



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, October 3, 2022

Meeting Time: 6:00 PM

Page

1. MEETING FORMAT NOTICE

This meeting will be conducted in a hybrid in-person / online format. The Council will be present in-person in the Council Chambers and members of the public are welcome to attend in-person as well. Members of the public also have the choice to view and participate in the meeting online via Zoom.

To attend the meeting in-person

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

To attend the meeting online via Zoom

Please use this link: <https://us02web.zoom.us/j/89632515094>

Or by phone: (253) 215-8782; Meeting ID: 89632515094

Please also note the public comment signup process below.

2. CITY COUNCIL WORK SESSION - 6:30 PM

2.1. 2023 Legislative Priorities

[2023 Legislative Funding Request Priorities - Pdf](#)

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3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. PLEDGE OF ALLEGIANCE

5. ROLL CALL

6. CHANGES TO THE AGENDA

7. PUBLIC COMMENT

Please note: the opportunity to provide testimony on Resolution 2022-24 will occur during the public hearing later in the agenda.

The Council welcomes your comments on other matters at this time.

If you are attending the meeting in-person

Please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

If you are attending the meeting via Zoom

Please complete the [online comment signup webform](#) by 3:00 p.m. on the day of the meeting.

The Mayor will call on each person when it is their turn to speak for up to three minutes.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

9. CONSENT AGENDA

- 9.1. **City Council Minutes** 6 - 10
[City Council - 19 Sep 2022 - Minutes - Pdf](#)

10. RESOLUTIONS

- 10.1. **PUBLIC HEARING: Temporary Moratorium on Developments with New Sewer Connections** 11 - 74
- Resolution 2022-24
[Temporary Moratorium on Developments with New Sewer Connections - Pdf](#)
[Staff Presentation Slides](#)
[Written Testimony: Garrett Stephenson](#)

11. OLD BUSINESS

- 11.1. **Sandy Clean Waters Update** 75 - 93
[Staff Presentation Slides](#)

12. REPORT FROM THE CITY MANAGER

13. COMMITTEE /COUNCIL REPORTS

14. STAFF UPDATES

14.1. [Monthly Reports](#)

15. ADJOURN

16. CITY COUNCIL EXECUTIVE SESSION

The City Council will meet in executive session pursuant to ORS 192.660(2)(d)



Staff Report

Meeting Date: October 3, 2022
From Jordan Wheeler, City Manager
SUBJECT: 2023 Legislative Funding Request Priorities

DECISION TO BE MADE:

Provide direction on the City's funding request priorities for the 2023 Oregon legislative session.

PURPOSE / OBJECTIVE:

To advocate and solicit for continued State support for Sandy's significant water and wastewater infrastructure needs, and other funding priorities identified by the City Council.

BACKGROUND / CONTEXT:

The City of Sandy is in a historic period of reinvestment in our wastewater and water infrastructure. The City's situation is an excellent illustration of the confluence of a number of complex issues for small growing communities: rapid population growth, State housing supply pressures, environmental protection regulations, and escalating public infrastructure costs.

The city's wastewater and water infrastructure needs significant investment to replace old pipes and facilities, expand treatment capacities, become more resilient, and protect our watersheds and the environment. These investments are expensive and require increases in customer rates and system development charges to developers in order to cover the debt service that is necessary to finance the projects.

A key strategy to maintain our rates as affordable as possible in light of these challenges is to seek as many alternative funding vehicles as possible. So far, for the [Sandy Clean Waters](#) project, the City has secured Clean Water State Revolving Loans (SFR) for the first phase of the project, successfully lobbied for over \$15 million in State grants for Sandy Clean Waters, \$1 million in federal grants from the Environmental Protection Agency, and accepted for closing on a federal Water Infrastructure Finance and Innovation Act (WIFIA) loan. As a result, the City has not yet had to issue higher cost Revenue Bonds to finance the first phases of the project.

On the Drinking Water System Reinvestment project, we recently applied for Drinking Water SRF loans, and no other financing has yet to be finalized or secured. With a similar timeline to the Sandy Clean Waters project, the City will be investing millions of dollars into our water infrastructure to rebuild our Alder Creek treatment plant,

reservoirs, and build a pipeline and pump station to our backup Bull Run Water supply at the proposed Portland Water Bureau Filtration Plant.

Even with the support from grants and low interest loans so far, the scope and scale of our infrastructure needs will require future rate increases. Additional funding from the State will help keep the rate increases manageable and our community affordable.

The City is also positioning our Parks & Recreation Department to be stewards of a premier system of parks, trails, open spaces, and recreation opportunities. The newly updated and amended Parks & Trails Master Plan provides a road map of the needs and future system investments to maintain our community's desired level of service. The Council also continues to work towards the design and construction of a community park and other recreation amenities at the community campus property.

KEY CONSIDERATIONS / ANALYSIS:

Staff are seeking the Council's direction on legislative funding priorities for the 2023 long session. The session will start in early 2023, but pre-work on bills and priorities begin earlier.

Last year the City had engaged with a government affairs consultant to assist the Council and staff with navigating the legislature to present our needs and funding requests. The Council may want to reissue or revisit the proposals for limited term consultant support during the long session. Also of note, beginning next year, Sandy will be represented by a new State House Representative (District 51, redistricted) and a new State Senate representative (District 26).

RECOMMENDATION:

Staff recommends the City Council hold a work session to discuss funding request priorities for the 2023 Oregon Legislative Session.



MINUTES
City Council Meeting
Monday, September 19, 2022 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: (none)

STAFF PRESENT: Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; David Snider, Economic Development Manager; Kelly O'Neill Jr., Development Services Director; Ernie Roberts, Police Chief; and Tyler Deems, Deputy City Manager

MEDIA PRESENT: Sandy Post

1. CITY COUNCIL WORK SESSION - 6:00 PM

1.1. Pleasant Street Master Plan

Staff Report - 0615

The **Development Services Director** and **Economic Development Manager** summarized the staff report, which was included in the agenda packet. Presentation slides were also included in the agenda packet.

Council discussion ensued on the following topics:

- Clarification on the role of the Council versus the Urban Renewal Board with regard to this project
- Existence of multiple possible funding sources for this project
- Discussion regarding the relative expense of undergrounding utilities versus other project components
- Clarification that Alt Avenue would not be realigned under the latest plan draft
- Discussion on whether reversing traffic flow on Alt would be beneficial
- Cost differences between the current plan draft and previous iterations
- Clarification on the 'raised street' concept, and possibilities for holding future events
- Discussion of whether nearby property owners support the proposed concepts

- Cost of undergrounding utilities
- Importance of minimizing disruption of businesses
- Possibilities for implementing only certain segments of the plan area
- Concerns regarding whether the plan as proposed meets the city's needs; concern about much of the plan area being residential
- Note that a significant amount of adjacent property is publicly owned in the central portion of the plan area
- Recognition that the city needs an alternate main street area
- Recognition of the move made by La Bamba
- Possible development opportunities involving existing commercial properties
- Challenges involving property owners who may not be looking to develop
- Concern that a new plaza area is not needed; emphasis on the importance of filling vacant buildings
- Concern regarding spending too much of the urban renewal fund
- Reluctance to make investments unless developer interest is assured
- Importance of tying the Community Campus to downtown; possibilities for including Junker Street
- Recognition that the plan would not necessarily need to be funded to be adopted
- Possibilities for securing grant funding
- Considerations regarding the viability of Alt Avenue realignment
- Importance of creating a 'sense of place'
- Possibilities for adopting code changes that would enact plan goals piecemeal as properties develop

2. CITY COUNCIL REGULAR MEETING - 7:00 PM

3. Pledge of Allegiance

4. Roll Call

5. Changes to the Agenda
(none)

6. Public Comment

Juan Luna: comments pertained to an incident in August 2022 when his motorized food truck was engaged for an event being held at Fred Meyer. City staff informed Fred Meyer management that motorized food trucks are not allowed per the municipal code. Mr. Luna stated that the event had been advertised in advance, and that his food truck had been approached by two police officers. He stated that the

manager of Fred Meyer asked him to leave and that he lost money. He stated that he received an unsatisfactory response from city staff when he raised concerns about the incident, and that he wants an explanation.

The **City Manager** stated that staff's code enforcement approach is complaint driven, and that staff are expected to respond to enforcement complaints when they are received. He noted that a request for compensation was received and that a response had been delivered from the **Deputy City Manager**.

Council discussion ensued on the following topics:

- Clarification on municipal code regulations of motorized versus non-motorized food cards
- History and context regarding the Council's decision to prohibit motorized food trucks in the code
- Requirements for property owners to secure temporary use permits for such events, and the fact that Fred Meyer would have been advised of the pertinent regulations had they sought a permit
- Possible opportunities to amend and clarify the code language in the future

7. Response to Previous Public Comments
(none)

8. Presentation

8.1. Economic Development Strategic Plan Update

Elliot Weiss of Community Attributes Inc. provided an update to the Council on the status of the Economic Development Strategic Plan (EDSP). Presentation slides were included in the agenda packet.

Council discussion ensued on the following topics:

- Clarification on the composition of the EDSP project advisory committee
- Clarification on how job statistics are calculated in the presented data
- Questions about how COVID-19 may have affected the data, and how to model the increasing numbers of remote workers
- Need for more advertisement for Future Fest
- Other opportunities to engage the public
- Request to separate the data for government and education employment

9. Consent Agenda

9.1. **City Council Minutes**

September 6, 2022

Moved by Don Hokanson, seconded by Richard Sheldon

Adopt the consent agenda

CARRIED. 7-0

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

10. Report from the City Manager

- Thanks to staff for their work during PGE's recent public safety power shutoff; possibility of inviting PGE representatives to an upcoming meeting
- Reminder on the upcoming LOC conference
 - Possible options for a parks tour on Wednesday 9/28
- Update on camping: police are trained on the City's new regulations, handouts are being developed with information and resources, staff are working on addressing power outlets outside the Library
- Thanks to Parks and Recreation staff for securing the state grant for shelters
- 'No trucks' signs have been installed on Dubarko and Langensand
- Discussion regarding possibilities for wetland restoration projects, perhaps on the south end of town; noxious weed mitigation is also possible
- Note on the extensive advertising underway for Future Fest

11. Committee /Council Reports

Councilor Hokanson

- PGE should adjust their system to ensure our critical infrastructure is unaffected during public safety power shutoffs

Councilor Exner

- Reminder for residents to help keep fallen leaves out of storm drains
- Concern regarding weeds downtown, especially next to the new health clinic
- Concern regarding the police station sign condition
- Bee City USA signs will be installed soon

Councilor Walker

- Trail crossing signs are needed on Dubarko east of Melissa
- Discussion regarding new holiday light event being planned for Meinig Park; concern regarding cost and budget impact

Councilor Sheldon

- A large need exists to prioritize urban renewal projects and spending

Councilor Smallwood

- Parks and Recreation staff are working on cost recovery strategies
- Importance of division between council and staff roles

Council President Pietzold

- Community Attributes Inc will be on site in Sandy next week
- Concern regarding trees that were removed in front of US Bank

Mayor Pulliam

- Agreement on the need to prioritize urban renewal projects

12. Staff updates

12.1. [Monthly Reports](#)

13. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati



Staff Report

Meeting Date: October 3, 2022

From Jordan Wheeler, City Manager

SUBJECT: PUBLIC HEARING: Temporary Moratorium on Developments with
New Sewer Connections

DECISION TO BE MADE:

Whether to adopt Resolution 2022-24.

PURPOSE / OBJECTIVE:

To limit new connections to the sanitary sewer system and prevent the approval and vesting of additional development projects that lead to new sewer connections until capacity becomes available in the city's sewer system.

BACKGROUND / CONTEXT:

Through our Sandy Clean Waters program, the City of Sandy is working diligently to upgrade and improve our sewage treatment system. The City has outgrown our decades old treatment plant and our aging sewer pipes need repairs to reduce the amount of rainwater and groundwater that enters the system. The existing capacity of the City's sewer system is not sufficient to effectively handle the flows to our treatment plant, especially during wet weather, without violating the City's National Pollution Discharge Elimination System Permit (NPDES).

As result, the City of Sandy, Oregon Department of Environmental Quality (DEQ), and the Environmental Protection Agency (EPA) have determined that the City lacks capacity at the treatment plant for our current inflow to the system and that any new connections will result in additional inflow that can lead to further violations of the NPDES permit. Therefore, to reduce the potential for additional violations as the city constructs the improvements, the City will limit new connections to the system through a moratorium on development until additional capacity can be demonstrated. The temporary moratorium is necessary to prevent the approval and vesting of additional development projects that lead to new sewer connections until capacity becomes available in the city's sewer system.

KEY CONSIDERATIONS / ANALYSIS:

The moratorium will be in place for six months and will be reevaluated for extension since it is anticipated that additional capacity will not be demonstrated within that time. Next Spring, following the completion of the current improvement projects at the treatment plant and in the collection system, the city will be completing an evaluation of the plant

to establish the peak flow capacities. It is anticipated that additional capacity will be identified, and additional development projects will be allowed to connect to the system following the evaluation.

Also, because of the number of already approved development projects and the progress the City has made on the collection system work and treatment plant improvements, a limited number of connections for existing development projects that have already been approved by the City will be allowed. During the moratorium period, the City will limit any new connections to the sanitary sewer system to 120 equivalent residential units (ERUs). The Department shall not issue building permits or other permits that in total would allow more than 120 new connections to the City sanitary sewer system. A connection is the equivalent of a single family dwelling.

During the moratorium period, the following types of applications **will not** be accepted or processed:

- Annexations
- Comprehensive plan or zoning map amendments
- Subdivisions
- Partitions
- Specific area plans
- Replat that results in a new lot.
- Design review that will require a new connection if approved, including conversion of a single-family dwelling into a duplex.
- Accessory dwelling units
- Food cart permit outside of an existing pod.
- Conditional use permit that requires a new connection.
- Hardship permit that requires a new connection.

The following types of applications will continue to be accepted and processed by Development Services:

- Property line adjustments.
- Conditional use permit without a new connection.
- Food cart permit inside an existing pod.
- Adjustment, variance or design deviation.
- Tree permit.
- Flood slope hazard permit.
- Hillside development permit.
- Replat that does not create a new lot.
- Street vacation.
- Request for code interpretation.
- Development that relies on on-site septic treatment or other alternative to connection to the City sanitary sewer.

- Middle housing land division per Section 17.100.50 of the Sandy Municipal Code when a duplex is existing and no additional ERUs are created.

Pre-application conferences may still be requested and held for future development proposals.

Sandy Clean Waters Status Update

The city continues to progress on our most significant capital construction project and invest millions of dollars into our sewer collection system and treatment plant. The Sandy Clean Waters program includes fixing our aging sewer pipes, upgrading our existing treatment plant, and determining the most economically and environmentally sensitive solution for expanding our wastewater system capacity. The program includes the following projects and activities (with current status):

- Phase 1a (existing treatment plant improvements and collection system I&I reduction):
 - Complete I&I reduction work in sewer Basins 6 and 7 by December 2022 (under construction)
 - Complete priority condition assessment improvements at the wastewater treatment plant by December 31, 2022 (under construction)
 - Complete and submit NPDES permit for a future Sandy River discharge (in progress)
 - Conduct a stress test of the treatment plant (Spring 2023)
 - Complete an asset inventory and assessment and maintenance needs for treatment plant and implement recommendations (in progress)
- Phase 2a (expanded treatment/new or alternative discharge/capacity increase):
 - Complete an amendment to the 2019 facilities plan amendment by June 30, 2023.
 - Close on the WIFIA master loan agreement at the maximum affordability amount. Apply for additional SRF loans.

In the near future the City Council will be asked to consider and award contracts for the Wastewater Facility Plan Amendment and for the Program Manager for both the Sandy Clean Waters and Water System Reinvestment projects.

RECOMMENDATION:

Staff recommends the City Council adopts Resolution 2022-24.

BUDGETARY IMPACT:

Estimating the financial impact of a pause on development applications is difficult due to the variable nature of development and other external factors. Since 2015, the Development Services Department has processed an average of 56 land use applications per year. Of those, on average, 14 are Type 3 or 4 applications that would be more typical of the type of applications that would not be processed under the pause.

Although some applications that would have required new connections could be processed as a Type 1 or Type 2 application such as new single family homes or subdivisions that comply with all standards in the development code.

Again, on average, the Development processes roughly 2 annexations and 3 subdivision applications per year. Annexation fees can range between \$3,000 - \$7,000 while a Type 3 subdivision fee for a application that includes more than 11 lots would cost \$5,500 plus \$120 per lot.

As an example, the fees for a Type 3 40 lot subdivision application would total around \$10,300, which does not include any fees for variances, tree removals, etc.

Therefore, in the short term the City will experience a loss or delay of planning fee revenue from the type of developments and applications that would require new connections. Because the moratorium is temporary, we could see an influx of pre-applications and development applications once the pause is lifted, however other factors such as the state of the economy and housing industry could impact development interest and activity at the time.

On the building division side, the city will be able to permit up to 120 new connections during this period. In comparison, since 2015, the city has issued an average of 72 new single family home permits per year. Multifamily is more variable year to year but averages about 40 units per year. Therefore, we anticipate building permit revenue not to be impacted during this period.

Longer term, the pause on development can have a slowing effect on growth and new housing and commercial projects in the pipeline, although we anticipate the effect being temporary as the city constructs improvements and demonstrates more capacity at the treatment plant. The slowing effect could have a lag on future property tax growth above the statutory 3% assessed value growth, Systems Development Charges collections, and total utility accounts. Again, other factors such as the state of the broader economy, housing market, and construction demand could factor into future growth projections as well.

SUGGESTED MOTION LANGUAGE:

"I move to adopt Resolution 2022-24, approving a moratorium on development pursuant to OFS 197.505 to 197.540 based on limited sanitary sewer capacity."

LIST OF ATTACHMENTS/EXHIBITS:

1. Resolution 2022-24
2. Letter from Oregon Department of Land Conservation and Development (DLCD)



NO. 2022-24

A RESOLUTION APPROVING A MORATORIUM ON DEVELOPMENT PURSUANT TO ORS 197.505 TO 197.540 BASED ON LIMITED SANITARY SEWER CAPACITY

Whereas, pursuant to the federal Clean Water Act of 1972, the City of Sandy sanitary sewer collection and treatment system is subject to a National Pollutant Discharge Elimination System (NPDES) permit (the Permit) issued to the City by Oregon Department of Environmental Quality (DEQ) under authority granted by the U.S. Environmental Protection Agency (EPA);

Whereas, the Permit limits the types and amounts of discharges from the City treatment plant into Tickle Creek;

Whereas, population growth and development in the City has increased the demand on the available capacity at the treatment plant;

Whereas, inflow and infiltration (I&I) into the City collection system (i.e. sewer pipes) from surface water has also increased the demand on available treatment plant capacity;

Whereas, the combination of I&I and increased base flows has caused discharges from the treatment plant to violate permitted NPDES levels during certain weather events;

Whereas, the permit violations have resulted in enforcement proceedings from DEQ and a referral to EPA from DEQ. Compliance will require that the City limit additional connections to the City sanitary sewer system until certain improvements have been made increasing existing capacity at the treatment plant;

Whereas, the City is engaged in a significant program of investigation, remediation and repair of the collection system to reduce the amount of I&I and the corresponding demand on the treatment facilities;

Whereas, the City is also updating the Facilities Master Plan to provide for the design, financing and construction of additional treatment facilities;

Whereas, to reduce the potential for additional violations, the City will limit new connections to the sanitary sewer system until the I&I program and/or improvements to the treatment facility increase available capacity to accommodate additional development;

#2022-24

Whereas, the moratorium imposed by this Resolution is intended to prevent the approval of additional development that will require a connection or connections to the City sanitary sewer system;

Whereas, as additional capacity becomes available the City Council anticipates that additional development projects will be allowed to connect to the sanitary sewer system; however, because additional capacity may not become available within the next six months, the City Council anticipates it may need to extend the moratorium;

Whereas, the moratorium is necessary to prevent the approval and vesting of additional development projects until adequate capacity becomes available in the City's sanitary sewer system; and

Whereas, this Resolution is authorized by ORS 197.505 to 197.540.

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

Section 1. The City of Sandy Development Services Department (Department) staff shall not accept or process a land use application or other application for approval of new development that is submitted on or after the effective date of this Resolution if the development will require a new connection to the City sanitary sewer system.

Section 2. Section 1 of this Resolution applies to the following types of land use applications or other similar application as determined by the Department Director:

- a. Annexation.
- b. Comprehensive plan or zoning map amendment.
- c. Subdivision.
- d. Partition, except as provided in Section 3.1 below.
- e. Specific area plan.
- f. Replat that results in a new lot.
- g. Design review that will require a new connection if approved, including conversion of a single-family dwelling into a duplex.
- h. Accessory dwelling unit.
- i. Food cart permit outside of an existing pod.
- j. Conditional use permit that requires a new connection.
- k. Hardship permit that requires a new connection.

Section 3. Section 1 of this Resolution does not apply to the following types of land use applications or other similar application as determined by the Department Director:

- a. Property line adjustment.
- b. Conditional use permit without a new connection.
- c. Food cart permit inside an existing pod.
- d. Adjustment, variance or design deviation.

#2022-24

- e. Tree permit.
- f. Flood slope hazard permit.
- g. Hillside development permit.
- h. Replat that does not create a new lot.
- i. Street vacation.
- j. Request for code interpretation.
- k. Development that relies on on-site septic treatment or other alternative to connection to the City sanitary sewer.
- l. Middle Housing Land Division per Section 17.100.50 of the SMC and SB 458 (2021) of a lot or parcel with an existing duplex

Section 4. During the time this Resolution is in effect, the Department will limit any new connections to the City's sanitary sewer system to 120 equivalent residential units (ERUs). The Department shall not issue building permits or other permits that in total would allow more than 120 new connections to the City sanitary sewer system. For purposes of this limitation, a connection is deemed to be the equivalent of a single-family dwelling. A second connection to an existing duplex currently served by a single connection in order to allow a Middle Housing Land Division under Section 3.l above shall not be considered a new connection for purposes of this Section 4.

Section 5. The City Council shall review this Resolution and determine whether there is a need to renew, revise or repeal it not more than six months after the effective date.

Section 6. This Resolution is based on the recitals above and the findings of fact set forth in the attached Exhibit A.

Section 7. This Resolution is effective on the date it is adopted by the City Council and shall remain in effect for a period of six months, unless earlier renewed or repealed.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of October 2022

Stan Pulliam, Mayor

ATTEST:

#2022-24

Jeff Aprati, City Recorder

#2022-24

EXHIBIT A

FINDINGS OF FACT

1. These findings are intended to supplement the findings stated the recitals to Resolution 22-24.
2. ORS 197.520 provides:

- a. The City must provide the Department of Land Conservation and Development (DLCD) notice of the moratorium 45 days in advance of the final public hearing.

Finding: The City mailed and emailed notice to DLCD on August 16, 2022.

- b. The city may not adopt a moratorium unless it makes written findings that justify the need for the moratorium. ORS 197.520(1)(b).

Finding: The existing capacity of the City sanitary sewer system is not sufficient to accommodate the demand on the system without violating the City's NPDES permit. As a result, the city is subject to an enforcement proceeding that requires the city to limit new connections to the system. These Findings of Fact and the recitals in the Resolution are "written findings" that satisfy the requirement for findings in ORS 197.520(1)(b).

- c. The City must hold a public hearing on the proposed moratorium.

Finding: The City Council held a public hearing on October 3, 2022, on the proposed Resolution and Findings of Fact.

- d. For urban and urbanizable land, the city must show that the moratorium is justified by the need to prevent the shortage of public facilities that would otherwise occur during the effective period of the moratorium. ORS 197.520(2).

Finding: The City's sanitary sewer system is already past existing capacity, as evidenced by the NPDES permit violations and corresponding state and federal enforcement proceeding. Accordingly, the moratorium is justified by an existing shortage of an essential public facility. For this reason, the criterion is met.

- e. The extent of need beyond the estimated capacity of the existing public facilities that is expected to result from additional land development. ORS 197.520(2)(a).

Finding: As noted, the City's sanitary sewer treatment facilities are already past existing capacity. As such, any demand from new development will exceed the current collection and treatment capacity. However, because of the City's existing I&I program, the City anticipates a limited amount of capacity will become available during the period this Resolution is in effect and have negotiated a limited number of connections for existing

development projects that have already been approved by the City. To the extent the I&I program and related improvements to the treatment facilities result in an increase of collection and treatment capacity, the City anticipates more connections may be allowed.

- f. The moratorium is limited to those areas of the City affected by the shortage of public facilities. ORS 197.520(2)(b).

Finding: The City sanitary sewer system serves the entire City. Therefore, the moratorium applies to all development applications in the City.

- g. The housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity. ORS 197.520(2)(c).

Finding: The City has negotiated with the DEQ and the EPA a limited number of connections to accommodate as much as possible development that has already been approved. Moreover, as additional capacity comes available as result of improvements and repairs to the collection and treatment systems, this capacity will be made available for future housing and economic development. Accordingly, this criterion is met.

- 3. This Resolution is based on and directly implements state law. There are no applicable goals and policies in the Sandy Comprehensive Plan.



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD



September 16, 2022

Kelly O'Neill Jr.
Development Services Director
City of Sandy
39250 Pioneer Blvd.
Sandy, OR 97055

Re: Notice of Proposed Development Moratorium

Dear Mr. O'Neill,

On August 16, 2022 the Department of Land Conservation and Development (DLCD) received notice from the City of Sandy of an upcoming public hearing for a proposed development moratorium. DLCD appreciates the notice, and notes that the City has met its obligation as required by ORS 197.520(1) to notify DLCD of an upcoming moratorium.

Please note that ORS 197.530(2) allows for a six-month duration of the moratorium, and up to three six-month extensions with associated public hearings and additional notice to DLCD for each extension.

It is clear the moratorium is warranted due to a shortage of public sewage system capacity, a circumstance for which standards are set forth in ORS 197.520 (2). DLCD urges the City to promptly make necessary improvements to regain capacity, ensuring the moratorium is as short-lived as possible. We also would like to provide the following comments on your draft resolution and findings:

- We recommend that your adopted findings for the resolution declaring a moratorium include reference to your adopted wastewater facilities plan, or otherwise describe actions the City plans to take to address solutions to the capacity shortages.
- The City might consider clarifying that septic systems would not be an acceptable alternative for new development during the moratorium, unless otherwise authorized by the municipal code.
- We note that your Comprehensive Plan includes a policy supporting demand reduction, Policy 38 under Goal 9: *"Promote performance standards for commercial and industrial developments that reduce demand on municipal water and wastewater service and maintain air quality standards."* In this spirit, the City

might consider programs or other efforts to help sanitary sewer customers reduce their demand through efficiency and/or conservation.

Last, the Governor's Metro Regional Solutions Team may be able to help the City of Sandy identify potential infrastructure funding and financing opportunities. You may reach out to the Governor's Regional Solutions Coordinator, Raihana Ansary at raihana.ansary@oregon.gov or at 503.339.5223. You may also contact any of the Regional Solutions team members including your Regional Representative from DLCD (contact information below).

Please don't hesitate to contact DLCD with any questions. Your Regional Representative, Kelly Reid, can be reached at kelly.reid@dlcd.oregon.gov or 971-345-1987.

Sincerely,



Gordon Howard
DLCD Community Services Director

cc. Kelly Reid, DLCD Regional Representative
Raihana Ansary, Governor's Regional Solutions Coordinator



Resolution 2022-24

A Temporary Moratorium on Development based on limited sanitary sewer capacity

Background

- The existing capacity of the City's sanitary sewer system is not sufficient to accommodate the demand without violating the City's NPDES permit.
- The City is under enforcement proceedings with DEQ and EPA to come into compliance.
- The City is investing millions of dollars to fix, improve, and expand our sanitary sewer system



Moratorium

- Cities may impose a temporary moratorium on development when there is a demonstrable shortage of public facilities. (ORS 197.505 - 197.540)
- Moratorium can be up to **6 months** and can be extended up to three additional times.

Moratorium

- During this period, Development Services staff will not accept or process applications that lead to new sewer connections.
- Includes: Annexations, subdivisions, partitions, replats for new lots, ADUs, comp plan and zoning map amendments, specific area plans.
- Applications that do not involve new sewer connections will still be accepted.



Temporary Moratorium Duration

- The resolution will be effective for 6 months with a likelihood of extension.
- The City will be conducting an evaluation (Stress Test) of the treatment plant next spring to determine the available capacity of the plant.
- It is anticipated that the moratorium will be lifted and additional connections will be available following the evaluation.



Connections During Moratorium

- The Department will be able to permit up to **120 equivalent residential units (ERU)** to connect to the system during the moratorium period.
- The limited connections are for development projects that already have a land use approval and we anticipate building construction prior to the stress test.
- An ERU connection is the equivalent of a single family dwelling.



Ongoing Improvements

- The evaluation of the treatment plant will occur in the spring following the current improvements that are underway at the treatment plant and the collection system work that is underway in sewer basins 6 and 7.
- We anticipate these improvements will demonstrate a gain in peak flow capacities at the treatment plant and improve NPDES compliance.



Financial Impacts

- Anticipated loss in planning fee revenue from pausing subdivisions, annexations, and other development applications.
- The city could receive an influx of applications after the moratorium period, however economic conditions could also factor.
- Potential for longer term impacts on SDCs, property tax growth, and other general revenues.



Communications

- Press Release
- Letters, emails, and meetings with development community
- Continued communications and project updates on Sandy Clean Waters in social media, website, Sandy Source newsletters, utility bill newsletter.



Recommendation

- Staff recommends the City Council adopts Resolution 2022-24.



Public Hearing





October 3, 2022

Garrett H. Stephenson
Admitted in Oregon
T: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Mr. Stan Pulliam, Mayor
City of Sandy, Oregon
39250 Pioneer Boulevard
Sandy, OR 97055-8001

RE: Res. 2022-24; Proposed Moratorium on Sewer Connections

Dear Mayor Pulliam and Councilors:

This office represents Even Better Homes. Even Better Homes is owned by Mac Even, who grew up in Boring, has worked in Sandy for many years, and is well known and respected throughout the community. My client received preliminary subdivision approval for an 89-lot subdivision (Cedar Creek Heights, File No. 21-012 SUB/FSH/TREE) on June 15, 2021 (**Exhibit 1**). At the time, the City represented that it had adequate sewer capacity to serve the project. On June 24, 2022, the City sent a letter to the Oregon Department of Environmental Quality (DEQ) affirming the City's capacity to serve the project. On August 2, 2022, the City approved my client's sewer construction plans. My client immediately began construction of sewer infrastructure to serve his project. Less than two weeks later, on August 16, 2022, the City sent a letter to the Oregon Department of Land Conservation and Development (DLCD) informing DLCD of the proposed moratorium. Despite numerous discussions between my client and myself and City staff, enactment of this moratorium was never portrayed as imminent and at all relevant times, City staff declared that any actions it would take would not stop my client from completing the approved project.

My client wishes to believe that this is so, but City staff's representations are not present in the language of the proposed moratorium. The proposed findings for the moratorium state that "and have negotiated a limited number of connections for existing development projects that have already been approved by the City." While this may be so, my client has never received a commitment that its project will benefit from any of these "limited number of connections" or that his vested right to complete the project would even require any of these connections.

The City would be well-served by providing Mr. Even such a commitment before it enacts this moratorium. As explained in the above paragraph, the City has at all relevant times led my client to believe that he would have the ability to complete Cedar Creek Heights, through its repeated representations of available sewer capacity and its approval of public works permit(s) to construct approved sewer improvements. It is clear that for at least the last six weeks, the City has known that this moratorium would be proposed on or about the date of this hearing, but at no time informed our client of this fact. The City should be aware that my client

Mr. Stan Pulliam, Mayor
October 3, 2022
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has spent considerable sums of money to construct his project based on the City's express and implicit representations that he would be able to complete his project, and he likely faces bankruptcy if he is unable to complete Cedar Creek Heights due to this moratorium. This exposes the City to significant tort liability. *Dykeman v. State*, 39 Or App 629, 633-34, 593 P.2d 1183 (1979) (building code requirement for issuance of permits by building inspector gave rise to duty to exercise reasonable care in processing of permit application to avoid foreseeable risk of harm from issuance and subsequent revocation of permit).

The above discussion explains why the Council should provide my client assurances consistent with its representations, but regardless, the current moratorium proposal does not pass legal muster and must be rejected until it does.

ORS 197.520 establishes the criteria under which a local government may enact a moratorium. These are as follows:

(2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information[...].

(a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;

(b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

(c) That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity.

The proposed resolution does not meet the above criteria for several reasons.

First, as to subsection (2), above, the evidence appended to this letter demonstrates that, in fact, the City *does* have capacity to serve my client's project and likely other projects currently in the development pipeline.

Second, as to (a), the City has not clearly quantified the extent of need beyond estimated existing capacity. There is no study or projection about future sewer need, no accounting for projects (including my client's project) that are currently in development, and no explanation of how the limited number of allowable connections will be allocated to development projects that have already been approved. There is also insufficient evidence to support a finding that the City's system can support only 120 additional connections.

Mr. Stan Pulliam, Mayor
October 3, 2022
Page 3

Third, as to (c), the City has not made a serious attempt to satisfy this criterion. Criterion (c) requires the City to carefully analyze the “housing and economic development needs of the area” to be impacted. Rather, the City has simply concluded that it has accommodated housing and economic needs as much as possible. There is no data referenced in the findings which support this conclusion. More seriously though, there has apparently been no serious attempt to identify the economic and housing impacts of this moratorium as a general matter. It is our position that criterion (c) requires, at a minimum, a study of the number of units in the current development pipeline that would not be constructed due to this moratorium, an explanation of what is likely to happen to those projects in both the short and long term, and an explanation of how the moratorium would impact these projects should it be extended beyond its 6-month duration. In short, the City cannot plausibly conclude that it has accommodated its housing and economic development needs if it has not established what those actually are.

While we understand that the City is undergoing enforcement from DEQ, this is the City’s problem, not my client’s. My client went through every legally-required process to obtain approval for its project and has vested that approval by undertaking permitted construction, including construction of the sewer system. The errors that led to this situation are the City’s and the City’s alone, and it should bare the sole responsibility for its inability to maintain its sewer facilities, as well as its continued representations to my client that it would be able to complete its project. In conclusion, the City should not impose the moratorium until it has accounted and planned for how projects already in the development pipeline can be served, and certainly not until it has a factual record that is adequate to justify the current moratorium.

Best regards,



Garrett H. Stephenson

GST:jmhi
Enclosure

cc: Mr. Kelly O’Neill (*w/enclosure*) (*via email*)
Mr. Jordan Wheeler (*w/enclosure*) (*via email*)
Mr. Christopher D. Crean (*w/enclosure*) (*via email*)
Mr. Josh Soper(*w/enclosure*) (*via email*)
Mr. Mac Even (*w/enclosure*) (*via email*)

PDX\137019\257963\GST\34865875.1

June 24, 2022

Mr. Michael Pinney, PE
Senior Environmental Engineer
Department of Environmental Quality, Northwest Region
700 NE Multnomah St, Suite 600
Portland, OR 97232-4100

RE: WQ City of Sandy, File No. 78615; Permit No: 102492
Clackamas County
Cedar Creek Heights 89 lot Subdivision Sanitary Sewer Plans Review Additional Information
Required

Dear Mr. Pinney

I am writing regarding the June 9, 2022 Oregon Department of Environmental Quality (DEQ) response letter from you to Ray L. Moore of All County Surveyors and Planners requesting additional information for the Cedar Creek Heights 89 lot Subdivision Sanitary Sewer Plans Review. Per OAR 340-052-0015(3)(c):

“Plans for a common sewer or a sewerage system submitted by a person other than the owner or joint owner of the treatment works must be accompanied by a statement from the treatment works owner that he agrees to provide sewer service and has sewerage system and treatment plant capacity to do so;”

Specifically, DEQ has requested:

1. The statement of capacity to come from the City of Sandy; and
2. The submittal must explain the determination of capacity in the context of its significant recent ongoing permit violations.

As you know, the City of Sandy is the treatment works owner. The City reviewed the plans for the Cedar Creek Heights sewerage system when it reviewed the related land use application and determined that sufficient capacity exists at that time. Curran-McLeod Inc, acting as the City’s agent, performed City Engineering and the Existing WWTP Load Capacity evaluation of the Cedar Creek Heights connecting to the collection and treatment systems on July 17, 2020 and found there was adequate capacity. (A copy of this letter is attached.) That determination is described in the findings for the City’s final decision dated June 21, 2021, that approved the development. (A copy of the final order is attached.) Because that decision is final and no longer subject to review, the owner has a legal entitlement to construct the development as approved, including a vested right in treatment system capacity.

As you also know, the City of Sandy is undertaking extensive improvements to its wastewater system to address capacity issues. A program summary and results were submitted to you from Leeway Engineering Solutions on April 25, 2022 and is attached to this letter. The report summarizes the

significant I/I reductions anticipated from the past and ongoing collection system rehabilitation projects as well as the capacity increases anticipated in December 2022 at the completion of the ongoing WWTP Construction Improvements Project, which will be verified by stress test in winter of 2023.

Based on the reports from Curran-McLeod, Inc. and Leeway Engineering Solutions, we conclude that capacity exists at the WWTP for Cedar Creek Heights for an additional 20,000 gallons of baseflow which will not be connected to the WWTP for 18 to 24 months, and that the subdivision has a vested right to connect to the collection and treatment systems.

Sincerely,

Jennifer Coker

Digitally signed by Jennifer Coker
DN: C=US, E=jcoker@ci.sandy.or.us,
CN=Jennifer Coker
Date: 2022.06.24 12:32:01-0700'

Jennifer Coker, PE

Public Works Director

cc: file

ecc: Ray L. Moore, PE, All County Surveyors and Planners, Inc; Jordan Wheeler, City Manager, City of Sandy; Christopher Crean, Beery Elsner & Hammond LLP; Kelly O'Neill Jr, Development Services Director, City of Sandy; Tiffany Yelton-Bram, Manager, Source Control Section, NWR-WQ, Rachel Hankey, US Department of Justice

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

July 17, 2020

Mr. Michael Pinney, PE
Senior Environmental Engineer
Oregon Department of Environmental Quality
700 NE Multnomah Street, Ste 600
Portland, OR 97232

**RE: CITY OF SANDY
EXISTING WWTP LOAD CAPACITY**

Dear Mike:

This letter is in response to DEQ's July 1, 2020 letter to the City of Sandy requesting more capacity information on the collection and treatment systems to determine the wastewater system's ability to accommodate additional growth. The Facilities Plan completed in late 2019 has extensive capacity discussion that provides a good basis for capacity.

Without question, the plant loading during storm events is approaching capacity, and as a result the City has initiated the upgrade and expansion process. The only substantial loading issue is related to infiltration and inflow. New commercial/residential loads are minor by comparison to the I/I impact, and adding additional development has a nearly negligible impact on the system loadings.

With this letter we are providing additional detail in support of DEQ approval of the Shaylee Meadows development (previously known as the Bailey Meadows development). Shaylee Meadows has 100 lots which at buildout is estimated to increase the serviced population by 273 people based on the 2019 Census estimate of an average of 2.73 persons per household for the City of Sandy.

The 2019 Facility Plan calculated the average dry weather loading rate was 67 gallons per person per day. Accordingly, the load increase upon buildout of the Shaylee Meadows development would be an estimated 18,300 gallons per day. This is an increase of 2% to the current average dry weather flow of 1.0 MGD, and 1.33% to the current MMDWF of 1.5 MGD, both of which can be efficiently conveyed and treated by the existing system.

Note that the probability of Average Dry Weather Flow ADWF occurs every year, whereas the probability of the Maximum Month Dry Weather Flow MMDWF only occurs one month every ten years. Additionally, new developments have tight pipes and cause minimal wet weather flows increase over dry weather flows. To be conservative our calculations add 500 gallons per acre per day to the 24-acre Shaylee Meadows site, making the total increase to MMDWF and MMWWF 30,000 gpd.

PHONE: (503) 684-3478

E-MAIL: cmi@curran-mcleod.com

Exhibit 1 Page 3 of 38

Mr. Michael Pinney, PE
July 17, 2020
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HYDRAULIC CAPACITY

The collection system analysis concluded the Sandy Trunk Main is the limiting collection system component and has a capacity of 6.3 MGD without surcharging. During peak storm events, the modeling completed as part of the Facilities Plan concluded the collection system would surcharge in the last four manholes entering the plant site, but that the surcharging would be less than 24" and would not result in any overflows or flooding. The additional 30,000 gpd wet weather flows from Shaylee Meadows is an increase of 0.3% of the current peak day flow of 8.9 MGD, which would have a negligible impact.

The treatment plant hydraulics were modeled in the Facilities Plan under the existing peak instantaneous flow PIF of 10.3 MGD. A summary of the plant hydraulics is shown on the attached spreadsheet. The result of the analysis is that the existing plant, which was originally designed for a 6.5 MGD PIF, can actually pass the current estimated peak instantaneous flow of 10.3 MGD without overtopping any structures.

Although a PIF event would be attenuated through the plant, the analysis of 10.3 MGD on each unit process indicated:

- * The headworks drum screen would bypass a portion of the flow through the manual bar screen; and
- * The aeration basin splitter box would bypass flow to the equalization basin (although the Facilities Plan modeling included the internal recirculation flow back to the splitter box whereas it actually recirculates back to the first cells of the AB and would not hydraulically load the splitter box); and
- * The secondary clarifier launders would be totally submerged yet not overtop the structure walls. (The hydraulic grade line would be very close to the ground surface at the adjacent scum pumping station likely flooding at that location under the PIF)

With a diurnal peaking factor of 3, the contribution of the Shaylee Meadows subdivisions would only increase the PIF by approximately 50 gpm and would have a negligible effect on the current 10.3 MGD or 7,160 gpm PIF and would not result in overtopping any structures.

ORGANIC CAPACITY

There are two unit processes that limit the organic capacity of the treatment facility:

Aeration Basins:

The aeration basins have a total volume of 740,000 gallons and substantial excess blower capacity.

Mr. Michael Pinney, PE
July 17, 2020
Page 3

The organic loading capacity published on the 1996 plan set used a very conservative criterion of 22 pounds per day per 1,000 cubic feet, which resulted in a daily design loading of 2,200 pounds. Typical activated sludge aeration basin organic loading rates for conventional plug flow would be 20 to 40 pounds of BOD per 1,000 cubic feet of basin volume. The existing 99,000 CF basin would have a capacity to treat from 2,000 to 4,000 pounds of BOD per day.

Current dry weather loading rates average approximately 2,500 pounds per day of BOD. The additional load from buildout of the Shaylee Meadows development using the criteria calculated in the Facilities Plan of 0.209 pounds per day per capita, would result in an increased loading of approximately 57 pounds, or an increase of approximately 2%. This total would still be well within typical design criteria for the aeration basin.

Hydraulic detention time criteria for conventional activated sludge would be 4 – 8 hours. At the current MMDWF of 1.5 MGD, the detention time is approximately 12 hours. At the current MMWWF of 2.6 MGD, the detention time is approximately 6.8 hours. The addition of 30,000 gallons per day from the Shaylee Meadows development reduces the detention times by less than 15 minutes and does not impact the basin's treatment capability.

Secondary Clarifiers:

The two 54-foot diameter secondary clarifiers have a surface area of 4,580 square feet. Typical surface overflow rates for secondary clarifiers would be 800 to 1,200 gallons per day per square foot. At 800 gpm/sf this would equate to a capacity of 3.7 MGD.

The existing maximum monthly dry weather flow MMDWF from the Facilities Plan has a probability of occurring once every 10 years. The existing MMDWF of 1.5 MGD would have an overflow rate of 327 gpd/sf. The maximum monthly wet weather flow MMWWF of 2.6 MGD has a probability of occurring once every five years and would have an overflow rate of 570 gpd/sf. The existing Peak Weekly Flow of 4.0 MGD derived in the Facilities Plan would have an overflow rate of 875 gpd/sf.

The addition of 30,000 gallons per day from the Shaylee Meadows development would increase the surface overflow rates by approximately 7 gpd/sf and not cause the clarifiers to exceed the design criteria.

Weir loading rates are typically a maximum of 30,000 gallons per day per lineal foot. The secondary clarifiers have inboard launders with weirs on each side. The total length of weirs is 480 feet. At 30,000 gallons per foot, the weirs have a capacity of over 14 million gallons per day.

Mr. Michael Pinney, PE
July 17, 2020
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CAPACITY SUMMARY

The design capacities of the unit processes are adequate to treat the MMDWF and MMWWF as summarized in the following table:

<i>Process Unit</i>	<i>Capacity</i>	<i>Loading at 1.5 MGD MMDWF</i>	<i>Loading at 2.6 MGD MMWWF</i>
Headworks Screening	6.6 MGD	23%	40%
Grit Removal	7.0 MGD	21%	37%
Influent Metering	9.2 MGD	16%	28%
Aeration Basins	3,000 PPD	83%	80%
Secondary Clarifiers	3.6 MGD	42%	72%
Effluent Filtration	7.0 MGD	21%	37%
UV Disinfection	7.0 MGD	21%	37%
Dry Weather Effluent PS	3.0 MGD	50%	NA

The limitations occur with the storm induced flows. The plant can hydraulically accommodate the existing PIF flows of 10.3 MGD without flooding, however, this would be without effective treatment. The existing Peak Week Flow PWF of 4.0 MGD would push the secondary clarifiers, however, we would anticipate if all process equipment is operational that the plant could convey and adequately treat the current PWF to meet permit limits.

Currently there is sufficient capacity for DEQ to continue approving development within the City without causing conveyance or treatment deficiencies and failures. The existing plant will function acceptable for the near future, but we recognize long-term projections clearly show the facilities need to be expanded. As you know, the City has recognized the limitations in the collection and treatment systems and has initiated the process of facility planning and expanding the treatment facilities.

Please let me know if you have questions.

Very truly yours,
CURRAN-McLEOD, INC.


Curt J. McLeod, PE

Enclosure: Treatment Facility Hydraulic Summary
CC: Mr. Mike Walker, City of Sandy

Sandy Wastewater Treatment Plant
 Hydraulic Model from 2019 Facilities Plan with peak day flow of 10.3 MGD
 Resulting Water Surface Elevations and Structure Freeboard

Structure	Flow MGD	Water Elev, ft	Wall Elev, ft	Freeboard, ft	Notes
Screen Inlet	10.3	527.96	527.75	-0.21	Flow would route through bypass channel and manual bar screen and not overtop wall
Grit Removal	10.3	527.38	527.75	0.37	
Parshall Flume	10.3	526.8	527.75	0.95	
in-line Manhole	10.3	523.46	524.5	1.04	
AB Splitter Box	28.4	523.46	522	-1.46	Would route through bypass channel to equalization basin and not overtop wall. 28.4 MGD flow too high in hydraulic model contained in the F Plan. Only 20 MGD without Internal Recirc would route through splitter box.
AB CELLS 1 and 5	28.4	523.41	522	-1.41	Would not route 28 MGD to cells 1 & 5 in series. High flow would require parallel flow path and water surface would be approximately 520.95.
AB Cells 1 - 8	28.4	520.95	522	1.05	Flow with parallel path
Secondary Clarifiers	28.4	519.69	520	0.31	Weirs are submerged but not overtopping structure walls
Filter Inlet Channel	10.3	517.71	518	0.29	
UV Inlet Channel	10.3	514.7	518	3.3	
UV Channel Outlet	10.3	512.52	518	5.48	
Effluent V Notch	10.3	512.24	512.25	0.01	

**FINDINGS OF FACT and FINAL ORDER
TYPE II LAND USE DECISION**

DATE: June 15, 2021

FILE NO.: 21-012 SUB/FSH/TREE

PROJECT NAME: Cedar Creek Heights

APPLICANT: Mac Even, Even Better Homes

OWNERS: Brad Picking, John Knapp

LEGAL DESCRIPTION: 25E 19, Tax Lots 200 and 500

The above-referenced proposal was reviewed concurrently as a Type II subdivision, Flood and Slope Hazard (FSH) overlay review, and tree removal permit. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

EXHIBITS:

Applicant's Submittals:

- A. Land Use Application
- B. Project Narrative
- C. Civil Plan Set (March 2021)
 - Sheet 1 – Cover Sheet and Preliminary Plat Map
 - Sheet 2 – Preliminary Plat Map: Phase 1
 - Sheet 3 – Preliminary Plat Map: Phase 2
 - Sheet 4 – Topographic Survey: Phase 1
 - Sheet 5 – Topographic Survey: Phase 2
 - Sheet 6 – Tree Retention and Protection Plan
 - Sheet 7 – Tree Inventory List
 - Sheet 8 – Building Setbacks: Phase 1
 - Sheet 9 – Building Setbacks: Phase 2
 - Sheet 10 – Parking Analysis and Future Street Plan
 - Sheet 11 – Block and Street Dimensions
 - Sheet 12 – Street and Utility Plan: Phase 1
 - Sheet 13 – Street and Utility Plan: Phase 2
 - Sheet 14 – Grading and Erosion Control Plan: Phase 1
 - Sheet 15 – Grading and Erosion Control Plan: Phase 2
- D. Arborist Report
- E. Wetland Delineation Report and DSL Wetland Concurrence

- F. Geotechnical Report
- G. Storm Drainage Report
- H. Traffic Impact Study
- I. Sewer Capacity Email (March 30, 2021)
- J. Letter from Applicant's Attorney (April 27, 2021)
- K. Revised Phase 2 Plat Map Showing New Street Layout, Parkland Dedication, and Trail Easement (May 26, 2021)
- L. Parkland Slope Analysis (June 2, 2021)
- M. Plant Key (August 3, 2020)

Agency Comments:

- N. John Replinger, Traffic Engineer (May 19, 2021)
- O. ODOT (May 21, 2021)
- P. Sandy Fire District Marshal (May 18, 2021)
- Q. Parks and Trails Advisory Board (May 19, 2021)
- R. Sandy Public Works (May 26, 2021)

Other Documents:

- S. Pre-app notes (February 1, 2021)

Public Comments:

- T. Georgina Sutherland (May 21, 2021)

FINDINGS OF FACT

General Overview

1. These findings are based on the applicant's submittals received on March 24, 2021, April 27, 2021, and May 26, 2021. Staff deemed the application incomplete on April 16, 2021. The application was deemed complete on April 27, 2021 and a 120-day deadline of August 25, 2021 was established.
2. This report is based upon the exhibits listed in this document, as well as agency comments and public testimony.
3. The subject site is approximately 32.87 acres. The site is located east and west of the eastern end of Vista Loop Drive, east of Highway 26.
4. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of SFR, Single Family Residential.
5. The applicant, Even Better Homes, requests a Type II Subdivision with Flood and Slope Hazard Overlay review and tree removal. The proposed name of the subdivision is Cedar Creek Heights.

6. The applicant is proposing an 89 lot development with 89 single family homes in accordance with the base zoning designation. The development is proposed to occur over two phases. Phase I (9.55 acres) will include the development west of Vista Loop Drive and Phase II (23.32 acres) will include the development east on Vista Loop Drive. Additionally, the applicant is proposing open space, parkland, and stormwater detention tracts. The detailed acreage in square feet with associated tract letters (bold are public dedicated tracts) is as follows:

Tract Letter	Purpose	Square Feet
Phase I		
A	Stormwater detention pond	20,539
Phase II		
B	Stormwater detention pond	31,027
C	Private open space (in FSH)	29,215
D	Private open space (in FSH)	233,414
E	Private open space (in FSH)	62,626
F	Stormwater detention pond	13,954
G	Private Driveway	2,820
H	Private Driveway	2,593
I	Private Driveway	2,099
J	Private Driveway	1,782
K	Parkland Dedication	12,653

7. Agency comments were received from the City Transportation Engineer, ODOT, the Parks and Trails Advisory Board, Fire District No. 72, and Public Works.
8. One written public comment has been entered into the record and can be found in Exhibit T. The public comment was from Georgina Sutherland who is opposed to the proposal.
9. Previously, the applicant proposed a Planned Development (PD) for the subject site called The Views PD. This PD was denied by City Council in February 2021. However, a number of exhibits from that application are relevant to this application and have been carried over.

17.30 – Zoning Districts

10. The subject site is zoned SFR, single family residential.
11. The total gross acreage for the entire property is 32.87 acres. After removal of the right-of-way (4.935 acres), proposed stormwater tracts (1.504 acres), and proposed dedicated parkland (0.29 acres) the net site area (NSA) for the subject property is reduced to 26.140 net acres. Additionally, the site also contains a restricted development area of 6.423 acres. When this is subtracted from the net site area, the resulting unrestricted site area (USA) is 19.718 acres.

12. The underlying zoning district allows a minimum of 3 and a maximum of 5.8 dwelling units per net acre of unrestricted site area. Minimum density = $19.718 \times 3 = 59.154$, rounded down to 59 units. Maximum density is the lesser of the two following formulas: NSA x 5.8 or USA x 5.8 x 1.5 (maximum allowable density transfer based on Chapter 17.60).

- I. $26.140 \times 5.8 = 151.612$, rounded to 152 units
- II. $19.718 \times 5.8 \times 1.5 = 171.547$, rounded to 172 units

13. As a result of these calculations, the density range for the subject property is a minimum of 59 units and a maximum of 152 units.

17.34– Single Family Residential (SFR)

14. The applicant is proposing single family homes in compliance with the permitted uses in the SFR zoning district per Section 17.34.10. With the adoption of House Bill 2001 any of the lots may contain a duplex if all other development code standards are met.

15. Section 17.34.30 contains the development standards for the subject zoning district.

16. Section 17.34.30(A) requires that the minimum area of all lots be 7,500 square feet. The proposed lots range in size from 7,500 square feet to 17,037 square feet. Section 17.34.30(B) requires that the average lot width be 60 feet. Section 17.34.30(C) requires a minimum lot frontage of 20 feet. All proposed lots on the submitted plat maps meet these requirements.

17. Sections 17.34.30(E) and 17.34.30(I) have standards for setbacks and building height requirements, respectively. **The applicant shall ensure that the requirements of Chapter 17.34 are met during building permit submission.**

18. Section 17.34.40(A) requires that water service be connected to all dwellings in the proposed subdivision. Section 17.34.40(B) requires that all proposed dwelling units be connected to sanitary sewer service. Section 17.34.40(C) requires that the location of any real improvements to the property must provide for a future street network to be developed. Section 17.34.40(D) requires that all dwelling units must have frontage or approved access to public streets. The applicant proposes to meet all of these requirements. Each new home proposed to be constructed in the subdivision will gain access from a public street or private drive. Eight lots are proposed to gain access from four separate private drives connected to a public street.

19. Section 17.34.50(B) requires that lots with 40 feet or less of street frontage shall be accessed by a rear alley or shared private driveway. The only lots with less than 40 feet of street frontage are lots 68 and 69. These lots are proposed to be accessed by a shared private driveway.

17.56 – Hillside Development

20. The applicant submitted a Geotechnical Report (Exhibit F) showing that the subject site contains a small area of slope in Phase II exceeding 25 percent. **All recommendations in the conclusions and recommendations section of the Geotechnical Report (Exhibit F) shall be conditions for development.**

17.60 – Flood and Slope Hazard (FSH) Overlay District

21. Section 17.60.00 specifies the intent of the Flood and Slope Hazard (FSH) Overlay District, which is 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 Goal 6 (Air, Land and Water Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP). **A violation of the provisions set forth in Chapter 17.60, FSH, (e.g. tree removal without permit authorization or native vegetation removal) may result in a fine as specified in Section 17.06.80.**
22. Section 17.60.20 contains permitted uses in the FSH overlay district and Section 17.60.40 contains the FSH review procedures. While lots 40, 41, and 42 overlap with the FSH overlay, the applicant is not proposing any development within the restricted development area of the FSH overlay district. The portions of lots 40, 41, and 42 platted within the FSH overlay are located within the required rear setbacks for these lots. **Any future development within the FSH overlay district shall require separate permit review. The applicant shall install fencing at the outer edge of the restricted development area of the FSH overlay district prior to grading to ensure no development occurs within the restricted development area of the FSH overlay.** The restricted development area is defined in Section 17.64.30. The submitted Tree Plan (Exhibit C, Sheet 6) states: “All dead or dying trees or vegetation that is hazardous to the public may be removed in accordance with Section 17.60.20.” However, the applicant did not provide any additional information regarding the potential location of dead or dying trees or vegetation that is hazardous to the public. Staff does not find how any vegetation would be hazardous to the public considering the area is not open to the public. **The applicant shall not remove any living or dead trees or vegetation from the FSH area without applying for an FSH review for their removal.** The grading plan does not indicate any grading will take place in the FSH overlay area, so staff assumes the applicant is not proposing to grade within the FSH. **The applicant shall not perform any grading activities or cut or fill in the FSH overlay area without applying for an FSH review for the grading/cut and fill.** The code does not allow removal of native vegetation from the FSH overlay nor does it allow planting non-native vegetation in the FSH overlay. **The applicant shall not remove any native vegetation from the FSH overlay area. The applicant shall not plant any non-native vegetation in the FSH overlay area.**
23. Section 17.60.30 outlines required setbacks for development around FSH areas. According to the topographic survey submitted with the application (Exhibit C, Sheets 4 and 5), no development is proposed within any of the required setback areas.
24. Section 17.60.50 contains requirements for special reports, including a hydrology and soils report, a grading plan, and a native vegetation report. The applicant submitted a Grading Plan (Exhibit C, Sheets 14 and 15) and a Wetland Delineation Report by Schott and Associates, LLC dated February 17, 2020 as well as DSL concurrence for the wetland report (Exhibit E). The applicant did not submit a native vegetation report. 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.

25. Section 17.60.60 contains approval standards and conditions for development in the restricted development areas of the FSH overlay district. The applicant's narrative (Exhibit B) did not address any of the criteria in Section 17.60.60.
26. Section 17.60.60(A.1) pertains to cumulative impacts and states "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." The applicant submitted a wetland delineation report along with concurrence from DSL (Exhibit E) for tax lot 200. The wetland report identifies two wetlands and two streams on tax lot 200.
27. Section 17.60.60(A.2) pertains to impervious surface area and states, "Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter." **No impervious surfaces shall be located within the restricted development area.**
28. Section 17.60.60(A.3) pertains to construction materials and methods and states, "Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports." **Future construction or development within the FSH overlay district shall require separate FSH review.**
29. Section 17.60.60(A.4) pertains to cuts and fills and states "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." The grading plan does not show any proposed grading within the FSH overlay area. **Future grading or other development activity within the FSH overlay district shall require separate FSH review.**
30. Section 17.60.60(A.5) pertains to minimizing wetland and stream impacts and states "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." The applicant is proposing to add additional stormwater to the outflow in Tract L. **The applicant shall update the Geotech Report or submit an addendum to the Geotech Report that provides analysis of the new stormwater discharge.**
31. Section 17.60.60(A.6) pertains to minimizing loss of native vegetation and states "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." The applicant is not proposing to remove any trees from the FSH overlay area nor is the applicant proposing to remove any native vegetation from the FSH overlay area. To better protect the vegetation within the FSH overlay area, **the applicant shall install tree protection fencing at the outer edge of the restricted development area in FSH overlay district.** The restricted development area is defined in Section 17.64.30. **The applicant shall not damage**

or remove any native vegetation within the FSH overlay district. The applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area. The applicant shall retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of retention trees including those within the FSH area to ensure minimum impact to trees and native vegetation.

32. Section 17.60.90 discusses water quality treatment facilities. The proposed detention ponds are not located within the mapped FSH overlay area.
33. Section 17.60.100 contains density transfer provisions. Due to the density calculation from Chapter 17.30, this site does not qualify for density transfer under Chapter 17.60.

17.80 – Additional Setbacks on Collector and Arterial Streets

34. Chapter 17.80 requires all residential structures to be setback at least 20 feet on collector and arterial streets. This applies to front, rear, and side yards. Vista Loop Drive is identified in the City's Transportation System Plan as a collector street. Highway 26 is a major arterial. As shown on the Block and Street Dimensions plan (Exhibit C, Sheets 8 and 9), it appears that all setbacks on lots adjacent to Vista Loop Drive and Highway 26 meet this requirement. **The applicant shall locate all structures a minimum of 20 feet from the property lines along Vista Loop Drive and Highway 26.**

17.82 – Special Setbacks on Transit Streets

35. Section 17.82.20(A) requires that 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. A transit street is defined as a street designated as a collector or arterial. Phase I is located adjacent to Highway 26, a major arterial, and Vista Loop Drive, a collector.
36. Sixteen (16) lots (lots 9 and 11-25) are proposed adjacent to Highway 26. Six (6) lots (lots 25-27 and 35-37) are proposed adjacent to Vista Loop Drive. Lot 25 has frontage on two transit streets as explained below. **The applicant shall orient the homes on lots 9, 11-27, and 35-37 toward their respective transit streets.**
37. Section 17.82.20(B) requires that dwellings shall have a primary entrance connecting directly between the transit street and building interior and outlines requirements for the pedestrian route. **The applicant shall ensure that primary entrances have a pedestrian connection to their respective transit streets. 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.**
38. Since houses have to orient to Vista Loop Drive and Highway 26 **the fences along Lots 9, 11-27, and 35-37 shall not exceed four (4) feet in height along their respective transit streets.**

39. Section 17.82.20(C) requires that primary dwelling entrances shall be architecturally emphasized and visible from the transit street and shall include a covered porch at least 5 feet in depth. The applicant proposes to meet this requirement.
40. Section 17.82.20(D) requires that 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. Lot 25 has frontage on two transit streets. **Lot 25 shall either orient to Vista Loop Drive or Highway 26 or have a door that faces the intersection of the two subject streets. If a duplex is proposed on Lot 25 one front door may face Vista Loop Drive and the second front door may face Highway 26.**

17.84 – Improvements Required with Development

41. Section 17.84.20(A)(1) requires that all improvements shall be installed concurrently with development or be financially guaranteed. **All lots in the proposed subdivision will be required to install public and franchise utility improvements or financially guarantee these improvements prior to final plat approval. No building permits, except for one model home, will be issued until all public utilities including sanitary sewer and water service are available to serve the development and the City determines substantial completion of all public improvements. If the applicant chooses to install a model home, they shall commit to a Model Home Agreement with the City of Sandy.**
42. **All ADA ramps shall be designed and inspected by the design engineer and constructed by the applicant to meet the most current PROWAG requirements.**
43. Section 17.84.30(A)(1) requires that all proposed sidewalks on the local streets will be five feet wide as required by the development code and separated from curbs by a tree planting area that is a minimum of five feet in width. The applicant proposes to meet this requirement.
44. As required by Section 17.84.30(A)(2), six-foot sidewalks are proposed to be constructed along the arterial street of Highway 26 and the collector street of Vista Loop Drive. The applicant proposes to meet this requirement.
45. As required by Section 17.84.30(B), safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions. Subsection 17.84.30(B)(2) goes on to elaborate that right-of-way connecting cul-de-sacs passing through unusually long or oddly shaped blocks shall be a minimum of 15 feet wide with eight (8) feet of pavement. **The applicant shall construct pedestrian connections from the Ortiz Street cul-de-sac to Highway 26 and from the Knapp Street cul-de-sac to both Vista Loop Drive and Highway 26 in order to ensure adequate pedestrian connection. The pedestrian connections from the Knapp Street cul-de-sac to Highway 26 and Vista Loop Drive may be located in a 15 foot wide easement. All three pedestrian connections shall consist of an 8 foot wide paved pathway, bollard lighting, and shall include vegetation.** To satisfy the standards of Subsection 17.84.30(B)(2) the applicant also needs to include a pedestrian connection from the cul-de-sac in Barrett Street to the property to the north. The pedestrian connection from the Mt. Hood Court cul-de-sac is satisfied with dedication of parkland and the blanket pedestrian easement on Tract D as explained in Chapter 17.86. **The**

applicant shall construct a pedestrian connection from the Barrett Street cul-de-sac to tax lot 25E1900401. The pedestrian connection from the Barrett Street cul-de-sac to tax lot 25E1900401 may be located in a 15 foot wide easement, but not located in Tract J. This pedestrian connection shall consist of an 8 foot wide paved pathway, bollard lighting, and shall include vegetation.

46. All sidewalk improvements shall be constructed according to city standards except the applicant is proposing to eliminate the landscape planter strip along a portion of the south side of Barrett Street from Vista Loop Drive to Bonnie Street in Phase II. As permitted by Section 17.84.30 (A)(3), elimination of a portion of the planter strip is due to the existing grade of the adjacent Johnson RV improvements requiring construction of a retaining wall and additional grading in this area. As shown on the Phase II Street and Utility Plan, a thick row of evergreen trees that were planted as part of the Johnson RV improvements will remain along this section. The proximity of these trees provide a visual screen of the RV dealership and will soften and enhance the pedestrian experience walking along the south side of Barrett Street.
47. Per the Public Works Director, **the applicant shall improve all public street frontages (including the Highway 26 right-of-way, and the street frontage of all tracts) in conformance with the requirements of Section 17.84.30 and Section 17.84.50.** The subject property contains frontage along Highway 26. The applicant's plan set shows a six-foot sidewalk is proposed to be constructed at the top of the bank along the site's entire highway frontage. The applicant's Engineer corresponded by email with the City's Public Works Director and an ODOT representative regarding if a curb will be required along the highway frontage. The Public Works Director indicated the decision on a curb is up to ODOT as they have authority over Highway 26. The ODOT representative stated that construction of a curb is not required along Highway 26 and construction of a sidewalk at the top of the bank is acceptable. With this, staff recommends the following condition: **Improvements adjacent to the site's Highway 26 frontage shall consist of a six-foot wide sidewalk constructed at the top of the bank, lighting, and street trees only as approved and permitted by ODOT.**
48. Section 17.84.40(A) requires that the developer construct adequate public transit facilities. Per previous correspondence, **the proposed development will require a concrete bus shelter pad and a green bench (Fairweather model PL-3, powder-coated RAL6028). The required pad size is 7 feet by 9.5 feet and should be located at the northernmost corner of Barrett Street and Vista Loop Drive. Engineering specifications are available from the Transit Department.**
49. Section 17.84.50 outlines the requirements for providing a traffic study. The applicant included a Traffic Impact Study (TIS) with the application (Exhibit H). The study did not identify any required mitigation. According to the traffic study, the proposed development would produce 67 peak AM trips, 89 peak PM trips, and 850 total daily trips. The findings from the City Transportation Engineer (Exhibit N) are expressly incorporated by reference into this document.

50. According to the TIS, the study intersections currently operate acceptably and are projected to continue to operate acceptably under year 2022 traffic conditions either with or without the addition of site trips from the proposed development. No queuing-related mitigations are necessary or recommended in conjunction with the proposed development. Based on the crash data, the study intersections are currently operating acceptably with respect to safety. Based on the warrant analysis, no new traffic signals or turn lanes are recommended. ODOT states (Exhibit O) that the applicant shall provide additional space on Highway 26 to accommodate westbound right turning movements from Highway 26 onto Vista Loop Drive. However, as was previously exhibited by the application for The Views PD, the applicant's traffic engineer and the City's traffic engineer disagree with this condition for a number of reasons. Primarily, the intersection has previously been improved to accommodate residential development by removing a right-turn slip lane from Highway 26 onto Vista Loop Drive. Staff and the City's engineer agree with the applicant's traffic analysis and will not condition a requirement for additional space to accommodate westbound right turns. **The applicant shall submit a profile design for a minimum of 200 feet for all future street extensions beyond the project boundary to ensure future street grades can be met.**
51. Intersection sight distance was evaluated for the proposed points of access along SE Vista Loop Drive. Based on the analysis it is projected that adequate site distance can be achieved for all proposed street intersections with clearing of vegetation from the roadside. No other sight distance mitigations are necessary or recommended.
52. The proposed development does not include any long straight street segments and is thus not required to follow the standards in Sections 17.84.50(C)(1) or (2).
53. Section 17.84.50(C)(3) requires that cul-de-sacs should generally not exceed 400 feet in length nor serve more than 20 dwelling units. Two cul-de-sacs are proposed in Phase I and three cul-de-sacs are proposed in Phase II. All proposed cul-de-sacs are less than 400 feet in length. Additionally, none of the cul-de-sacs will serve more than 12 lots.
54. Section 17.84.50(D) requires that development sites shall be provided with access from a public street improved to City standards. All homes will gain access from a public street improved to city standards or a private drive accessed from a public street. No off-site improvements have been identified or are warranted with the construction of this subdivision.
55. Section 17.84.50(E) requires that public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property. Temporary dead-ends created by this requirement to extend street improvements to the edge of the adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal. The proposed street layout results in one temporary dead-end street at the East end of Phase II. This street end includes sufficient room to accommodate fire equipment to turn around. The only existing street to be extended is Ortiz Street in Phase II, which is proposed to be located directly across Vista Loop Drive from the existing street. The applicant submitted a future street plan (Exhibit C, Sheet 10).
56. Section 17.84.50(F) requires that no street names shall be used that will duplicate or be confused with names of existing streets. The application includes proposed street names as

shown on submitted plans (Exhibit C). The applicant is proposing the following new street names: Knapp Street, Shannon Street, Barrett Street, Bonnie Street, and Mt. Hood Court. These proposed street names are not thematic and are not easy to identify for emergency responders. In addition, north/south right-of-way shall be identified as 'avenue'. **The City of Sandy reserves the right to name streets. The applicant and City staff shall identify new street names prior to final plat.**

57. Proposed streets meet the requirements of 17.84.50(H). The future street plan (Exhibit C, Sheet 1) shows that the proposed development will facilitate and not preclude development on adjacent properties, except with the possibility of the property north of Ortiz Street (i.e. Tax Map 25E18DC, Tax Lots 1000 and 1100). This is discussed in more detail in the subdivision approval criteria in Chapter 17.100 of this document. All proposed streets comply with the grade standards, centerline radii standards, and right-of-way improvement widths identified in Chapter 17.10, definition for 'street'. All proposed streets are designed to intersect at right angles with the intersecting street and comply with the requirements of Section 17.94.50.(H)(5). No private streets, with the exception of private drives, are proposed in the development.
58. The plans detail all street intersections provide at least 50 foot tangents as required per 17.84.50(H)(5)(C). **The vertical design grade for landing at all the Tee intersections where controlled with "Stop" signs shall be no greater than 8 percent for a minimum of 50 feet or two car lengths.**
59. Section 17.84.60 outlines the requirements of public facility extensions. The applicant submitted a utility plan (Exhibit C, Sheets 12 and 13) which shows the location of proposed public water, sanitary sewer, and stormwater drainage facilities. Broadband fiber service will be detailed with construction plans. No private utilities are proposed. **All public sanitary sewer and waterline mains are to be a minimum of 8 inches in diameter and storm drains are to be a minimum of 12 inches in diameter. These shall be extended to the plat boundaries where practical to provide future connections to adjoining properties. All utilities are extended to the plat boundary for future connections.**
60. According to the applicant's supplemental memo regarding sanitary sewer capacity dated July 17, 2020 from the previous application for The Views PD (Exhibit I), both the applicant and the city engineer anticipate adequate sewer capacity to accommodate new development:
- "New commercial/residential loads are minor by comparison to the [infiltration and inflow] impact, and adding additional development has a nearly negligible impact on the system loading" (Exhibit I).
- Additionally, the applicant suggests that SDC credits associated with the development will assist in paying for the City's existing plans to update the sanitary sewer system.
61. Franchise utilities will be provided to all lots within the proposed subdivision as required in Section 17.84.80. The location of these utilities will be identified on construction plans and installed or guaranteed prior to final plat approval. The applicant does not anticipate extending franchise utilities beyond the site. All franchise utilities other than streetlights will

be installed underground. The developer will make all necessary arrangements with franchise utility providers. The developer shall install underground conduit for street lighting.

62. Section 17.84.90 outlines requirements for land for public purposes. Eight-foot wide public utility easements will be provided along all lots adjacent to street rights-of-way for future franchise utility installations. **All easements and dedications shall be identified on the final plat as required.**
63. Section 17.84.100 outlines the requirements for mail delivery facilities. **The location and type of mail delivery facilities shall be coordinated with the City Public Works Director and the Post Office as part of the construction plan process. Phase I and Phase II shall each have their own mail facility to reduce unnecessary vehicular trips to retrieve mail.**
64. **SandyNet shall receive a set of PGE utility plans to design and return a SandyNet broadband deployment plan.**
65. There are two private storm drain lines crossing the proposed right-of-way of The Views Drive. These storm lines serve private developments to the south of the site. Private utility facilities serving single sites are not permitted in public rights-of-way. When the land use application for the private development south of the site was processed the City identified that the location of these lines would present a conflict if a public right-of-way was ever dedicated across these private lines. Staff believes there are three options available: 1) relocate these lines outside the public right-of-way; 2) Replace the existing lines with materials conforming to City standards or demonstrate that the pipeline materials comply with and were installed in conformance with City standards and dedicate these improvements as public; or, 3) Have the owner of the adjacent site served by these lines apply for a revocable permit to place private drainage facilities in a public right-of-way. **Since the exact location relative to proposed improvements in the right-of-way is unknown at this time the City will determine the most suitable option during construction plan review.**
66. **An ODOT Permit to Occupy or Perform Operations Upon a State Highway shall be obtained for all work in the State highway right-of-way.** When the total value of improvements within the ODOT right-of-way is estimated to be \$100,000 or more, an agreement with ODOT is required to address the ownership, maintenance, and operations of any improvements or alterations made in highway right-of-way. An Intergovernmental Agreement (IGA) is required for agreements involving local governments and a Cooperative Improvement Agreement (CIA) is required for private sector agreements. The agreement shall address the project standards that must be followed, compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements, and any other ODOT requirements for project construction, including costs for ODOT staff time for project approvals, inspection, and completion.

17.86 – Parkland and Open Space

67. The Parks and Trails Advisory Board (Board) met on May 12, 2021. The Board recommended that conditions of approval include the dedication of a trail easement and land for a neighborhood park (Exhibit Q). The Board indicated the park should be at least two acres in size for active use and a passive area for trails. Based on the 1997 Parks Master Plan,

a neighborhood park is two to seven acres. Based on the parkland dedication formula in Section 17.86.10, the required parkland dedication for Cedar Creek Heights cannot exceed 1.15 acres (89 units x 3 x 0.0043) if single family homes are constructed, or 2.30 acres (178 units x 3 x 0.0043) if duplexes are constructed on every lot, or somewhere in between based on the mix of single-family and duplexes. The parks dedication requirement, and therefore a fee in-lieu payment under Section 17.86.40, is based on the impact from the number of people anticipated to live in the units in the subdivision, and a duplex includes two dwelling units, each of which can be occupied by a family (or a number of unrelated persons). Accordingly, each unit of a duplex is treated the same as a separate single-family dwelling for purposes of calculating the amount of land dedicated under Section 17.86.10 or a fee-in-lieu payment under Section 17.86.40. If parkland is dedicated, Section 17.86.20.C requires the parkland to have an average slope for the active use area that does not exceed 15 percent. However, the City of Sandy is not aware of any duplexes being proposed at this time. Therefore, the City of Sandy cannot require dedication of two acres of parkland and a trail easement as recommended by the Board. Furthermore, pursuant to ORS 197.195, the City cannot rely on the adopted parks master plan to require the dedication of land or impose other standards in the plan because the plan standards are not incorporated into the development code. Nothing in Chapter 17.86 refers to or in any way “incorporates” the City’s adopted parks master plan. Further, because the master plan does not apply, the City cannot require the parkland to be dedicated at a particular location that might accommodate future development or expansion of a two-acre neighborhood park.

68. After receiving the Board comments, the applicant revised its proposal to include dedicating an area for active parkland (approximately 12,653 square feet) and also a blanket trail easement over the entirety of Tract D (approximately 5.36 acres). The applicant’s proposed active parkland dedication area is interior to the site and therefore cannot be expanded to accommodate a future two-acre park. The area the applicant is proposing to dedicate for active parkland abuts Tract D and provides access to the future trail. Instead of obtaining parkland that does not meet the requirements of a neighborhood park (i.e. at least two acres) as desired by the Board, and to make sure to obtain some trail easements as also desired by the Board **the applicant shall dedicate at least 0.30 acres (13,068 square feet) for active parkland not exceeding an average slope of 15 percent as identified as Tract K, record a blanket pedestrian easement over the entirety of Tract D, and pay a parks fee in-lieu for the remaining 0.85 acres, or up to 2.00 acres if all lots are developed with duplexes. The fee in-lieu shall be \$204,850 (\$241,000 multiplied by 0.85 acres) if paid prior to recording of final plat, or \$225,250 (\$265,000 multiplied by 0.85 acres) if half is deferred to building permit issuance. If the applicant chooses to defer payment, the applicant shall pay \$112,625 prior to recording of final plat and the additional \$112,625 divided by the 89 lots, or \$1,265.45 with each building permit. Additionally, if any lot includes a duplex, the applicant shall pay an additional \$3,114.00 (1.15 multiplied by \$241,000 divided by 89) with the building permit for that lot. With this condition, the City finds the application complies with Section 17.86.10.**
69. In addition to the above requirements the applicant shall complete the following:
- a. **Design the houses on Lots 67 and 68 to include at least ten (10) percent windows, at least two siding types, and a minimum of three additional design features from Section 17.90.150 facing the parkland tract.**

- b. **Complete all street improvements (including sidewalks) adjacent to the parkland tract at the applicant's expense.**
- c. **Grade the active parkland tract of 0.30 acres to accommodate playground equipment and seed the parkland with a seed mix as specified during construction plan review.**

17.90 – Design Standards

70. Chapter 17.90 contains design standards for development based on type and zone. **All future buildings shall adhere to the design standards in Chapter 17.90.** Single family homes will be reviewed at time of building permit submission.

17.92 - Landscaping and Screening

71. Section 17.92.30 requires the applicant to provide street trees along all public streets. **The street tree species shall be selected from the City of Sandy street tree list; due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time.** To improve species diversity, **the applicant shall include at least four (4) different tree species, with at least two (2) different species per street.**

72. **Street trees shall be installed approximately 30 feet on center in conjunction with individual home construction. Street trees along public stormwater tracts shall be installed with public improvements prior to final plat approval.** Trees planted along all other streets will be planted in association with development of individual lots. As specified in Section 17.92.50, **street trees shall be a minimum caliper of 1.5-inches measured 6 inches above grade. Street trees shall be planted per the City of Sandy standard planting detail; tree ties shall be loosely tied and removed after one growing season (or a maximum of 1 year). The planter strip shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy. In order to better protect newly planted trees, the applicant shall amend and aerate the soil within the planter strip 15 feet in both directions from where the tree will be planted (or as is feasible based on locations of driveways or street corners). The applicant shall submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees.**

73. The applicant did not address Section 17.92.40, related to irrigation of required landscaping. As required within Section 17.92.40 and 17.92.140, **the developer and/or lot owners shall maintain all vegetation planted in the development for two years unless otherwise noted and shall replace any dead or dying plants during that period.**

74. Per Subsection 17.92.130, if weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible prior to desired occupancy, an extension of up to 6 months may be applied for by posting "security" equal to 120 percent of the cost of the landscaping, assuring installation within 6 months.

17.98 – Parking, Loading, and Access Requirements

75. Section 17.98.10(M) requires that the developer provide a Residential Parking Analysis Plan. This plan identifying the location of parking is included in Exhibit C, Sheet 10.

76. Section 17.98.20(A) requires that each single family dwelling unit is required to provide at least two off-street parking spaces. **Compliance with this requirement will be evaluated during building plan review. Garages shall be at least 18 feet in depth to accommodate vehicle parking and the on-street parking spaces shall be at least 22 feet in length. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**
77. Section 17.98.60 has specifications for parking lot design and size of parking spaces. No lots are proposed to gain access from an arterial or collector street (Section 17.98.80).
78. Section 17.98.100 has specifications for driveways. **The minimum driveway approach width for a single-family dwelling shall be 10 feet and the maximum driveway approach within the public right-of-way shall be 24 feet wide measured at the bottom of the curb transition.** Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize area for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.). As shown on the applicant's submittal (Exhibit C), allowing each cul-de-sac lot to be accessed by a separate driveway complies with the requirements of this section. Additionally, all driveways will meet vertical clearance, slope, and vision clearance requirements. All driveways appear to meet these criteria, but this will be verified at time of building permit submission and prior to excavation for the footings. Per Section 17.98.100(G), **the sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in Section 17.98.100(B) shall not exceed fifty percent of the circumference of the cul-de-sac bulb.** Section 17.98.100(I), **driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.**
79. Section 17.98.110 outlines the requirements for vision clearance. **The requirements of this section shall be considered in placing landscaping in these areas with construction of homes.**
80. Section 17.98.130 requires that all parking and vehicular maneuvering areas shall be paved with asphalt or concrete. As required by Section 17.98.130, **all parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.**
81. Section 17.98.200 contains requirements for providing on-street parking spaces for new residential development. Per Section 17.98.200, one on-street parking space at least 22 feet in length has been identified within 300 feet of each lot as required. Exhibit D, Sheet 10 shows that a minimum of 120 on-street parking spaces have been identified in compliance with this standard. No parking courts are proposed by the applicant.

17.100 – Land Division

82. Submittal of preliminary utility plans is solely to satisfy the requirements of Section 17.100.60. **Preliminary plat approval does not connote utility or public improvement plan approval which will be reviewed and approved separately upon submittal of public improvement construction plans.**

83. A pre-application conference was held with the City on February 1, 2021 per Section 17.100.60(A). The pre-app notes are attached as Exhibit S.
84. Section 17.100.60(E)(2) requires subdivisions to be consistent with the design standards set forth in this chapter. Consistency with design standards in this chapter are discussed under each subsection below. Conditions of approval can be adopted where necessary to bring the proposal into compliance with applicable standards.
85. Section 17.100.60(E)(3) requires the proposed street pattern to be connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy. Given the requirements in Section 17.100.100(E), the site specific conditions of the subject property, particularly the location of the FSH overlay area, limits construction of an interconnected street system. The only existing street to be extended is Ortiz Street in Phase I, which is proposed to be located directly across Vista Loop Drive from the existing street. The applicant submitted a future street plan (Exhibit C, Sheet 10). As explained in Finding 94, the proposed street stub south of Bonnie Street will provide for additional street connectivity in the event that the Johnson RV site is redeveloped in the future. The street layout on the Johnson RV site is conceptual and not meant to imply that Johnson RV will be redeveloped as such. Also, the conceptual streets shown on the Johnson RV site would not all intersect with Highway 26 as detailed.
86. Section 17.100.60(E)(4) requires that adequate public facilities are available or can be provided to serve the proposed subdivision. All public utilities including water, sanitary sewer and stormwater are available or will be constructed by the applicant to serve the subdivision. The applicant shall meet this requirement as set forth in the conditions.
87. Section 17.100.60(E)(5) requires all proposed improvements to meet City standards through the completion of conditions as listed within this document and as detailed within these findings. The detailed review of proposed improvements is contained in this document.
88. Section 17.100.60(E)(6) strives to ensure that a 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. The applicant proposes building the subdivision in two phases: Phase I on the west side of Vista Loop Drive and Phase II on the east side of Vista Loop Drive.
89. Section 17.100.80 provides standards for denial of a development application due to physical land constraints. A significant portion of the Phase II is affected by the FSH overlay identified by the City of Sandy. The applicant does not propose any development within this area. A Geotechnical Evaluation (Exhibit F) for the property is included with the application package. Except for the areas designated as open space, all areas of Phase II and all of the Phase I property are suitable for development and do not pose any issues due to flooding.
90. As required by Section 17.100.100(A), a traffic impact study prepared in compliance with the City standards was submitted with the application (Exhibit H). Additional findings

related to the traffic impact study are located in the analysis of Chapter 17.84 in this document.

91. While Section 17.100.100(C) requires a rectangular grid pattern, but due to topographic constraints in the Lower Views and existing infrastructure in the Upper Views (the existing locations of Highway 26 and Vista Loop Drive) the site does not lend itself to creating a rectangular gridded street pattern.
92. Section 17.100.100(E) requires applicants to provide a future street plan within a 400 foot radius of the subject property(ies). Given the requirements in Section 17.100.100(E), the site specific conditions of the subject property, particularly the location of the FSH overlay area, limits construction of an interconnected street system.
93. Section 17.100.120(A) requires blocks to 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. All blocks within the proposed subdivision have sufficient width to provide for two tiers of lots as required in Section 17.100.120(A), with the exception of blocks along Highway 26 and blocks adjacent to the FSH overlay district. The unique character of the site does not lend itself to creating blocks with two tiers due to the existing location of Highway 26 and the FSH overlay area.
94. Section 17.100.120(B) requires that blocks fronting local streets shall not exceed 400 feet in length. Several streets, Knapp Street in Phase I, and Barrett Street and Bonnie Street in Phase II, did not comply with the 400 foot block length standard, and the original application did not sufficiently explain why. After receiving an incompleteness letter from the City of Sandy, the applicant modified the land use application per Exhibit J to remove one lot (formerly Lot 84) to the south of Bonnie Street to meet the block length standard south of Bonnie Street and to explain how other blocks are constrained by topographical constraints and/or natural features.

Phase I: The south side of Knapp Street is longer than 400 feet but is limited for access due to access control rights on Highway 26. ODOT standards would not permit an additional access from Phase I to Highway 26. To alleviate pedestrian connection concerns, the applicant is being conditioned to locate two pedestrian connections from the cul-de-sacs in Ortiz Street and Knapp Street to the sidewalk along Highway 26, as explained in Finding 45.

Phase II: The proposed street stub south of Bonnie Street will provide for additional street connectivity in the event that the Johnson RV site is redeveloped in the future. The north side of Bonnie Street does not need to provide a street stub as the topographical constraints north of Lots 53 and 65 preclude street extension to the north. The west side of Barrett Street is detailed to include a street to the northwest in the general vicinity of Lot 38. Locating a street to the northeast of Lots 38 and 39 would be problematic due to existing topographical constraints, the stormwater tract, and wetlands. To alleviate pedestrian connection concerns, the applicant is being conditioned to locate a pedestrian connection from the cul-de-sac on Barrett Street to the northwest as explained in Finding 45.

95. As required by Section 17.100.130, eight-foot wide public utility easements will be included along all property lines abutting a public right-of-way. Eight foot wide public utility easements shall be included along all property lines abutting a public right-of-way. Staff does not believe that any other easements for public utility purposes are required but will verify this during construction plan review. **Preliminary plat approval does not connote utility or public improvement plan approval including easement locations which will be reviewed and approved separately upon submittal of public improvement construction plans.**
96. Section 17.100.150 outlines requirements for residential shared private drives. A shared private drive is intended to provide access to a maximum of two dwelling units. One of the following two criteria must be met: Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features; or the construction of a local street is determined to be unnecessary. As shown on submitted plans the Phase II includes three private drives. These private drives are proposed due to the topographic constraints with the subject property. The design of the lots should be such that a shared access easement and maintenance agreement shall be established between the two units served by a shared private drive, public utility easements shall be provided where necessary in accordance with Section 17.100.130, and 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, and parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly. The proposed three private drives in Phase II are designed to serve only two lots each as permitted. **A shared access easement and maintenance agreement shall be established for each private drive as part of the Final Plat.** Public utility easements will be accommodated along these private drives as necessary to serve these lots. As shown on submitted plans each private drive is proposed to include a 20-foot wide all weather surface within a 21-foot wide tract and **shall be posted “no parking.”**
97. Section 17.100.180(A) requires that intersections are designed with right angles. All streets in the proposed subdivision have been designed to intersect at right angles to the opposing street as required.
98. All streets in the proposed subdivision have a minimum curve radius as required by Section 17.100.180(B).
99. **A lighting plan shall be coordinated with PGE and the City as part of the construction plan process and prior to installation of any fixtures as required by Section 17.100.210.**
100. All lots in the proposed subdivision have been designed so that no foreseeable difficulties due to topography or other conditions will exist in securing building permits on these lots as required by Section 17.100.220(A).
101. Section 17.100.220 states that all new lots shall have at least 20 feet of street frontage. All lots in the proposed subdivision contain at least 20 feet of frontage along a public street with the exception of the six lots that are proposed to be accessed by three private drives.

102. Only Lots 9 and 11-24 are designed to have frontage on both an internal local street (Knapp Street) and Highway 26. This configuration is unavoidable because of the location of Highway 26 and limitations for access to this roadway and is thus allowed as required by Section 17.100.220(D).
103. The applicant shall install all water lines and fire hydrants in compliance with the applicable standards in Section 17.100.230, which lists requirements for water facilities. **Water line sizes shall be based upon the Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site.** The location of fire hydrants will be reviewed by the Sandy Fire Department in more detail with construction plans. **The applicant shall revise the Parking Analysis if required fire hydrants affect on-street parking spaces.**
104. The applicant intends to install sanitary sewer lines in compliance with applicable standards in Section 17.100.240. There is an existing septic system and drain fields for Johnson RV that are located on the property that is proposed to contain Phase II of Cedar Creek Heights. **The applicant shall decommission the existing septic system and drain fields, terminate the existing easements, and connect Johnson RV by means of a new sanitary sewer connection. Termination of the existing septic tank and connection of sanitary sewer will require a plumbing permit submitted to the Building Division and payment of applicable System Development Charges. Any on-site sewage disposal system shall be abandoned in conformance with Clackamas County Water Environmental Services (WES) regulations and a copy of the septic tank removal certificate shall be submitted to the City Planning Division.**
105. Section 17.100.250(A) details requirements for stormwater detention and treatment. Two stormwater detention facilities (Tracts B and F) are proposed to be located in the Lower Views and one facility (Tract A) is proposed in the Upper Views as shown in the submitted plan set. These facilities have been sized and located to accommodate public stormwater generated by the subdivision. A stormwater report (Exhibit G) is included with this application as required. Stormwater calculations are found to meet the water quality/quantity criteria as stated in the City of Sandy Development Code 13.18 Standards and the 2016 City of Portland Stormwater Management Manual Standards that were adopted by reference into the Sandy Development Code. **However, a detailed final report stamped by a licensed professional shall be submitted for review with the final construction plans.**
106. **The detention ponds shall be constructed to meet the requirements of the 2016 City of Portland Stormwater Management Manual for landscaping Section 2.4.1 and escape route Section 2.30. The access to the detention ponds shall be paved of an all-weather surface to a minimum of 12-foot in width per the 2016 City of Portland Stormwater Management Manual.**
107. Section 17.100.260 states that all subdivisions shall be required to install underground utilities. **The applicant shall install utilities underground with individual service to each lot.**

108. Grass seeding shall be completed as required by Section 17.100.300. The submitted erosion control plan (Exhibit D) provides additional details to address erosion control concerns. **A separate Grading and Erosion Control Permit will be required prior to any site grading.**
109. **All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground communication lines including telephone and cable, underground power lines, water lines and fire hydrants.**

17.102 – Urban Forestry

110. Section 17.102.20 contains information on the applicability of Urban Forestry regulations. An Arborist Report by Todd Prager of Teragan & Associates (ASCA Registered Consulting Arborist #597, ISA Board Certified Master Arborist, WE-6723B, ISA Qualified Tree Risk Assessor) is included as Exhibit C. The arborist inventoried approximately 530 trees. The inventory is included in Exhibit C Sheet 6 and the proposed retention trees are shown in Exhibit C Sheet 7.
111. The property contains 32.87 acres requiring retention of 99 trees 11 inches and greater DBH ($32.87 \times 3 = 98.61$). The submitted Tree Retention Plan (Exhibit C Sheets 6 and 7) identifies 99 trees that will be retained. All 99 trees proposed for retention are 11 inches DBH or greater and in good condition as required.
112. No trees are proposed to be removed within the FSH overlay area. **The applicant shall not remove any trees from the restricted development area within the FSH overlay area.**
113. The Arborist Report (Exhibit D) provides recommendations for protection of retained trees including identification of the recommended tree protection zone for these trees. The requirements of Section 17.102.50(B) will be complied with prior to any grading or tree removal on the site. Per the Pacific Northwest International Society of Arboriculture (ISA), the ISA defines the critical root zone (CRZ) as “an area equal to a 1-foot radius from the base of the tree’s trunk for each 1 inch of the tree’s diameter at 4.5 feet above grade (referred to as diameter at breast height).” Often the drip-line is used to estimate a tree’s CRZ; however, it should be noted that a tree’s roots typically extend well beyond its drip-line. The submitted arborist report details a root protection zone radius of 1 foot per 1 inch DBH and a minimum construction setback radius of 0.5 feet per 1 inch DBH. **The applicant shall install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 99 retention trees on the subject property as well as all trees on adjacent properties. The tree protection fencing shall be 6 foot tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity**

on the site. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. The applicant shall shift sediment fencing to outside the tree protection zones. If erosion control is required inside the tree protection zones, the applicant shall use straw wattles to minimize root zone disturbance of the trees to be retained. The applicant shall submit a post-construction report prepared by the project arborist or other TRAQ qualified arborist to ensure none of the retention trees were damaged during construction.

To ensure protection of the required retention trees, the applicant shall record a tree protection covenant specifying protection of all retention trees, including trees in the FSH Overlay per the recommendations of the applicant's arborist report of 1 foot per 1 inch DBH. The tree protection covenant shall specify limiting removal of the retention trees without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the required retention trees and a 1 foot per 1 inch DBH radius critical root zone around each tree consistent with the applicant's arborist report. All trees marked for retention shall be retained and protected during construction regardless of desired or proposed building plans; plans for future houses on the proposed lots within the subdivision shall be modified to not encroach on retention trees and associated tree protection fencing.

114. The applicant shall adhere to the regulations of the Migratory Bird Act. If trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.
115. The arborist report contains additional recommendations related to tree protection, directional felling, stump removal, tree crown protection, monitoring of new grove edges, and sediment fencing. The applicant shall follow the recommendations outlined in the arborist report related to tree protection, directional felling, stump removal, tree crown protection, monitoring of new grove edges, and sediment fencing.

15.30 – Dark Sky

116. Chapter 15.30 contains the City of Sandy's Dark Sky Ordinance. The applicant will need to install street lights along all street frontages wherever street lighting is determined necessary. The locations of these fixtures shall be reviewed in detail with construction plans. Full cut-off lighting shall be required. Lights shall not exceed 4,125 Kelvins or 591 nanometers in order to minimize negative impacts on wildlife and human health.

15.44 – Erosion Control

117. The applicant submitted a Geotechnical Report (Exhibit F) prepared by Redmond Geotechnical Services dated May 15, 2020. The applicant shall retain appropriate

professional geotechnical services for observation of construction of earthwork and grading activities. The grading setbacks, drainage, and terracing shall comply with the Oregon Structural Specialty Code (OSSC) requirements and the geotechnical report recommendations and conclusions as indicated in the report. When the grading is completed, the applicant shall submit a final report by the Geotechnical Engineer to the City stating that adequate inspections and testing have been performed on the lots and all of the work is in compliance with the above noted report and the OSSC. Site grading should not in any way impede, impound or inundate the adjoining properties.

118. All the work within the public right-of-way and within the paved area should comply with American Public Works Association (APWA) and City requirements as amended. The applicant shall submit a grading and erosion control permit and request an inspection of installed devices prior to any additional grading onsite. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. All erosion control and grading shall comply with Section 15.44 of the Municipal Code. The proposed subdivision is greater than one acre which requires approval of a DEQ 1200-C Permit.
119. Section 15.44.50 contains requirements for maintenance of a site including re-vegetation of all graded areas. The applicant's Erosion Control Plan shall be designed in accordance with the standards of Section 15.44.50.
120. Development at both the Zion Meadows subdivision and the remodel of the Pioneer Building (former Sandy High School) have sparked unintended rodent issues in the surrounding neighborhoods. Prior to development of the site, the applicant shall have a licensed pest control agent evaluate the site to determine if pest eradication is needed.

DECISION

For the reasons described above, the request by Even Better Homes to construct an 89-lot subdivision is hereby **approved** with the following conditions.

CONDITIONS OF APPROVAL

- A. Prior to earthwork, grading, or excavation, the applicant shall complete the following and receive necessary approvals as described:
1. Obtain a grading and erosion control permit in conformance with Chapter 15.44. The grading and erosion control plan shall include a re-vegetation plan for all areas disturbed during construction of the subdivision. (*Submit 2 copies to the Building Division*)
 2. Shift sediment fencing to outside the tree protection zones. If erosion control is required inside the tree protection zones, the applicant shall use straw wattles to minimize root zone disturbance of the trees to be retained.

3. Submit proof of receipt of a Department of Environmental Quality 1200-C permit.
(Submit 2 copies to the Building Division)
4. Any existing domestic or irrigation wells on site shall be located, identified, capped, disconnected or abandoned in conformance with OAR 690-220-0030. A copy of the Oregon Water Resources Department (OWRD) abandonment certificate shall be submitted to the City Planning Division.
5. Decommission the existing septic system and drain fields, terminate the existing easements, and connect Johnson RV by means of a new sanitary sewer connection. Termination of the existing septic tank and connection of sanitary sewer will require a plumbing permit submitted to the Building Division and payment of applicable System Development Charges. Any on-site sewage disposal system shall be abandoned in conformance with Clackamas County Water Environmental Services (WES) regulations and a copy of the septic tank removal certificate shall be submitted to the City Planning Division.
6. Install tree protection fencing at the critical root zone of 1 foot per 1 inch DBH to protect the 99 retention trees on the subject property as well as all trees on adjacent properties. The tree protection fencing shall be 6 foot tall chain link or no-jump horse fencing and the applicant shall affix a laminated sign (minimum 8.5 inches by 11 inches) to the tree protection fencing indicating that the area behind the fence is a tree retention area and that the fence shall not be removed or relocated. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles. The applicant shall request an inspection of tree protection measures prior to any tree removal, grading, or other construction activity on the site. Up to 25 percent of the area between the minimum root protection zone of 0.5 feet per 1-inch DBH and the critical root zone of 1 foot per 1 inch DBH may be able to be impacted without compromising the tree, provided the work is monitored by a qualified arborist. The applicant shall retain an arborist on site to monitor any construction activity within the critical root protection zones of the retention trees or trees on adjacent properties that have critical root protection zones that would be impacted by development activity on the subject property. The applicant shall submit a post-construction report prepared by the project arborist or other TRAQ qualified arborist to ensure none of the retention trees were damaged during construction.
7. Install tree protection fencing at the outer edge of the restricted development area within the FSH overlay district prior to grading.
8. Follow the recommendations outlined in the arborist report related to tree protection, directional felling, stump removal, tree crown protection, monitoring of new grove edges, and sediment fencing.
9. Request an inspection of erosion control measures and tree protection measures as specified in Section 17.102.50(C). Receive an approval of erosion control measures and tree protection measures prior to grading activities.

10. Submit confirmation from a licensed pest control agent that the site was reviewed to determine if pest eradication is needed.
11. Adhere to the regulations of the Migratory Bird Act. If trees are removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.

B. Prior to all construction activities, except grading and/or excavation, the applicant shall submit the following additional information as part of construction plans and complete items during construction as identified below:

1. The location of fire hydrants shall be reviewed by the Sandy Fire Department in more detail with construction plans. Revise the Parking Analysis if required fire hydrants affect on-street parking spaces.
2. Submit additional details on street trees spaced approximately 30 feet apart on center. The street tree species shall be selected from the City of Sandy street tree list; due to concerns with Asian Longhorn Beetle and Emerald Ash Borer, staff are not approving maples or ashes as street trees at this time. To improve species diversity, the applicant shall include at least four (4) different tree species, with at least two (2) different species per street.
3. Submit a profile design for a minimum of 200 feet for all future street extensions beyond the project boundary to ensure future street grades can be met.
4. Submit details showing that the sum of the width of all driveway approaches within the bulb of each cul-de-sac as measured in Section 17.98.100(B) does not exceed fifty percent of the circumference of the cul-de-sac bulb.
5. Submit details on additional pedestrian connections from the Ortiz Street cul-de-sac to Highway 26 and from the Knapp Street cul-de-sac to both Vista Loop Drive and Highway 26. The pedestrian connections from the Knapp Street cul-de-sac to Highway 26 and Vista Loop Drive may be located in a 15 foot wide easement. All three pedestrian connections shall consist of an 8 foot wide paved pathway, bollard lighting, and shall include vegetation.
6. Submit details on a pedestrian connection from the Barrett Street cul-de-sac to tax lot 25E1900401. The pedestrian connection from the Barrett Street cul-de-sac to tax lot 25E1900401 may be located in a 15 foot wide easement, but not located in Tract J. This pedestrian connection shall consist of an 8 foot wide paved pathway, bollard lighting, and shall include vegetation.

7. Submit details on the locations of street lights on all streets being improved within and adjacent to the subdivision. Full cut-off lighting shall be required that does not exceed 4,125 Kelvins.
8. Submit a detailed final stormwater report stamped by a licensed professional to the City for review and approval.
9. Demonstrate that the proposed subdivision does not exceed pre-development site runoff discharges to this same point and provide information on the dimensions and slope of the existing drainage way. The detention ponds shall meet the requirements of the 2016 City of Portland Stormwater Management Manual (SWMM) for landscaping, Section 2.4.1, and escape route, Section 2.30.
10. Submit a mail delivery plan, featuring grouped lockable mail facilities, to the City and the USPS for review and approval prior to installation of mailboxes. Mail delivery facilities shall be provided by the applicant in conformance with Section 17.84.100 and the standards of the USPS. Phase I and Phase II shall each have their own mail facility to reduce unnecessary vehicular trips to retrieve mail.
11. Revise the utility plan to include broadband fiber locations as detailed by the SandyNet Manager.

C. Prior to Final Plat approval, the applicant shall complete the following tasks or provide assurance for their future completion:

1. Pay plan review, inspection, and permit fees as determined by the Public Works Director, and install all public improvements.
2. Plant street trees along the public stormwater tracts.
3. When the grading is completed, the applicant shall submit a final report by the Geotechnical Engineer to the City stating that adequate inspections and testing have been performed on all lots and all of the work is in compliance with the above noted report and OSSC.
4. The City of Sandy reserves the right to name streets. The applicant and City staff shall identify new street names prior to final plat.
5. Dedicate the 0.30 acres of parkland on a form approved by the City. The active parkland shall not exceed an average slope of 15 percent.
6. Record a blanket pedestrian easement over the entirety of Tract D.
7. Pay a parks fee in-lieu for the remaining 0.85 acres, or up to 2.00 acres if all lots are developed with duplexes. The fee in-lieu shall be \$204,850 (\$241,000 multiplied by 0.85 acres) if paid prior to recording of final plat, or \$225,250 (\$265,000 multiplied by 0.85 acres) if half is deferred to building permit issuance. If the applicant chooses to defer

payment, the applicant shall pay \$112,625 prior to recording of final plat and the additional \$112,625 divided by the 89 lots, or \$1,265.45 with each building permit.

8. Record a tree protection covenant specifying protection of the 99 trees on the subject property and limiting removal without submittal of an Arborist's Report and City approval. This document shall include a sketch identifying the required retention trees and a 1 foot per 1 inch DBH radius critical root zone around each tree. All trees marked for retention shall be retained and protected during construction regardless of desired or proposed building plans; plans for future houses on the proposed lots within the subdivision shall be modified to not encroach on retention trees and associated tree protection fencing.
9. Complete all street improvements (including sidewalks) adjacent to the parkland tract at the applicant's expense.
10. Post each private drive with 'no parking' signs.
11. Grade the active parkland tract of 0.30 acres to accommodate playground equipment and seed the parkland with a seed mix as specified during construction plan review.
12. Install a concrete bus shelter pad and a green bench (Fairweather model PL-3, powder-coated RAL6028). The required pad size is 7 feet by 9.5 feet and should be located at the northernmost corner of Barrett Street and Vista Loop Drive. Engineering specifications are available from the Transit Department.
13. Submit an updated Geotech Report or submit an addendum to the Geotech Report that provides analysis of the new stormwater discharge.
14. In order to better protect newly planted trees, the applicant shall amend and aerate the soil within the planter strip 15 feet in both directions from where the tree will be planted (or as is feasible based on locations of driveways or street corners). Submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the street trees.
15. If the applicant chooses to postpone street tree and/or landscaping installation, the applicant shall post a performance bond equal to 120 percent of the cost of the street trees/landscaping, assuring installation within 6 months. The cost of the street trees shall be based on the average of three estimates from three landscaping contractors; the estimates shall include as separate items all materials, labor, and other costs of the required action, including a two-year maintenance and warranty period.
16. Pay addressing fees for the subdivision as identified in the most updated fee schedule.
17. Submit a true and exact reproducible copy (Mylar) of the Final Plat for final review and signature.
18. Submit a copy of the following once recorded:

- Tree protection covenant including a map identifying the location of the retention trees.
- A shared access easement and maintenance agreement for each private drive.
- Deeds identifying dedications to the City.

D. The following list includes conditions related to individual lot construction:

1. No building permits, except for one model home, will be issued until all public utilities including sanitary sewer and water service are available to serve the development and the City determines substantial completion of all public improvements. If the applicant chooses to install a model home, the applicant shall commit to a Model Home Agreement with the City of Sandy.
2. All homes shall provide building design features in conformance with the standards of Section 17.90.150.
3. All homes shall meet the development standards of Section 17.34.30.
4. If any lot includes a duplex, the applicant shall pay an additional \$3,114.00 (1.15 multiplied by \$241,000 divided by 89) with the building permit for that lot.
5. If any lot includes a duplex, the applicant shall pay addressing fees as identified in the most updated fee schedule.
6. Street trees shall be installed approximately 30 feet on center in conjunction with issuance of building permits. Street trees are required to be a minimum caliper of 1.5-inches measured 6 inches from grade. Trees shall be planted and staked per the City of Sandy standard planting detail; trees shall be tied to the stakes with loosely tied twine. Tree ties shall be removed within one year of installation.
7. All planter strips shall be graded and backfilled as necessary, and bark mulch, vegetation, or other approved material installed prior to occupancy.
8. All trees marked for retention shall be retained and protected during construction regardless of desired or proposed building plans. Plans for future houses on the proposed lots within the subdivision shall be modified to not encroach on retention trees and associated tree protection fencing.
9. Development of this subdivision shall require payment of system development charges in accordance with applicable City ordinances.
10. Locate all structures a minimum of 20 feet from the property lines along Vista Loop Drive and Highway 26.
11. Orient the homes on lots 9 and 11-24 toward Highway 26 with pedestrian connections to the 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.

12. Orient the homes on lots 26-27 and 35-37 toward Vista Loop Drive with pedestrian connections to the 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.
13. Lot 25 shall either orient to Vista Loop Drive or Highway 26 or have a door that faces the intersection of the two subject streets. If a duplex is proposed on Lot 25 one front door may face Vista Loop Drive and the second front door may face Highway 26.
14. Design the houses on Lots 67 and 68 to include at least ten (10) percent windows, at least two siding types, and a minimum of three additional design features from Section 17.90.150 facing the parkland tract.
15. The fences along Lots 9, 11-27, and 35-37 shall not exceed four (4) feet in height along their respective transit streets.
16. Garages shall be at least 18 feet in depth to accommodate vehicle parking and the on-street parking spaces shall be at least 22 feet in length. All parking, driveway and maneuvering areas shall be constructed of asphalt, concrete, or other approved material.
17. Driveway approach width for a single-family dwelling shall be at least 10 feet and the maximum driveway approach within the public right-of-way shall be 24 feet wide measured at the bottom of the curb transition. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

E. The following list includes conditions related to FSH review:

1. A violation of the provisions set forth in Chapter 17.60, FSH, (e.g. tree removal without permit authorization or native vegetation removal) may result in a fine as specified in Section 17.06.80.
2. Do not remove any living or dead trees or vegetation that is hazardous to the public from the FSH area without applying for an FSH review for their removal.
3. Do not perform any grading activities or cut or fill in the FSH overlay area without applying for an FSH review for the grading/cut and fill.
4. Do not remove any native vegetation from the FSH overlay area. Do not plant any non-native vegetation in the FSH overlay area.
5. Do not install any impervious surfaces within the restricted development area.

6. The applicant shall not damage or remove any native vegetation within the FSH overlay district. The applicant shall replace any disturbed understory or groundcover with native understory or groundcover species that effectively cover the disturbed area. The applicant shall retain a qualified arborist on-site for any work done within the critical root zone (1 foot per 1 inch DBH) of retention trees including those within the FSH area to ensure minimum impact to trees and native vegetation.

F. General Conditions of Approval:

1. The Final Plat shall be recorded as detailed in Section 17.100.60.
2. Public improvement plans are subject to a separate review and approval process. Preliminary Plat approval does not connote approval of public improvement construction plans, which will be reviewed and approved separately upon submittal of public improvement construction plans.
3. An ODOT Permit to Occupy or Perform Operations Upon a State Highway shall be obtained for all work in the State highway right-of-way.
4. Improvements adjacent to the site's Highway 26 frontage shall consist of a six-foot wide sidewalk constructed at the top of the bank, lighting, and street trees only as approved and permitted by ODOT.
5. The vertical design grade for landing at all the Tee intersections where controlled with "Stop" signs shall be no greater than 8 percent for a minimum of 50 feet or two car lengths.
6. The developer and/or lot owners shall maintain all vegetation planted in the development for two years unless otherwise noted and shall replace any dead or dying plants during that period.
7. If entry signs are desired, the applicant shall submit a detailed plan showing the location of such signage and a sign permit application.
8. All work within the public right-of-way and within the paved area shall comply with the American Public Works Association (APWA) and City requirements as amended.
9. All ADA ramps shall be designed, inspected by the design engineer, and constructed by the contractor to meet the most current PROWAG requirements.
10. All on-site earthwork activities including any retaining wall construction shall follow the current requirements of the current edition of the Oregon Structural Specialty Code (OSSC). If the proposal includes a retaining wall, the applicant shall submit additional details on the proposed retaining wall for staff review and approval. Retaining walls may include building permit submission to the Building Division.

11. All franchise utilities shall be installed underground and in conformance with City standards with individual service to each lot.
12. The applicant shall be responsible for the installation of all improvements detailed in Section 17.100.310, including fiber facilities. SandyNet requires the developer to work with the City to ensure that broadband infrastructure meets the design standards and adopted procedures as described in Section 17.84.70.
13. All public utility installations shall conform to the City's facilities master plans.
14. Site grading shall not in any way impede, impound, or inundate the surface drainage flow from the adjoining properties.
15. The applicant shall retain appropriate professional geotechnical services for observation of construction of earthwork and grading activities. The grading setbacks, drainage, and terracing shall comply with the Oregon Structural Specialty Code (OSSC) requirements and the geotechnical report recommendations and conclusions as indicated in the report.
16. Water line sizes shall be based upon the Water Facilities Master Plan and shall be sized to accommodate domestic fire protection flows on the site.
17. All public sanitary sewer and waterline mains shall be a minimum of 8 inches in diameter and shall be extended to the plat boundaries where practical to provide future connections to adjoining properties.
18. All stormwater drains shall be a minimum of 12 inches in diameter and shall be extended to the plat boundaries where practical to provide future connections to adjoining properties.
19. As required by Section 17.92.10(L), all landscaping shall be continually maintained, including necessary watering, weeding, pruning, and replacing. As required by Section 17.92.140, the developer shall maintain all vegetation planted in the development for two (2) years from the date of completion, and shall replace any dead or dying plants during that period.
20. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction to maintain erosion control for a period of two years following the date of recording of the final plat associated with those improvements.
21. Successors-in-interest of the applicant shall comply with site development requirements prior to the issuance of building permits.
22. All improvements listed in Section 17.100.300 shall be provided by the applicant including drainage facilities, monumentation, mail facilities, sanitary sewers, storm sewer, sidewalks, street lights, street signs, street trees, streets, traffic signs, underground

communication lines including telephone and cable, underground power lines, water lines and fire hydrants.

23. Comply with all standards required by Section 17.84 of the Sandy Development Code. Public and franchise improvements shall be installed or financially guaranteed in accordance with Chapter 17 of the Sandy Municipal Code prior to temporary or final occupancy of structures. Water lines and fire hydrants shall be installed in accordance with City standards. All sanitary sewer lines shall be installed in accordance with City standards.
24. Comply with all other conditions or regulations imposed by the Sandy Fire District or state and federal agencies. Compliance is made a part of this approval and any violations of these conditions and/or regulations may result in the review of this approval and/or revocation of approval.



Shelley Denison
Associate Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 12 calendar days of notice of the decision. Any person interested in filing an appeal should contact the city to obtain the form, “*Notice of Appeal*”, and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

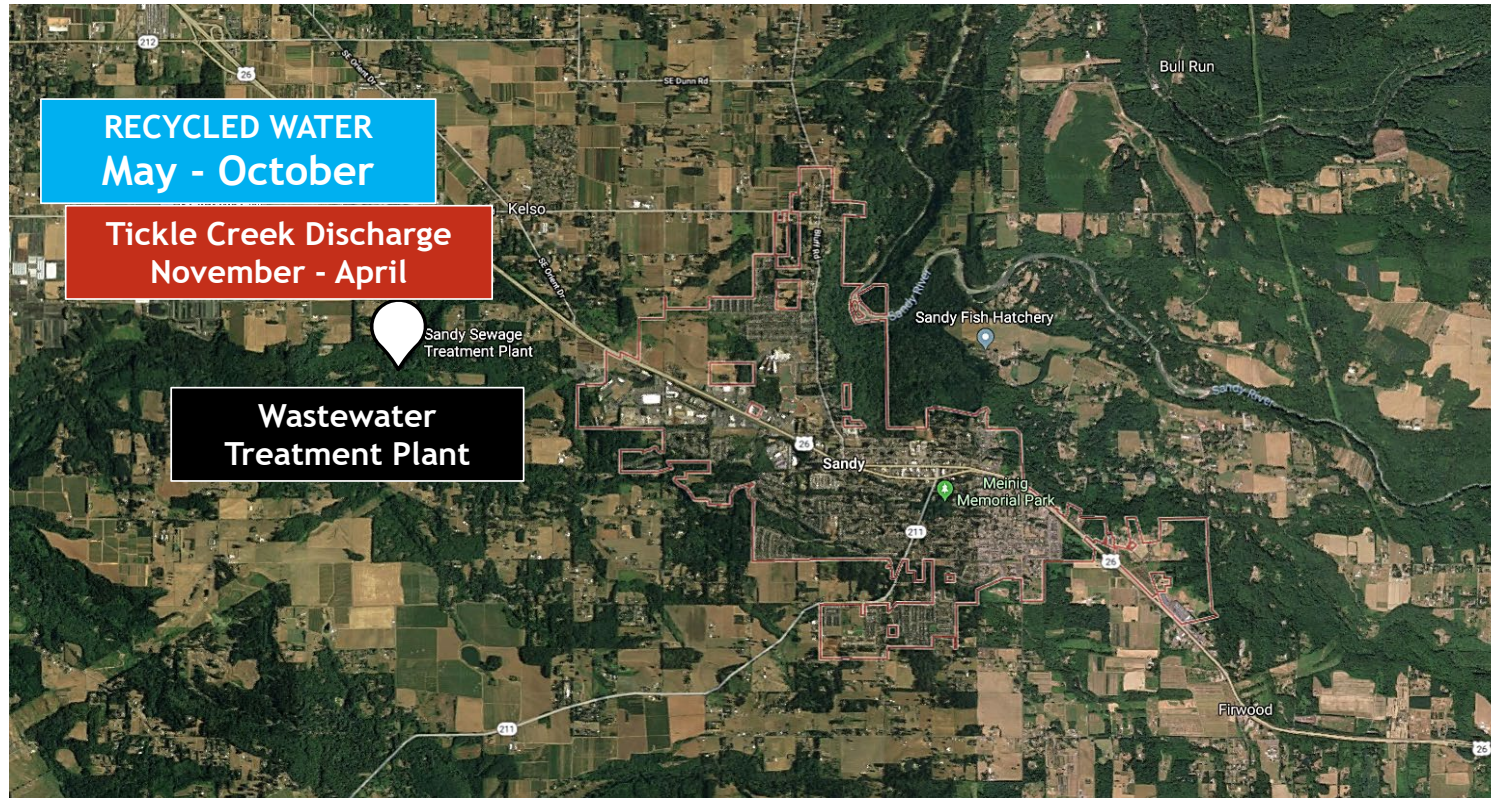
1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.

SANDY CLEAN WATERS PROGRAM UPDATE

**October 3, 2022
Jennifer Coker, PE
Public Works Director**



Existing Wastewater System

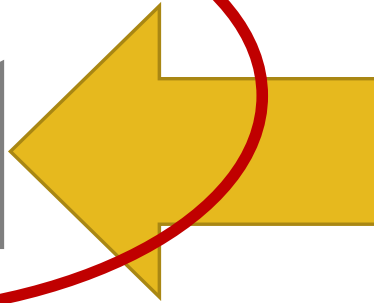
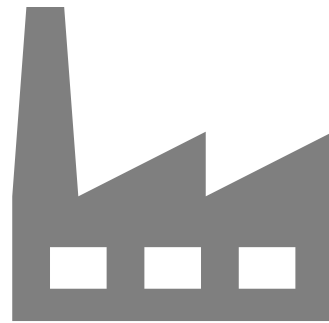


Challenge #1 – Collections System



Challenge #2 – Treatment

Recycled Water
Local Nursery

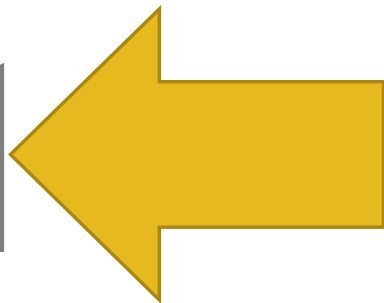
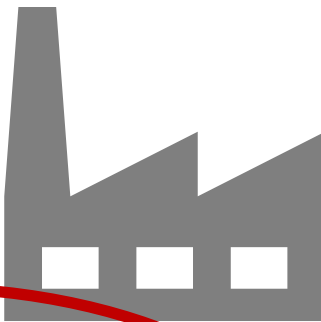


Tickle Creek

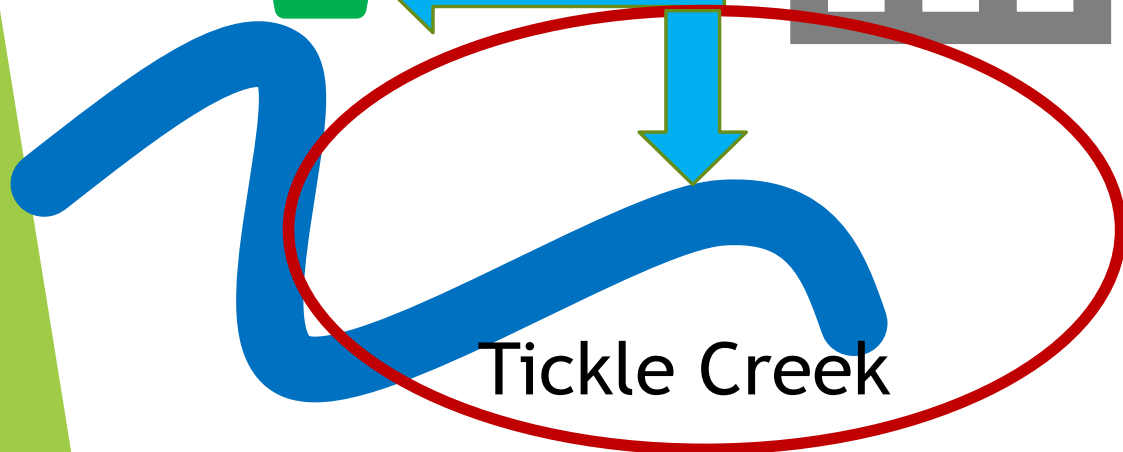
Aging Mechanical Equipment
needs Replacement and Expansion

Challenge #3 – Effluent Disposal

Recycled Water
Local Nursery



Mass Load Limit
“Bottleneck”



Tickle Creek

Three Step Plan

#2 Replace & Expand Treatment

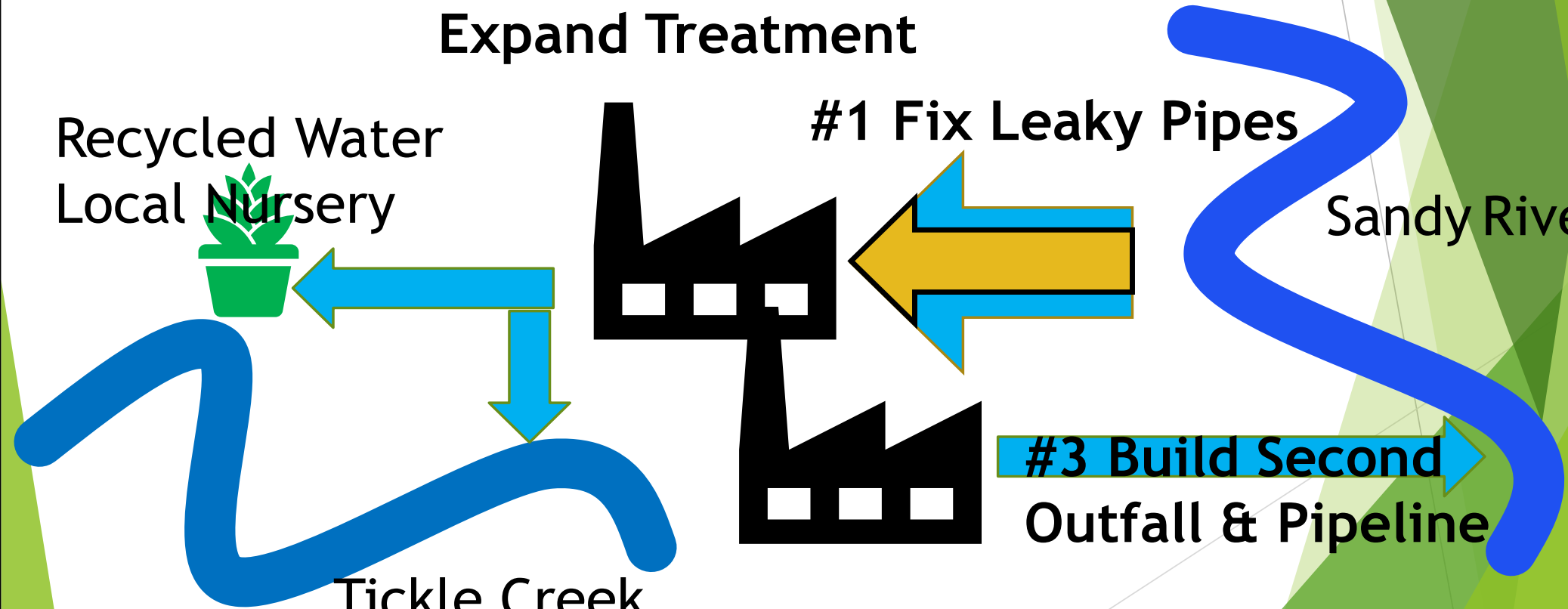
#1 Fix Leaky Pipes

#3 Build Second Outfall & Pipeline

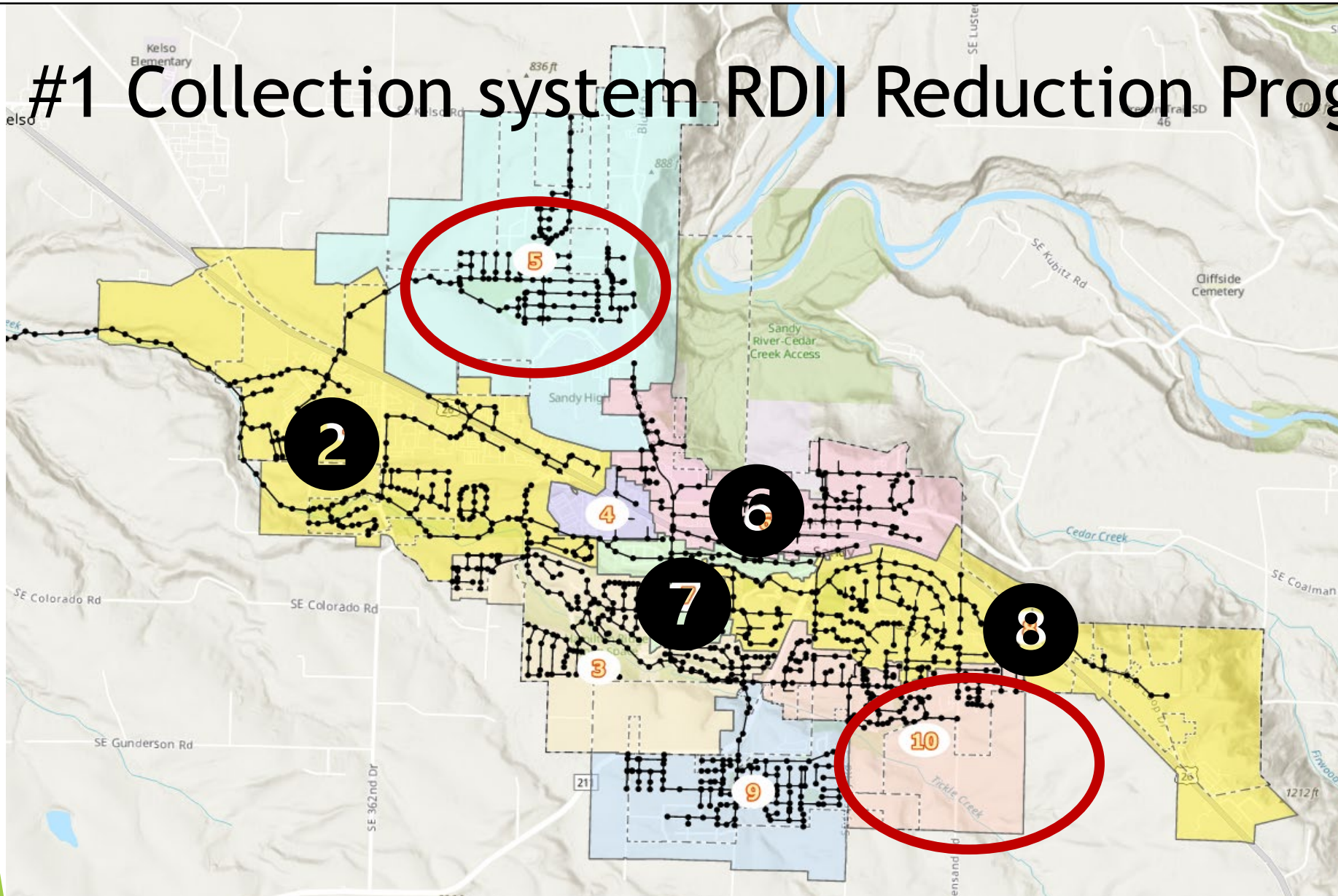
Recycled Water
Local Nursery

Sandy River

Tickle Creek



#1 Collection system RDII Reduction Program



Collection System RDII Expected Results

- ▶ Basins 2 and 8 - Anticipated reduction 2.0 MGD
- ▶ Basins 6 and 7 Anticipated reduction 1.2 MGD
- ▶ **Total Peak Flow Reduction 3.2 MGD**
- ▶ **Model Validation Spring 2023**
- ▶ **CMOM Program**
- ▶ **Investigation of remaining basins by 2025**

#2 Treatment Replacement and Expansion

- ▶ Immediate Needs Improvement Project
- ▶ Construction completion Feb 2023
- ▶ Stress Test of system Spring 2023
- ▶ Facility Plan Amendment
- ▶ Waterdude analysis - additional equipment and \$200,000 RRM purchases for Stress test
- ▶ RFQ notice of intent to award for Phase 1B expansion

Summary of 2022 improvements

COMPONENT	PURPOSE	SCHEDULE
Existing WWTP		
Aeration Basin Improvements	Increase capacity, treatment efficiency, and operational control in the secondary treatment process	Summer/Fall 2022
New tertiary filter and UV Disinfection treatment train	Increase capacity in tertiary treatment process	Summer/Fall 2022
Clarifier 2 Rehabilitation	Increase clarifier treatment efficiency	Summer/Fall 2022
Equalization Basin Improvements	Increase operational control, increase return flow, and increases aeration basin treatment efficiency	Summer/Fall 2022
Aerated Sludge Storage Basin	Increase solids treatment capacity, increases operational control, and addresses health and safety issues	Summer/Fall 2022
Chemical Storage and Metering Facilities Improvements	Increases operational control and addresses health and safety issues	Summer/Fall 2022
Stormwater Control Site Improvements	Addresses site stormwater control issues	Summer/Fall 2022
Site Improvements - lighting	Addresses health and safety issues	Summer/Fall 2022
Electrical and Instrumentation and Control Improvements	Increases operational control and addresses health and safety issues	Summer/Fall 2022
Installing Sandy NET (fiber) to WWTP	Increase operational control	TBD
Operation efficiency Project	Increase operational efficiency	Summer-Winter 2022
Collection System		
Collection System Basins 6 and 7	Reduction of I/I contributing to peak flows that overwhelm WWTP	Summer-Winter 2022
Recalibration of H/H model	Assess I/I reductions in Basin 2 and 8	Spring 2022
Smoke Testing	Identify inflow sources beyond Basins 2, 6, 7, and 8	Summer 2022
Additional MH grouting	Address leaking MHs not in Basins 2, 6, 7, and 8	Fall/Winter 2022
Addressing non-City leaking catch basins (e.g., ODOT, etc.)	Basin 6	TBD – Communicating issue to ODOT
CMOM Plan	Asset management	Winter 2022

Anticipated Results at WWTP Construction Completion

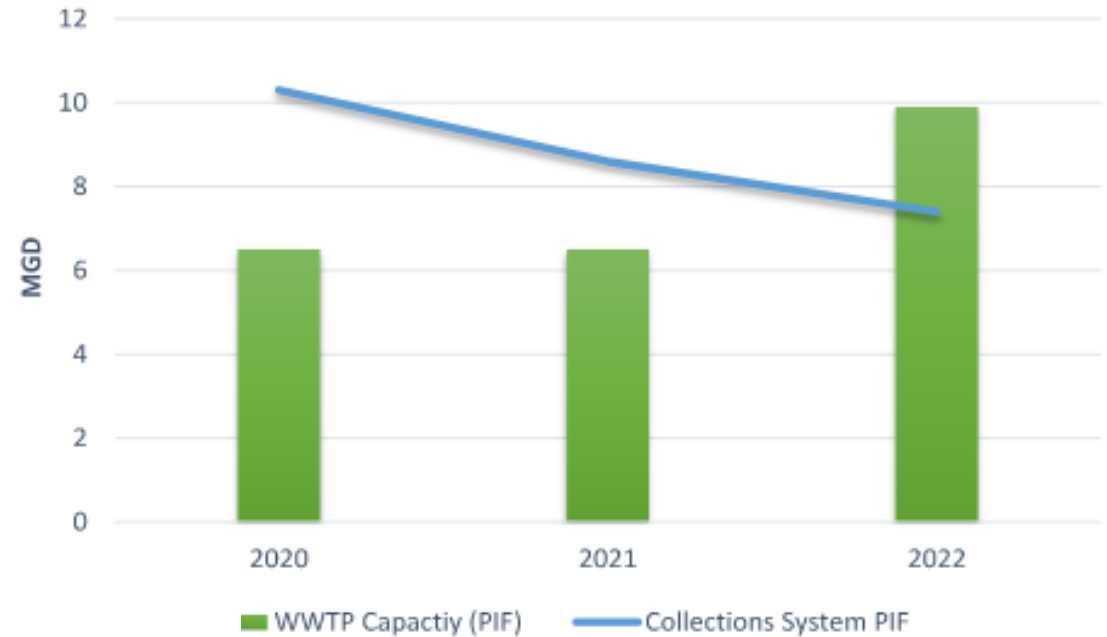


Table 4. Summary of WWTP Improvements Project Design Capacity

<i>Design Loading</i>	<i>Pre-Improvements</i>	<i>Post-Improvements (December 2022)</i>
<i>Maximum Monthly Dry Weather Flow (MMDWF)</i>	1.25 MGD	1.5 MGD
<i>Maximum Monthly Wet Weather Flow (MMWWF)</i>	1.85 MGD	1.9 MGD
<i>Peak Day Flow (PDF)</i>	3.7 MGD	5.5 MGD
<i>Peak Instantaneous Flow (PIF)</i>	6.5 MGD	9.9 MGD

Anticipated PIF comparison to WWTP PIF capacity.

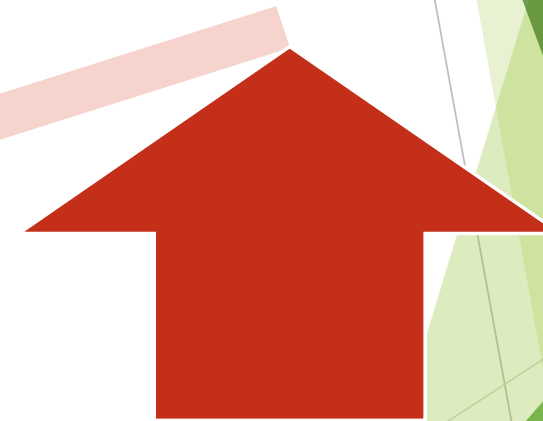
#3 New Effluent Disposal Location

- ▶ NPDES application for Sandy River Outfall ready to submit
- ▶ DEQ review @ 1 year
- ▶ 7 MGD
- ▶ Anticipate 8 years to permit and construct

What changed since the 2019 Facility Plan?

Less treatment capacity needed

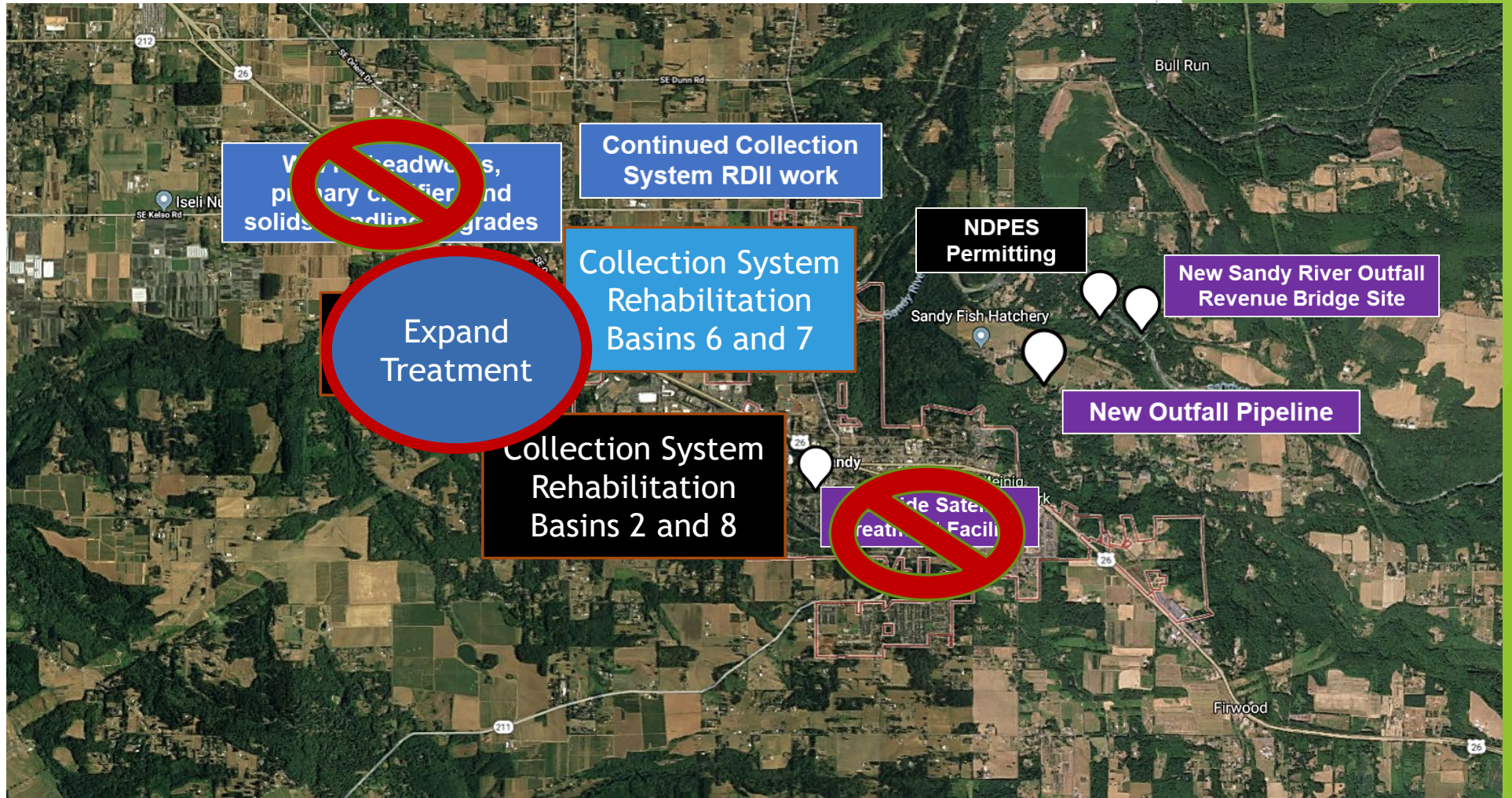
14 MGD



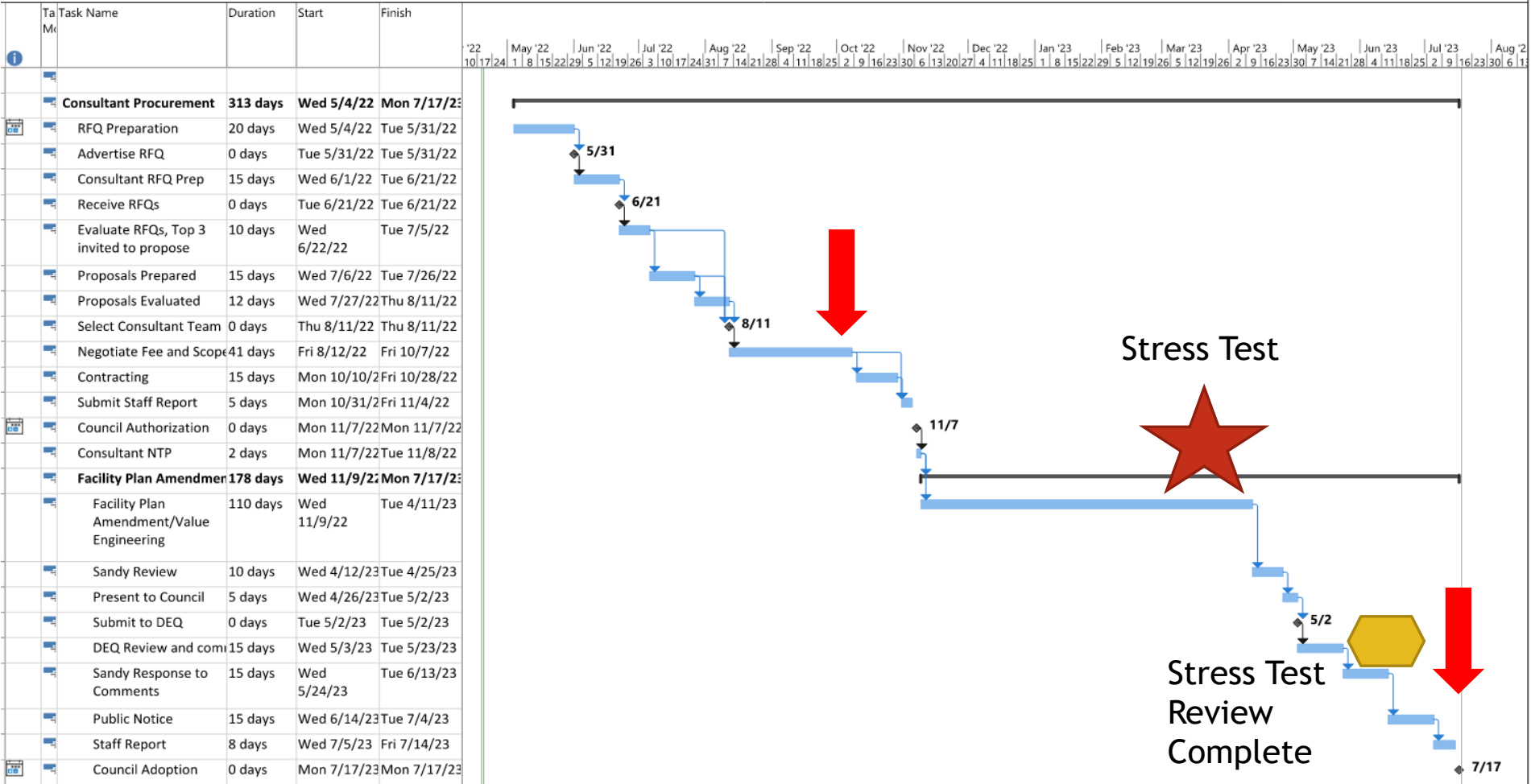
10.8 MGD

More Leaky Pipes Fixed

Wastewater CIP – Potential Change?



Stress Test and Facility Plan Amendment Schedule



Anticipated CIP Pending RDII validation and Facility Plan Amendment Findings

	2020-2022	2023 - 2025	2026 - 2028	2029 - 2030
Collections	Rehab Basins 2,8, 6, 7	Investigate Basins 10, 1, 3, 4, 9 Confirm RDII reduction	CMOM	CMOM
Treatment	Complete Immediate Needs Project Facility Plan Amendment	Facility Plan Amendment Design Phase 1B	Construct Phase 1 B	
Effluent Disposal	Prepare and Submit Sandy River Outfall Application	DEQ issues Decision, Public Involvement, NEPA process, Begin Design	Complete WIFIA, Complete, Design, permitting, begin Construction	Complete construction

Program Funding

- ▶ **CWSRF – Will finish Winter 2023**
 - ▶ Amendment to loan for value of Phase 1A projects (projected at \$20,700,000).
 - ▶ Applied for second CWSRF Loan August 2022 (2% interest rates)
- ▶ **EPA \$1M Grant**
- ▶ **ARPA State Grant Funding -**
 - ▶ \$14.7M
 - ▶ Completed – drawing on the grant
- ▶ **WIFIA**
 - ▶ Working towards Master Agreement – Spring 2023
 - ▶ Interest rates projected up to 4.5%



Public engagement

General Public/Sandy Residents

- ▶ #CleanWatersWednesday
- ▶ Communications Focus
 - ▶ Sandy Clean Waters overview video
 - ▶ Success of inflow and infiltration work
- ▶ Facility Plan Amendment Talking points

Upcoming Council action items

- ▶ CWSRF Loan Amendment Authorization Fall 2022
- ▶ Approval of Leeway Owner' Rep Amendment Fall 2022
- ▶ WIFIA Loan Master Agreement Authorization Fall 2022
- ▶ Approval of KJ Facility Plan Amendment Contract Fall 2022
- ▶ Approval Stantec Program Management Contract Winter 2022/2023