIDEWALK STAIRS (AS NEEDED)
- 11 BARK SURFACE PEDESTRIAN PATHWAY. TRAIL WILL BE FIELD LOCATED AND FLAGGED PRIOR TO CONSTRUCTION
- 12 ASPHALT PATHWAY TO TRANSITION TO BARK SURFACE PATHWAY IN RDA
- 13 WHEEL STOP (TYPICAL)
- 14 PERVIOUS ASPHALT
- 15 2 BICYCLE PARKING LOOPS (4 TOTAL), ADDITIONAL BICYCLE PARKING SPACE TO BE PROVIDED IN EACH UNIT
- 16 2' RECESSED AREA FOR UNITS 18-25 (TYP)
- 17 2'-4" x 12' LONG STORAGE UNITS ON SAME SIDE AS 4' WALKWAY ACCESS, TYPICAL FOR UNITS 1-17

TOTAL ASPHALT PARKING SPACES: 43
 TOTAL DRIVEWAY PARKING AREAS: 50
 TOTAL GARAGE PARKING AREAS: 50
 TOTAL PARKING SPACES = 143 TOTAL
 (5 TOTAL ADA PARKING SPACE WITH ONE AS VAN ACCESSIBLE)



E16-006 COMPOSITE SITE PLAN.dwg 09:55 09/13/2019

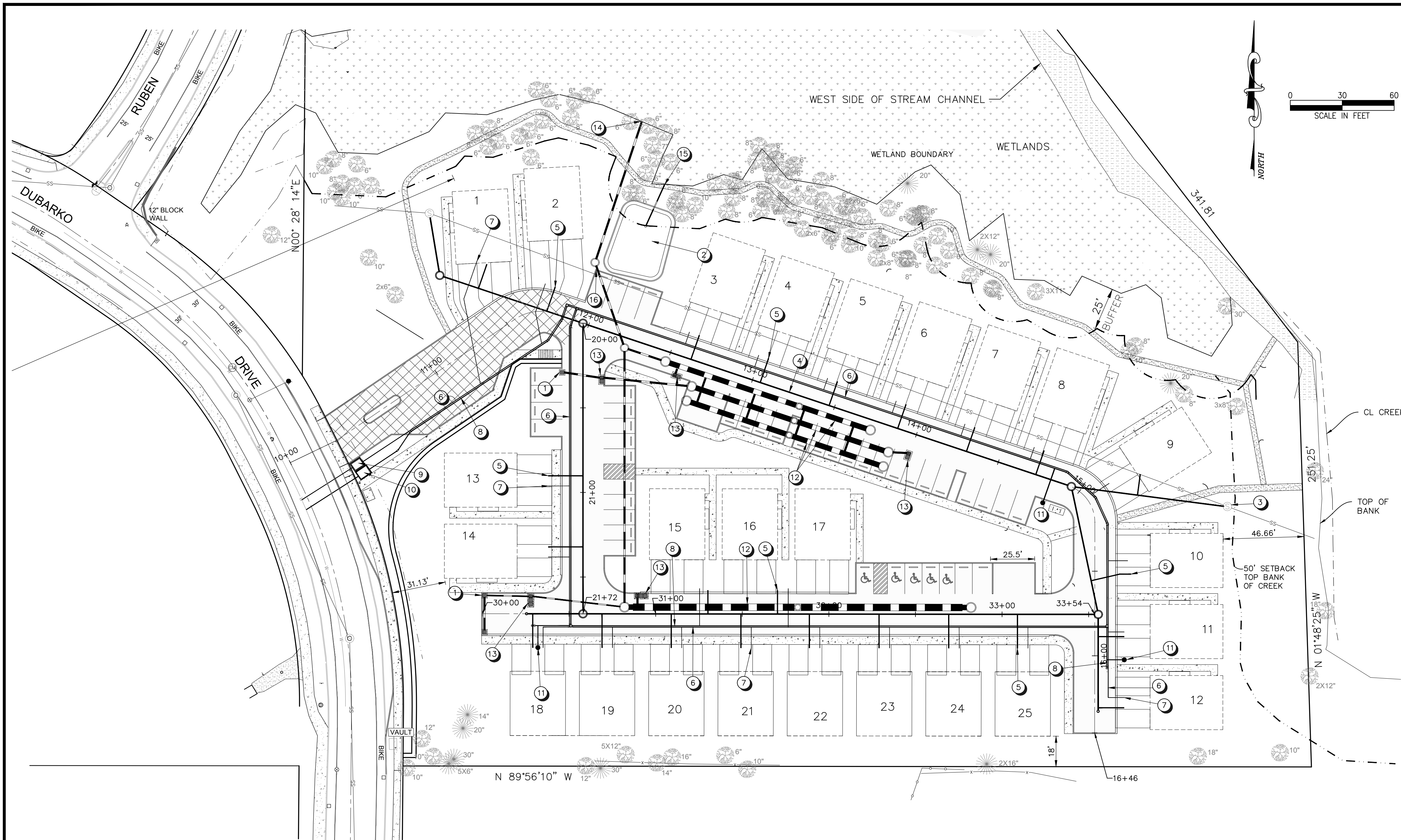
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COMPOSITE SITE AND DIMENSION PLAN
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON

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KEY NOTES

- 1 G-2 CATCH BASIN (TYPICAL)
- 2 8" DEEP CITY OF PORTLAND TYPE RAIN GARDEN
- 3 RE-ROUTE EXIST SANITARY SEWER
- 4 8" SANITARY SEWER (TYPICAL)
- 5 6" SANITARY SEWER LATERAL (TYPICAL)
- 6 3" WATERLINE (TYPICAL), TO BE SIZED PER OREGON PLUMBING CODE
- 7 WATER SERVICE (TYPICAL)
- 8 4" FIRELINE
- 9 3" WATER METER
- 10 DOUBLE DETECTOR CHECK VALVE AND VAULT
- 11 FIRE HYDRANT
- 12 36" STORMWATER DETENTION
- 13 WATER QUALITY CATCH BASIN
- 14 DAYLIGHT STORM PIPE INTO WETLAND
- 15 DAYLIGHT RAIN GARDEN OVERFLOW INTO WETLAND AREA
- 16 CURB CUT FOR DRAINAGE INTO RAIN GARDEN



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E16-006 UTILITY PLAN.dwg 09:56 09/13/2019

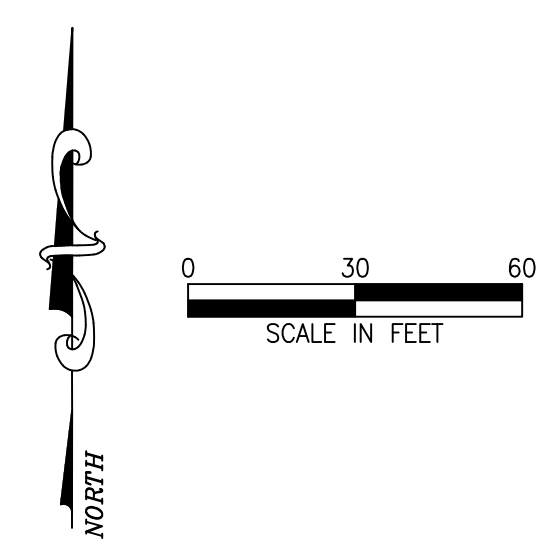
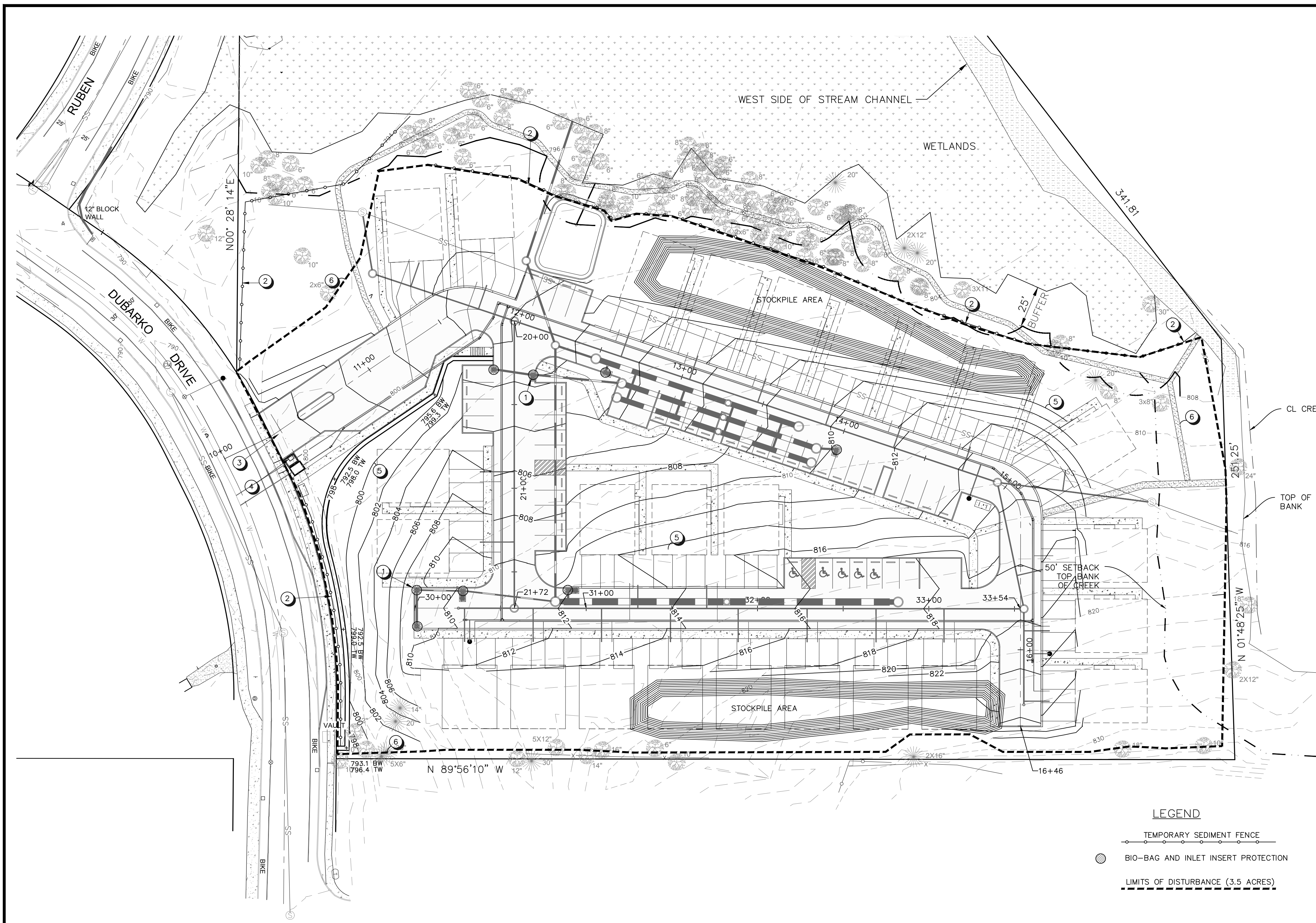
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SITE UTILITY PLAN
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

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- KEY NOTES**
- 1 CB INSERT INLET PROTECTION FOR AREA DRAIN TYPE CATCH BASIN, SEE DETAILS ON SHEET 5 (TYPICAL)
 - 2 TEMPORARY SILT FENCING, SEE DETAIL ON SHEET 5, ADJUST SILT FENCING AS NECESSARY DURING CONSTRUCTION
 - 3 CONSTRUCTION ENTRANCE, SEE DETAIL THIS ON SHEET 5
 - 4 CONSTRUCT TEMPORARY 3' X 3' X 2' DEEP SUMP AREA TO BE USED AS WASH AREA FOR CONCRETE TRUCKS, AFTER CURBS AND SIDEWALKS ARE INSTALLED AND BEFORE ROADS ARE PAVED, FILL AND COMPACT SUMP AREA PER STRUCTURAL REQUIREMENTS, DO NOT OVERFILL SUMP AREA, CONTRACTOR TO INCREASE SUMP WIDTH AS NECESSARY TO PROVIDE ADEQUATE VOLUME AS (IF) NEEDED
 - 5 PROPOSED FINISH GRADE CONTOURS (TYPICAL)
 - 6 LIMITS OF DISTURBANCE (3.6 ACRES TYPICAL)

- NOTES:**
1. ALL PROPOSED CATCH BASINS WILL BE THE "AREA DRAIN" TYPE
 2. PRIOR TO ANY ON-SITE DISTURBANCE, SUBMIT 2 SETS OF GRADING AND EROSION CONTROL PLANS AND OBTAIN A CITY OF SANDY GRADING AND EROSION CONTROL PERMIT AND SUBMIT A COPY OF DEQ 1200-C PERMIT TO THE CITY OF SANDY
 3. CALL FOR AN INSPECTION OF EROSION CONTROL AND TREE PROTECTION MEASURES PRIOR TO ANY SITE CLEARING

LEGEND

- TEMPORARY SEDIMENT FENCE
- ⊙ BIO-BAG AND INLET INSERT PROTECTION
- - - - - LIMITS OF DISTURBANCE (3.5 ACRES)



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E16-006 GRADING AND ESC PLAN.dwg 09:55 09/13/2019

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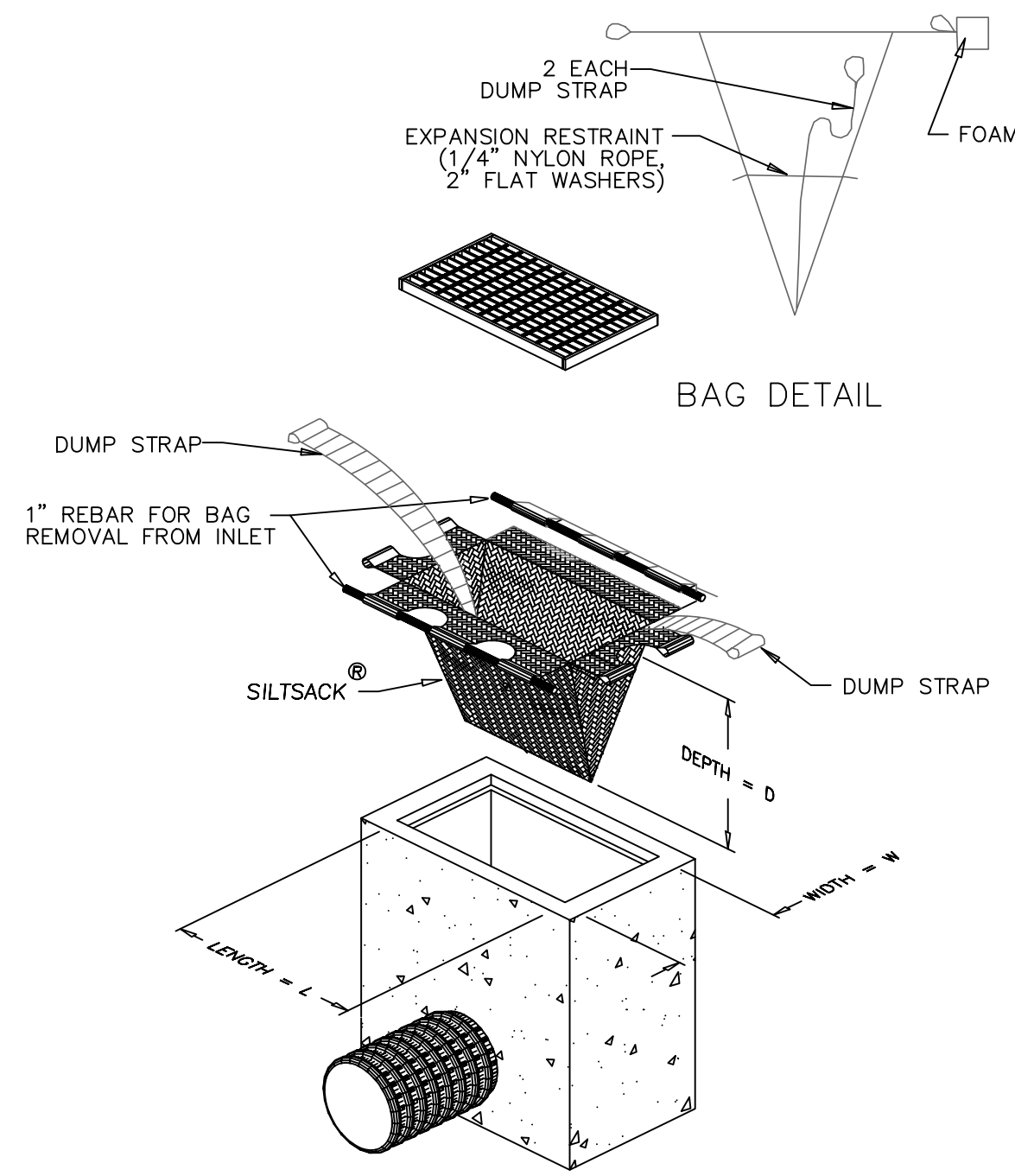
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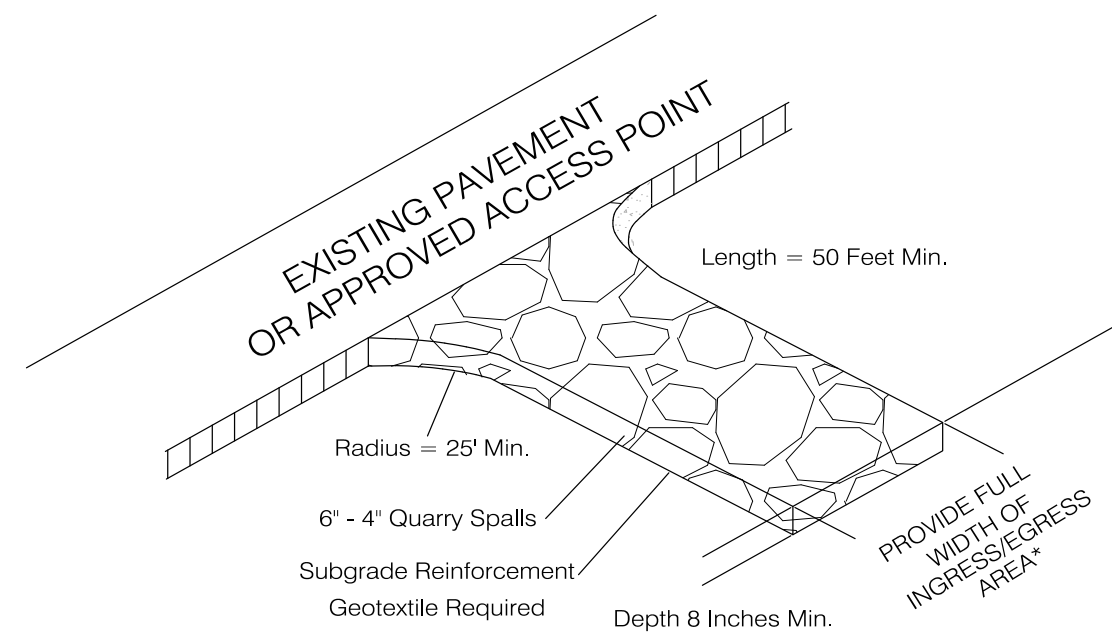
GRADING AND EROSION CONTROL PLAN
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

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REGULAR FLOW ONLY DO NOT USE HIGH FLOW INSERT BAGS.

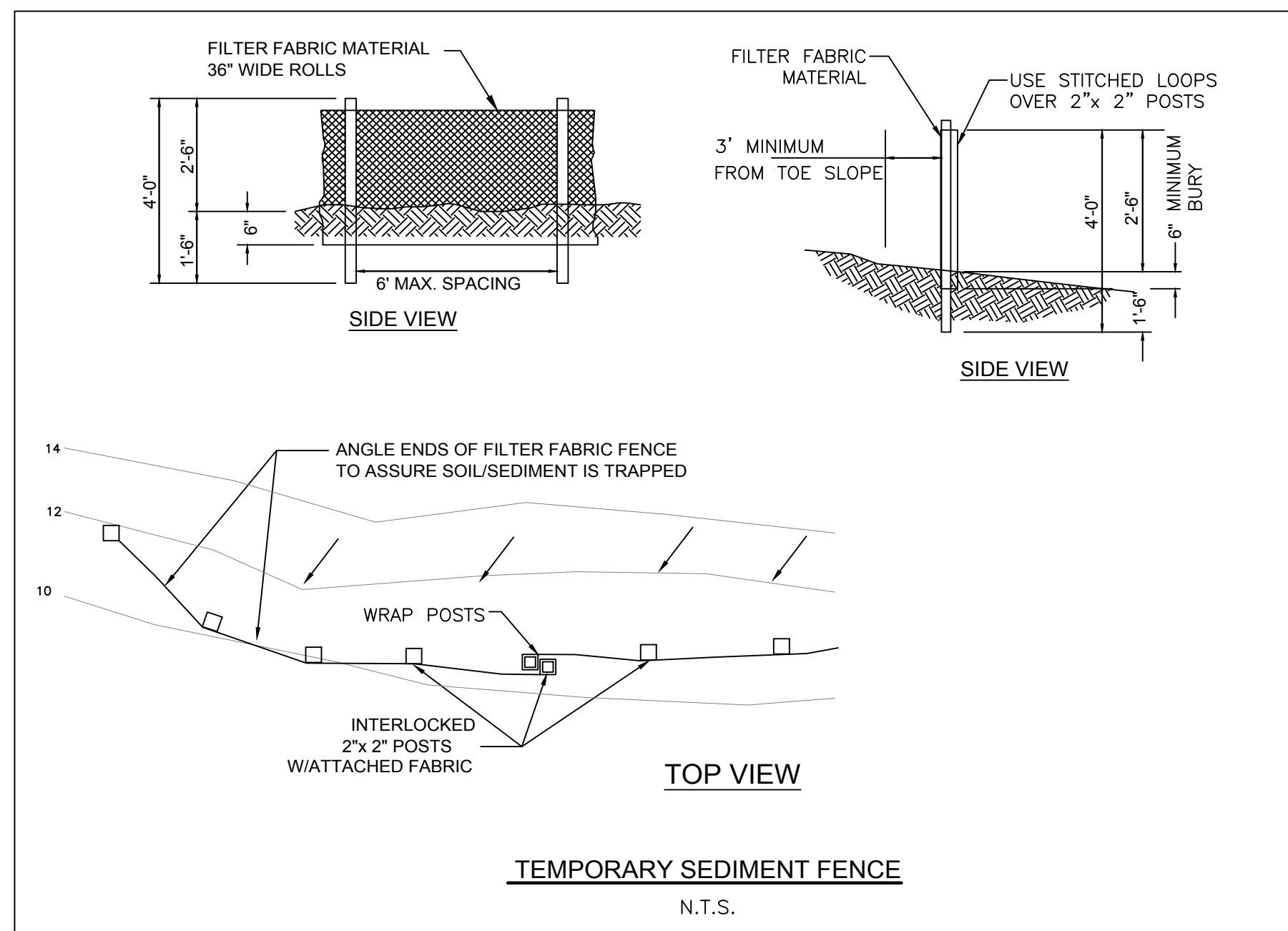
INLET PROTECTION



*20' MIN. FOR SINGLE FAMILY AND DUPLEX RESIDENTIAL

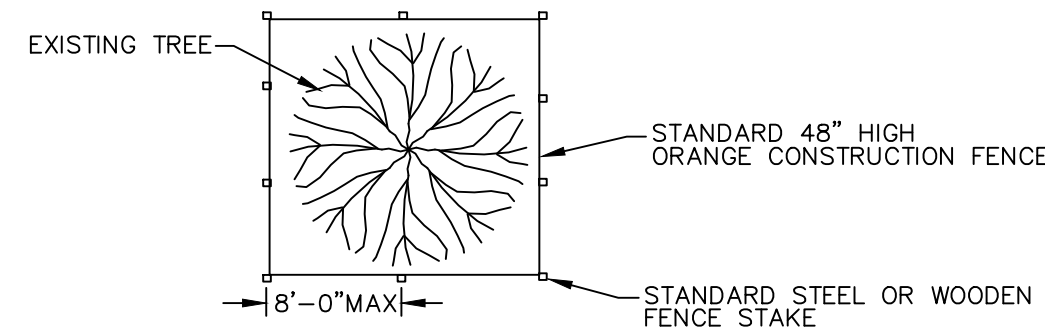
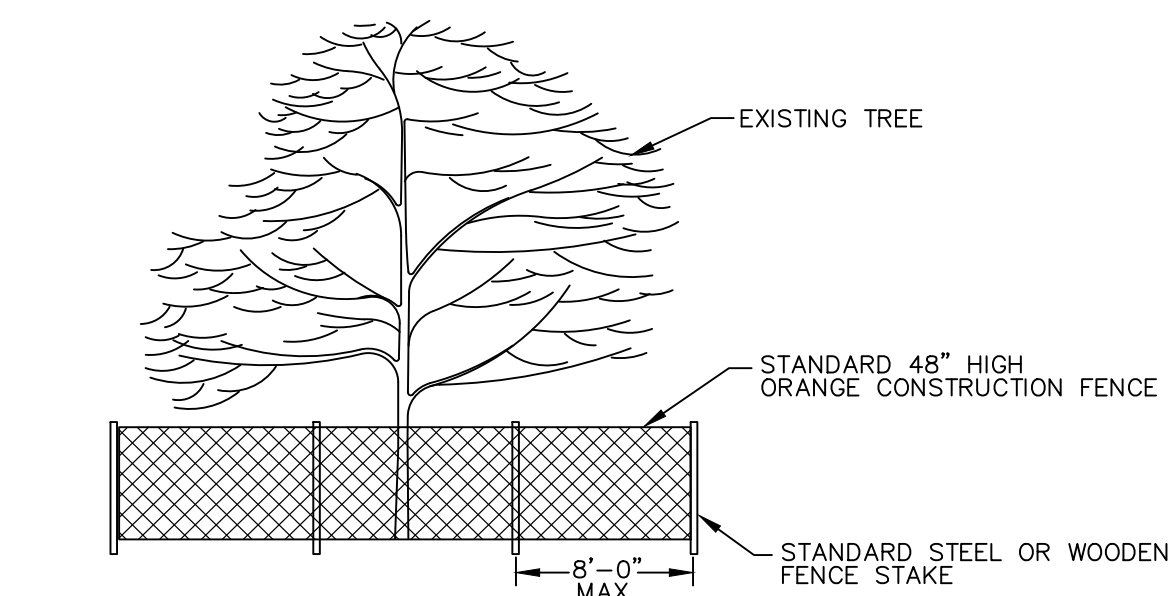
GRAVEL CONSTRUCTION ENTRANCES :

1. STABILIZED CONSTRUCTION ENTRANCE(S) SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
2. ALL VEHICLES LEAVING THE SITE SHALL LEAVE BY DRIVING ACROSS THE GRAVEL CONSTRUCTION ENTRANCE(S) IF GRAVEL ENTRANCE BECOME FILLED WITH MUD AND IS NO LONGER FUNCTIONAL. ADDITIONAL GRAVEL SHALL BE PLACED. VEHICLE TIRES SHALL BE FREE FROM DIRT BEFORE LEAVING THE SITE.
3. IF ACCESS IS NEEDED FROM A PAVED SURFACE OVER A CURB TO A GRAVEL SITE ENTRANCE. A WOODEN RAMP SHALL BE BUILT FROM THREE OR MORE PLANKS OF INCREASING SIZE WOOD, OFFSET TO ALLOW FOR DRAINAGE. NO GRAVEL OR ROAD BASE RAMPS ALLOWED.



SEDIMENT CONTROL FENCES :

1. AT NO TIME SHALL SEDIMENT BE ALLOWED TO ACCUMULATE BEHIND A SEDIMENT FENCE MORE THAN ONE-THIRD OF THE FENCE HEIGHT ABOVE GROUND. SEDIMENT SHOULD BE REMOVED OR REGRADED ONTO SLOPES, AND THE SEDIMENT FENCES REPAIRED AND REESTABLISHED AS NEEDED.
2. FENCE SHALL BE REMOVED ONLY WHEN UPSLOPE AREAS ARE PERMANENTLY STABILIZED.



NOTE:
TREE PROTECTION FENCE SHALL BE LOCATED AT THE OUTER PERIMETER OF THE DRIP LINE OR AS NOTED ON THE PLAN. INSTALL FENCING AS PER MANUFACTURER'S SPECIFICATIONS.
FENCE MAY BE LOCATED AROUND THE DRIP LINE OF TREE GROUPINGS RATHER THAN INDIVIDUAL TREES.

TREE PROTECTION DETAIL

EROSION AND SEDIMENT CONTROL NOTES

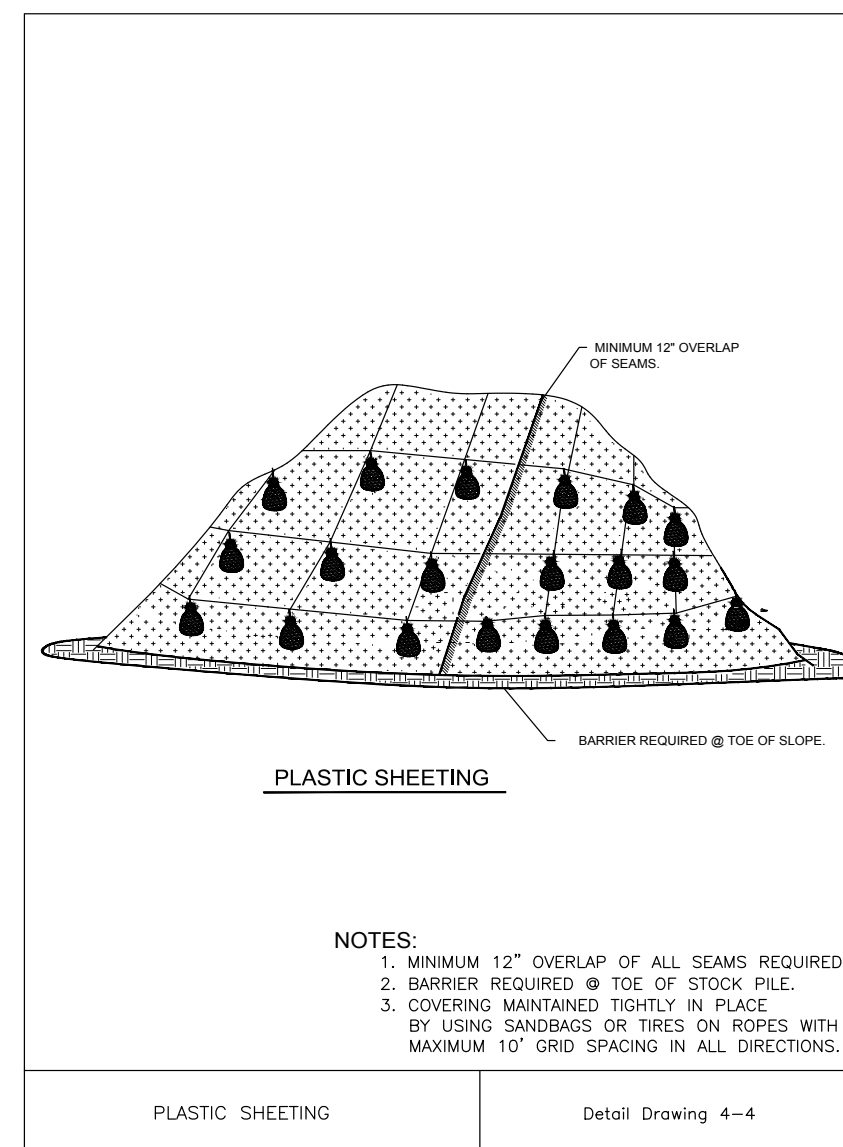
GENERAL :

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE CURRENT CITY OF SANDY ORDINANCES & REFERENCED DOCUMENTS & CITY OF PORTLAND EROSION CONTROL MANUAL.
2. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED PRIOR TO ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
3. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENT FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR EXPECTED STORM EVENTS AND TO ENSURE THE SEDIMENT LADEN WATER DOES NOT LEAVE THE SITE.
4. NO VISIBLE AND MEASURABLE SEDIMENT OR POLLUTANT SHALL EXIT THE SITE, ENTER THE PUBLIC RIGHT-OF-WAY, OR BE DEPOSITED INTO ANY WATER BODY OR STORM DRAINAGE SYSTEM.
5. ANY SOIL THAT ENTERS THE PUBLIC RIGHT-OF-WAY SHALL BE REMOVED WITHIN 24 HOURS.
6. CONTRACTOR SHALL PROVIDE ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO MEET DEQ AND CITY OF SANDY STANDARDS AS NECESSARY TO PREVENT SEDIMENT DISCHARGE FROM THE SITE.
7. ESC FACILITIES SHALL BE INSPECTED EVERY 24 HOURS DURING STORM OR RAIN EVENTS TO ENSURE THE MEASURES ARE FUNCTIONING PROPERLY.
8. PERMANENT OR TEMPORARY SOIL STABILIZATION MEASURES SHALL BE APPLIED TO DENUDED DEVELOPMENT SITES IN CONFORMANCE WITH THE FOLLOWING SCHEDULE:
 - a. BETWEEN OCTOBER 1 AND APRIL 30, ALL DENUDED SITES SHALL IMMEDIATELY BE PROVIDED WITH EITHER TEMPORARY OR PERMANENT SOIL STABILIZATION.
 - b. BETWEEN MAY 1 AND SEPTEMBER 30, TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES TO REDUCE DUST AND SEDIMENT TRANSPORT SHALL BE APPLIED AS SOON AS PRACTICABLE, BUT IN NO CASE MORE THAN SEVEN DAYS AFTER GROUND DISTURBING ACTIVITY OCCURS.
 - c. GROUND COVER SHALL BE INSTALLED ON ANY PORTION OF A SITE THAT IS DENUDED FOR MORE THAN 6 MONTHS.
 - d. TEMPORARY MEASURES SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE ESTABLISHED.
 - e. STOCKPILES SHALL BE SECURED OR PROTECTED THROUGHOUT THE PROJECT WITH TEMPORARY OR PERMANENT SOIL STABILIZATION MEASURES.
 - f. REPLACEMENT GROUND COVER VEGETABLE SHALL NOT INCLUDE PLANTS LISTED AS NUISANCE OR PROHIBITED PLANTS ON THE CITY OF PORTLAND PLANT LIST.
 - g. EROSION CONTROL MEASURES SHALL BE MAINTAINED DURING CONSTRUCTION.
9. THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
10. THE ESC FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE EVERY TWO WEEKS, OR WITHIN 24 HOURS FOLLOWING A STORM EVENT. DAILY INSPECTIONS SHALL BE PERFORMED DURING PROLONGED RAINFALL. LOG OF INSPECTIONS TO BE KEPT AVAILABLE AT THE SITE.

RESEEDING/ESTABLISHMENT OF VEGETATIVE COVER :

1. RECOMMENDED EROSION CONTROL GRASS SEED MIXES ARE AS SPECIFIED AS BELOW. SIMILAR MIXES DESIGNED TO ACHIEVE EROSION CONTROL MAY BE SUBSTITUTED WITH APPROVAL. IN GENERAL, USE OF QUICK GROWING, STERILE GRASSES AND GRAINS IN MIXTURE WITH PERMANENT VEGETATIVE COVER IS RECOMMENDED TO ACHIEVE QUICK COVER OF EXPOSED SOILS.
 - a. DWARF GRASS MIX (LOW HEIGHT, LOW MAINTENANCE), 100 POUNDS PER ACRE SEED RATE

(MINIMUM):
1. DWARF PERENNIAL RYEGRASS, 80% BY SEED COUNT.
2. CREEPING RED FESCUE, 20% BY SEED COUNT.
2. IT IS RECOMMENDED THAT TOP SOIL ON SLOPES BE PREPARED BY ROUGHENING THE SLOPES BEFORE SEEDING.
3. AREAS THAT FAIL TO ESTABLISH GRASS COVER ADEQUATE TO PREVENT EROSION SHALL BE RESEED AS SOON AS SUCH AREAS ARE IDENTIFIED, AND ALL APPROPRIATE MEASURES TAKEN TO ESTABLISH COVER.
4. EROSION CONTROL MEASURES SHALL BE MAINTAINED BY CONTRACTOR UNTIL GRASS COVER IS ESTABLISHED AND UP TO ONE YEAR AFTER COMPLETION OF CONSTRUCTION, WHICHEVER IS SOONER.
5. MULCH SHALL BE SPREAD UNIFORMLY IMMEDIATELY FOLLOWING SEEDING.



NOTES:
1. MINIMUM 12" OVERLAP OF ALL SEAMS REQUIRED.
2. BARRIER REQUIRED @ TOE OF STOCK PILE.
3. COVERING MAINTAINED TIGHTLY IN PLACE BY USING SANDBAGS OR TIRES ON ROPES WITH A MAXIMUM 10' GRID SPACING IN ALL DIRECTIONS.

E16-006 ESC NOTES AND DETAILS.dwg 09:55 09/13/2019

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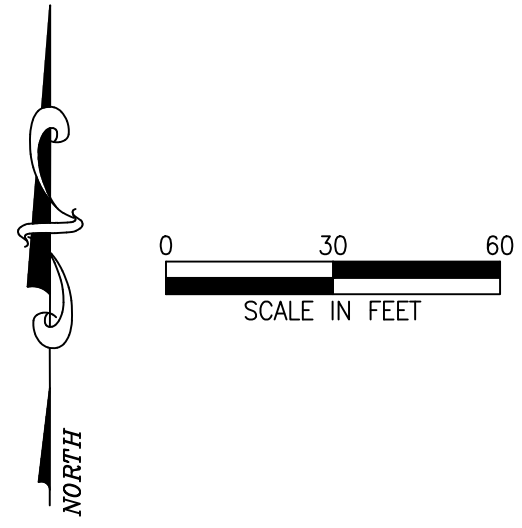
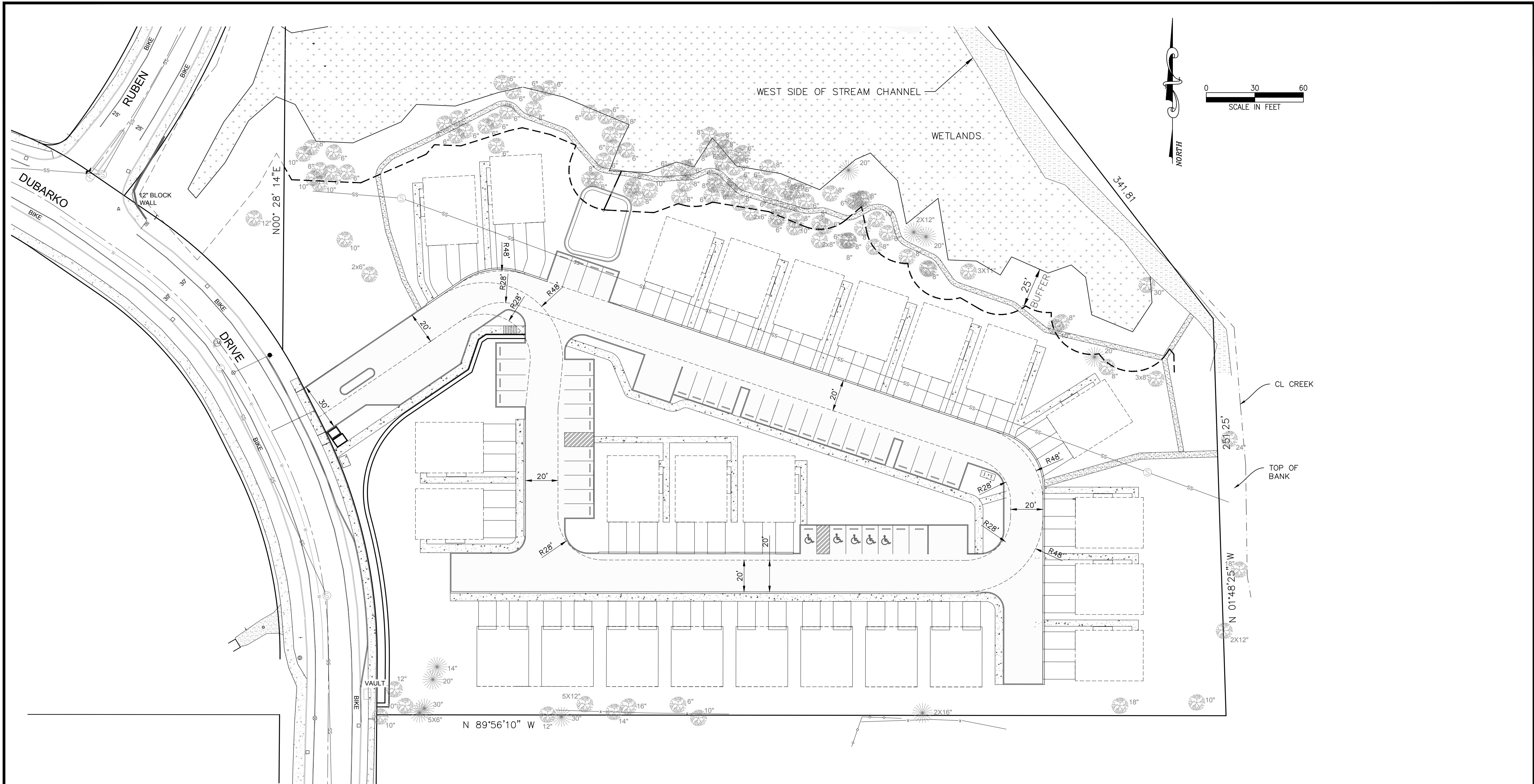
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EROSION CONTROL NOTES AND DETAILS
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON



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E16-006 EMERGENCY VEHICLE PATHWAY.dwg 09:55 09/13/2019

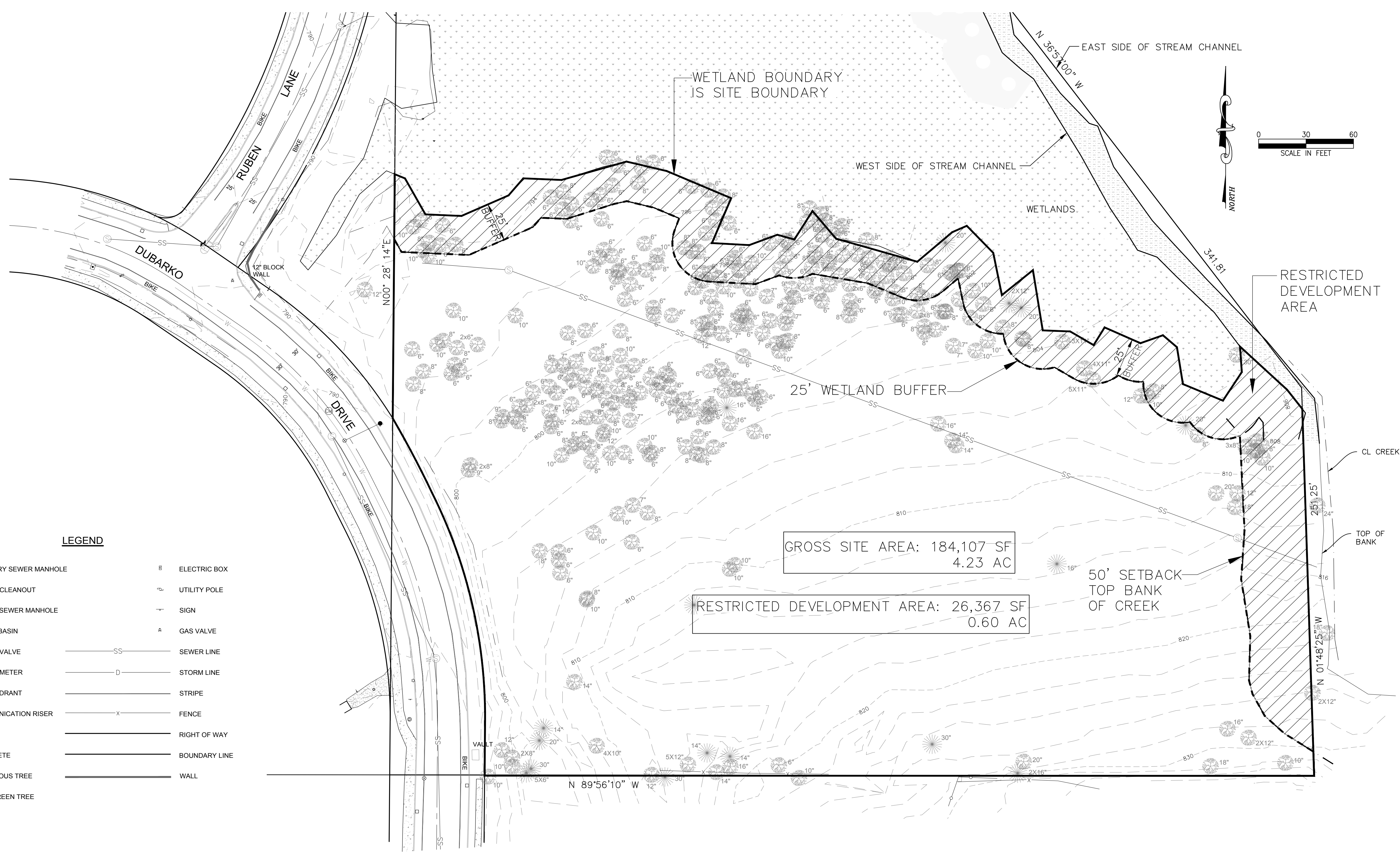
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EMERGENCY VEHICLE PATHWAY
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON

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LEGEND

- SANITARY SEWER MANHOLE
- ⊕ SEWER CLEANOUT
- STORM SEWER MANHOLE
- CATCH BASIN
- WATER VALVE
- ⊕ WATER METER
- FIRE HYDRANT
- ⊕ COMMUNICATION RISER
- ▨ GRAVEL
- ▨ CONCRETE
- ⊕ DECIDUOUS TREE
- ⊕ EVERGREEN TREE
- ⊕ ELECTRIC BOX
- ⊕ UTILITY POLE
- ⊕ SIGN
- ⊕ GAS VALVE
- SS — SEWER LINE
- D — STORM LINE
- X — FENCE
- RIGHT OF WAY
- BOUNDARY LINE
- WALL

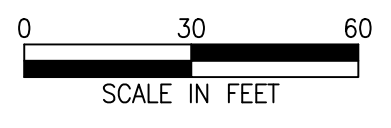
GROSS SITE AREA: 184,107 SF
4.23 AC

RESTRICTED DEVELOPMENT AREA: 26,367 SF
0.60 AC

50' SETBACK
TOP BANK
OF CREEK

WETLAND BOUNDARY
IS SITE BOUNDARY

RESTRICTED
DEVELOPMENT
AREA



E16-006 SITE AREA EXHIBIT.dwg 09:56 09/13/2019

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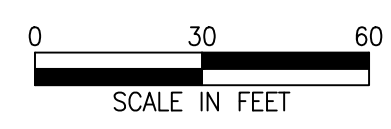
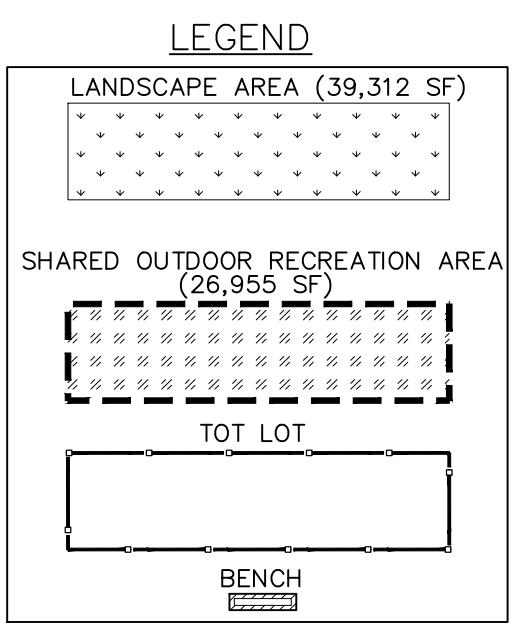
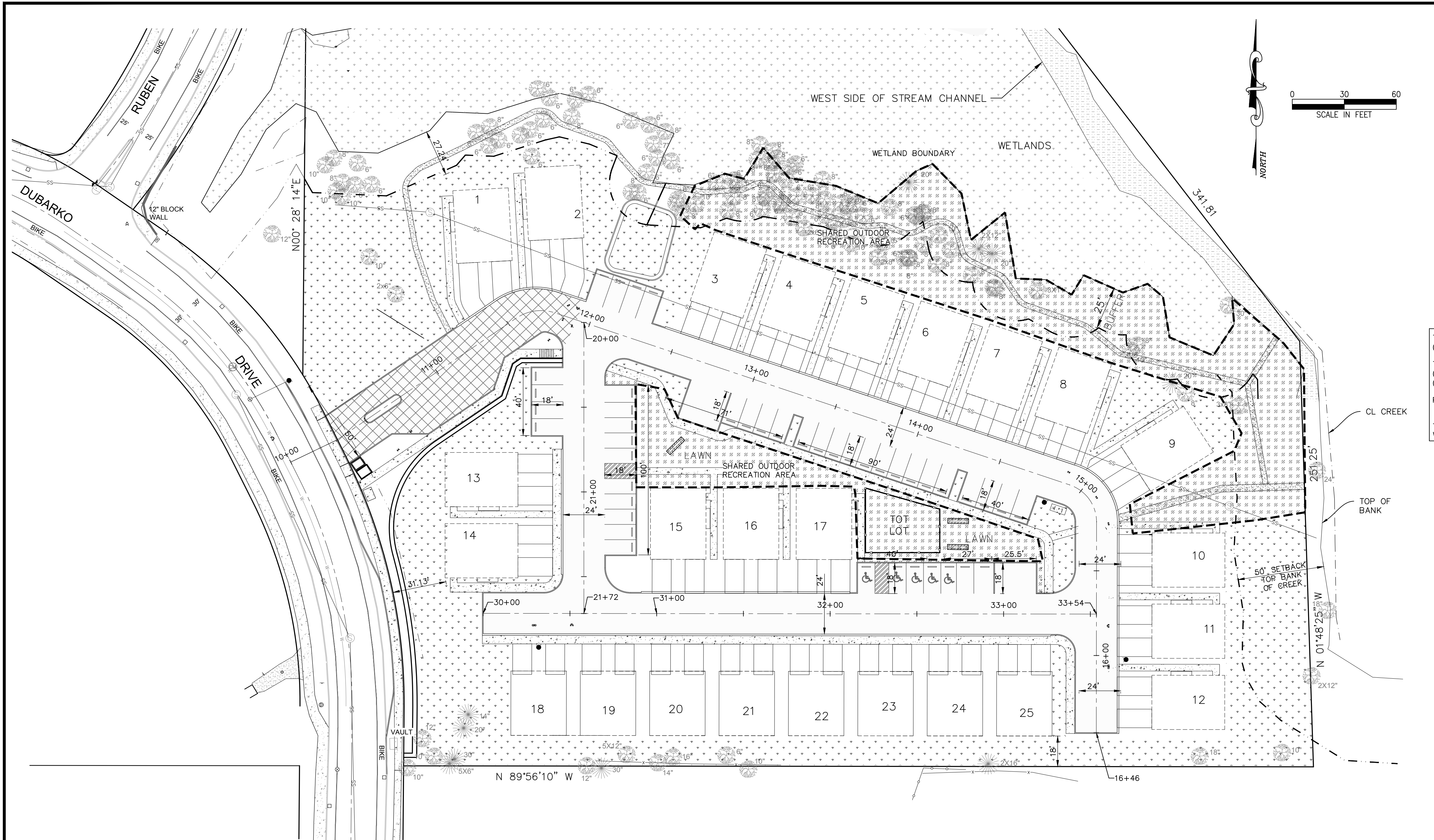
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SITE AREA EXHIBIT
TICKLE CREEK VILLAGE
DUBARKO DRIVE, SANDY, OREGON

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TOTAL LANDSCAPE AREA: 66,267 SF (1.5 ACRES)
 TOTAL LOT AREA (UP TO WETLAND BOUNDARY): 184,107 SF (4.2 ACRES)
 PERCENT OF LANDSCAPE AREA TO SITE AREA (66,267/184,107)=36%
 TOTAL SHARED OUTDOOR RECREATION AREA WITHIN THE RDA AREA = 14,876 SF



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E16-006 LANDSCAPE AND COMMON SPACE.dwg 09:56 09/13/2019

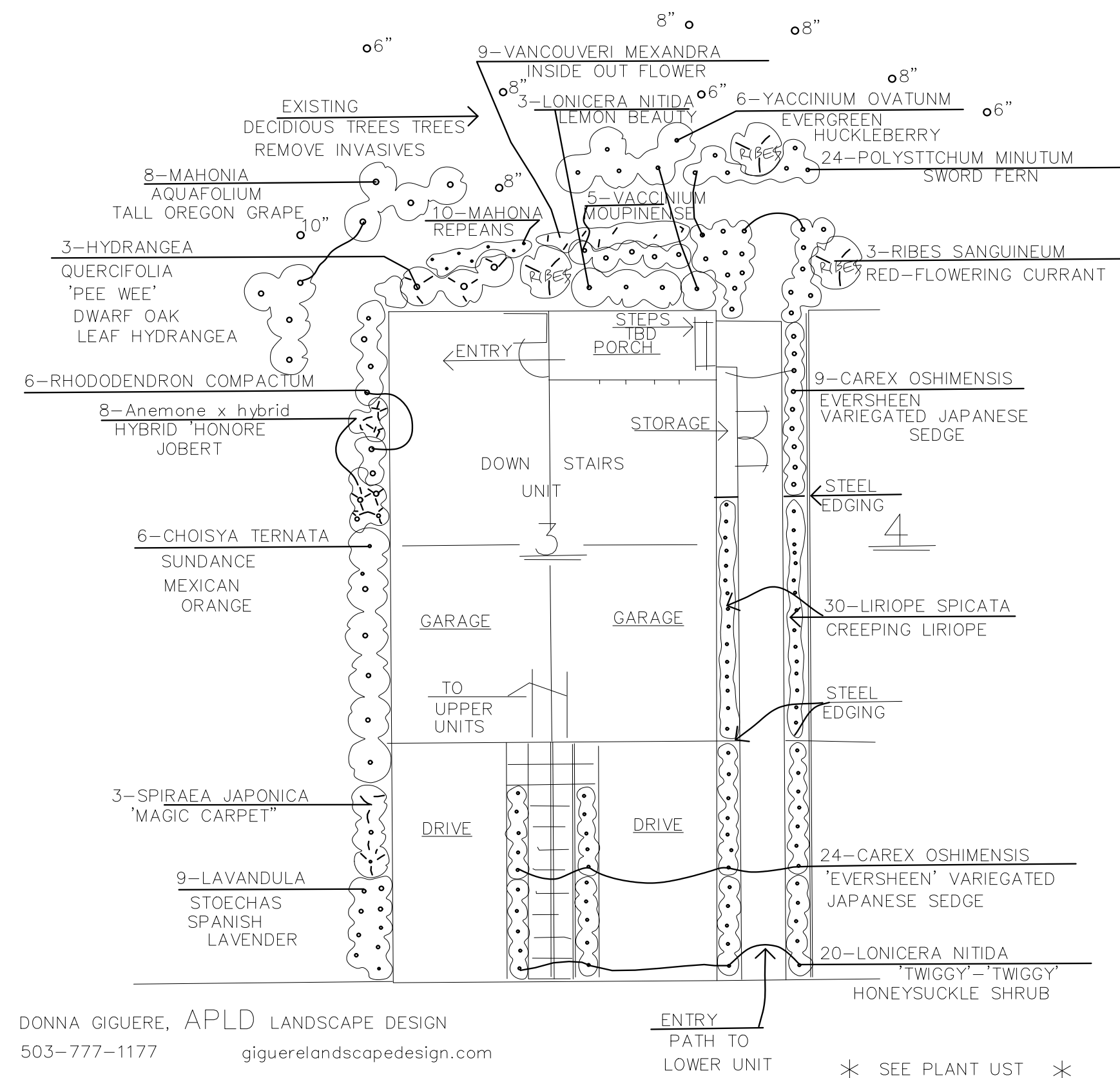
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LANDSCAPE AND COMMON SPACE
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON

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TICKLE CREEK PROPERTIES PLANT LIST FOR PRELIMINARY LANDSCAPE PLAN-REVISED 8/27/19
 UNITS 18 & 19 & 3 DETAIL, PRE-CONSTRUCTION-NOTE THAT GRADING AND TREE COVER MAY CHANGE SITE
 CONDITIONS ENOUGH TO MODIFY THIS PLAN AND PLANT LIST AT A LATER DATE. DONNA GIGUERE LANDSCAPE
 DESIGN, LLC.

- UNIT 3-
 SHRUBS-
 6-CHOISYA TERNATA 'SUNDANCE'-'SUNDANCE' MEXICAN ORANGE-3 GAL, 3' OC
 3-HYDRANGEA QUERCIFOLIA 'PEE WEE'-'PEE WEE' DWARF OAK-LEAF HYDRANGEA-3 GAL, 4' OC
 9-LAVANDULA STOECHAS-SPANISH LAVENDER-1 GAL, 18" OC
 3-LONICERA NITIDA 'LEMON BEAUTY'-'LEMON BEAUTY' HONEYSUCKLE SHRUB-3 GAL, 3' OC
 20-LONICERA NITIDA 'TWIGGY'-'TWIGGY' DWARF HONEYSUCKLE SHRUB-1 GAL, 18" OC
 8-MAHONIA AQUAFOLIUM-NATIVE TALL OREGON GRAPE-1 GAL, 4 FT OC
 6-RHODODENDRON 'PJM COMPACTUM'-3 GAL, 3' OC
 3-RIBES SANGUINEUM-NATIVE RED-FLOWERING CURRANT-3 GAL, PLANTED SEPARATELY
 3-SPIRAEA JAPONICA 'MAGIC CARPET'-1 GAL, 30" OC
 5-VACCINIUM MOUPINENSE-HIMALAYAN BLUEBERRY-1 GAL, 2FT OC
 6-VACCINIUM OVATUM-NATIVE EVERGREEN HUCKLEBERRY-1 GAL, 3FT OC
- FERNS, GRASSES, GROUNDCOVERS & PERENNIALS-
 8-ANEMONE X HYBRID 'HONORE JOBERT'-TALL WHITE JAPANESE ANEMONE-1 GAL, 2FT OC
 33-CAREX OSHIMENSIS 'EVERSHEEN'-'EVERSHEEN' VARIEGATED JAPANESE SEDGE-1 GAL, 2FT OC
 30-LIRIOPE SPICATA-CREEPING LIRIOPE-1 GAL (EMPLOY 3-2 FOOT STRIPS OF STEEL EDGING 4" DEEP)
 10-MAHONIA REPANS-NATIVE CREEPING OREGON GRAPE-1 GAL, 18" OC
 24-POLYSTICHUM MINUTUM-WESTERN NATIVE SWORD FERN-1 GAL, 18" OC
 9-VANCOUVERIA HEXANDRA-NATIVE INSIDE-OUT FLOWER-4 INCH, 1FT OC

DONNA GIGUERE, APLD LANDSCAPE DESIGN
 503-777-1177 giguerelandscapedesign.com

TICKLE CREEK PRELIMINARY LANDSCAPE
 PROPERTIES, LLC PLAN SHOWING UNIT 3
 AUGUST 27, 2019 * PRE CONSTRUCTION * WITH DOWNSTAIRS
 NORTH
 NORTH
 1/8" = 1'-0"



E16-006 UNIT 3.dwg 16:33 09/19/2019

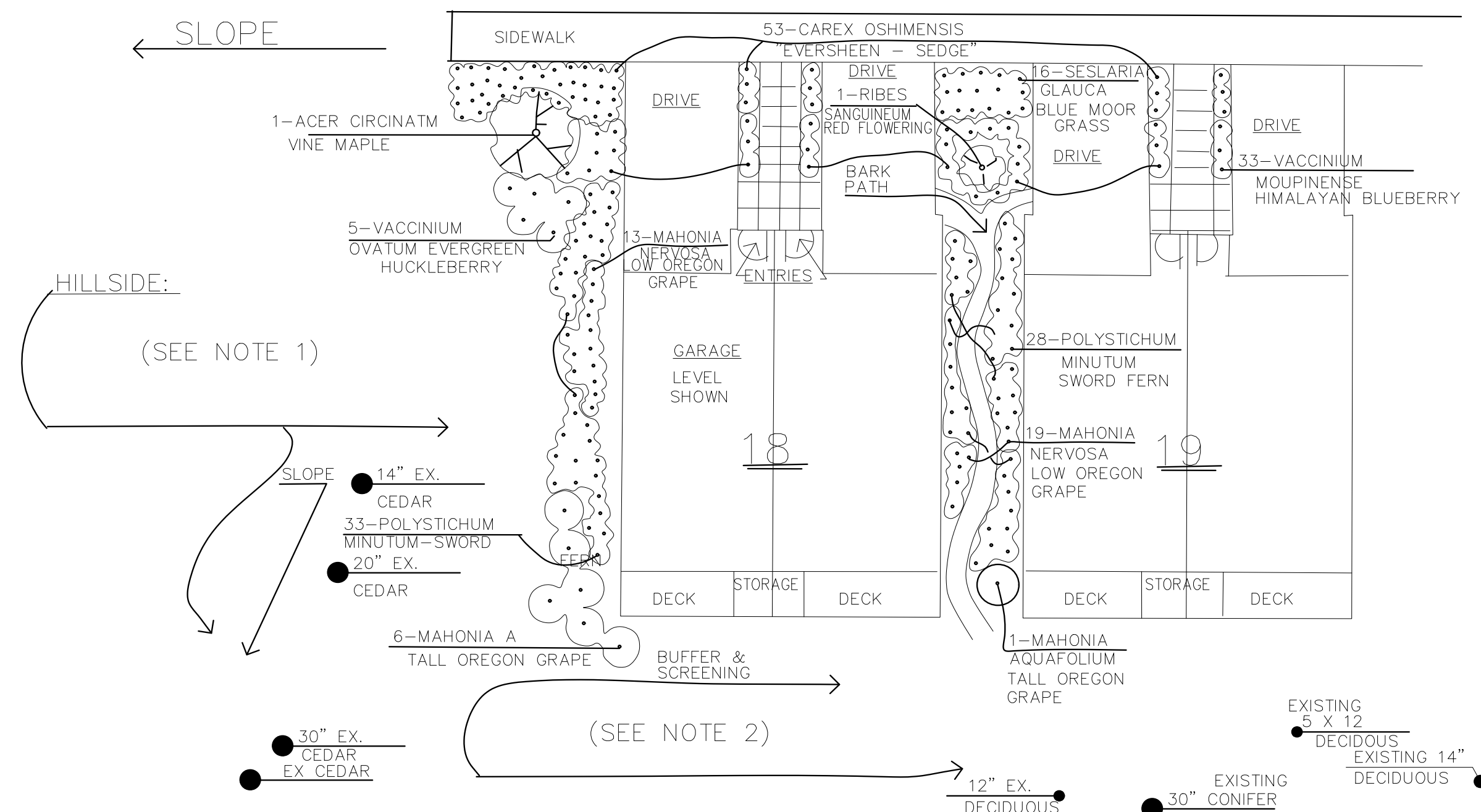
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TICKLE CREEK PROPERTIES, LLC
 GERRY ENGLER: gerry.e@buildernw.com
 PO BOX 873580, VANCOUVER, WA 98687

LANDSCAPE DETAIL, UNIT 3
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON

L2
 3



DONNA GIGUERE, APLD LANDSCAPE DESIGN
503-777-1177 giguere@landscapedesign.com

* SEE PLANT LIST *

TICKLE CREEK PRELIMINARY LANDSCAPE
PROPERTIES, LLC PLAN SHOWING UNITS 18 & 19
 AUGUST 25, 2019 - REVISED 8/27/2019 * PRE CONSTRUCTION *

NORTH
1/8" = 1'-0"

TICKLE CREEK PROPERTIES PLANT LIST FOR PRELIMINARY LANDSCAPE PLAN-REVISED 8/27/19
 UNITS 18 & 19 & 3 DETAIL, PRE-CONSTRUCTION-NOTE THAT GRADING AND TREE COVER MAY CHANGE SITE CONDITIONS ENOUGH TO MODIFY THIS PLAN AND PLANT LIST AT A LATER DATE. DONNA GIGUERE LANDSCAPE DESIGN, LLC.

- UNITS 18&19:
- TREES-
 1-ACER CIRCINATM-NATIVE VINE MAPLE-MULTI-TRUNK, B&B, 6FT OR 1.5 " CALIPER (6" FROM THE BASE)
 CONIFERS-AS SCREENING THUJA PLICATA-WESTERN RED CEDAR & PSEUDOTSUGA MENZIESII-DOUGLAS FIR TBD
- SHRUBS-
 7-MAHONIA AQUAFOLIUM-TALL OREGON GRAPE-1 GAL, 4FT OC
 1-RIBES SANGUINEUM-NATIVE RED-FLOWERING CURRANT-3 GAL
 33-VACCINIUM MOUPINENSE-HIMALAYAN BLUEBERRY-1 GAL, 2' OC
 5-VACCINIUM OVATUM-NATIVE EVERGREEN HUCKLEBERRY-1 GAL, 3 FT OC
- FERNS, GRASSES, GROUNDCOVERS AND SEDGES-
 53-CAREX OSHIMENSIS 'EVERSHEEN'-'EVERSHEEN' VARIEGATED JAPANESE SEDGE-1 GAL, 2'OC
 32-MAHONIA NERVOSA-LOW OREGON GRAPE-1 GAL, 18"OC
 61-POLYSTICHUM MINUTUM-WESTERN NATIVE SWORD FERN-1 GAL, 18" OC
 16-SESLARIA GLAUCA-BLUE MOOR GRASS-1 GAL, 2'OC

- NOTES:
- SIGNIFICANT EXISTING NATIVE TREES SUCH AS CEDAR, BIG-LEAF MAPLE, AND ALDER ARE SHOWN. ADDITIONAL NATIVE TREES ARE ALDER AND VINE MAPLE. MAINTAIN NATIVE SWORD FERN AND OREGON GRAPE WHEN POSSIBLE. MAINTAIN VISION CLEARANCE AT THE DRIVE ENTRY THROUGH REMOVAL AND OR LIMBING-UP OF EXISTING ALDERS. REMOVE INVASIVES SUCH AS BLACKBERRY, MORNING GLORY, HOLLY HERB ROBERT, AND ENGLISH IVY. REPLACE INVASIVES WITH 1 GALLON-SIZED AS NEEDED, QUANTITIES TBD:
 - POLYSTICHUM MINUTUM-WESTERN SWORD FERN-1/8" OC
 - MAHONIA NERVOSA-LOWE OREGON GRAPE - 18" OC
 - SIGNIFICANT EXISTING NATIVE TREES ARE SHOWN. ADDITIONAL NATIVE TREES ARE ALDER AND VINE MAPLE. REMOVE INVASIVES SUCH AS BLACKBERRY, MORNING GLORY, HOLLY, HERB ROBERT, AND ENGLISH IVY. USE 6FT B&B NATIVE CONIFER TREES, QUANTITIES TBD, IN GROUPS OF 3 TO 5. FOR SUN. PLANT DOUGLAS FIR 12 FEET ON CENTER. FOR SHADE WESTERN RED CEDAR (THUJA PLICATA), 8 FEET ON CENTER.



EXPIRES: 06/30/21
SIGNATURE DATE: _____

E16-006 UNITS 18_19.dwg 16:34 09/19/2019

9/12/19	CLIENT UPDATES	DRAWN:	DESIGNED:	CHECKED:
		SCALE: AS SHOWN	DATE: OCTOBER 2018	
DATE:	NO.	REVISION		
		PROJECT NO. E16-006		

FDG
 Firwood Design Group, LLC
 SURVEYING • ENGINEERING • PLANNING

399 EAST HISTORIC COLUMBIA RIVER HIGHWAY
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 PO BOX 873580, VANCOUVER, WA 98687

LANDSCAPE DETAIL, UNITS 18 & 19
 TICKLE CREEK VILLAGE
 DUBARKO DRIVE, SANDY, OREGON

L3
3



Staff Report
City of Sandy
39250 Pioneer Blvd.,
Sandy, OR 97055

To: City Council

Agenda Date: March 15, 2021

From: Sarah Richardson, Staff Liaison Parks and Trails Advisory Board

Subject: Tickle Creek Villages

Attachments: None

I am sending this communication on behalf of, and at the direction of the Sandy Parks and Trails Advisory Committee.

At the January 8, 2020 meeting the board originally recommended a Fee in Lieu be accepted for the Tickle Creek Villages development.

At the December 9th, 2020 meeting the board was presented with a new proposal from the developer. Tracy Brown, the developer's representative, attended the meeting to answer questions and to share maps of the area and proposed development.

Two proposals were discussed at the meeting:

1. The developer's interest in dedicating the wetland area adjacent to the development site to the city, in exchange for compensation in the form of Fee in Lieu credits.
2. The developer's interest in working with the city to provide the requested trail easement in exchange for Fee in Lieu credit.

At the December 9th meeting, the board modified its original recommendation in favor of the proposed trail easement. The board was not in favor of the wetland dedication.

The board's formal recommendation, unanimously passed, is as follows:

Consider acquiring a 10-12-foot easement through the proposed Tickle Creek Village development for the trail alignment connecting Sunset to Dubarko, and providing a Fee in Lieu Credit.

Additionally:

- *Providing an SDC credit to the developer for constructing the 4-foot packed gravel trail along the easement.*
- *If the developer is interested, extending the packed gravel trail construction to the Sunset right of way, in exchange for additional credit.*

Staff Contact:
Sarah Richardson
503-489-2150
srichardson@cityofsandy.com



Staff Report

Meeting Date: March 15, 2021

From Jordan Wheeler, City Manager
Owner's Representative Services for Wastewater System

SUBJECT: Improvements Project

BACKGROUND:

The City's large wastewater system improvements project is large, complex, and requires the management and coordination of multiple consultants, contractors, and state agencies. The hiring of an owner's representative firm is common for large construction projects where staff expertise, experience, and capacity may be limited. A project management firm that specializes in these types projects can provide a level of oversight and construction management expertise that the City does not have on staff. Such a firm can help coordinate, manage, and monitor the design, permitting, pre-construction, and construction phases of the project to ensure it's delivered at the lowest possible cost and highest quality.

In 2020, the city hired Leeway Engineering Solutions to assist staff with the management and oversight of the project and bring engineering expertise and experience to the team. The project has since advanced to the design and construction of the collection system repairs, and the improvements to the existing wastewater treatment plant, and the initial permitting approach for a Sandy River discharge.

In accordance with the City's public contracting rules, the City issued and advertised an Request for Proposals for Owner's Representatives Services for phase 1A of the wastewater system improvements project. This initial phase would include program management and consultant oversight, support with working with the Department of Environmental Quality on permitting and MAO issues, financial planning and budgeting oversight including WIFIA application support, and oversight of the Wastewater Treatment Plant improvements and the collection system improvements in sewer basins 2 and 8. The full list of services can be found in the attachments.

The city received one response from Leeway Engineering Solutions. We anticipate that when the project moves into the larger project components such as the Sandy River outfall, pipeline, and membrane bioreactor treatment plant phases, there will be greater interest from consultants on the program management. Leeway has been working with the city since early last year as an owner's representative. Their team brings combined decades of experience in designing and managing large sewer rehabilitation projects. Staff have been pleased with their work on the project thus far.

The length of term of the contract would be through December 31, 2021 which coincides with the substantial completion target for the collection system and wastewater treatment plant improvements.

BUDGETARY IMPACT:

The total contract fee is a not to exceed amount of \$242,735. This cost is included as a soft cost in the estimated budget for the wastewater system improvements project and is incorporated in the updated wastewater rate model that will be presented next month. The level of effort fee estimate can be found on page 6 of the scope of services (attachment A) .

RECOMMENDATION:

Staff recommends the Council authorizes the City Manager to execute a contract with Leeway Engineering Solutions for owner's representative services for Wastewater System Improvements project phase 1A.

SUGGESTED MOTION:

Move to authorize the City Manager to execute a contract with Leeway Engineering Solutions for owner's representative services for Wastewater System Improvements project phase 1A.

LIST OF ATTACHMENTS/EXHIBITS:

1. Scope of Services (Attachment A to Professional Services Contract)
2. Request for Proposals
3. Leeway Engineering Solutions Proposal
4. Standard Professional Services Contract Template



Attachment A

Scope of Services

City of Sandy, Oregon

Phase 1A WW Program Owner's Representative Services

The City of Sandy (City) is in the midst of a large program to address needed improvements in their wastewater collection, conveyance, and treatment system. The City is has retained Leeway Engineering Solutions (LW) to provide Owner's Representative (ORep) services to assist with the wastewater program.

This work will extend through the completion of Phase 1A (assumed to be December 2021) of the program and will include managing the Wastewater Program Planning, Oregon Department of Environmental Quality (DEQ) Mutual Agreement and Order (MAO) negotiations, the new National Pollutant Discharge Elimination System (NPDES) permit, the wastewater treatment plan (WWTP) Condition Assessment Improvements Project, and the Collections System Inflow and Infiltration (I/I) Reduction Project. The following scope of services will be performed:

Phase 1. Program Management and Consultant Management

Objective: Provide and perform program administration and management activities, and provide consultant management on the City's behalf through December 2021.

Activities: This phase includes technical and financial management, including the following::

- Track and manage LW's project scope, schedule, and budget
- Prepare monthly progress reports to be submitted with invoices. Monthly progress reports will include task level budget status.
- Weekly progress calls with the City
- Develop and keep updated a dashboard of current program elements and budget for all WW program elements
- Provide financial updates, project cost projections, and funding support for loans, grants, revenue bonds, and rate increases
- Participation at City Council work sessions and meetings
- Provide consultant project management on behalf of the City, including providing monthly reports of each consultant project reporting budget and progress status, change management, and work in progress.
- Review invoices from City consultants and develop variance reports.

Deliverables: Progress updates, project status reports, variance reports, and monthly invoices

Assumptions: This phase assumes the following assumptions:

- Project duration of 9 months
- Weekly check-in calls, 0.5 hour per call
- 2 Consultant contracts (WWTP Improvements, NPDES Support)

Phase 2. DEQ MAO Renegotiation, CWSRF, and NPDES permit support

Objective: Provide regulatory assistance including negotiations with DEQ, identifying and progressing toward a new NPDES and possibly a WPCF permit, and continued compliance with the CWSRF loan requirements.

Activities: Tasks include:

- Coordination with City and City-consultant staff
- Providing technical justification for schedule and scope changes
- Attendance at DEQ negotiation meetings
- Document technical approaches to renegotiating MAO
- Provide Clean Water State Revolving Fund (CWSRF) loan application support, including assistance applying for additional funds
- Provide CWSRF cross-cutter support
- Manage the new outfall to the Sandy River permitting on behalf of the city
- Develop the Requests for Proposals and selection of consultants for NPDES permitting support.
- Review and provide independent comment on all technical reports, drawings, and specifications for each project, as they prepared by other City consultants
- Advise the City if construction cost estimates exceed the latest approved budget. In consultation with the City consultants, provide value engineering and recommending alternative solutions that reduce City costs

Deliverables: Deliverables developed under this phase shall include:

- SRF Exhibits
- Technical documents as required by DEQ
- NPDES Permitting RFP

Assumptions: This phase assumes the following assumptions:

- Access to other City-consultants

Phase 3. WIFIA and Other Funding Support

Objective: Provide required technical support for funding of the WW Program.

Activities: Tasks include:

- Preparing engineering documents in support of the City's WIFIA loan application
- Contract with and manage WIFIA Environmental Permitting support subconsultant
- Participating in internal financial team meetings and meetings with EPA and other funding agencies (e.g., USDA)
- Providing review of reports and documents needed for loan and grant applications
- Coordinate other funding opportunities with other agencies or organizations, including Energy Trust of Oregon, Freshwater Trust, and Clackamas WES

Deliverables: Deliverables developed under this phase shall include:

- WIFIA and other funding support documents

Assumptions: This phase assumes the following assumptions:

- A budgetary placeholder has been assumed for the WIFIA Environmental Permitting support. The City will be invoiced only for work that is required. No subconsultant markup is required for this particular subconsultant.

Phase 4. WWTP CM/GC Improvements Oversight

The Existing WWTP Condition Assessment Improvements Project will be utilizing the CM/GC delivery method. The administration of this project recommended requires additional tasks to the Owners Representative Role.

Objective: Provide and perform Project Management activities of the Existing WWTP Condition Assessment Improvements Project. Provide Consultant and CM/GC management during the project design phase.

Activities: This phase includes technical and financial management, including the following::

- Provide consultant and CM/GC Contractor project management on behalf of the City. Including coordination between all project stakeholders, providing monthly reports of project overview reporting budget and progress status, change management, and work in progress.
- Review invoices from City consultants and CM/GC contractor and develop variance reports.
- Oversee project scope, schedule, and budget.
- Lead weekly progress meetings with the City.
- Facilitate bi-weekly design progress meetings with City's consultant and CM/GC.
- Participate in GMP 90% review and preliminary pricing workshops.
- Facilitate miscellaneous meetings as required including, but not limited to, risk review, GMP negotiations, and evaluation of preliminary design scope meetings.
- Coordinate project team reviews of project deliverables. Compile review comments for city consultants.
- Review and provide comments on GMP packages and price proposals.
- Facilitate as a representative of the City the GMP negotiations between the CM/GC and the City.
- Coordination with City, City-consultant staff, and DEQ CWSRF program manager
- Submit Designs and procurement documentation to DEQ
- Fill out bid checklists
- Submit DEQ monthly reports
- Oversee DEQ documentation is filled out properly and submitted to DEQ.
- Facilitate the completion of DEQ CWSRF required reports
- Provide recommendations for value-based requirements, such as GMP package development or early materials/equipment procurement

Deliverables: Deliverables developed under this phase shall include:

- Deliverables as required by DEQ
- Compile Review comment logs
- Progress updates, Project status reports, variance reports, and monthly invoice review, meeting outlines, and minutes.

Assumptions: This phase assumes the following assumptions:

- Project design stage duration of eight months
- Bi-weekly design progress meetings with the Project team.
- Five GMP 90% review and preliminary pricing workshops at 4 hours each.
- Seven additional project meetings

Phase 5. WWTP CM/GC Services During Construction

Objective: Provide services during construction of the Existing WWTP Condition Assessment Improvements Project.

Activities: Tasks include:

- Provide construction management for existing WWTP Condition Assessment Improvements Project, including preparing agendas, reviewing and approving pay requests, reviewing and approving change orders and fieldwork directives, conducting a general preconstruction meeting and regular progress meetings, review of construction contractor's payroll to ensure compliance with prevailing wage rates, coordinating public engagement efforts, and coordinating with the construction contractor the development of Record Drawings.
- Monitor construction schedule and construction milestones.
- Coordinate as-needed inspection and documentation of the construction, including enforcing City-requirements for the construction contractor to maintain daily logs.
- Coordination with the City's design consultant(s), including performing City-related project management services such as invoice review and schedule management.
- Coordinate with the City's design consultant(s) for review and approval of shop drawings, product data, and other submittals.
- In conjunction with the City's design consultant(s), monitor and observe the testing and start-up of all systems and equipment and review test reports.
- Complete the final close-out of each construction project, including gathering all required approvals; obtaining all warranties, guarantees, bonds, manuals, and insurance certificates; obtaining all affidavits, waivers, and releases; analyzing all claims; representing the City at all meetings and inspections; and providing certificates of Substantial and Final Completion

Deliverables: Deliverables developed under this phase shall include:

- Construction management templates and completed forms
- All other construction-related documents referenced in the above activities

Assumptions: This phase assumes the following assumptions:

- Leeway will not be performing daily inspections. City staff and/or Veolia staff will provide as-needed observations of on-going work.
- Special inspections and testing will be either added to the CM/GC contract or the City will contract directly.
- Veolia will perform any additional needed stress testing to rerate the WWTP capacity.

Phase 6. Collection System Model Recalibration (optional)

Objective: To recalibrate the collection system model and reforecast peak wet-weather flows to the WWTP to demonstrate collection system rehabilitation effectiveness. The majority of this work will be conducted after the conclusion of Phase 1A.

Activities: Tasks include:

- Task Management and invoicing
- Coordination with the City on installing flow monitors downstream of Basins 2 and 8
- Evaluation of flow monitoring data (conducted by the City)
- Recalibration of the model to the new flows at Basins 2 and 8
- Run recalibrated hydraulic and hydrologic model to project peak wet-weather flows
- Development of a brief Technical Memorandum (TM) that can be appended to the WW Facility Plan

Deliverables: Deliverables developed under this phase shall include:

- 2022 Recalibration TM
- Monthly invoices and progress reports (3 months)

Assumptions: This phase assumes the following assumptions:

- Calibration will be performed using 3 appropriate wet-weather events captured by the flow monitors
- City will be responsible for installation and maintenance of the flow monitors and rain gauge(s); data will be provided to Leeway in 15-minute format
- City will provide full access to the previous modeling files

Level of Effort Estimate

LW proposes to complete this work as detailed above on a time and expenses basis summarized on the attached Level of Effort estimate. This “not-to-exceed” amount is based on this scope of work and will not be exceeded without approval and written authorization by City of Sandy.

**OWNER'S REPRESENTATIVE, WASTEWATER PROGRAM SUPPORT
CITY OF SANDY, OREGON
PROPOSED LEVEL OF EFFORT**

	LABOR CLASSIFICATION (HOURS)					Estimated Fees			
	Principal Engineer \$213.00	Senior Project Engineer \$168.00	Project Engineer \$152.00	Staff Engineer / Inspector \$115.00	Hours	Labor	Expenses	Integrated Water Solutions (subconsultant)	Total
Phase 1 - Program Management and Consultant Management	48	5	89	0	142	\$ 24,592	\$ -	\$ -	\$ 24,592
<i>Phase 1 Subtotal</i>	48	5	89	0	142	\$ 24,592	\$ -	\$ -	\$ 24,592
DEQ MAO, NPDES, and CWSRF support and Permitting									
Phase 2 - Consultant Oversight	95	0	164	14	273	\$ 46,773	\$ 196	\$ -	\$ 46,969
<i>Phase 2 Subtotal</i>	95	0	164	14	273	\$ 46,773	\$ 196	\$ -	\$ 46,969
Phase 3 - WIFIA and Other Funding Support	69	0	57	13	139	\$ 24,856	\$ -	\$ 25,000	\$ 49,856
<i>Phase 3 Subtotal</i>	69	0	57	13	139	\$ 24,856	\$ -	\$ 25,000	\$ 49,856
Phase 4 - WWTP CM/GC Improvements Oversight	49	0	272	73	394	\$ 60,191	\$ -	\$ -	\$ 60,191
<i>Phase 4 Subtotal</i>	49	0	272	73	394	\$ 60,191	\$ -	\$ -	\$ 60,191
Phase 5 - WWTP CM/GC O.Rep Services During Construction	10	0	198	24	232	\$ 34,986	\$ 1,955	\$ -	\$ 36,941
<i>Phase 5 Subtotal</i>	10	0	198	24	232	\$ 34,986	\$ 1,955	\$ -	\$ 36,941
SUBTOTAL - ALL PHASES	271	5	780	124	1968	\$ 191,398	\$ 2,151	\$ 25,000	\$ 218,549
Phase 6 - Collection System Model Recalibration (2022)	8	64	0	102	174	\$ 24,186	\$ -	\$ -	\$ 24,186
<i>Phase 6 Subtotal (Optional)</i>	8	64	0	102	174	\$ 24,186	\$ -	\$ -	\$ 24,186
TOTAL - ALL PHASES	279	69	780	226	2142	\$ 215,584	\$ 2,151	\$ -	\$ 242,735

Request for Proposals
For Owner's Representative Services
For City of Sandy's Phase 1A Wastewater System Improvements

PROJECT BACKGROUND AND OVERVIEW

The City of Sandy is inviting qualified and interested firms to submit proposals for owner's representation services for phase 1A of the City's large wastewater system improvements project.

The Wastewater System Improvements Project is addressing the City's pressing problems with the City's sewage collection and treatment facilities. The existing system is not able to reliably meet federal and state requirements that protect the local rivers and streams, and community growth adds additional demand to a system under increasing strain. Under a Mutual Agreement and Order with the Oregon Department of Environmental Quality (DEQ), the city completed a Wastewater System Facilities Plan (<https://www.ci.sandy.or.us/publicworks/page/sewer-wastewater-system-facilities-plan>) that identified the preferred project approach for addressing the needs of the system. The most cost-effective solution is to address Inflow and Infiltration, improve the city's existing treatment plant, design and construct a new state of the art MBR treatment plant, and construct a new treated effluent outfall to the Sandy River. Phase 1A of the project includes:

- Collection system improvements to address inflow and infiltration (I&I) issues in the city's leakiest sewerage basins. The City has an engineering consultant and CM/GC contractor for this work with expected completion December 2021.
- Upgrades to the City's Existing Wastewater Treatment Plant to help bring the plant into compliance with permits. An engineering firm has been hired to design the improvements and a CM/GC contractor will be selected in March. The work is targeted for completion by December 2021.
- Initial NPDES Permitting Activities for a new Sandy River Outfall. The facilities plan showed that the best long-term path forward is to develop a second wastewater treatment plant, pump station and effluent pipeline with an outfall to the Sandy River. This option also includes the ability to divert flows into a constructed wetland area at Roslyn Lake, which could include opportunities for publicly accessible nature trails. The City has begun initial discussions with DEQ on permitting requirements.

Project information can be found on the city's project webpage at:
<https://www.ci.sandy.or.us/publicworks/project/wastewater-system-improvements>

SCOPE OF SERVICES

The Owner's Representative will work as an extension of city staff and represent the city's interests by overseeing and monitoring the design and construction work of phase 1A of the wastewater program. The Owner's Representative will work with the city, engineering consultants, contractors, operators, CM/GCs and other contractors throughout this phase of the project to ensure the success of the project.

Responsibilities will include:

- Oversee the project scopes, schedules, and budget.
- Develop and keep updated a master schedule and budget for all Wastewater System Improvements project elements.
- Lead weekly project team meetings with the City.
- Provide financial updates, project cost projections, and funding support for loans, grants, revenue bonds, and rate increases.
- Oversee consultant services and work performed by contractors to ensure they meet their obligations to city, including providing monthly reports of each consultant project reporting budget and progress status, and work in progress.
- Review invoices from City consultants and CM/GC contractor and develop variance reports.
- Facilitate progress meetings with City's design and engineering consultants and CM/GC, and other project meetings.
- Participate in and deliver presentations at City Council work sessions and meetings.
- Review and provide independent comment on all technical reports, drawings, and specifications for each project, as they prepared by other City consultants.
- Identify opportunities and advise city on alternate delivery contracting. Provide recommendations for value-based opportunities, such as prequalification of contractors or early materials/equipment procurement.
- Coordinate and assist City consultants in preparation of requests for proposals and bid documents. Provide bid assistance to the City, including coordinating the bidding process, participating in pre-bid conferences, review bids and make recommendations for award, and assist with contracting requirements such as insurance, bonds, and other financial and legal requirements. This includes advising City regarding CM/GC's proposed buyout of subcontracts.
- Review and approve pay requests, change orders and fieldwork directives, participate in a general preconstruction meeting and regular progress meetings, review construction contractor's payroll to ensure compliance with prevailing wage rates, coordinate public engagement efforts, and coordinate with the construction contractor the development of Record Drawings.
- In conjunction with the City's design consultant(s), monitor and observe the testing and start-up of all systems and equipment and review test reports.
- Complete the final close-out of each construction project.
- Provide collections system flow monitoring data analysis and determine need for additional modeling calibration and updates.
- Provide assistance with the city's negotiations with DEQ on a new Mutual Agreement and Order including coordination between the city and consultants, direct communications and assisting city with communications with DEQ, providing technical information, and attending meetings.
- Manage CWSRF loan requirements including coordination with City, City-consultant staff, and DEQ CWSRF program manager; submitting designs and procurement documentation to DEQ,

filling out bid checklists, submitting DEQ monthly reports, overseeing and submitting DEQ documentation, and completing DEQ CWSRF disbursement requests.

- Manage NPDES permitting activities for a new Sandy River outfall.
- Assist city and consultants and provide support for the City's application for Water Infrastructure Finance and Innovation Act (WIFIA) loan.

RESPONSE REQUIREMENTS

Interested parties shall submit a written response to the City. A response shall be no longer than 4 pages. A two-sided page counts as 2 pages. Front/Back covers, table of contents, team resumes, and previous client contact information are not included in the page count.

Each response shall include the following information:

- A narrative of the consultant's approach to providing Owner's Representative services and how the firm can assist in delivering a successful project for the city. Describe the general approach to performing the scope of services and responsibilities described above, concisely demonstrating a clear understanding of the project goals and how the consultant will assist in meeting these goals.
- A listing of the key personnel to be assigned to the project, including a brief description of background, experience, and skill.
- A statement of related experience on projects of a similar size and nature.
- A listing of previous clients who completed similar projects, the year in which the projects took place, and the names, phone numbers, and email addresses of contact person(s).
- A not-to-exceed fee including a loading chart showing the estimated consultant staff hours for each task, including any reimbursable expenses and hourly rate for various staff members assigned to the project.

SUBMISSION

Responses are due by **4 p.m. Wednesday, February 24.**

Submit by email only to Jordan Wheeler, City Manager, at jwheeler@ci.sandy.or.us.

DECISION

The City Manager will review the responses received by the deadline. The City Manager may confer with other staff or third parties as part of his review and may seek additional information or clarification from any firm or person who submitted a response. After completing his review, he will select a firm or person who will best serve the City's interest as the Owner's Representative for phase 1A, unless he decides to cancel this solicitation or extend it to allow the City to receive additional responses.



Proposal for the City of Sandy, Oregon

OWNER'S REPRESENTATIVE SERVICES FOR PHASE 1A WASTEWATER SYSTEM IMPROVEMENTS

February 24, 2021



February 24, 2021

Jordan Wheeler, City Manager
City of Sandy, OR
jwheeler@ci.sandy.or.us

RE: PROPOSAL FOR OWNER'S REPRESENTATIVE SERVICES FOR THE CITY OF SANDY'S PHASE 1A WASTEWATER SYSTEM IMPROVEMENTS

Dear Mr. Wheeler:

The City of Sandy (City), as part of the largest public works project to date, is seeking a firm to provide owner's representative services to assist the City through Phase 1A, which includes improvements to existing wastewater treatment plant (WWTP), addressing infiltration and inflow (I/I) in the collection system, supporting an application for a Water Infrastructure Finance and Innovation Act (WIFIA) loan, and continue to move the program forward with obtaining Oregon Department of Environmental Quality (DEQ) permits. The Leeway team is the right team to provide these services because we will bring:

A FOCUSED TEAM THAT IS THE RIGHT SIZE FOR YOUR COMMUNITY. As shown in our organization chart, we're proposing a focused cost-effective team that has program management / Owner's Representative experience combined with technical understanding of the elements of Phase 1A. We are bringing the same core team of individuals who have been representing the City's best interests with the City Council, other consulting firms, contractors, and DEQ, and we will hit the ground running.

ABILITY TO DELIVER TO SUPPORT PHASE 1A ACTIVITIES WITHOUT IMPACTING PROGRAM SCHEDULE. Leeway has been heavily engaged with the existing elements of Phase 1A, several of which have compressed schedules. Our background, familiarity with the projects, and our existing relationships will allow us to represent the City and deliver these Phase 1A elements without any schedule delays.

A TECHNICALLY-ORIENTED RELATIONAL APPROACH. Program success involves gaining the cooperation and approval from a number of stakeholders. In order to achieve this, the Leeway team will bring not only a strong understanding of the technical aspects, but the ability to develop relationships that foster trust and partnership. One example of this is our approach and communication with DEQ, which is shifting their perception of the City to a collaborative partner trying to protect human health and the environment. We will do the same across all aspects of the program.

Thank you for providing us with the opportunity to submit our qualifications to support this important vital program. We are deeply invested in the City's success and we look forward to continuing to provide cost-effective and valuable services. Please contact me at (503) 828-7542 if you would like to further discuss our qualifications or require any clarifications regarding our proposal.

Sincerely,

LEEWAY ENGINEERING SOLUTIONS

A handwritten signature in blue ink, appearing to read "Rob Lee".

Rob Lee, PE, PMP | Principal Engineer

rob.lee@leewayengineeringsolutions.com
12597 NW Majestic Sequoia Way
Portland, Oregon 97229
p: 503-828-7542

PROJECT UNDERSTANDING AND APPROACH NARRATIVE

Leeway staff has been involved with this program beginning in 2017 with the Facility Plan project and more recently with the contracts to provide Owner's Representative and Collection Systems design services. As the program has gained momentum, Leeway's role has become more clear and, if selected to continue in the Owner's Representative role, we will continue to put the City's interests first. We have identified the City's primary goals for Phase 1A, some challenges that the City may face, and the approach that Leeway will bring to the program.

PHASE 1A GOALS	CHALLENGES	APPROACH
Successful Delivery of Phase 1A Aspects	Numerous aspects of program requiring different specialty consultants and compressed delivery timelines	Engage same team of committed technical leads with the program background and relationships with stakeholders to hit the ground running and ensure seamless delivery of Phase 1A
Clear DEQ Permitting Pathway	Numerous and sometimes conflicting voices regarding the level of data collection and effort	Collaborative approach with DEQ will lead to clear pathway with right-sized investigations and optimal timing of large design efforts
Cost-Effective Program Management	Typical program management approach often lacks technical expertise or engages a larger group of specialized (and less cost-effective) staff	Small core of dedicated staff leads to efficiencies and maximized value

Leeway will not try to shoehorn the typical program management approach into the City's Wastewater Program. Rob Lee, our proposed Owner's Representative contact for the overall program, has been a part of five large programs in the past and understands the customized cost-effective team the City needs at this phase. Our dedicated team has the perfect skillset and experience to see the City through Phase 1A and beyond. By the end of Phase 1A, Leeway will help the City accomplish the following:

EXISTING WWTP: Effective delivery of the existing WWTP Improvements project, with a goal of maximizing wet-weather treatment while remaining in permit compliance. Leeway will leverage our experience and technical understanding to manage West Yost's design effort, work with Veolia to improve permit compliance O&M, communicate to DEQ the City's progress, and help the the City's consultants and contractors through the CM/GC and CWSRF process.

COLLECTION SYSTEM I/I: Successful reduction of peak flows through I/I reductions in Basins 2 and 8. Leeway's design efforts (other contract) is focused on a design that maximizes I/I reductions at the lowest cost and with the great cost-certainty. As part of the Phase 1A Owner's Representative services, Leeway will help integrate the results of the collection system work into the overall program, assist with DEQ and CWSRF requirements, and recalibrate the collection system model to predict new peak flows, which will help set up future I/I reduction goals as well as confirm the capacity and sizing of the new MBR and outfall.

DEQ PERMITS: Attainment of DEQ permits for the new treatment facility and discharge. Leeway will build on our current efforts to work proactively and collaboratively with DEQ, help to identify the steps in the process, and develop a specific scope for a permitting support consultant. Leeway will manage that consultant through the end of Phase 1A. Leeway will also support the City in protecting against potential future third-party lawsuits through careful and thorough documentation, clear communication, and proactive outreach.

FUNDING SUPPORT: Engineering and technical support needed to finalize the WIFIA Loan application while also informing the larger financial aspects of the program. Leeway will take the lead on providing the required engineering support for the WIFIA loan application, as well as regular updates to the program "dashboard" of anticipated costs, expenditures to date, and forecasts at completion.

CITY STAFF EMPOWERMENT: Perform as extension of City staff, representing the City's best interests. Leeway will provide effective consultant management of the two consultant teams, as well as be available to take on tasks and assignments to free up City staff. Leeway will also help prepare for and participate in critical meetings with the City Council and outside agencies like Sandy and Clackamas River Councils, Freshwater Trust, Energy Trust of Oregon, and Clackamas WES. Lastly, we understand the opportunities this program provides so we also will look to assist and empower existing and future City staff.

OVERSEE PLANNING FOR PHASE 1B: Ensure the City is set up for success with a path forward of solutions that fit the City's needs. Leeway's services during Phase 1A will set the stage for a successful Phase 1B. Leeway will review planning efforts, provide technical feedback, and recommend next steps, resulting in predictable solutions for the City's needs.

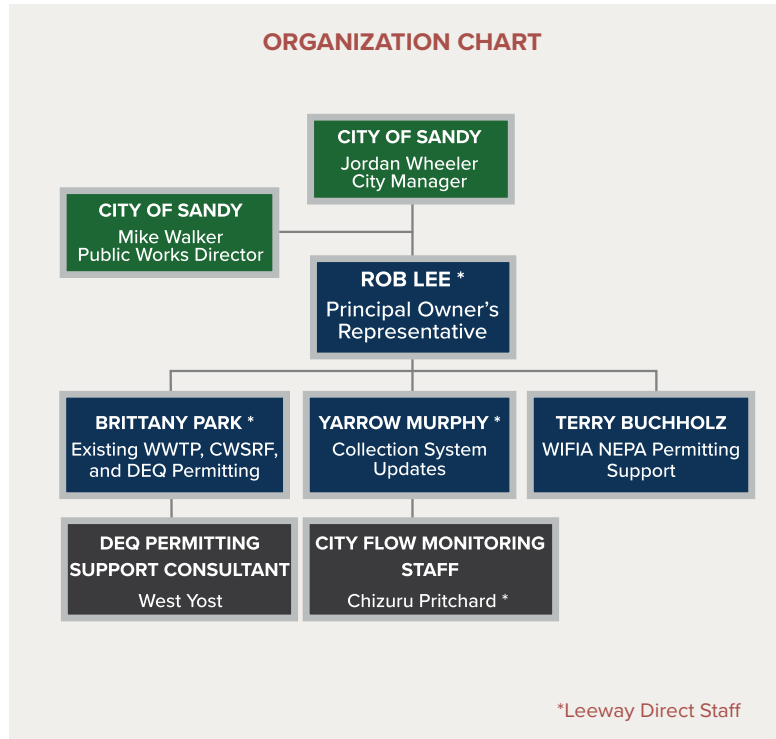
KEY PERSONNEL

Leeway is proposing the same staff that is currently deeply integrated into the program. The following is our proposed organization chart for Owner's Representative Services through Phase 1a.



ROB LEE, PE, PMP

Rob is a strong project manager who has also worked on previous multi-year, multi-phase, multi-million dollar programs. He will be the City's strongest advocate, focused on meeting the technical requirements and regulatory schedule while maximizing the City's budget and proactively identifying any programmatic pitfalls. Rob's experience on large programs began with his work on a 24-year \$250M regulatorily-driven combined sewer outfall program on the East Coast, where he served as the assistant program manager. Since then, Rob has worked on the Lake Oswego Interceptor Sewer, Lake Oswego-Tigard Water Program, and the City of Portland's Large Scale Sewer Rehabilitation Program (which included a co-location assignment as the interim program manager). Rob understands the multi-faceted challenges facing the City of Sandy, and he will leverage his experience, interpersonal skills, and technical expertise to help the achieve program success through Phase 1A and beyond.



BRITTANY PARK, PE

Brittany has the perfect skill set and experience to lead activities in Phase 1A. Her career experience include overseeing industrial water treatment systems, including a 28 MGD treatment plant, and then managing large wastewater capital improvement projects at the City of Bend. She will leverage her experience as well as her familiarity working DEQ (both on NPDES permitting as well as CWSRF projects) to help manage the existing WWTP Improvements project and DEQ permitting support.



YARROW MURPHY, PE

Yarrow will provide support on the collection system and I/I reduction aspects of Phase 1A. As the lead collection system modeler on the City's 2019 Facility Plan, Yarrow will work with City staff to efficiently recalibrate the model after the completion of the Phase 1A collection system rehabilitation work in Basins 2 and 8. The updated model will demonstrate effectiveness of the I/I work as well as reproject peak flows that will need to be handled by future aspects of the program.



TERRY BUCHHOLZ, PE, CWRE

Terry will provide the permitting support on the WIFIA loan application, a critical aspect of Phase 1A. Terry has extensive experience in managing complex high profile environmental and water resources projects and acquiring environmental permits and clearances, including helping the Portland Water Bureau successfully gain permitting approvals as part of the largest WIFIA Loan in history. She will be able to leverage that recent experience directly to the Sandy program.

RELATED EXPERIENCE

The table on the following page is a listing of related experience in similar nature and size to either aspects of the City's program in Phase 1A or the overall program. More detail on the below projects can be provided upon request.

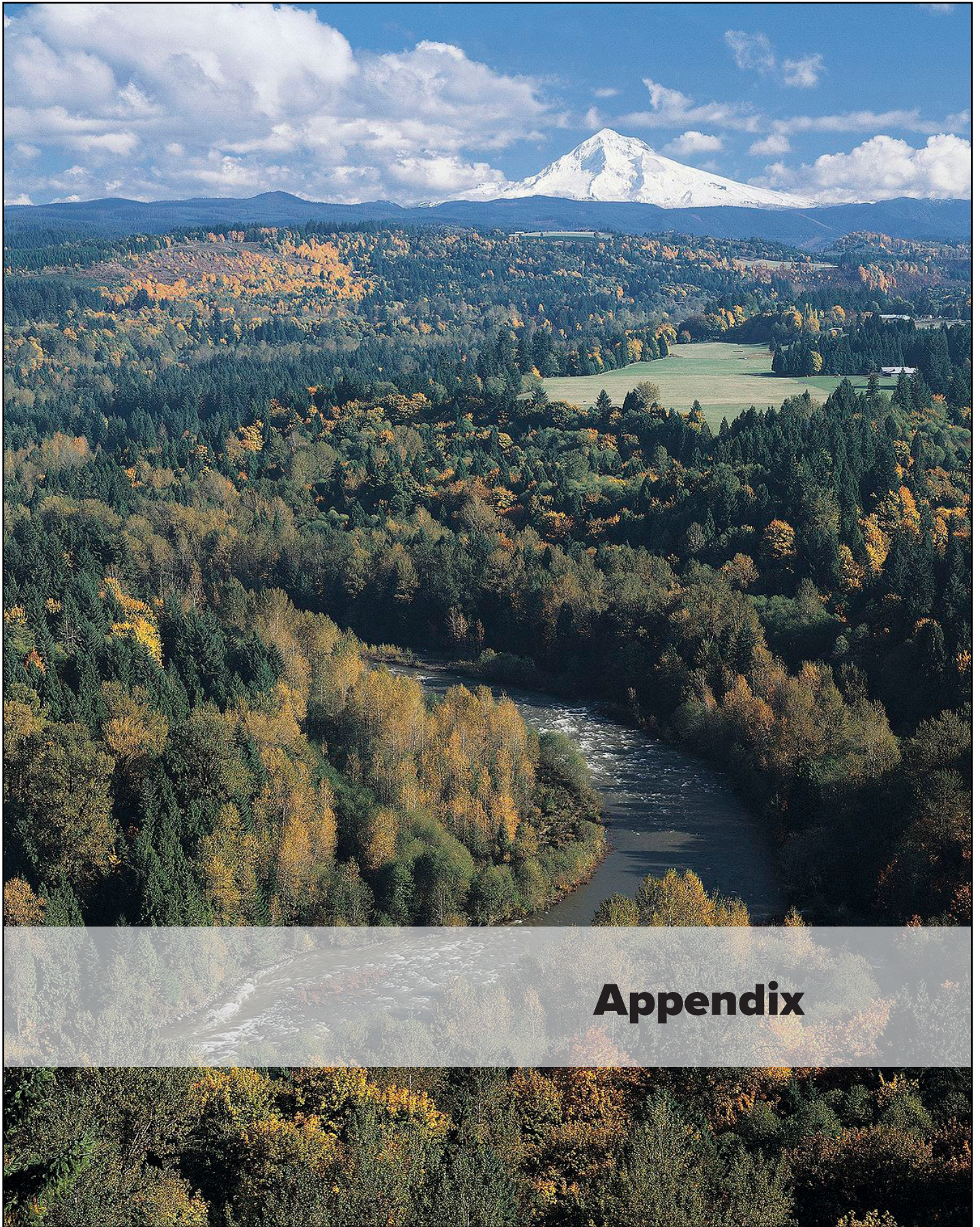
Table 1.
**RELATED
EXPERIENCE**

	Sandy Wastewater Program, Sandy, OR	Large Scale Sewer Rehabilitation Program, Portland, OR	Mt. Talbert I/I Reduction Project Clackamas Wes, OR	I/I Reduction Program Sweet Home, OR	Lake Oswego Interceptor Sewer Lake Oswego, OR	Brandywine Hundred CSO Abatement Program, New Castle Co., DE
Regulatory Driven Program/ Project	■	■	■	■	■	■
DEQ Engagement / NPDES Permitting	■	■	■	■	■	■
Regulatory Compliance Achieved	In process	N/A	In process	■	■	■
Multi-Year, Multi-Phase	■	■		■	■	■
I/I Reduction	■	■	■	■	■	■
Collection System Modeling & Design	■	■	■	■	■	■
City Council and Public Engagement	■	■	■	■	■	■
WWTF Facility Design	■			■		
Federal Funding	■	■		■	■	
Construction Management	■	■		■	■	■
Management of Multiple Consultants/ Contracts	■	■	■		■	■

FEE ESTIMATE

The following chart shows the estimated level of effort to conduct the Phase 1A services. Leeway has shown the collection model update as an optional task due to the timing of the work (Spring 2022). Additionally, should the WIFIA Loan Application required additional NEPA efforts, we have added IWS as an exclusive member of our team to quickly provide these services.

TASKS	LABOR CLASSIFICATION (HOURS)					ESTIMATED FEES			
	Principal Engineer	Sr. Project Engineer	Project Engineer	Staff Engineer	HOURS	Labor	Expenses	Integrated Water Solutions (subconsultant)	TOTAL
	\$213	\$168	\$152	\$115					
Task 1. Program Management and Consultant Management	48	5	89	0	142	\$24,592	-	-	\$24,592
Task 2. DEQ MAO, NPDES, and CWSRF support and Permitting Consultant Oversight	95	0	164	14	300	\$46,773	\$196	-	\$46,969
Task 23. WIFIA and Other Funding Support	69	0	57	13	139	\$24,856	-	-	\$24,856
Task 4. WWTP CM/GC Improvements Oversight	49	0	272	73	394	\$60,191	-	-	\$60,191
Task 5. WWTP CM/GC O.Rep Services During Construction	10	0	198	24	232	\$34,986	1,955	-	\$36,941
SUBTOTAL - PHASE 1A	271	5	780	124	1,180	\$191,398	\$2,151	-	\$193,549
Optional Task. Collection System Model Recalibration (2022)	8	64	0	102	174	\$24,186	-	-	\$24,186
Contingency Task. WIFIA NEPA Support (if needed)	0	0	0	0	0	0	-	\$25,000	\$25,000
TOTAL - ALL PHASES	279	69	780	226	1,354	\$215,584	\$2,151	\$25,000	\$242,735



Appendix

PREVIOUS CLIENTS

PROJECT	CLIENT	YEAR COMPLETED	REFERENCE
Wastewater Program Collection System Design Services	City of Sandy, OR	2017-present	Mike Walker, Public Works Director P: 503-489-2162 E: mwalker@ci.sandy.or.us
Large Scale Sewer Rehabilitation Program (LSSRP)	City of Portland, OR	2009-2019	James Allison, Program Manager P: 503-823-4921 E: james.allison@portlandoregon.gov
Mt. Talbert I/I Reduction Project	Clackamas Water Environment Services, OR	2020-present	Jessica Rinner, Project Manager P: 503.742.4551 E: jrinner@clackamas.us
I/I Abatement Program*	City of Sweet Home, OR	2001-2013	Greg Springman, Public Works Director P: 541-367-6359 E: gspringman@sweethomeor.gov
Brandywine Hundred CSO Abatement Program*	New Castle County, DE	2001-2018	David Hofer, Program Manager P: 302.273.6320 E: dhofer@jmt.com

*Work done by Leeway staff while at previous consulting firm(s)

Rob provided valuable leadership to the BES LSSRP Program. His mixture of solid technical abilities combined with his collaborative and communicative approach was a tremendous asset in reenergizing this vital \$250M+ program. He is an asset on any public works project and we look forward to working with him again.

James Allison, Large Scale Sewer Rehabilitation Program Manager, City of Portland BES, Oregon

The Brandywine Hundred Sewer Rehabilitation Program... was aimed at reducing wet weather overflows, primarily through a comprehensive I/I elimination. With Rob's involvement, we were able to complete the program and gain regulatory compliance 7 years ahead of schedule and \$80M under budget. Rob was instrumental in field investigations, flow analysis, planning, prioritization, project engineering, and program management, which was an essential early component that led to this program's ultimate success. I highly recommend him for any similar program.

David A. Hofer, PE, WEF Fellow, former Brandywine Hundred, Program Manager, New Castle County, DE

ROB LEE, PE, PMP

Principal Engineer

Rob is known in the Pacific Northwest as one of the foremost authorities on I/I. Rob has 23 years of experience, with a major focus on large wastewater conveyance projects and programs, including several multiyear, multimillion dollar I/I programs in the Pacific Northwest. Rob has served as Assistant Program Manager on a \$170M I/I program, the project manager on the Sweet Home I/I program which DEQ calls the most successful I/I program in Oregon, and numerous other projects and programs. Rob's experience has resulted in the successful completion of four programs under regulatory decrees to reduce wet weather flows (three communities in Oregon, 1 on the East Coast) through I/I reduction.

SELECT PROJECT EXPERIENCE

SANDY WASTEWATER SYSTEM IMPROVEMENTS PROJECT, SANDY, OR; OWNER'S REPRESENTATIVE. The City of Sandy is in the early stages of multiple projects to improve its wastewater systems; upgrading treatment facilities, reducing excessive I/I in the collection system and expanding treatment capacity at a secondary site. As Owner's Representative, Rob is providing services to assist this multi-year program with improvements to the existing WWTP and flow reduction in the collection system, aimed at achieving regulatory compliance on an aggressive schedule and represent the City to design consultants, construction contractors, regulators, and stake-holders.

I/I ABATEMENT PROGRAM, CITY OF SWEET HOME, SWEET HOME, OR; Project Manager/Design Lead. Rob led the most recent and largest phase of the City of Sweet Home's I/I program, aimed at reducing flows. The program involved predesign activities to evaluate the system and identify where it would be most cost-effective in reducing I/I. This work was driven by a regulatory order from the Oregon DEQ. The City has retained Leeway as part of a team to continue providing collection system rehabilitation solutions. The project successfully helped reduce peak wet weather flows at the WWTP by 50% through repairs made to the upstream collection system and private laterals. Reduction of peak wet weather flows also eliminated the need to upsize the City's main trunk sewer.

I/I PROGRAM DEVELOPMENT AND MT. TALBERT AND GLADSTONE INFILTRATION AND INFLOW PROJECT, CLACKAMAS WES, CLACKAMAS COUNTY, OR; Project Manager. Rob is managing a team to help the Clackamas WES, as the regional wastewater provider, identify the types and locations of I/I exacerbating their regional system. The program development involved analysis of flow monitoring data, coordination with upstream "member communities" contributing flows to the regional system, selection of field investigation techniques, and recommendations of projects to remove I/I from the system.

BRANDYWINE HUNDRED RDII ABATEMENT PROGRAM, NEW CASTLE COUNTY, DE; Assistant Program Manager/Design Lead. Completed in 2019 (seven years early and \$80M under budget), this program reduced I/I across a 385-mile collection system serving mostly residential areas. Rob was instrumental in setting up the program, including managing the 66-flow meter network, conducting field investigations, identifying the highest-priority projects, and management and oversight of over a dozen projects that included small-diameter rehabilitation, private source I/I removal, and pump station and interceptor replacement and upsizing. Performed gamut of design and construction techniques, including full suite of private lateral rehabilitation options. Over three dozen projects designed and constructed as part of the program. This multiyear, regulatory-driven program addressed conveyance capacity due



FIRM

Leeway Engineering Solutions

TITLE

Principal Engineer

YEARS OF EXPERIENCE

23

EDUCATION

- MEng, Environmental Engineering, Cornell University, 1999
- BS, Environmental Engineering, Cornell University, 1997

LICENSES

- Professional Engineer – WA #44969
- Professional Engineer – OR #82099
- Project Management Professional - #2308673

PROFESSIONAL AFFILIATIONS

- Pacific Northwest Clean Water Association, Board of Directors, President Elect (2019-present)

KEY EXPERTISE

- Pipeline Condition Assessment
- Trenchless Rehabilitation
- Project Leadership

to heavy wet weather influences. Rob led efforts to install 66 flow monitors, conducted smoke-testing and CCTV, inspected maintenance holes, and compiled and managed the SSES data.

I/I ABATEMENT PROGRAM, CITY OF ST. HELENS, ST. HELENS, OR; *Civil Lead/Project Manager.* Rob led predesign evaluation to develop the framework for the City's I/I program. Flow monitoring site selection, modeling, and field investigations such as CCTV, smoke-testing, and maintenance hole inspection resulted in the identification of project areas for addressing I/I. The implementation of the projects, which included rehabilitation of private I/I sources, resulted in an 80% reduction of wet weather volumes and compliance with Oregon DEQ's regulatory requirements. Proper identification of locations of I/I and successful implementation resulted in 80% I/I reduction of flow volumes in targeted basins and reduced overflow events from 2.5 per year to less than one per year.

HILLSDALE I/I REDUCTION PILOT PROJECT, CITY OF PORTLAND, PORTLAND, OR; *Project Advisor.* As part of the Large-Scale Sewer Rehabilitation Program, Rob provided technical advisory services for one of the City's first I/I reduction projects. The City performed work on private laterals to reduce I/I into overcapacity trunk sewers. Post-project flow monitoring and modeling revealed over 70% reduction in peak wet weather flows. The project involved I/I repairs on private property, including creative ways to conduct work on private property without the need for formal easements.

LARGE-SCALE SEWER REHABILITATION PROGRAM, CITY OF PORTLAND, PORTLAND, OR; *Design Lead/Program Advisor/Interim Project Manager.* Rob helped reinvigorate this critical \$250M+ ongoing program to address sewer risk in the City of Portland's collection system. Rob also served as technical lead for two different consulting teams on this program, coordinating and delivering the designs for over a dozen project areas. This large, multiyear, task order-driven program addressed needs in large collection and conveyance system and used all available trenchless technologies to address small- and large-diameter sewer rehab needs.

SEWER RELINING PROGRAM, SEATTLE PUBLIC UTILITIES, SEATTLE, WA; *Design Lead/Technical Lead:* Rob led five work assignments under this multiyear contract, including development of a large-diameter and ultraviolet light-cured project, a project that included 179 sites, and providing technical assistance to develop standard operating procedures and training guidance for in-house spot repair and lateral lining crews. Rob provided technical guidance to the work assignment teams, contacted potential lining contractors, conducted QA/QC reviews, and provided detailed comments and suggested revisions to the City's lining specifications and bid forms. Rob developed bid packages to enhance understanding of SPU's design process, standards, and specifications.

- Wastewater, Water, and Stormwater Design
- Construction Support
- Asset Management

CERTIFICATIONS

- Certified NASSCO Pipeline Assessment Certification Program (PACP) U-203-551
- Certified Construction Documents Technologist (CSI)
- Confined-Space Entry 29 CFR 1910.146(g) OSHA
- Construction Safety Awareness 29 CFR 1926.21 (b) OSHA

“It is a pleasure working with Rob. His expertise in CIPP lining and his ability to listen to the client and produce quality bid documents that address project constraints and team concerns was outstanding.”

M. Patty Nelson, PE, Senior Engineer, City of Portland

YARROW MURPHY, PE

Senior Engineer

Yarrow is a civil engineer with expertise in gravity pipeline hydraulics and design. She spent the first 10 years of her career working for City of Portland, Bureau of Environmental Services, where she specialized in hydrodynamic modeling and analysis of Oregon's largest combined sewer system. She entered the private sector about three years ago, looking to diversify her experience and serve a wider range of clients in the Pacific Northwest region. Recent projects include supporting design and implementation of capital improvements of combined and stormwater systems, master planning combined, sanitary and stormwater systems, rainfall-derived inflow and infiltration analysis with recommendations for strategic flow reductions, and asset management focused on cost effective prioritization of investments. She particularly enjoys working with clients to determine their individual goals and finding the right solution for each unique problem.

SELECT PROJECT EXPERIENCE

SANDY COLLECTION SYSTEM RDII REDUCTION PROGRAM, SANDY, OR; Engineer. This project is an early action recommended in the 2019 Sandy Wastewater System Master Plan. As the lead author and engineer on the collection system portion of the master plan, Yarrow's familiarity with the system and understanding of the specific needs of the City allows her to efficiently implement the RDII reduction predesign. Yarrow's role in the predesign is evaluating and recommending alternative delivery methods to accelerate the project schedule and to produce preliminary design drawings, which can serve as the basis for later design phase drawings.

DOWNTOWN OLD TOWN SEWER REHABILITATION, CITY OF PORTLAND, OR; Engineer. Yarrow has supported several major rehabilitation projects for the City of Portland, Bureau of Environmental Services. One of these major projects, the Downtown Old Town structural rehabilitation program is a \$60 million investment in Portland's oldest sewer pipes, which also serve the economic center of the state. Her involvement with this project started with structural risk evaluation and system planning for the entire area. During design she has evaluated hydraulic capacity of each phased design project. Most of the pipes in the project area have multiple utility conflicts and other complications that make full re-placement with open trench difficult and expensive. Yarrow has worked closely with the design project manager to quantify capacity risks, develop creative solutions and make judicious decisions about system capacity improvements.

BASALT AND COFFEE CREEK INDUSTRIAL AREA CONCEPT PLAN, CITY OF WILSONVILLE, OR; Lead Engineer. Yarrow worked with the City of Wilsonville to design the gravity system layout and profiles of a future sanitary conveyance system to serve a planned major industrial area, including options for 2 MGD of wet industry. The final product included an alternatives analysis considering capital and equivalent uniform annual costs and operational preferences for four different system alternatives and plan and profile drawings for the recommended alternative.

STORM AND SANITARY SYSTEM ASSESSMENT, OREGON STATE UNIVERSITY, CORVALLIS, OR; Project Engineer. Oregon State University (OSU) is implementing a proactive program to manage its sanitary and storm systems. This project involved developing a consequence of failure rating that prioritized the inspections, followed by the inspection and evaluation of approximately 30% of the storm and sanitary sewers. The result is recommended maintenance operations and capital improvements to protect OSU's assets over the long term. Yarrow's role in the project is operations scheduling and co-authoring the master plan report.



FIRM

Leeway Engineering Solutions

TITLE

Civil Engineer

YEARS OF EXPERIENCE

13

EDUCATION

- MSc, Water Resources Engineering, Oregon State University, 2009
- BA, Russian Language and Literature, University of Oregon, 1999

LICENSES

Professional Engineer - OR #84389
Professional Engineer - WA (pending)

KEY EXPERTISE

- Asset management
- Hydrodynamic Modeling
- Concept Planning
- Alternatives Evaluation
- Stormwater Solutions
- RDII Reduction

BRITTANY PARK, PE

Project Engineer

Brittany is a chemical and environmental engineer specializing in project management, troubleshooting, and operations of wastewater treatment facilities. In the beginning of her career, she managed industrial water systems, including a 28 MGD treatment plant. Later, she managed wastewater capital improvement projects at the City of Bend. Through her experience managing multi-disciplinary teams for projects, Brittany has developed a collaborative approach to design and project management. This results in projects that are built to perform for the whole life cycle. From the start of design through project startup and operation, she will deliver projects that are cost-effective and sensible to build and maintain.

SELECT PROJECT EXPERIENCE

SANDY WASTEWATER SYSTEM IMPROVEMENTS PROJECT, SANDY, OR; Owner's Representative. The City of Sandy is in the early stages of multiple projects to improve its wastewater systems; upgrading treatment facilities, reducing excessive infiltration and inflow in the collection system and expanding treatment capacity at a secondary site. As Owner's Representative, Brittany is overseeing the design of the improvements to the existing plant and flow reduction in the collection system. Her role is to facilitate completion of the design on an aggressive schedule and represent the City to the design consultant, contractors, regulators, and stakeholders.

SOLIDS HANDLING IMPROVEMENTS PROJECT, CITY OF BEND, OR; Project Manager. Brittany led the interdisciplinary team through the predesign analysis, project design, and GMP approval. The project had many elements. It was a Construction Management/General Contractor procurement, funded by ODEQ CWSRF program, and included an electrical utility upgrade to the treatment plant. Brittany's management style puts an emphasis on open communication and inclusion of all voices. Because of this approach, the City's operations, maintenance, and instrumentation/controls teams were regularly involved and provided input every step of the way. This ensured that all internal and external stakeholders had their project needs met while balancing value engineering.

GEORGIA-PACIFIC WAUNA MILL, CLATSKANIE, OR; Treatment Plant Technical Manager. Brittany oversaw the system and worked with operators to make sure the process was working properly and optimized. She was the compliance system owner and conducted all compliance related activities, including NPDES reporting and sampling. She led troubleshooting of process issues, operator training, environmental systems projects, and all emergency response efforts. One of her larger projects was to reduce the treatment plant carbon load by utilizing dissolved oxygen monitoring to optimize aeration. The project resulted in an over-all 30% reduction in treatment plant energy consumption, while continuing to maintain healthy biological life.

CWSRF FUNDING CROSS-CUTTER, CITY OF BEND, OR; Contract Manager. Brittany managed the cross-cutter process for all of City of Bend CWSRF funded projects. The City of Bend is the largest user of CWSRF funds in the state and she oversaw the successful approval of approximately seven projects. She also collaborated with DEQ to assist them with updating the CWSRF handbook for CM/GC projects.

PUMP STATION DE-COMMISSIONING PROJECT, CITY OF BEND, OR; Project Manager and Construction Manager. Decommissioning sewer pump stations by installing gravity sewer reduced the City of Bend's operation and maintenance costs for collections systems. Brittany led the project to decommission ten different pump stations. She oversaw the engineering design and construction for a combined 3,000 LF of gravity mains. She successfully completed the project months ahead of schedule and millions under budget.



FIRM

Leeway Engineering Solutions

TITLE

Project Engineer

YEARS OF EXPERIENCE

9

EDUCATION

- MSc, Infrastructure Engineering and Management, University of Surrey, 2016
- BSc, Chemical Engineering, Oregon State University, 2012

REGISTRATION

- Professional Engineer - OR #86191

ASSOCIATIONS/ AFFILIATIONS

- Pacific Northwest Clean Water Association, Member Services Committee Chair

KEY EXPERTISE

- Project Management
- Facility and Treatment design, construction, operation and troubleshooting
- Owner's Representative Services
- Alternative delivery method (CM/GC)

TERESA L. BUCHHOLZ, PE, CWRE

WIFIA NEPA Permitting Support

Terry has extensive experience in managing complex high profile environmental and water resources projects; and acquiring environmental permits and clearances on water resources projects. She works with clients and consultant teams to develop permit acquisition and implementation strategies that anticipate the possible obstacles and opportunities that accompany multifaceted controversial water projects when securing environmental permits.

SELECT PROJECT EXPERIENCE

BULL RUN TREATMENT FACILITY PROGRAM, CITY OF PORTLAND WATER BUREAU, PORTLAND, OR; Environmental Permitting Strategist and the WIFIA loan NEPA Lead (as the Owner's Representative). The City of Portland is in the process of designing and constructing two projects (Bull Run Filtration & Improved Corrosion Control Treatment) to improve their water supply from Bull Run to help keep our water safe and abundant for generations to come. Both projects are required under state and federal law. Ms. Buchholz led the successful completion and approval of the WIFIA Loan NEPA process.

WILLAMETTE RIVER CROSSING PROJECT, CITY OF PORTLAND WATER BUREAU, PORTLAND, OR; Environmental Permitting Lead (as the Owner's Representative). The City of Portland is in the process of designing and constructing an earthquake-resilient water main deep under the Willamette River, as part of the Water Bureau's commitment to preparedness. The water main will be constructed using a combination of micro-tunneling and horizontal directional drilling (HDD). As environmental permitting lead, Terry is responsible for developing the permit acquisition strategy, preparing and acquiring environmental permits; and monitoring of construction activities to ensure permit compliance. The comprehensive, integrated permit acquisition strategy provides a roadmap for securing the necessary project environmental, land use, right-of-way and design review permits and approvals. The permits/easement that are being secured for the project include the Corps 10, ODSL Removal/Fill, ODEQ programmatic 1200-C, Union Pacific Railroad temporary and permanent construction easements, PDOT Streetcar Crossing Permit and local land use permits. Construction will occur in 2022.

LAKE OSWEGO - TIGARD WATER PARTNERSHIP, FOR THE CITIES OF LAKE OSWEGO AND TIGARD, LAKE OSWEGO AND TIGARD, OR; Environmental Permitting Lead (as the Owner's Representative). Lake Oswego and Tigard expanded the Lake Oswego's existing drinking water infrastructure at a cost of approximately \$250 million to serve both communities. As environmental lead, Ms. Buchholz was responsible for developing the permit acquisition strategy, conducting detailed scientific studies, preparing and acquiring environmental permits; and monitoring of construction activities to ensure permit compliance. The comprehensive, integrated permit acquisition strategy provided a roadmap that secured the necessary project environmental, land use, right-of-way and design review permits and approvals. The Strategy considered all project elements, potential permits, regulated activities, approval timelines, potential obstacles and opportunities, and the types of information and studies needed. Also included in the permit strategy was a critical path schedule that included the key pieces of information required for each permit, regulatory agency coordination, public outreach and integration with the design and construction phases of the program. The project included a new river intake and pump station on the Clackamas River, a new raw water pipeline under the Willamette River, a new water treatment plant, new finished water pipeline, a new above ground storage reservoir and a new pump station. The permits secured for the program included the Corps 404/10, ODSL Removal/Fill, Endangered Species Act Biological Opinion, SHPO clearance, ODEQ programmatic 1200-C, Clean Water Services Service Provider letter, Union Pacific Railroad temporary and permanent construction easements, and local land use permits. All permits for this Project were acquired prior to initiation of project construction in July 2013. In-Water construction was completed in September 2015 and IWS prepared the Completion Report for the Corps and NMFS in October 2015.



FIRM

Integrated Water Solutions

TITLE

Principal

YEARS OF EXPERIENCE

38

EDUCATION

- BS, Civil Engineering, University of Nebraska, Lincoln

REGISTRATION

- Professional Engineer-OR, NE
- Certified Water Rights Examiner - OR

ASSOCIATIONS/ AFFILIATIONS

- Member, American Society of Civil Engineers (ASCE)
- Member, American Water Works Association (AWWA)
- Member, Oregon Water Resources Congress, (OWRC)
- Member, American Society of Civil Engineers (ASCE)

KEY EXPERTISE

- Permit acquisition and implementation strategies

CASCADE PACIFIC PULP INTAKE AND OUTFALL PROJECTS, CASCADE PACIFIC PULP, HALSEY, OR; Environmental Permitting Lead (as the Owner's Representative). The project involved restoration of a side channel and improvement of the existing intake structure located on the Willamette River at Halsey, Oregon. As environmental lead, Terry was responsible for developing the permit acquisition strategy, conducting detailed scientific studies, preparing and acquiring environmental permits; and monitoring of construction activities to ensure permit compliance. Integrated Water Solutions worked with the Corps, DEQ, DSL, and NMFS to develop an acceptable solution that will meet the water demands of the Cascade Pacific Pulp and comply with the Endangered Species Act, Section 404 of the Clean Water Act, and state environmental laws. Permits were acquired for the construction of the meander channels, habitat restoration and new fish screens in June 2013. Construction was completed in September 2013.

The changing geomorphology of the Willamette River also impacted the effectiveness of Cascade Pacific Pulp's effluent outfall diffuser. A gravel bar formed between the slough and the Willamette River over 25 years. In 2014, Ms. Buchholz led the team through investigation, design and permitting to relocate Cascade Pacific Pulp's effluent outfall diffuser to a location that would be a long-term solution for the plant and the water quality of the Willamette River. Ms. Buchholz worked with regulatory agencies and regional experts to develop an acceptable solution and timeline to relocate the diffuser. The permit package as submitted in Winter 2014 and construction was completed in November 2015.

EAST VALLEY WATER DISTRICT WATER SUPPLY PROJECT, FOR THE EAST VALLEY WATER DISTRICT, SILVERTON, OR; Environmental Permitting Lead (as the Owner's Representative). Terry serves as the environmental permitting lead (as the Owner's Representative) for the East Valley Water District (District) Water Supply Project that includes the construction of a new earthen dam, approximately 70-foot high and 850-foot long, that will store approximately 12,000 acre-feet of surface water from Drift Creek in the winter and a transmission system that would convey water during the irrigation season from the reservoir to points of delivery within the District to serve its water users. As environmental lead, Ms. Buchholz has been responsible for developing the permit acquisition strategy, getting the Project accepted into the Kaizen regulatory process and for the coordination of scientific studies. The comprehensive, integrated permit acquisition strategy will provide the roadmap for securing the necessary project environmental, land use, right-of-way and design review permits and approvals. The permit strategy considered all project elements, potential permits, regulated activities, approval timelines, potential obstacles and opportunities, and the types of information and studies needed. Also included in the permit strategy was a critical path schedule that included the key pieces of information required for each permit, regulatory agency coordination, public outreach and integration with the design and construction phases of the program. The permits that needed for the project include the Corps 404/10, ODSL Removal/Fill, Endangered Species Act Biological Opinion, NEPA Environmental Assessment, ODFW Fish Passage Waiver, ODEQ 401 Water Quality Certification SHPO clearance, ODEQ programmatic 1200-C, Dam Safety Review, and local land use permits.

RETREAT AT OAK CREEK, LANDMARK PROPERTIES, CORVALLIS, OR; Environmental Compliance Manager. Terry was hired by Landmark Properties to manage compliance for the Retreat at Oak Creek, a new student housing development in Corvallis Oregon. Ms. Buchholz was brought on in January 2014 with the goal of starting construction by early summer 2014. Working with the project sponsor, regulatory agencies, and technical staff, Ms. Buchholz was able to achieve compliance by May 2014; less than five months after being hired. The project was the first NOAA Slopes V issued in Oregon. Retreat at Oak Creek opened its' doors to OSU students in the September 2015.



LEEWAY
engineering solutions

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PROFESSIONAL SERVICES AGREEMENT

PREAMBLE

This Contract, made and entered into this _____ day of _____, 2021, by and between LEEWAY ENGINEERING SOLUTIONS hereinafter called "Contractor", and the CITY OF SANDY, a municipal corporation of the state of Oregon, hereinafter called "City".

WHEREAS, City has need for the services of a party with the particular training, ability, knowledge and experience possessed by Contractor.

WITNESSETH:

The parties hereto mutually covenant and agree to and with each other as follows:

1. SCOPE OF WORK

The scope of work, is contained in Exhibit A attached hereto and by this reference made a part hereof.

This contract shall supersede any prior representation or contract, written or oral. This contract shall not be subject to modification or amendment except in writing, executed by both parties.

2. DURATION OF CONTRACT

Unless earlier terminated or extended, this contract shall remain in force and effect from the date in the preamble above through December 31, 2021.

3. PAYMENT

City agrees to pay, and Contractor agrees to accept, in full payment for the performance of this contract, according to the fee schedule in Exhibit A attached hereto and by this reference made a part hereof. The fee schedule in Exhibit A may be adjusted annually upon mutual agreement of the parties to reflect inflation and changes in labor and materials costs.

4. CHANGES

This contract and any substantive changes to the scope of work or changes to the contract costs will not be effective until approved in writing by the City.

5. INDEPENDENT CONTRACTOR STATUS

Contractor agrees and certifies that:

- A. Contractor is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to payment under this contract;
- B. Contractor will not, on account of any payments made under this contract, be eligible for any benefit from federal social security, workers' compensation, unemployment insurance, or the Public Employee's Retirement System, except as a self-employed individual;
- C. Contractor is not currently an employee of the federal government or the state of Oregon;
- D. Contractor is not a contributing member of the Public Employees' Retirement System;
- E. Contractor certifies it meets the specific Independent Contractor Standards of ORS 670.600;
- F. Contractor is not an "officer, employee or agent" of City as those terms are used in ORS 30.265.

6. SUBCONTRACTS AND ASSIGNMENT; SUCCESSORS IN INTEREST

Contractor shall not enter into any subcontracts for any of the work required by this contract, excepting those portions of the work specifically described in Exhibit A or assign or transfer any of its interest in this contract without the prior written consent of City. The provisions of this contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns, if any.

7. PAYMENT OF LABORERS

A. Contractor shall:

- (1) Make payment promptly, as due, to all persons supplying to Contractor labor or material for the prosecution of the work provided for in this contract;
- (2) Pay all contributions or amounts due the Industrial Accident Fund incurred in the performance of this contract;
- (3) Not permit any lien or claim to be filed or prosecuted against City on account of any labor or material furnished; and
- (4) Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

B. If Contractor fails, neglects or refuses to make prompt payment of any claim for labor or services furnished to it by any person in connection with this contract as such claim becomes due, City may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due to Contractor by reason of such contract.

C. The payment of a claim in this manner shall not relieve Contractor or Contractor's surety from obligation with respect to any unpaid claims.

8. PAYMENT FOR MEDICAL CARE AND PROVIDING WORKERS' COMPENSATION

Contractor shall promptly, as due, make payment to any person, co-partnership, association or corporation furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury, to the employees of Contractor, of all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

Contractor, its subcontractors, if any, and all employers working under this contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

9. OVERTIME AND HOLIDAYS

Persons employed by Contractor under this Personal Services Contract shall receive at least time and a half pay for work performed on the following legal holidays:

- A. New Year's Day on January 1
- B. Memorial Day on the last Monday in May
- C. Independence Day on July 4
- D. Labor Day on the first Monday in September
- E. Thanksgiving Day on the fourth Thursday in November
- F. Christmas Day on December 25

and for all overtime worked in excess of forty [40] hours in any one week, except for individuals who are excluded under ORS 653.101 to 653.261 or under 29 U.S.C., Sections 201 to 209, from receiving overtime.

10. TIME LIMITATION ON CLAIM FOR OVERTIME

Any worker employed by Contractor shall be foreclosed from the right to collect for any overtime under this contract unless a claim for payment is filed with Contractor within ninety [90] days from the completion of the contract, providing Contractor has:

A. Caused a circular clearly printed in blackface pica type and containing a copy of this section to be posted in a prominent place alongside the door of the timekeeper's office or in a similar place which is readily available and freely visible to any or all workers employed on the work; and

B. Maintained such circular continuously posted from the inception to the completion of the contract on which workers are or have been employed.

11. ERRORS

Contractor shall perform such additional work as may be necessary to correct errors in the work required under this contract without undue delays and without additional cost.

12. DEFAULT

City, by written notice of default (including breach of contract) to Contractor, may terminate the whole or any part of the contract:

- A. If Contractor fails to provide services called for by this contract within the time or in

the manner specified herein, or any extension thereof; or

- B. If Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from City, fails to correct such failures within ten [10] days or such longer period as City may authorize.

Upon termination, City will pay Contractor for only the value to City of work actually performed. The rights and remedies of City provided in the above clause related to defaults (including breach of contracts) by Contractor shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract.

13. OWNERSHIP OF WORK

All work products of Contractor, including background data, documentation and staff work that is preliminary to final reports, which result from this contract are the exclusive property of City. If this contract is terminated by either party or by default, City, in addition to any other rights provided by this contract, may require Contractor to transfer and deliver such partially completed reports or other documentation that Contractor has specifically developed or specifically acquired for the performance of this contract.

14. INDEMNITY AND HOLD HARMLESS

Contractor shall defend, indemnify and hold City, its officers, agents and employees, harmless against all liability, loss or expenses, including attorney's fees, and against all claims, actions or judgments based upon or arising out of damage or injury (including death) to persons or property caused by any negligent act or omission of an act sustained in connection with the performance of this contract or by conditions created thereby, or based upon violation of any statute, ordinance or regulation.

15. INSURANCE

Contractor shall obtain, prior to the commencement of the contract, and shall maintain in full force and effect for the term of this contract, at Contractor's expense, an automobile liability insurance policy for the protection of Contractor and City, its officers, boards, commissions and employees. This policy shall be issued by a company authorized to do business in the state of Oregon, protecting Contractor or subcontractors or anyone directly or indirectly employed by either of them against liability for the loss or damage of personal and bodily injury, contractual liability, death and property damage, and any other

losses or damages above mentioned in the combined single limit of \$1,000,000 or the limit of public liability contained in ORS 30.260 to 30.300, whichever is greater. The insurance company shall provide City with an endorsement thereto naming City as an additional insured, providing that no acts on the part of the insured shall affect the coverage afforded to the above policy, and providing City will receive thirty [30] days' written notice of cancellation or material modification of the insurance contract.

Contractor will not perform any work under this contract until City has received copies of applicable insurance policies or acceptable evidence that appropriate insurance heretofore mentioned is in force.

16. STANDARD OF WORK

Contractor will accomplish the work using a standard of performance and care that is currently accepted by other professionals engaged in similar work in the Portland metropolitan area.

17. TERMINATION

This contract may be terminated by mutual consent of the parties, or by City at any time by giving written notice to Contractor no later than fifteen [15] days before the termination date. Contractor shall be entitled to compensation for services performed up to the date of termination.

18. CONFIDENTIALITY

No reports, information and/or data given to or prepared or assembled by Contractor under this contract shall be made available to any individual or organization by Contractor without the prior written approval of City.

19. PUBLICATION RIGHTS / RIGHTS IN DATA

All publication rights in the product produced by Contractor in connection with the work provided for under this contract, whether in preliminary draft or final form, shall be vested in City.

Contractor shall not publish any of the results of the work without the prior written permission of City.

All original written material and other documentation, including background data, documentation and staff work that is preliminary to final reports, originated and prepared for City pursuant to this contract, shall become exclusively the property of City. The ideas, concepts, know-how or techniques relating to data processing development during the course of this contract by Contractor or City personnel, or jointly by Contractor and City personnel, can be used by either party in any way it may deem appropriate.

Material already in Contractor's possession, independently developed by Contractor outside the scope of this contract or rightfully obtained by Contractor from third parties, shall belong to Contractor. However, Contractor grants to City a non-exclusive, irrevocable and royalty-free license to use such material as it sees fit.

This contract shall not preclude Contractor from developing materials which are competitive, irrespective of their similarity to materials which might be delivered to City pursuant to this contract in developing materials for others, except as provided in this section.

20. ACCESS TO RECORDS

Contractor agrees that City and its authorized representatives shall have access to the books, documents, papers and records of Contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts and transcripts.

21. ATTORNEY'S FEES

If a suit or action is filed to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party, in addition to costs and disbursements provided by statute, any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees.

22. COMPLIANCE WITH APPLICABLE LAW

Contractor shall comply with all federal, state and local laws and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with:

- A. Title VI of the Civil Rights Act of 1964;
- B. Section V of the Rehabilitation Act of 1973;

- C. The Americans with Disabilities Act of 1990 (Pub L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and
- D. All other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

23. FOREIGN CONTRACTOR

If Contractor is not domiciled in or registered to do business in the state of Oregon, Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this contract. Contractor shall demonstrate its legal capacity to perform these services in the state of Oregon prior to entering into this contract.

24. GOVERNING LAW; JURISDICTION; VENUE

This contract shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflict of laws, rules or doctrines. Any claim, action, suit or proceeding (collectively, "the claim") between City (and/or any other agency or department of the state of Oregon) and Contractor that arises from or relates to this contract shall be brought and conducted solely and exclusive within the Circuit Court of Clackamas County for the state of Oregon. Provided, however, if the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Contractor, by the signature below of its authorized representative, hereby consents to the *in personam* jurisdiction of said courts.

25. FORCE MAJEURE

Neither City nor Contractor shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond, respectively, the reasonable control of City or Contractor. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this contract.

26. MERGER CLAUSE

THIS CONTRACT AND ATTACHED EXHIBITS CONSTITUTE THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS CONTRACT SHALL BIND

EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS CONTRACT. CONTRACTOR, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

27. EXECUTION AND COUNTERPARTS

This contract may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

CONTRACTOR

(Name)

By: _____

Individual S.S.N. or
Employer ID #: _____

Business Address

City/State/Zip

Title: _____

Check one:

- Sole Proprietor
- Partnership
- Corporation
- Governmental
- Non-Profit

_____, 2021
Date

CITY OF SANDY

By: _____

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

_____, 2021
Date

DRAFT