



City of Sandy

Agenda

Parks & Trails Advisory Board Meeting

Meeting Location: Remote Via Zoom

Meeting Date: Wednesday, October 6, 2021

Meeting Time: 7:15 PM

Page

1. ROLL CALL

2. MEETING FORMAT

Meeting Format Notice:

The Parks and Trails Advisory Board will conduct this meeting electronically using the Zoom video conference platform.

Members of the public may listen, view, and/or participate in this meeting using Zoom.

Using Zoom is free of charge. See the instructions below:

- To login to the electronic meeting online using your computer, [click this link](#):
- **Note a passcode may be required:**
- If you would rather access the meeting via telephone, dial 1-669-900-6833. When prompted, enter the following meeting number: 813 1257 6213
- If you do not have access to a computer or telephone and would like to take part in the meeting, please contact the Sandy Community Center (503-668-5569) by October 5th and arrangements will be made to facilitate your participation.

3. PUBLIC COMMENT

4. CONSENT AGENDA

4.1. Meeting Minutes

[Parks & Trails Advisory Board - 08 Sep 2021 - Minutes - Pdf](#)

[Parks & Trails Advisory Board - 08 Sep 2021 - Minutes - Html](#)

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5. CHANGES TO THE AGENDA

6. NEW BUSINESS

- 6.1. Proposed Code Changes to Municipal Code Chapters 17.32 and 17.86 9 - 18
[Final Staff Report Code Changes Chapters 17.32 and 17.86](#)
[CHAPTER 17.32 - Edits for 21-032 DCA revised for 10 6 21 Parks Board meeting](#)
[CHAPTER 17.86 - Edits for 21-032 DCA revised for 10 6 21 Parks Board meeting](#)

7. OLD BUSINESS

8. STAFF UPDATES

Parks and Recreation Director
2021 Parks and Trails Master Plan
Vice Chair

9. ADJOURN



MINUTES
Parks & Trails Advisory Board Meeting
Wednesday, September 8, 2021 Virtual Via
Zoom 7:00 PM

BOARD MEMBERS PRESENT: Don Robertson, Board Member, David Breames, Board Member, Sarah Schrodetz, Board Member, Will Toogood, Board Member, and Mary Casey, Board Member

BOARD MEMBERS ABSENT: Makoto Lane, Board Member and Rachel Stephens, Board Member

STAFF PRESENT: Sarah Richardson, Community Services

MEDIA PRESENT:

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2. Roll Call

3. Public Comment

4. Consent Agenda

4.1. Meeting Minutes

Moved by Mary Casey, seconded by Will Toogood

Move to accept the minutes.

CARRIED. 4-0

5. Changes to the Agenda

6. New Business

6.1. Pad Townhomes

Shelley Denison provided the board with an overview of the proposed development.

The subject property is behind Joe's Donuts and next to Meinig Park. It is aprox. .59 acres.

The application has been deemed incomplete and the applicant has not responded yet.

Don noted that the board reviewed a proposal for this property previously and the concerns included access through the property. The city owns the parking lot that is adjacent to the property. Looks like they switched it and are proposing an entrance off of 211 which would be a concern. Shelly responded that planning is also concerned. This is a type 3 application that would go before the Planning Commission if and when the application is complete. Don noted it is an allowable use. Zoned High Density residential.

Mary expressed concern about the entrance. Noted the intersection is already terrible. Sarah agrees with the concerns and that the intersection is already at its limits.

Shelly added if the developer does decide to go through, part of the process would include a traffic engineer who would evaluate the impact.

Mary asked if it takes up any of Meinig Park. No, but Don noted its proximity to Fantasy Forest Children's Park.

Moved by Mary Casey, seconded by Will Toogood

Motion to recommend Fee in Lieu of land dedication.

CARRIED. 4-0

6.2. Bang the Table Public Engagement Platform

Shelley Denison, Associate Planner, shared her interest in improving the city's public engagement. City has contracted with "Bang the Table" an industry leader in public engagement. They have a platform called "Engagement HQ". Cities can use this to share information about projects and allows for interactive participation. User friendly. Big lift is getting folks to come to the site and to use the tools. Engagement HQ recommends starting with a project that is not controversial. Shelley would like to do a photo contest featuring Parks and Trails.

Platform will be called "Sandy Speaks".

Asking the board for two things. Please use your network to get the word out about the contest and share the information and goal of the platform. Also would like board members to judge the contest. Mary, Will, Sarah and Don all expressed support and enthusiasm for both the photo contest and the goals of the site.

Timeline tentatively is to launch about the beginning of October. Six-week photo contest with judging last week of November, early December. Don asked if the staff will be developing the rules for the contest. Yes, and will include a requirement that any children in the picture will need permission from parent/guardian to publish. Shelley invited other input for guidelines.

7. **Old Business**

8. **STAFF UPDATES**

8.1. Interviews for new Parks and Recreation Director

Sarah Richardson, staff liaison, updated the board about the recruiting and hiring effort for the new Parks and Recreation Director.

8.2. Pollinator Garden - Community Garden

Sarah updated the board on the Bee City effort and asked for the board's input on making one of the Community Garden beds into a pollinator garden. Don expressed his support and other board members agreed.

9. **Adjourn**



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

Agenda Date: October 6, 2021

To: Parks and Trails Advisory Board

From: Sarah Richardson, Staff Liaison Parks and Trails Advisory Board

Subject: 17.32 and 17.86 Code Changes

Attachments: **Current Codes with recommended changes.**

Background:

“Good codes are the foundation upon which great communities are built. They are the framework that regulates where and what type of development can occur”
(<https://www.epa.gov/smartgrowth/codes-support-smart-growth-development>).

It has been apparent over the last few years that code Chapters 17.32 and 17.86 are out of date and have some issues, making it difficult for city staff and the Parks and Trails Advisory Board to guide desired development for parks and trails.

The Planning Division along with Environmental Science Associates (ESA) and our attorneys have reviewed the city codes that directly relate to Parks and Trails. The goal is to strengthen them, and to the extent possible remove inconsistencies in interpretation, making them more “clear and objective” in legal terms.

Making the recommended changes, along with incorporating the now adopted 2021 Parks and Trails Master Plan into the city code, will give city staff and the Parks and Trails Advisory Board the best opportunity to implement the vision for the development of Parks and Trails in Sandy.

Board chair Don Robertson has requested the addition of the following to the proposed code changes where it outlines permitted uses in Municipal Code Chapter 17.32:

1. *sports fields and courts including but not limited to baseball/softball, tennis, pickleball, volleyball, basketball and soccer; along with required sport infrastructure such as fencing, backstops, goals, bleachers, restrooms, concessions, and off street parking.*

Board chair Don Robertson also wanted to be sure that a developer cannot propose wetland area for land dedication and explained to Planning staff that it needed to be addressed in the land dedication section of the Municipal Code. It has since been added to the documents for your review.

The proposed changes were reviewed by the Planning Commission on September 27 and will be considered by the City Council on October 18.

Recommendation: Endorse the recommended changes, and incorporate Board Chair Don Robertson’s additional modifications to City of Sandy municipal code Chapters 17.32 and 17.86.

CHAPTER 17.32 PARKS AND OPEN SPACE (POS)¹

Sec. 17.32.00. Intent.

This ~~district~~ chapter is intended to ~~provide for~~ ~~recognize those publicly owned lands designated or proposed for~~ parks and open spaces. Parks include ~~publicly~~ developed parks, ~~and undeveloped park land~~ open space, and ~~natural areas~~ where typical uses include active and passive outdoor recreation activities, trails, ~~open space~~, cultural activities, park buildings and structures, concessions, general park operations and maintenance, and storm drainage facilities. Open space includes ~~publicly~~ developed and undeveloped lands and ~~sensitive natural~~ areas ~~where typical uses include passive recreation activities such as trails, interpretive displays, viewpoints, picnic and seating areas, as well as environmentally sensitive areas such as wildlife habitats, wetlands, riparian corridors, steep slopes, forested areas, and stream corridors, and unique and/or endangered plant species.~~

Sec. 17.32.10. Applicability

~~This chapter applies to all land designated or proposed for parks and open spaces. Where land is subject to a specific park master plan, such as Bornstedt Park or Sandy River Park, compliance with the specific master plan is required.~~

Sec. 17.32.~~10~~20. Permitted uses.

A. Primary Uses Permitted Outright:

1. Parks, ~~natural areas and open space, and special use areas~~ improvements identified in the ~~2021~~ Parks and Trails Master Plan or Park Specific Master Plans adopted by the City Council~~;~~
2. Trails, ~~including~~ in otherwise undeveloped open space~~;~~
3. Other uses similar in nature.

B. Accessory Uses Permitted Outright:

1. Accessory structures, detached or attached~~;~~
2. Educational activities in accordance with the primary purposes of the zone~~;~~
3. Interpretive displays~~;~~
4. Skate parks;
5. Splash pads;
6. Community gardens;
7. Disc golf courses;
8. Pump tracks;

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

9. Climbing walls;

10. Off-leash dog parks;

~~4~~11. Park furnishings, including arbors, barbeques, benches, bicycle racks, drinking fountains, gazebos, kiosks, picnic tables, play equipment and signage=;

~~5~~12. Public driveways and parking areas for uses permitted in this zone=;

~~6~~13. Public restroom facilities=;

14. Other uses similar in nature as listed in the 2021 Parks and Trails Master Plan.

Sec. 17.32.~~29~~30. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:* None

B. *Conditional Uses:*

1. Campgrounds;
2. Swimming pools and aquatic facilities;
3. Other uses similar in nature.

Sec. 17.32.~~39~~40. Sandy River Park.

The above uses are inapplicable to the Sandy River Park property owned by the City of Sandy. This section contains requirements specific to Sandy River Park. Development of the Sandy River Park is guided by and limited to the uses identified in the Sandy River Park Master Plan dated June 3, 2010, and any future Sandy River Park Master Plan amendments. The primary uses specified in the plan include hiking, nature study, and habitat restoration and the construction of a trail system to facilitate ~~this~~ these uses. Accessory structures identified in the plan include installation of interpretative signage, benches, picnic tables, restroom facilities, and limited parking.

Sec. 17.32.~~49~~50. Development standards.

Parks and Open Space	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum or maximum
Lot Coverage	No maximum
Structure Height	35 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.129 <u>Chapter 17.90</u>

Sec. 17.32.~~59~~60. Additional requirements.

A. Where applicable, park improvements shall comply with ~~city design standards~~ Chapter 17.90 Design Standards.

B. Provisions for pedestrian and vehicular off-street access ~~to adjoining properties~~ shall be included in individual park specific master plans.

CHAPTER 17.86 PARKLAND AND OPEN SPACE¹

Sec. 17.86.00. Intent.

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs ~~of the population~~ of Sandy residents. This chapter implements policies of Goal 5 and Goal 8 of the Comprehensive Plan and the 2021 Parks and Trails Master Plan by outlining provisions for parks and open space in the City of Sandy.

Sec. 17.86.10. Minimum parkland dedication requirements.

Parkland Dedication: ~~New residential subdivisions, planned developments, Residential subdivisions and partitions, single-family or multi-family developments, or and~~ manufactured home park developments ~~shall be~~ required to provide parkland to serve ~~existing and future~~ residents of those developments. ~~Congregate~~ ~~Multi-family housing~~ developments ~~which that provides some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, as defined in Chapter 17.10 of the City's Municipal Code,~~ are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate care living facilities, nursing homes, and all other similar care facilities ~~which that~~ provide ~~their~~ clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication. ~~and system development fee requirements. The dedication or provision of parks, open space, trails and amenities shall comply with the 2021 Parks and Trails Master Plan and the City parkland needs at the time of dedication and/or development. The level of service standards as well as the park and trail needs in Chapter 4 of the 2021 Parks and Trails Master Plan are specifically incorporated by this reference.~~

- A. The required parkland shall be dedicated as a condition of approval for the following:
1. Single-family and duplex building permits;
 2. Tentative plat for a subdivision or partition;
 2. ~~Planned Development conceptual or detailed development plan;~~
 3. Design review for a multi-family development or manufactured home park; and
 4. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.
- B. Calculation of Required Dedication: The required parkland acreage to be dedicated ~~is shall be~~ based on ~~a calculation of~~ the following formula:

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-03, effective July 3, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

Required parkland dedication (acres) = (proposed units) x (persons/unit) x ~~0.00430~~.0053 (per person park land dedication factor)

1. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family dwelling unit	3.0
Duplex dwelling unit	3.0*
Standard multi-family unit	2.0
Manufactured dwelling unit	2.0
Congregate multi-family unit	1.5

* The total persons per unit for the entire duplex (both units) would be six.

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment. ~~The A~~ fee-in-lieu under Section 17.86.40 shall be based on the number and type of units proposed at time of plat, but an additional fee in-lieu will be ~~necessary~~ required and calculated on a per lot basis if any lots are constructed or converted to add additional units. For example, if an existing single family dwelling is converted into a duplex the existing single family home shall receive a credit, but the new unit shall pay the difference in persons per unit. This would equate to one proposed unit multiplied by three additional persons multiplied by ~~0.00430~~.0053 for the above example.

2. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be ~~0.00430~~.0053 of an acre per person based on the adopted standard of ~~4.35~~.25 acres of land per 1,000 of ~~ultimate~~ population per the 2021 Parks and Trails Master Plan.² This standard represents the citywide land-to-population ratio for city parks, not including trails and open space, and may be adjusted periodically through amendments to the Parks Master Plan.

(Ord. No. 2021-03 , § 8(Exh. H), 5-17-2021)

C. As an alternative to dedication under this section, an applicant may propose payment of a fee in lieu of dedication as provided in 17.86.40.

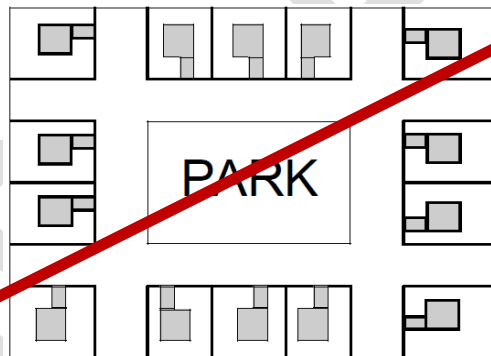
D. Notwithstanding Section 17.86.10 (A) above, when the amount of land to be dedicated is less than one quarter acre, or the level of service standards for mini parks in the 2021 Parks and Trails Master Plan have been met for the subject site, the applicant shall pay a fee in lieu of dedication as provided in Section 17.86.40 (B).

Sec. 17.86.20. Minimum parkland standards.

Land required or proposed for parkland dedication shall be contained within a continuous unit and ~~must~~ shall be suitable for active accommodate use as a mini, neighborhood, or ~~mini~~ community park, as defined in the 2021 Parks and Trails Master Plan, based on the following criteria:

²Editor's note(s) — Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person. 2021 Parks and Trails Master Plan, Section 4.2, Park and Trail Needs, Table 10 (Park and Trail Needs Analysis).

- A. ~~Homes must~~ The primary entrance of single-family homes and duplexes ~~front~~ shall face towards parkland when separated by street right-of-way. ~~on the parkland as shown in the example below.~~ Residential through lots or corner lots that abut more than one street with one of the streets defined as an arterial or collector street shall have the front door face the arterial or collector street as defined by Chapter 17.82.
- B. On the sides of the parkland not fronting onto a street, a pedestrian and bicycle access way shall be provided with a minimum improved surface of ten feet within a 15-foot right-of-way or tract. If the parkland abuts land to be developed for multi-family development or a manufactured home park the multi-family development or manufactured home park shall include a pedestrian and bicycle access way in a public easement from any abutting street right-of-way through the property with multi-family development or a manufactured home park to the parkland.
- C. In all zones where property abuts parkland, a fence no higher than six feet shall separate the use from the parkland. Barbed wire is not permitted on fences abutting parks.
- D. ~~Any~~ retaining wall constructed at the perimeter of ~~the a~~ park adjacent to a public right-of-way or private street shall not exceed four (4) feet in height.
- E. The required parkland dedication shall be abutted by street right-of-way for at least 100 linear feet.



- ~~FF.~~ The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by ~~roadways, streets or other pedestrian barriers.~~
- ~~GG.~~ The parkland ~~must shall be able to accommodate provide for park facilities, such as play structures and, play fields, picnic areas, or other active park use facilities, as described in the 2021 Parks and Trails Master Plan, subject to the following standards: The average slope of the active use parkland shall not exceed 15 percent.~~
1. Neighborhood Parks or Community Parks: Not more than 25 percent of the park may exceed 15 percent slope or contain wetlands.
 - ~~2.~~ Mini Parks: Not more than 10 percent of the park may exceed 15 percent slope or contain wetlands.
- ~~HH.~~ Once dedicated, ~~the City will assume maintenance responsibility for the neighborhood or mini parkland.~~ parkland areas shall be maintained so that the use and enjoyment thereof remain safe, healthy, and function. Parkland areas may be owned and maintained by any of the following mechanisms or combinations thereof:
1. Dedication to the City of Sandy or other public agency approved by the City;

2. Common ownership by a homeowner's association that assumes responsibility for maintenance and repair; or
3. Dedication of development rights to a public agency approved by the City, with ownership remaining with the developer or homeowner's association. Maintenance and repair responsibility will remain with the property owner.

Sec. 17.86.30. Dedication procedures.

Land dedicated to the City as parkland shall be dedicated on the final plat, or by recording a deed, easement, or other appropriate document when there is not a plat. Private parkland shall be identified and restricted on the final plat or set aside for park purposes by deed, easement, or deed restriction where there is not a plat. ~~Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat.~~ Dedication of land in conjunction with multi-family development shall be required prior to issuance of building permits, and commencement of construction.

- A. ~~Prior to acceptance of required parkland dedications~~final plat approval, the applicant/~~developer~~ shall complete the following items for all proposed dedication areas:
 1. The ~~developer-applicant~~ shall clear, fill, and/or grade all land ~~to the satisfaction of the City in accordance with the approved grading plan~~, install curb, gutter, and sidewalks in accordance with the Transportation System Plan on the park land adjacent to any street, and seed the park-land; and,
 2. The ~~developer-applicant~~ shall submit a Phase I Environmental Site Assessment of the parkland to the City, completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record prior to dedication.
 - a. In the event that the Phase 1 Environmental Site Assessment detects the potential for contaminated soil, the applicant shall perform further assessment, testing and sampling as needed to determine the type and extent of contamination present, and potential remediation steps needed.
 - b. If contaminated conditions are present the applicant shall either remediate the condition and submit a report to the City documenting the procedures and final soil conditions or select other property for the parkland dedication.
- B. Additional Requirements.
 1. ~~In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so Land dedicated and deeded or restricted for use as parkland shall not be subject to any other easements, reservations of record, or encumbrances of any kind or easements which, in the opinion of the Director, will that interfere with the use of the land for park, open space, or recreational purposes.~~
~~The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.~~
 2. Where any reservations, encumbrance, or easements exists that materially interferes with the use of the land for park and open spaces purposes, the applicant may propose an alternative lot

~~or parcel for parkland dedication or the~~ City may require payment in lieu of the dedication of lands, ~~unless it chooses to accept the land subject to encumbrances.~~

~~C.3. Phased Developments.~~ In a phased development, the required park land for the entire development shall be dedicated ~~prior to approval of the~~ on the final plat for the first phase ~~of the development.~~ Improvements to the land as required by Section 17.86.30.A.1. shall be ~~made completed or bonded per the standards in Chapter 17.100~~ prior to approval of the final plat for the phase that includes the park-land.

Sec. 17.86.40. ~~Cash-Fee~~ in lieu of dedication.

At the ~~City's~~ discretion ~~only~~, the ~~city~~ City may accept payment of a fee in lieu of parkland dedication. ~~The city may require payment in lieu of land when the park land to be dedicated is less than three acres.~~ A payment in lieu of land dedication is separate from Park Systems Development Charges (SDCs); and is not eligible for a credit of Park ~~Systems Development Charges~~SDCs. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution based on relevant economic indices; and ~~it shall be based on~~ the typical market value of developed property (finished lots) in Sandy net of related development costs.

- A. The City shall consider the following factors ~~shall be used in the choice of~~ when deciding whether to accept a land or cash fee in lieu:
1. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 2. Potential adverse ~~/beneficial effects on~~ impacts on environmentally sensitive areas, such as wetlands, waterways, and floodplains;
 3. Compatibility with the 2021 Parks and Trails Master Plan, Public Facilities ~~element~~ Element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication; and;
 4. Availability of previously acquired property, ~~and~~
 - ~~5. The feasibility of dedication.~~
- B. Notwithstanding Section 17.86.40 (A) above, the applicant shall pay a fee in lieu of dedication when the park area to be dedicated is less than one-quarter acre, or the level of service standard for mini parks described in the 2021 Parks and Trails Master Plan has been satisfied.
- ~~B.C.~~ ~~Cash~~ The fee in lieu of parkland dedication for a residential subdivision shall be paid prior to approval of the final plat or as specified below:
1. Fifty (50) percent of the payment shall be paid prior to final plat approval, and
 2. The remaining 50 percent of the payment, plus an administrative surcharge specified by City Council resolution, shall be pro-rated equally among the lots and paid at the time of building permit issuance for each lot, ~~plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.~~
- D. The fee in lieu of dedication for a single-family dwelling, duplex, or multi-family dwelling not in conjunction with a residential subdivision shall be paid at the time of building permit issuance for the subject lot or parcel.

Sec. 17.86.50. Minimum standards for open space dedication.

~~The applicant through~~ An applications for a subdivision, partition, replat or design review ~~process~~ may propose the ~~designation-dedication~~ and protection of open space areas as part of that process. ~~This~~ However, this open space ~~will is not, however, be~~ counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

- A. The types of open space that may be provided are ~~as follows~~:
1. *Natural Areas*: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas, riparian corridors, or areas replanted with native vegetation after construction.
 2. *Greenways*: linear ~~green belts~~ areas linking residential areas with ~~other~~ open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas ~~are is~~ encouraged.
- B. A subdivision, partition, replat, or design review application proposing designation of open space shall include the following information as part of ~~this~~ the application:
1. Designate the boundaries of all open space areas; and
 2. Specify the manner in which the open space shall be ~~perpetuated~~ downed, maintained, and administered; and
 3. Provide for public access to trails included in the 2021 Parks and Trails Master Plan, including but not limited to the Tickle Creek ~~Path~~ Trail.
- C. Dedication of open space may occur concurrently with development of ~~the a~~ project. At the discretion of the ~~city~~ City, for phased development ~~that will be phased~~, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
- D. Open space areas shall be maintained so that the use and enjoyment thereof ~~is not diminished or destroyed~~ remain safe, healthy, and functional. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
1. Dedication to the City of Sandy or ~~an appropriate~~ public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City ~~may shall~~ require the ~~developer~~ applicant to submit a Phase I Environmental Site Assessment of the open space area completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record prior to dedication.
 - a. In the event that the Phase 1 Environmental Site Assessment detects the potential for contaminated soil, the applicant shall perform further assessment, testing and sampling as needed to determine the type and extent of contamination present, and potential remediation steps needed.
 - b. If contaminated conditions are present the applicant shall either remediate the condition and submit a report to the City documenting the procedures and final soil conditions or, select another area for parkland dedication.
 2. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
 3. Dedication of development rights to a ~~n~~ appropriate public agency approved by the City, with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or

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- 4. Deed-restricted private ownership preventing development and/or subsequent subdivision-land division and providing for maintenance responsibilities.
 - E. In the event that any private owner of private open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space. The City may enforce the maintenance requirement at its discretion, including pursuant to Sandy Municipal Code Sections 1.18 or 8.16.

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