

City of Sandy

Agenda

Parks & Trails Advisory Board Meeting

Meeting Location: Sandy
Community/Senior Center, 38348
Pioneer Blvd.

Meeting Date: Wednesday, April
13, 2022

Meeting Time: 7:00 PM



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1. MEETING FORMAT NOTICE

The Parks and Trails Advisory Board will conduct this hybrid meeting both in-person and electronically using the Zoom video conference platform.

If interested in attending in person the meeting will be held at the Sandy Community Center, located at 38348 Pioneer Blvd., Sandy, OR 97055.

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 virtual/electronic meeting online using your computer, [click this link:](#)
or follow this link:
<https://us02web.zoom.us/j/88642522802?pwd=a0Q1d1FIWXBsMEZ4V2RoWUVVMm5UQT09>
- **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: **886 4252 2802**
- If you do not have access to a computer or telephone and would like to take part in the meeting virtually, please contact the Sandy Community Center (503-668-5569) and arrangements will be made to facilitate your participation.

2. ROLL CALL

3. PUBLIC COMMENT

4. CONSENT AGENDA

4.1. Meeting Minutes

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5. CHANGES TO THE AGENDA

6. NEW BUSINESS

- 6.1. Pre-Application 38800 Junker St 8 - 13
[Pre-Application Junker St Staff report .docx](#)
[ATT. A: 38800 Junker St - Mid Housing Pre-App \(April 5, 2022\)](#)
[ATT. B: 38800 Proposal - Site Plan \(March 14 2022\)](#)
- 6.2. Reschedule the May 11, 2022 Parks Board Meeting 14
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7. OLD BUSINESS

- 7.1. Deer Meadows Revised Plan 15 - 43
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[1. Deer Meadows Revised Plat Transmittal Letter 3 14 22](#)
[2. Attorney Ltr. Sandy City Council.2.22.22 re Deer Meadows Appeal](#)
[3. Deer Meadows Revised Plat - 3-7-22](#)
- 7.2. Update on Code Edits / Changes to 17.32 and 17.86 44 - 58
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[CHAPTER 17.32 - Edits for 21-032 DCA revised for April 13th Parks Board](#)
[CHAPTER 17.86 - Edits for 21-032 DCA revised for April 13th Parks Board](#)
[Memo from Parks Dept. on behalf of the Parks and Trails Advisory Board](#)
- 7.3. Sandy Bluff Park Shelter and Dog Park Improvement Concept Plan 59 - 63
[4.13.22 Staff Report Sandy Bluff Dog and Shelter Grant Concept Review .docx](#)
[Attachment A Concept Plan and estimated budget](#)

8. STAFF UPDATES

Director Update

9. ADJOURN



MINUTES
Parks & Trails Advisory Board Meeting
Wednesday, March 9, 2022 Sandy
Community/Senior Center, 38348 Pioneer
Blvd. 7:00 PM

BOARD MEMBERS
PRESENT:

Don Robertson, Board Member, David Breames, Board Member, Will Toogood, Board Member, and Alexandria Gale, Board Member

BOARD MEMBERS ABSENT:

Upekala Wijayratne, Board Member

STAFF PRESENT:

Laurie Smallwood, Councilor and Rochelle Anderholm-Parsch, Parks and Recreation Director

MEDIA PRESENT:

1. MEETING FORMAT NOTICE

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<https://us02web.zoom.us/j/86426239535?pwd=dy91aGV0VHdldTZzcHp1VWJkdmNoQT09>
- **Note a passcode may be required:**
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- 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 January 10, 2022 and arrangements will be made to facilitate your participation.

2. Roll Call

Guests Presenter Present:
ESA Consultant, Tracy Johnson

Staff Present:
Parks Staff, Tiana Rundell

3. Public Comment

None

4. Consent Agenda

4.1. Meeting Minutes

Approval of March 9, 2022 Meeting Minutes.

- Alexandria Gale moved to approve the minutes, Will Toogood seconded. Motion Passed 4 - 0

5. Changes to the Agenda

None

6. New Business

6.1. **Amendments to the Sandy Parks and Trails System Master Plan**

Rochelle introduced Tracy Johnson with ESA, the consultant for the Parks and Trails System Master Plan (PTSMP)

Tracy Johnson reported on the following PTSMP updates:

- Primary update included converting trail miles into acres. Code language has land acquisition in acres so therefore a conversion of trail miles to acres was necessary to be consistent with code language and future proposed code changes. This change simplified how planning implements the code.
- Updated the population based on Census. Proposed population didn't change, but the existing was a little higher than expected. This change influenced some of the calculations in the PTSMP. This included a slight change to the level of service as calculated in the PTSMP.
- Planning noticed that a couple of the existing trails needed to be realigned and a few had inadvertently been left out. That was corrected in the PTSMP update.
- The Trail Capital Improvement list was updated to correspond with the Transportation System Plan. ESA and staff looked at trail list in the

PTSMP and the TSP forecasted multimodal system and removed some of the trails in PTSMP and added it to the TSP and vice versa. You can't have trails, or multimodal paths in both places, the update determined which trail or path should go in the TSP and which belonged in the PTSMP.

Tracy completed her report and opened it up for questions:

- Will Toogood asked for clarification on the miles per acreage conversion. He stated that 15' seemed like an underestimate.
- Tracy said it was based on an average across all trail standards and classes. The 15' conversion was an average based on trail classifications as listed in the appendices of the PTSMP.
- Don Robertson commented. A 15' is the trail itself and not any additional land. The CIP is broken out into trails and land. These two can overlay each other and Don Robertson clarified that was correct with Tracy. Yes, it can be trail ROW or both, and this means it could include a trail ROW to allow for a pass through of a developers property to gain access to a regional trail.

Rochelle Anderholm-Parsch stated that after the PTSMP amendments, if adopted by the Parks Board, the updated PTSMP will go to the Planning Commission in April 2022. A comment was made by Don Robertson stating that the PTSMP amendments directly affects the Departments work on SDC's and Fee in Lieu methodology updates, with FCS and ESA. The updated PTSMP project list allows FCS to continue their work. The draft SDC methodology was completed and now FCS can work on the Fee in Lieu estimate. FCS is currently getting an appraisal of land value. Don Robertson made a statement that the future level of service in the PTSMP directly relates to the SDC and Fee in Lieu results. The existing level of service was a little lower due to the population update, therefore, the need is a little greater and it did shift the calculations regarding the SDC and Fee in Lieu results
Discussion and questions concluded.

Motion was made by Will Toogood to accept the amendments of the Sandy Parks and Trail System Master plan as presented to the board. Seconded by David Breames. Motion passed 4-0.

6.2. **Sandy Pool Exploratory Task Force Final Report**

Staff Report - 0546

Rochelle Anderholm-Parsch provided an update on the Sandy Pool Exploratory Task Force (PETF) Final Report. The PETF final report came out in January 2022. The main points discussed were the PETF recommended against renovating and/or expanding the existing Aquatic Center, in favor of developing a new

natatorium. A brief overview of the competition pool size 6 vs. 8 lanes was provided. This included an overview of square footage and operational costs. An illustration of the preferred concept of 3A was provided. Preliminary cost estimates of 3A including soft costs was \$26.62 million. Next steps is for staff to write and RFP to move all 'three legs of the stool', aquatics, recreation and park improvement. This includes engagement of the public and identifying funding sources and work with Council to set budget parameters and policy.

End of presentation and questions. Don Robertson asked about the proposed timeline. Rochelle Anderholm-Parsch reported that staff is currently working on a draft RFP and presentation to Council in May. Rochelle Anderholm-Parsch discussed the two deliverables of the RFP. 1) potential bond ready aquatic and recreation center concept, 2) design, development, bid and build documents for park improvements. Don Robertson asked Council Liaison Laurie Smallwood about the general read of Councils support for the next steps. Councilor Smallwood said she felt confident that there is support for the campus project and the park improvements.

Don Robertson asked the members if there were any more questions. Will Toogood commented on the project cost, and the value of the annex building and the viability of building on the annex. Member Toogood commented on how the community center could connect the city center and Sandy River Park. No other comments or questions.

7. Old Business

None

8. STAFF UPDATES

Rochelle Anderholm-Parsch stated that the department is recruiting for positions. Staff is planning for the summer including a July 4 fireworks show. Rochelle Anderholm-Parsch reported on special event planning, including an update on the work Carol Cohen has been working on as it related to soliciting sponsorship for special events.

Don Robertson mentioned that there are two vacancies on the Board.

9. Adjourn

Parks Staff, Tiana Rundell



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

Meeting Date: April 13, 2022
To: Parks and Trails Advisory Board
From: Rochelle Anderholm-Parsch, Parks and Recreation Director
Subject: 38800 Junker Street Pre-Application

DECISION TO BE MADE:

Parks and Trails Advisory Board preliminary review of the proposed site plan for 38800 Junker Street

PURPOSE / OBJECTIVE:

Parks Board to provide comments regarding land dedication versus fee in lieu for proposed park parcel number 00659460 which is 0.178987 acres.¹ The applicant also wants to complete trail enhancements to the existing trail.

BACKGROUND / CONTEXT:

Applicant is proposing to develop a site consisting of middle housing; two to three fourplexes on parcel number 00659380. The pre-application states that the applicant is looking to develop the trail that runs adjacent to 38800 Junker Street and dedicate 0.1789 of parkland, parcel number 00659460.

KEY CONSIDERATIONS / ANALYSIS:

It is unknown if the 'proposed park' will be a private or public park. The 'proposed park' property is 0.1789 acres. The proximity to Tupper Park, an existing 1.26 acre park, is only 0.06 miles. Therefore, an additional park in the area is not identified in the Parks and Trails System Master Plan.

Sec. 17.86.40. - Cash in lieu of dedication states, "The city may require payment in lieu of land when the park land to be dedicated is less than three acres.", and Section A (1)(3)(5).

The applicant is also proposing to enhance the existing trail. Would the Parks and Trails Advisory Board be interested in trail enhancements in exchange for SDC credits?

RECOMMENDATION:

As currently proposed, staff recommends accepting Fee in Lieu instead of parkland dedication. Staff also recommends trail enhancements in exchange for SDC credits.

BUDGETARY IMPACT:

Parkland dedication of 0.07 acres or parks fee in-lieu required. Fee-in-lieu is approximately \$16,870 (8 units x 2 persons per unit x 0.0043 acres per person = 0.0688

¹ Google Earth Pro report

rounded to 0.07 acres; $0.07 \times \$241,000 = \$16,870$). This is just an approximation based on 8 dwelling units.

SUGGESTED MOTION LANGUAGE:

I move that the Park and Trails Advisory Board accepts Fee in Lieu of parkland dedication for 38800 Junker Street Neighborhood as currently proposed by the developer.

LIST OF ATTACHMENTS / EXHIBITS:

ATTACHMENT A: 38800 Junker St - Mid Housing_Pre-App (April 5, 2022)

ATTACHMENT B: 38800 Proposal - Site Plan (March 14_2022)

STAFF CONTACT:

Kelly O'Neill Jr.
Development Services Director
503-489-2160
koneill@ci.sandy.or.us

Rochelle Anderholm-Parsch
503-489-2157
randerholmparsch@cityofsandy.com



PRE-APPLICATION CONFERENCE

March 10, 2022

TO:

Kelly O'Neill Jr., Development Services Director
Jordan Wheeler, City Manager
Greg Brewster, IT Director
Emily Meharg, Senior Planner
Shelley Denison, Associate Planner
Thomas Fisher, Engineering Tech
Gary Boyles, Fire Marshal

FROM: Planning Department

When:	Tuesday, April 5, 2022
Time:	1:00pm
Place:	Teleconference "Google Meet"
Applicant:	Rahul Reddy
Project:	38800 Junker St (Middle Housing)
Type:	Type II
Assigned Planner:	Emily Meharg planning@ci.sandy.or.us

Please return your comments to the City of Sandy two days prior to the pre-application conference if possible. (Attn: Emily at planning@ci.sandy.or.us)

* Attached - please find pre-application information.



Pre-Application Conference Request

1 page

Name of Project:	38800 Junker St Neighborhood
Location or Address:	38800 Junker St, Sandy, OR, 97055

Map & Tax Lot #	T: 02S	R: 04E	Section: 13	Tax Lot (s): 00659380
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Request: Develop neighborhood consisting of middle housing (two to three total fourplexes on this lot) to incorporate the surrounding area into downtown Sandy. We have interest in the adjacent lot, 38920 Junker St, as well. We would like to incorporate this lot into the neighborhood that we plan to create. We are looking to develop the trail that runs adjacent to 38800 Junker St as well.

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

Applicant (if different than owner) Rahul D. Reddy	Owner Sorensen Living Trust
Address 13056 NW Manzoni St.	Address 5030 SW 19th Dr.
City/State/Zip Portland, OR, 97229	City/State/Zip Portland, OR, 97239
Email rahul.d.reddy@gmail.com	Email
Phone (503) 964-7013	Phone
Signature RahulDReddy	Signature

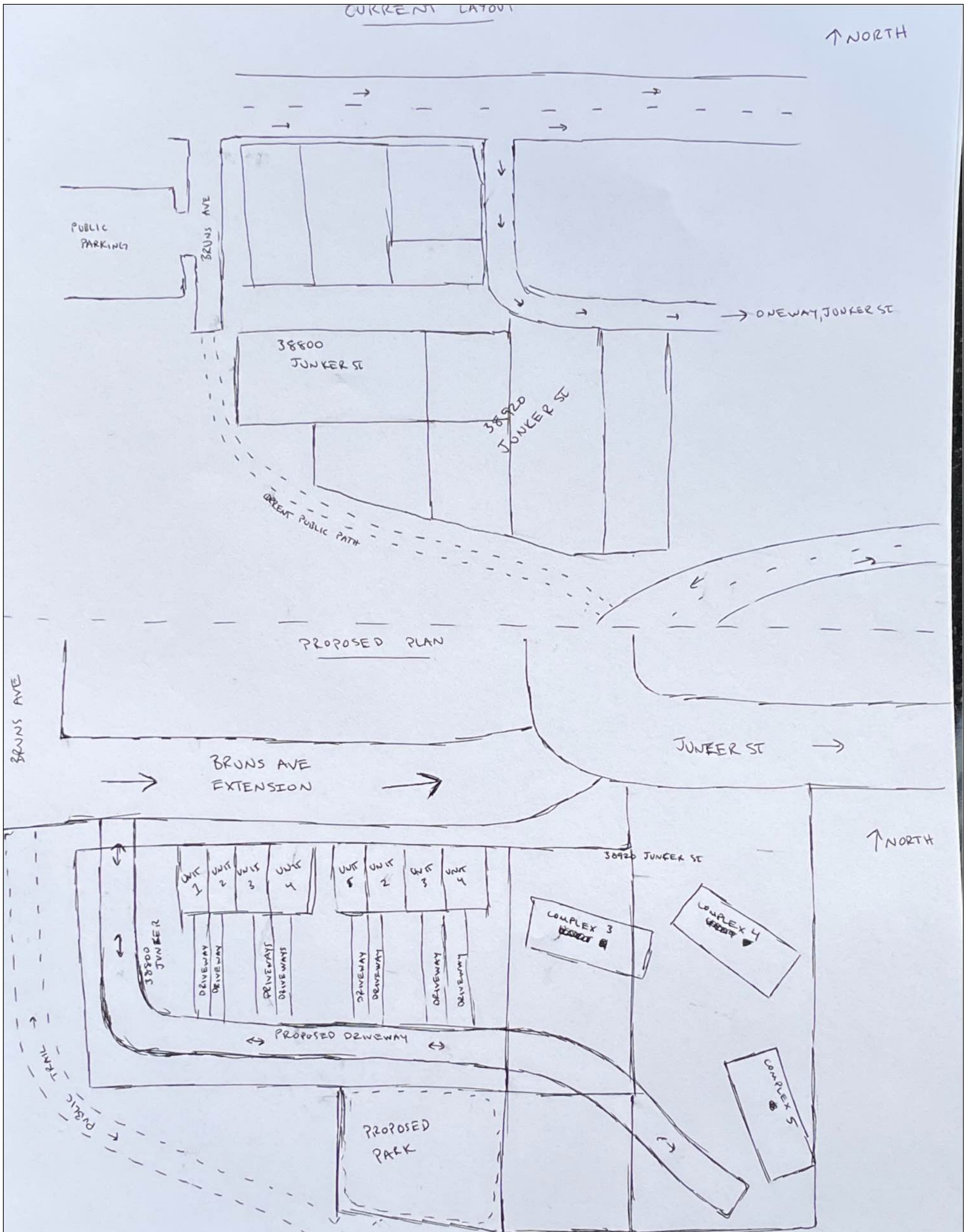
Staff Use Only

Date: 3/10/22	Fee\$: 314	Rcvd by: RC	Planner: Emily Meharg
Type of review: Type I <input type="checkbox"/> Type II <input checked="" type="checkbox"/> Type III <input type="checkbox"/> Type IV <input type="checkbox"/>			
Date of Pre-App meeting: Tuesday April 5, 2022			

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



S	
MAPNUMBER	24E13CA
TAXLOT	7300
APN	24E13CA07300
MAPACRES	0.459149
PARCEL_NUMBER	00659380
TLNO	24E13CA07300
NEIGHBORHOOD	City of Sandy 100, 101
TAXPAYER	PENDERGRASS EMILY
MAILADDR	623 NW 89TH ST
MAILCITY	SEATTLE
MAILSTATE	WA
MAILZIP	98117
INCAREOF	<Null>
SITUS_STREET_NR	38800
SITUS_COMPASS	<Null>
SITUS_STREET_NM	JUNKER
SITUS_STREET_TY	ST
SITUS_CITY	SANDY
SITUS_ZIP	97055
SITUS	38800 JUNKER ST
SITUS_CHG_DT	00:00-2005
ASSESSEDVAL	94875
EXEMPT_AMT	0
M5SAV	0
BLDGVAL	75480
LANDVAL	133064
TOTALVAL	208544
TAXVAL	94875
BEDROOMS	0
FULL_BATHS	0
LANDCLASS	101
BLDGCLASS	14
TCA_NUMBER	046-017
FP_ACRES	0.459149
YEARBLT	1971
YR_ASSESSED	<Null>
SALE_PRICE	0
DOC_DATE	2004-12-27 00:00
DOC_NUMBER	2005-026661
DOC_TYPE	S
LIVING_AREA	768
GROSS_TAX	1608.41
NET_TAX	1560.16
TAX_OWED	0





Staff Report

Meeting Date: April 13, 2022

From Rochelle Anderholm-Parsch, Parks and Recreation Director

SUBJECT: Reschedule May 11, 2022 meeting

DECISION TO BE MADE:

To reschedule the May 11, 2022, Parks Board meeting to the first week in May.

PURPOSE / OBJECTIVE:

Reschedule the May 11, 2022, meeting to provide an opportunity for the Parks Board to understand and provide comments on the updated Parks SDC and Fee in Lieu information prior to the City Council work session on May 16, 2022.

BACKGROUND / CONTEXT:

The Parks and Recreation Department, along with FCS, ESA, and Development Services is scheduled to complete their SDC and Fee in Lieu analysis by mid-April, 2022. After that, ESA and FCS's analysis will be ready for review and comment by the Parks Board and the City Council.

On May 16, 2022, the City Council will be presented with the updated SDC and Fee in Lieu analysis and methodology.

KEY CONSIDERATIONS / ANALYSIS:

It is important that the Parks Board has the time to provide comments and receive information on the updated Parks SDC and Fee in Lieu methodology before it goes to a City Council work session on May 16, 2022. By rescheduling the Parks Board meeting to the first week in May, it allows staff the time to incorporate the feedback provided by the Parks Board.

RECOMMENDATION:

Reschedule the May 11, 2022, Parks and Trails Advisory Board meeting to the first week in May.

SUGGESTED MOTION LANGUAGE:

I move to reschedule the May 11, 2022 Parks and Trails Advisory Board meeting to the following date _____.



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

Meeting Date: April 13, 2022
To: Parks and Trails Advisory Board
From: Rochelle Anderholm-Parsch, Parks and Recreation Director
Subject: Deer Meadows Revised Subdivision Proposal

DECISION TO BE MADE:

Review the Deer Meadows Subdivision Revised Plan.

PURPOSE / OBJECTIVE:

Support, provide comment, or deny support, of the 0.93 acre parkland dedication in two separate tracks with only 0.12 additional acres abutting the existing Deer Pointe Park property.

BACKGROUND / CONTEXT:

Dating back to early 2020, Roll Tide Properties Corp. submitted a development application to develop a 7 lot subdivision for two parcels totaling approximately 15.91 acres formerly known as Bull Run Terrace, currently referred to as Deer Meadows. The original proposal included the dedication of approximately 1.5 - 1.8 acres of parkland for the eventual construction of Deer Pointe Park.¹ Deer Meadows is adjacent to parkland dedicated through the Deer Pointe Plat. One of the main reasons this park has not been developed is because of the intended parkland dedication that would expand the area of the park that is part of the subject property. The original parkland dedication proposal by Roll Tide Properties was presented and discussed by the Parks Board in June, July and November of 2020. The preliminary proposal, which was supported by the Parks board, included parkland dedication adjacent to the existing Deer Pointe plat; total proposed parkland dedication listed on the preliminary plat revised buller run terrace was 1.426 acres.² The original proposed land dedication by Roll Tide Properties Corp. would have been consistent with the long term vision for this park, and align with the new Parks and Trails Master Plan.³

On August 11, 2021 the Parks and Trails Advisory Board reviewed the Deer Meadows development application. The Board discussed how the vision for this currently undeveloped park parcel has always included adjacent parkland dedication from the subject property. During this meeting the Parks Board reviewed the current proposal and the fact that it did not include the dedication of the land that would be adjacent to

¹ November 12, 2020 Staff report for the PTAB meeting held on Nov. 12, 2022

² Preliminary Plat Revised Bull Run Terrace 6_29_20

³Deer Point Concept Plan (p. 45)

https://www.ci.sandy.or.us/sites/default/files/fileattachments/parks/project/10951/parks_and_trails_master_plan_-_2021.pdf

the Deer Pointe parcel.⁴ The board felt strongly that its original recommendation should stand and the Board recommended that the city require a parkland dedication. Additionally, Council has expressed a desire for dedicated land to eventually develop the existing Deer Point Neighborhood Park.

The Planning Commission denied the Deer Meadows subdivision proposal with a vote of 5:0 on November 8, 2021, due to numerous 'reasons for denial'⁵. The final order (i.e., written decision) was signed by Chairman Crosby and issued on November 18, 2021. The applicant filed an appeal of the Planning Commission decision on November 30, 2021 within 12 days of the Planning Commission decision as required by Section 17.28.10.

The appeal hearing was originally scheduled for January 18, 2022, but after publication of the staff report on January 11, the applicant asked to move the hearing date. The City of Sandy granted this request and postponed the hearing to February 22, 2022.

At the hearing scheduled for February 22, 2022, the applicant requested a continuance of the hearing to April 18, 2022, to have additional time to resolve multiple concerns about the subdivision proposal that were raised by the Planning Commission.

With concurrence of the council, the Mayor agreed to the applicant's request and continued the hearing to April 18, 2022.

KEY CONSIDERATIONS / ANALYSIS:

The revised plan includes the following:

*"The revised plan now features a new 1.08 acre parkland dedication (Tracts A and C). However, the revised plat has the following note: "Parkland dedication shown at +/- 1 acre. Minimum required at time of final plat to be 0.93 acres (40,511). Adjustments to lot lines will be made at time of final plat to provide 0.93 acres or more." This is confusing and difficult for staff to determine the proposed dedication. Based on 30 lots with varying densities in the R1 and R2 zoning districts in the revised plan, **Chapter 17.86 requires 0.93 acres of parkland or payment of a fee in lieu.** The City is not aware of how many multifamily units will be proposed on the land zoned as C-3. If any lot includes a duplex or additional multifamily dwelling units are proposed on the C-3 zoned land the applicant shall be required to pay a fee in-lieu of parkland dedication in accordance with Section 17.86.40.*

As noted with submittal of the original Bull Run Terrace application, the applicant continues to extend their offer to assist the city with constructing park improvements in exchange for SDC credits with the current application. This arrangement should prove to be the most cost effective way for the city to complete park improvements on both the existing unimproved Deer Pointe Park and the proposed Deer Meadows Park."⁶

⁴ Exhibit O. Communication on behalf of the Sandy Parks and Trails Advisory Board.
https://www.ci.sandy.or.us/sites/default/files/o_-_parks_trails_advisory_board_september_1_2021_0.pdf

⁵ Findings of Facts and Final Order;
https://www.ci.sandy.or.us/sites/default/files/21-014_sub_tree_deer_meadows_subdivision_-_planning_commissi_on_final_order.pdf

⁶ Deer Meadows Revised Plat Transmittal; section 12; Letter to Kelly O'Neil from Tracy Brown Planning Consultants, LLC; RE: Roll Tide Properties Corp. - Deer Meadows Subdivision Revised Plan

To note, Deer Point Neighborhood Park is an existing undeveloped 1.40 acres. Total original proposed dedication of 1.95 acres of land would have made the total park acreage approximately; 3.36 acres.

The proposed revised plan has two non-contiguous tracts. TRACT A, which totals 5,292 S.F. and is adjacent to the existing Deer Point Neighborhood Park. TRACT B is along highway 26 and totals 41,894 S.F.⁷. In the plans there is no sidewalk proposed, and the trees on TRACT C are retention trees and cannot be cut down by the City. Total proposed non-contiguous land dedication is 47,186 S.F. or 1.082 acres. Although, as noted above the proposed plat also includes a note that this parkland could be reduced to a total of 0.93 acres.

RECOMMENDATION:

Staff does not support the Deer Meadows Revised Plat. Staff would be open to discussing and supporting other options such as a land swap.

SUGGESTED MOTION LANGUAGE:

I move that the Parks and Trails Advisory Board submit formal communication listing the following opinion: TBD

LIST OF ATTACHMENTS / EXHIBITS:

ATTACHMENT A: 1. Deer Meadows Revised Plat Transmittal
ATTACHMENT B: 2. Attorney Ltr. Sandy City Council.2.22.2022
ATTACHMENT C: 3. Deer Meadows Revised Plat - 3-7-22

STAFF CONTACT:

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Development Services Director
503-489-2160
koniel@ci.sandy.or.us

Rochelle Anderholm-Parsch
Parks and Recreation Director
503-489-2157
randerholmparsch@cityofsandy.com

⁷ Deer Meadows Revised Plat - 3-7-22

March 14, 2022

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

RE: Roll Tide Properties Corp. - Deer Meadows Subdivision Revised Plan

Dear Kelly,

This letter is written to accompany the revised Deer Meadows Subdivision preliminary plat, dated March 7, 2022. The original preliminary plat containing 32 lots has been modified to remove two lots. In addition, an approximately one acre park has been added to the design. As reviewed below, the revised plat addresses the majority of recommended "reasons for denial" contained in the City Council Appeal Staff Report. Please refer to attorney Garrett Stephenson's February 22, 2022, letter for a review of all of these recommendations. The following items are attached to this letter:

1. Revised Plat with Parkland Dedication (3/7/22)
2. Revised Cul-De-Sac Exhibit (3/7/22)
3. Garrett Stephenson Letter (2/22/22)

Review of Staff Recommendations

1. **The subdivision proposal does not meet subdivision Criteria 17.100.60 (E)(1), (2), (3), (4), (5), and (6).**
Response: The Garrett Stephenson, 2/22/22 letter reviews this item.
2. **Cul-de-sacs require less than 50% of their circumference in driveway drops.**
Response: As shown on the revised cul-de-sac exhibit, both of the proposed cul-de-sacs are designed to contain less than 50% of their circumference in driveway drops. With this information this recommendation is no longer needed.
3. **The two cul-de-sacs do not include pedestrian connections to streets beyond the cul-de-sacs as required by Section 17.84.30.**
Response: The plan has been modified to include a combined tree protection tract and city park and both cul-de-sacs are designed to feature frontage on this park. A pedestrian path is shown on the plan to connect the end of each cul-de-sac through the park, to satisfy this requirement. The proposal complies with this standard and this recommendation is no longer needed.

4. **Lot 12 contains less than 20 feet of street frontage required by Section 17.36.30(C).**
Response: As noted above, the revised plan features two fewer lots than the original plan. As a result, lot numbers have been changed from the original plan. Regardless, all lots in the revised plan comply with this standard and this recommendation is no longer needed.
5. **The distance between Dubarko Road (an arterial) and Street C (a local street) are less than 150 ft apart required in Sections 17.84.50(E)(2) and 17.84.50(J)(3).**
Response: The original plan proposed Street C as an access lane, not a local street as reviewed in the staff report. As such, the stated code provision does not apply to this street classification. Regardless, the five lots in this area of the revised plan will now be accessed from a public alley. For this reason, this recommendation is no longer applicable or needed.
6. **The minimum 100 feet of tangent alignment required by Section 17.84.50(J)(5)(a) is not provided at the intersection of Dubarko Road and Street "B".**
Response: A note has been added to the revised plan indicating the required 100' long tangent centerline alignment will be detailed with the final engineering design in accordance with this section. The proposal complies with this standard and this item is no longer needed.
7. **Dubarko Road is not proposed to be extended to intersect with Highway 26.**
Response: The Garrett Stephenson, 2/22/22 letter reviews this item.
8. **Highway 26 frontage improvements are not proposed.**
Response: The Garrett Stephenson, 2/22/22 letter reviews this item.
9. **The plan does not clearly define if the 8-inch waterline is proposed to be replaced with an 18-inch line as detailed in the Water Master Plan.**
Response: The revised plan includes a note specifying, "Existing 8" water main to be replaced with new 18" water main as shown". With this notation, this recommendation is no longer needed.
10. **The plan does not propose to extend the existing 12-inch water main in Highway 26.**
Response: The revised plan now shows a new 12-inch water main is proposed along Highway 26 to the eastern property line. This recommendation is no longer needed.
11. **The proposed 10-foot wide public storm drainage easement between Lots 27 and 28 and the rear of Lots 9-13 should be 15-feet wide.**
Response: As noted above, the revised plans features two fewer lots than the original plan and lot number may have changed. Regardless, all storm easements

shown on the revised plan are 15 feet wide as required. This recommendation is no longer needed.

12. The proposal does not include a 0.96 parkland dedication as required by Chapter 17.86.

Response: The revised plan now features a new 1.08 acre parkland dedication (Tracts A and C). Based on 30 lots in the revised plan, Chapter 17.86 requires 0.93 acres of parkland or payment of a fee in lieu. (28 single family lots x 3 x .0043 = 0.361 rounded to 0.36 acres, 66 multifamily units x 2 x .0043 = 0.567 rounded to 0.57, 0.36 + 0.57 = 0.93). The revised plan as proposed exceeds the requirements of Chapter 17.86 and this recommendation is longer needed.

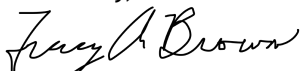
As noted with submittal of the original Bull Run Terrace application, the applicant continues to extend their offer to assist the city with constructing park improvements in exchange for SDC credits with the current application. This arrangement should prove to be the most cost effective way for the city to complete park improvements on both the existing unimproved Deer Pointe Park and the proposed Deer Meadows Park.

Conclusion

In conclusion, as detailed in this letter, the revised Preliminary Plat and cul-de-sac exhibit addresses the majority of the recommendations in the City Council Appeal Staff Report. The balance of these recommendations including item 1 (code criteria), 7 (Dubarko Road), and 8 (Highway 26 frontage improvement) are addressed in detail in Attorney, Garrett Stephenson's 2/22/22 letter. With this information, the applicant respectfully requests the appeal is granted and the application be approved.

Please let me know if you have any questions or require additional information.

Sincerely,



Tracy Brown

Tracy Brown Planning Consultants, LLC

cc: Chris Crean (via email)
Dave Vandehey (via email)
Ray Moore. (via email)
Mike Ard (via email)
Tyler Henderson (via email)
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February 22, 2022

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VIA EMAIL

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RE: Roll Tide Properties Corp. / Deer Meadows Subdivision Appeal 21-061 AP
(Appeal of File No. 21-014 SUB/TREE)

Dear Mayor Pulliam and Councilors:

This firm represents Roll Tide Properties Corp., the Applicant in the above-referenced file. This letter sets forth the Applicant’s response to the Council Staff Report for the February 22, 2021 Council hearing, which recommends denial of the Applicant’s appeal and by extension, denial of the Applicant’s subdivision application. The Applicant’s specific objections are set forth below. For the reasons below, the Council should grant the Applicant’s appeal and reverse the Planning Commission’s decision.

Please note that appended to this letter is a revised subdivision concept which demonstrates how all clear and objective criteria are satisfied, including a revision to ensure that all lots have at least 20 feet of frontage to a public right-of-way. **Exhibit 1.** ORS 197.522(3) provides as follows:

“If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations.”

As the revisions shown in **Exhibit 1** resolve any inconsistencies with applicable clear and objective standards and criteria, the Applicant requests that Council impose a condition of approval requiring the final subdivision plat to be consistent with **Exhibit 1** to this letter.

1. The Application is a needed housing application and the City must treat it as such.

A. The City may apply only clear and objective standards, conditions, and procedures to the Application.

The Applicant has submitted a proposal for a subdivision located at 40808 and 41010 Highway 26 in Sandy, Oregon, in an area zoned for residential use. ORS 197.307(4) provides that local governments may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing, and precludes governments from unreasonably increasing the cost of housing or causing unreasonable delay. ORS 227.173(2) provides that “when an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.”

Land use regulations are not clear and objective if they impose “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community.” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). And, regardless of whether a given regulation is “designed to balance or mitigate impacts,” it must also be *both* clear *and* objective. *Id.* at 155–56 (“Dictionary definitions of ‘clear’ and ‘objective’ suggest that the kinds of standards frequently found in land use regulations lack the certainty of application required to qualify as ‘clear’ or ‘objective.’”). More fundamentally, standards that are susceptible to multiple interpretations are not clear and objective. *Parkview Terrace Development, LLC v. City of Grants Pass*, 70 Or LUBA 37, 52–53 (2014); *see also Walter v. City of Eugene*, 73 Or LUBA 356, 360–64 (2016) (citing a standard’s “multiple possible interpretations” as a basis to find it not clear and objective).

ORS 197.522(2) and ORS 197.522(4) require local governments to approve needed housing applications that are consistent with, or can be made consistent with through reasonable conditions of approval, the comprehensive plan and applicable land use regulations, and to deny applications that are not. Relatedly, ORS 197.522(3),¹ allows an applicant to amend its application or to propose reasonable conditions to make its application consistent with the comprehensive plan and applicable land use regulations. What this means is that, if the Applicant proposes a condition of approval that would satisfy a given approval criterion that the Application does not otherwise meet, the Council must impose the proposed condition of approval in lieu of denying the Application.

Many of the reasons set forth in the Staff Report that form the basis of Staff’s recommendation of denial do not stand up to Oregon’s needed housing statutes. Many standards in the Sandy Development Code (“SDC”) are not clear and objective on their face or even when interpreted,

¹ “If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations.”

and as such, cannot be applied to the Application under Oregon's needed housing rules; examples of these standards are highlighted in the Applicant's September 24, 2021 letter to the Hearings Officer. Further, the City does not offer a clear and objective approval process for subdivisions under ORS 197.307(6). And, the Council cannot deny an application that is consistent with the comprehensive plan and applicable land use applications and/or that can be made consistent by the imposition of reasonable conditions of approval. ORS 197.522(2)-(4). Finally, under ORS 197.522(3), the Council must allow the Applicant to amend the Application or to propose reasonable conditions that will cause the Application to meet all relevant approval criteria.

B. Staff cannot require dedication of parkland because the Development Code's procedures for such requirement are not clear and objective.

Contrary to Staff's assertions, the regulatory scheme created for park dedication is not clear and objective, and therefore is not applicable under ORS 197.307(4). SDC 17.86.10 includes a requirement that all residential development dedicate a certain amount of parkland based on the formula in SDC 17.86.10.B. Alternatively, an applicant may pay a fee-in-lieu for required parkland under SDC 17.86.40. While Staff contends that the formula for parkland dedication is clear and objective, that is not all that ORS 197.307(4) requires. It also requires that local governments "[...] apply only clear and objective [...] procedures regulating the development of housing," and that the "standards, conditions and procedures" "may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." (Emphasis added.)

The SDC is without any clear and objective guideposts as to whether a developer must provide a fee-in-lieu payment or parkland dedication, and neither decision can be made without the inherent consideration of the other option because SDC Chapter 17.86 provides for both. Thus, the decision maker must exercise discretion in deciding to require one or the other, and it is the required exercise of discretion that makes the parkland dedication requirement inapplicable under ORS 197.307(4). Consequently, Staff is unable to explain how its recommendation that parkland be dedicated next to Deer Pointe Park was based on a clear and objective procedure.

Relatedly, the parkland dedication requirement also violates ORS 197.307(4) because it certainly would have the effect of "discouraging needed housing through unreasonable cost and delay." This is due to Staff's and the Sandy Parks and Trails Advisory Board's (the "Board") attempt to apply the Parks Master Plan to a limited land use decision to which it is inapplicable as a matter of law.² As a practical matter, Staff and the Board's attempt to extract a park dedication in a specific area causes a number of problems. First, it represents substantial increased costs to the project, which will have the effect of increasing the costs of resulting housing. Second, Staff has not explained how a parkland dedication at the west end of the site could result in a lot arrangement that would satisfy SDC 17.86.20; the solution to that problem would require a complete re-design of the subdivision, further adding to additional costs and delay.

² As explained in more detail below, the Parks Master Plan is not incorporated into the City's land use regulations and is therefore inapplicable under ORS 197.195.

Finally, it is irrelevant that the proposed lots are not arranged as required by SDC 17.86.20 because there is no clear and objective method by which an applicant can predict whether park land dedication or a fee-in-lieu will be required.

2. The City may not require extension of Dubarko Road through the Subject Property nor require a dedication of parkland.

A. The Transportation System Plan and Parks Master Plan are not adequately incorporated into the land use regulations, in violation of ORS 197.195.

The Applicant has submitted an application for a subdivision, which is a limited land use decision as defined by ORS 197.015(12). Under ORS 197.195(1), cities are required to incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. This requirement extends to standards set forth in the transportation system plan (“TSP”), parks master plan, and other elements of a city’s comprehensive plan as well. *See Oster v. City of Silverton*, LUBA No. 2018-103, at pp. 9-10 (Or LUBA May 7, 2019). Whether such a standard has been properly incorporated turns on whether the land use regulations that are said to incorporate such standards “make clear what *specific policies or standards* in the TSP [or other identified plan] apply to a limited land use decision as approval criteria.” *Id.* at p. 12. “ORS 197.195(1) contemplates more than a broad injunction to comply with unspecified portions of the comprehensive plan [or other identified plan].” *Paterson v. City of Bend*, LUBA No. 2004-155, at p. 6 (Or. LUBA 2005). Rather, “[i]n order to ‘incorporate’ a comprehensive plan [or other plan] standard into a local government’s land use regulations within the meaning of ORS 197.195(1), the local government must *at least* amend its land use regulations to make clear what specific policies or other provisions of the comprehensive plan [or other plan] apply to a limited land use decision as approval criteria.” *Id.* at pp. 6-7.

The City of Sandy’s approval criteria governing review of a tentative plat for a subdivision fails to properly incorporate the Sandy Comprehensive Plan or TSP. Specifically, SDC 17.100.60(E)(3) requires a showing that the “proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.” This is not sufficient to meet the incorporation requirements of ORS 197.195(1) because it merely refers generally to the Comprehensive Plan and the City’s official street plan. *See Oster* at p. 12. It does not “make clear what specific policies, action items, or performance standards contained in the TSP apply as approval criteria for a limited land use decision.” *Id.*

Staff also recommends denial because the Application does not propose to dedicate parkland adjacent to Deer Point Park, as that park is designated on the 1997 Parks Master Plan. Consequently, according to Staff, the Application violates SDC 17.86.10 and/or .40. Staff’s conclusions are incorrect.

Staff’s recommendation derives from and principally relies on the City’s Parks Master Plan. The Parks Master Plan is not applicable to the Application because, as explained above, the

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Application is a limited land use decision. Limited land use decisions are not subject to comprehensive plans or their elements unless such provisions are expressly incorporated into a city's land use regulations. ORS 197.195(1). The Parks Master Plan is not incorporated into the Sandy Development Code, the City's land use regulations; nor does Staff's recommendation assert that it is. Therefore, the Parks Master Plan may not be a basis for requiring dedication of parkland adjacent to Deer Point Park.

Indeed, all references to the City's TSP, Parks Master Plan, street plans, and comprehensive plan found in Chapter 17.84 and Chapter 17.100 of the Sandy Development Code are improperly incorporated because none of them specify which policies and standards actually apply. Thus, these requirements cannot be applied to the Application.

B. In order to require an extension of Dubarko Road and dedication of parkland, the City must demonstrate that those requirements have an essential nexus and are roughly proportional to the project's impacts on those facilities.

The Staff Report suggests that the Applicant should be required to extend Dubarko Road to Highway 26 and to dedicate certain land as parkland to expand Deer Pointe Park. Such dedications are subject to the Takings Clause of the Fifth Amendment of the U.S. Constitution.

Requiring a landowner to convey its private property rights in exchange for development approval is a takings (unconstitutional condition) unless there is an "essential nexus" between the condition and the government interest. *Nollan v. California Coastal Com.*, 483 U.S. 825, 836-37 (1987). Additionally, to withstand a legal challenge, the condition must be "roughly proportional" to the expected impacts caused by the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 391-395 (1994). The *Nollan* and *Dolan* takings analysis must be done on a case-by-case basis, and the City carries the burden of demonstrating in the first instance that any exaction has a nexus to and is roughly proportional to the nature and degree of the projected impacts of the project. The City is required to make an "individualized determination" and "some effort to quantify" evidence in the findings to support a conclusion of rough proportionality. *Dolan*, 512 U.S. at 391. The *Nollan/Dolan* analysis applies to requirements to pay money or make public improvements in addition to requirements to dedicate property. *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013).

There is no demonstration in the record that the requirements for the Dubarko Road extension and parkland dedication have a nexus to any governmental interest other than the City's general policies showing the street extension and parkland dedications. However, such policies do not constitute the required nexus; rather, a local government must show that "the proposed project's impacts, either alone or in combination with other construction, are ones that 'substantially impede' the interest identified by the government." *Hill v. City of Portland*, 293 Or App 283, 290-291 (2018).

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Despite *Hill's* requirement that the required dedications be tied to an actual potential impact from the proposed development, the Staff Report points to no evidence that the proposed development will lead to a capacity problem in the City's transportation system or parks system.

Staff has made no attempt to identify the essential nexus between the impact of the Project on the City's park system and the dedication requirement, and no attempt to explain how the requirement is roughly proportional to the project's impacts. Relying on a broadly-applicable dedication formula is insufficient because such a determination must be individualized. *Dolan*, 512 U.S. at 391. What is more, simply imposing the same level of exaction on all housing projects does not prove there actually is a nexus between that housing as the parks dedication requirement itself. *Hill*, 293 Or. App. at 290-291.

Finally, there is nothing in the record or the Staff Report even approaching a showing that the Dubarko Road extension and parkland dedication are "roughly proportional" to the impacts of the proposed subdivision.

In sum, the sole questions in the constitutional analysis in this case are as follows. First, do the road extension and parkland dedication have an "essential nexus" to the proposed development? Second, if there is a nexus, are the requirements to extend Dubarko Road and to dedicate parkland "roughly proportional" to the impacts of the proposed development? The City has the burden of proof to answer these two questions, but has utterly failed to do so.

C. SDC 17.100.100.G.2 prohibits the City from require an extension of Dubarko Road through the site.

SDC 17.100.100 governs street requirements with subdivisions. SDC 17.100.100.G establishes exemptions from otherwise-applicable street requirements. Subsection G.2 provides:

"Standards for street connections do not apply to freeways and other highways with full access control."

As explained in ODOT's September 1, 2021 letter (which is listed as Exhibit N to the Staff Report), Highway 26 is access controlled. Therefore, the City unambiguously lacks the authority to require a connection of Dubarko Road to Highway 26.

D. OAR 660-012-0045 does not apply to the proposed development.

Staff and the Planning Commission cites to OAR 660-012-0045 as a basis for denial. This is improper for at least two reasons. For one, this administrative rule is not an approval criterion and as such cannot be the basis for denial of the Application. Moreover, it establishes obligations for a local government's plan and land use regulations; it does not apply directly to review of subdivision application. Even if it did, it establishes obligations that the *City* must meet, not the Applicant. As such, it cannot be used as a basis to deny the Application.

3. Planning Staff's recommendation for denial is inconsistent with applicable law.

The Applicant addresses each of the twelve bases for Staff's recommendation for denial, below.

1) The subdivision proposal does not meet subdivision Criteria 17.100.60 (E)(1), (2), (3), (4), (5), and (6).

RESPONSE: Staff's conclusion is incorrect for the following reasons.

- *17.100.60.E.1. "The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval."*
 - This criterion is not clear and objective as required by ORS 197.307(4) because the phrase "consistent with" is not clear and objective.
 - The Application satisfies the density requirements in the applicable zones.
 - Staff's only basis for finding that setback standards are not met is due to the Applicant's plan not to extend Dubarko Road. Staff's position does not make sense; one cannot plausibly argue that a plan does not meet setback requirements adjacent to a new road that is not proposed.
 - Chapter 82's requirement that homes "face a transit street" is not applicable because, as noted above, the City's Transportation System Plan and Pedestrian Mater Plans are not incorporated into the City's Land Use Regulations. ORS 197.195.
 - Pursuant to ORS 197.522(3), if the transit street orientation requirement in SDC 17.82.20.A did apply, it could be met with the following condition:

"All residential structures on lots abutting Highway 26, Dubarko Road, and Street B shall have their primary entrances oriented to Highway 26, Dubarko Road, or Street B. If a lot abuts two or more of these streets the residential structure shall be oriented to the highest classification of street."

This condition was apparently proposed in paragraph 42 of the Staff Report. Under ORS 197.522(3), the Council is required to impose this condition in lieu of denial because it would ensure satisfaction the frontage orientation requirement.
 - Staff does not argue that any lots do not meet dimensional standards, except with regard to minimum street frontage. This has been corrected as shown on **Exhibit 1**, and is discussed below.

- 17.100.60.E.2. *“The proposed subdivision is consistent with the design standards set forth in this chapter.”*
 - As an initial matter, 17.100.E.2 cannot apply to the application because the phrase “consistent with” is not clear and objective as required by ORS 197.307(4) and similarly, E.2 does not identify which “design standards” apply.
 - Staff’s basis in paragraph 26 of the Staff Report for concluding that subsection E.2 is not met relies upon the following arguments:
 - That the project does not provide a Dubarko Road connection to Highway 26;
 - That the project does not meet the “Street Connectivity Principle”;
 - That the project “does not provide safe and convenient options for cars, bikes, and pedestrians”;
 - That the project “does not create a logical, recognizable pattern of circulation” and “does not provide a future street plan that promotes a logical, connected pattern of streets.”
 - That the project “does not spread traffic over many streets so that key streets such as Langensand Road and Highway 211 are not overburdened”;
 - That the project does not “provide connectivity to other streets within the development and to existing and planned streets outside the development”; and
 - That the applicant did not submit information on block lengths.
 - Staff is incorrect in the above findings for the following reasons:
 - As explained above, the City cannot require an extension of Dubarko Road to Highway 26 because such a requirement is not incorporated into the City’s land use regulations. Moreover, SDC 17.100.100.G.2 provides that “standards for street connections do not apply to freeways and other highways with full access control.” Highway 26 is access controlled by ODOT.

- The “Street Connectivity Principle”³ does not apply because it is not clear and objective as required by ORS 197.307(4).
- The Application already shows the pattern of existing and proposed streets as required by SDC 17.100.100.E. Regardless, subsection E is not clear and objective because it includes the requirement that the plan “promote a logical, connected pattern,” which is not clear and objective as required ORS 197.307(4); nor is the requirement that a plan show new street extensions to adjacent parcels “where development may practically occur.” If the Council concludes that a different future street plan is required, it can require that as a condition of approval pursuant to ORS 197.522(3).
- The requirement in SDC 17.100.100.F that “all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties that have no future street plan” is not applicable because it is not clear and objective, as required by ORS 197.307(4).
- The requirements that the project “create a logical, recognizable pattern of circulation,” “provide a future street plan that promotes a logical, connected pattern of streets,” and “spread traffic over many streets so that key streets such as Langensand Road and Highway 211 are not overburdened” are not clear and objective.
- The block length standards in SDC 17.100.120 are as follows:

“A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.

³ The “Street Connectivity Principle” is set forth in SDC 17.100.100.A as follows: “A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.” This is not clear and objective because it does not define the following terms: “safe and convenient,” “a logical, recognizable pattern of circulation,” “spread traffic,” “many streets,” and “overburdened.” It is also not clear and objective because it does not explain *how* a “pattern of streets” should be “connected.”

B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. [...]"

These standards are not clear and objective because the terms "appropriate depths," and the phrase "unless topographic, natural resource, or other similar physical conditions" are ambiguous.

- Regardless, block length information is available because the subdivision plan sheets are to scale. This is a submittal requirement and does not provide a basis for denial of the Application.
- 17.100.60.E.3. *"The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy."*
 - As explained above, this criterion is not applicable because the City's Comprehensive Plan and Transportation System Plan have not been incorporated into the City's land use regulations as required by ORS 197.195.
 - As explained above, the City has not demonstrated the required essential nexus and rough proportionality required by *Nollan* and *Dolan*.
 - The Applicant is not required to extend Dubarko Road under SDC 17.100.100.G.2 because Highway 26 is access controlled by ODOT.
- 17.100.60.E.4. *"Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions."*
 - Mike Ard, the Applicant's transportation engineer, provided an updates to the existing transportation impact study (TIS) dated September 27, 2021 which demonstrates that the Application satisfies this section.
- 17.100.60.E.5. *"Adequate public facilities are available or can be provided to serve the proposed subdivision."*
 - This standard is not applicable under ORS 197.307(4) because the phrase "adequate public facilities" is ambiguous and subjective.
- 17.100.60.E.6. *"All proposed improvements meet City standards."*
 - In paragraph 30, Staff identified three reasons why it believed the above criterion is not met. These are (1) the lack of an extension of Dubarko Road to Highway 26, (2) the lack of frontage improvements on Highway 26, and (3) the lack of dedicated parkland. As explained above, these are not legally permissible bases for denial.

- Regardless, the above criterion is not applicable under ORS 197.307(4) because the criterion does not identify which City standards are applicable, and does not explain what is sufficient to “meet” those standards.

2) The applicant’s statement indicating that “Both of the proposed cul-de-sacs have less than 50% of their circumference covered by driveway drops” is not sufficient as there were no dimensional specifications submitted by the applicant to support this statement.

RESPONSE: **Exhibit 2** provides driveway width information for the Fawn Street and Street A cul-de-sacs. This exhibit demonstrates that the sum of the driveway widths for each cul-de-sac is less than 50%. SDC 17.98.100.F is satisfied.

3) The applicant proposes two cul-de-sacs but does not propose a pedestrian connection to streets beyond the cul-de-sacs as required by Section 17.84.30.

RESPONSE: Staff’s conclusion is incorrect for the following reasons.

- SDC 17.84.30(B) is not clear and objective and therefore inapplicable under ORS 197.307(4), for the following reasons:
 - The phrase “safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall” is ambiguous, subjective, and requires the use of discretion in its application.
 - The definition of “safe and convenient” in subsection (B)(1) does not make the phrase clear and objective because the definition itself relies on ambiguous and subjective terminology, including “reasonably free from hazards,” “interfere with or discourage travel for short trips,” “a direct route of travel between destination” and “meet the travel needs of pedestrians and bicyclists.” None of these phrases are capable of objective measurement.
- SDC 17.84.30 does not require pedestrian pathways to “streets beyond the cul-de-sacs.” Rather, it subjectively requires pedestrian and bicycle facilities “within and between new subdivisions, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks.” Staff’s conclusion is incorrect because “streets,” as a general matter, are not on this list.
- SDC 17.84.30(B)(2) does not expressly require pedestrian connections from cul-de-sacs; it only requires pedestrian connections to be a minimum of 15 feet wide where they are proposed.
- Even if this standard were clear and objective, the Council can find that it is met with the public pedestrian easements shown on **Exhibit 1**.

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4) The Applicant proposes Lot 12 with less than the minimum 20 feet of street frontage as required by SDC 17.36.30(C).

RESPONSE: The Applicant has made a slight revision in the Application to ensure that this standard is met, as shown in **Exhibit 1**. Lot 12 now has 20.13 feet of street frontage; this standard is met. Pursuant to ORS 197.522(3), the Council should impose a condition of approval requiring at least 20 feet of street frontage as demonstrated on **Exhibit 1** to this letter.

5) The distance between the two nearest edges of the right-of-way between Dubarko Road (an arterial) and Street C (a local street) is less than the minimum 150 ft. dimension in Sections 17.84.50(E)(2) and 17.84.50(J)(3).

RESPONSE: This is not a permissible basis for denial because the 150-foot street spacing requirement does not apply to Street C. Subsection E.2 provides as follows:

“Local streets should typically intersect in ‘T’ configurations rather than four-way intersections to minimize conflicts and discourage through traffic. Adjacent ‘T’ intersections shall maintain a minimum of 150 feet between the nearest edges of the two rights-of-way.”

This standard does not apply here because it applies on its face only to “local streets.” However, Dubarko Street is a major arterial and C Street is designed as a “public access lane” according to the standards in SDC 17.100.160. Therefore, there is no “adjacent ‘T’ intersection” to any local street within the Project.

Subsection J.2 provides as follows:

“As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in ‘T’ intersections are unavoidable, they shall leave a minimum of 150 feet between the nearest edges of the two rights-of-way.”

This standard does not apply because there are no “staggered street alignment resulting in a ‘T’ intersection. First, there is no street intersection within 150 feet of the proposed termination of Dubarko Road; only a “public access lane.” Second, there are no proposed “staggered” intersections, as demonstrated in **Exhibit 3**.

6) The minimum 100 feet of tangent alignment required in Section 17.84.50(J)5(a) is not provided at the intersection of Street “B” (a collector) and Dubarko Road (an arterial) or at the intersection of Dubarko Road and Street “B”.

RESPONSE: This standard is not clear and objective because, by using the word “tangent,” it is not clear whether the standard applies only to curved intersections or to roughly straight intersections (as are proposed in the Application). Therefore, it is inapplicable under ORS 197.307(4).

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If the Council does find that the above standard applies, pursuant to ORS 197.522(3) the Council should impose the following condition of approval:

“The intersection of Street B and Dubarko Road shall have a minimum of 100 feet of straight (tangent) alignment perpendicular to the intersection.”

It is feasible for the Applicant to satisfy this condition as demonstrated on **Exhibit 4**. Under ORS 197.522(3), the Council is required to impose this condition in lieu of denial because it would ensure satisfaction of SDC 17.84.950.J.5.a.

7) The applicant does not propose to extend Dubarko Road to intersect with Highway 26 consistent with the requirements of the Sandy Development Code or the 2011 Transportation System Plan.

RESPONSE: As explained in detail above, the City cannot require an extension of Dubarko Road to Highway 26 because such a requirement is not incorporated into the City's land use regulations. Moreover, SDC 17.100.100.G.2 provides that “standards for street connections do not apply to freeways and other highways with full access control.” Highway 26 is access controlled by ODOT. Finally, as explained above, the City has not met its burden of demonstrating essential nexus or rough proportionality for this requirement, as required by *Nollan* and *Dolan*.

8) The applicant does not include highway frontage improvements along Highway 26 consistent with the Sandy Development Code.

RESPONSE: Under *Hill v. City of Portland*, 293 Or App 283, 290 (2018), and *Brown v. City of Medford*, 251 Or App 42, 53 (2012), the City cannot, as a matter of constitutional law, require frontage improvements to a road or highway that is not proposed for access. As the City cannot require such frontage improvements, the above statement is not a permissible reason for denial.

Regardless, if the Council believes that this requirement can pass constitutional muster, pursuant to ORS 197.522(3) the Council should impose a condition of approval requiring frontage improvements along Highway 26 consistent with the requirements of the SDC.

9) The applicant's proposal does not clearly define if they propose to replace the 8-inch diameter water line and/or install an 18-inch water line in conformance with the Water Master Plan.

RESPONSE: Staff's conclusion is incorrect for the following reasons.

- SDC 17.100.230 is not applicable under ORS 197.307(4) because the requirements that it “shall be installed to provide adequate water pressure to serve present and future consumer demand” is not clear and objective.

- The requirements of the Water Master Plan are not incorporated into the City's land use regulations as required by ORS 197.195; therefore, the Water Master Plan does not apply.
- Staff made no attempt to establish the essential nexus between the impacts of the proposed development—which does not include future multifamily dwellings—and the requirement for an 18-inch water main. Staff also makes no attempt to demonstrate how the costs of an 18-inch water main connected into the existing main in Highway 26 is roughly proportional to the impact of the proposed development on the City's water system. Both showings are required for the requirement to pass constitutional muster as required by *Nollan* and *Dolan*.
- The above notwithstanding, **Exhibit 1** demonstrates how the Applicant can construct an 18" water line. Pursuant to ORS 197.522(3), the Applicant can satisfy this standard with the following condition of approval:

"The applicant shall install an 18-inch water line in Dubarko Rd. connected to the existing 18-inch water line at the west end of the site and the existing 12-inch line on Highway 26."

While this would allow the Applicant to satisfy SDC 17.100.230, the Applicant reserves its right to challenge the constitutionality of the condition under ORS 197.796.

10) The applicant does not propose to extend the existing 12-inch water main in Highway 26 east from the required intersection of Dubarko Road and Highway 26 to the east boundary of the site consistent with the Sandy Development Code.

RESPONSE: This requirement is not a legally permissible basis for denial for the reasons explained under (8), above. Regardless, **Exhibit 1** demonstrates how the Applicant can construct the requested 12" water line. Pursuant to ORS 197.522(3), the Applicant can satisfy this standard with the following condition of approval:

"The applicant shall extend the existing 12-inch water main in Highway 26 east from the required intersection of Dubarko Road and Highway 26 to the east boundary of the site."

While this would allow the Applicant to satisfy SDC 17.100.230, the Applicant reserves its right to challenge the constitutionality of the condition under ORS 197.796.

11) The proposed 10-foot-wide public storm drainage easements depicted between Lots 27 and 28 and at the rear of Lots 9-13 do not meet the minimum dimensional requirement for public facility easements in Section 17.84.90(A)(2).

Kelly O'Neill, Jr.
February 22, 2022
Page 15

RESPONSE: As demonstrated on **Exhibit 1**, the Applicant now proposes an increase in the 10-foot wide easement to 15 feet wide. Pursuant to ORS 197.522(3), the Applicant can satisfy this requirement by accepting the following condition of approval:

“Prior to final plat, the Applicant shall grant to the City a 15-foot wide public storm drainage easement between Lots 27 and 28 and at the rear of Lots 9-13.”

Under ORS 197.522(3), the Council is required to impose this condition in lieu of denial because it would ensure satisfaction of SDC 17.84.90(A)(2).

12) This subdivision proposal does not propose to dedicate 0.96 acres of parkland as required by Chapter 17.86. The additional .96 acres could expand Deer Pointe Park consistent with the Parks and Trails Master Plan that was adopted in 1997.

RESPONSE: As explained in detail above, the City cannot require dedication of 0.96 acres to add to Deer Pointe Park for the following reasons:

- The City’s Parks and Trail Master Plan is not incorporated into the City’s land use regulations as required by ORS 197.195, and is therefore inapplicable to the Application.
- The process by which the City can require parkland dedication as opposed to a fee-in-lieu is not clear and objective; therefore, the parkland dedication requirement cannot apply under ORS 197.307(4).
- Staff has made no attempt to demonstrate an essential nexus or rough proportionality of the parkland dedication requirement, as required by *Nollan* and *Dolan*.

Regardless, **Exhibit 5** demonstrates how the Applicant could provide the minimum required park area. Pursuant to ORS 197.522(3), if the Council nonetheless concludes that it is not barred from requiring the park dedication, it can impose a condition of approval requiring a park area as shown on Exhibit 5 of this letter.

4. Conclusion.

For the above reasons, the City Council should grant this Appeal and approve the Application because Staff and Planning Commission’s asserted reasons for denial are not permissible under applicable law.

Best regards,



Garrett H. Stephenson

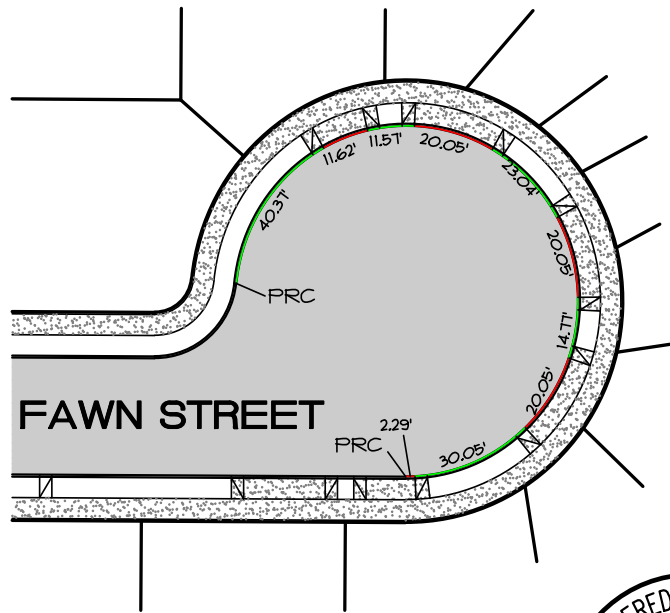
GST:jmhi
Enclosures

Kelly O'Neill, Jr.
February 22, 2022
Page 16

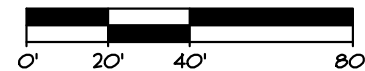
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Dave Vandehey (*via email*) (*w/enclosures*)
Ray Moore (*via email*) (*w/enclosures*)
Mike Ard (*via email*) (*w/enclosures*)
Tracy Brown (*via email*) (*w/enclosures*)
Tyler Henderson (*via email*) (*w/enclosures*)
Alex Reverman (*via email*) (*w/enclosures*)
Carey Sheldon (*via email*) (*w/enclosures*)

PDX\126769\255102\GST\33027063.1

DEER MEADOWS CUL-DE-SAC EXHIBIT



SCALE : 1" = 40'



TOTAL CIRCUMFERENCE FROM PRC TO PRC = 193.85'
 TOTAL GAPS = 119.79' (61.80%)
 TOTAL DRIVEWAY LENGTH = 74.06' (38.20%)
 (38.20% IS LESS THAN 50%. MEETS CODE)



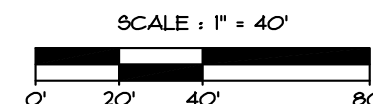
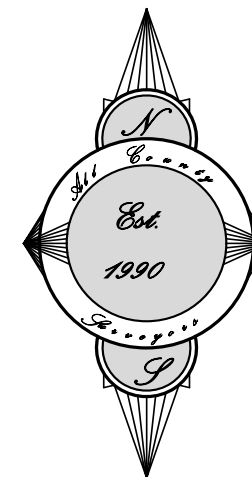
RENEWAL DATE: 12/31/2022

All County
Surveyors & Planners, Inc.
 Surveying, Planning and
 Civil Engineering
 P.O. Box 955 Sandy, OR 97055
 Phone: (503) 668-3151
 Fax: (503) 668-4730

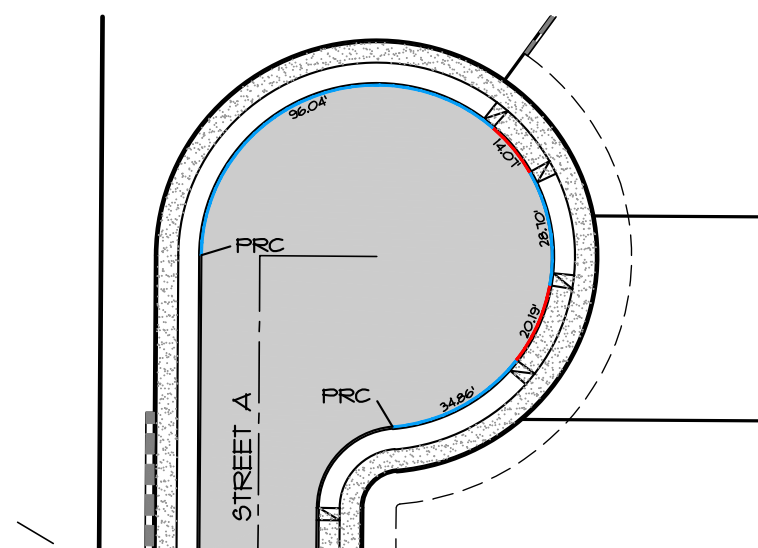
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Exhibit 2 Page 1 of 2

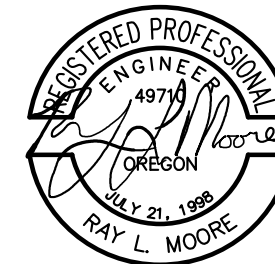
DEER MEADOW CUL-DE-SAC EXHIBIT



STREET A CUL-DE-SAC



TOTAL CIRCUMFERENCE FROM PRC TO PRC = 193.86'
 TOTAL GAPS = 159.60' (82.3%)
 TOTAL DRIVEWAY LENGTH = 34.26' (17.7%)
 (17.7% IS LESS THAN 50%. MEETS CODE)



RENEWAL DATE: 12/31/2022

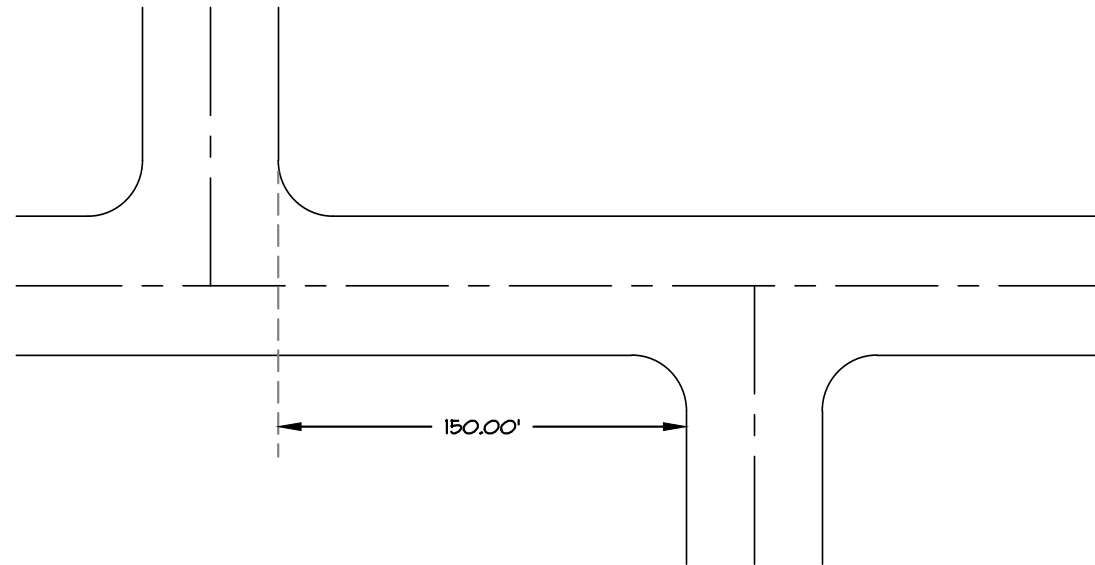
All County
Surveyors & Planners, Inc.
 Surveying, Planning
 and Civil Engineering
 P.O. Box 955 Sandy, OR 97055
 Phone: (503) 668-3151
 Fax: (503) 668-4730
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19-035-Planning-B.dwg
 DATE OF PLOT: 09/21/2021

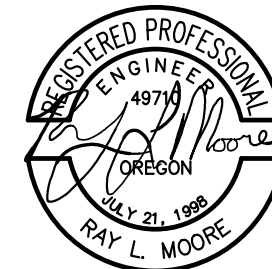
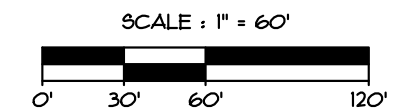
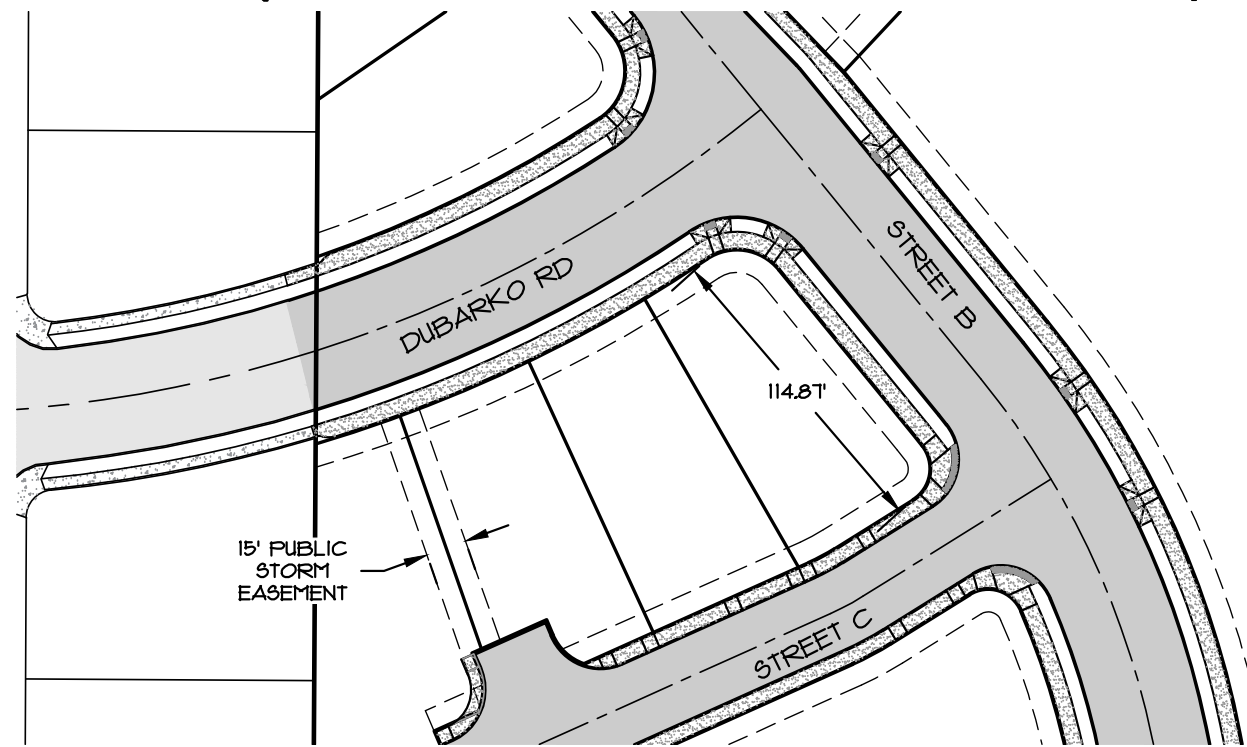
Exhibit 2 Page 2 of 2

DEER MEADOW T-INTERSECTION EXHIBIT

EXAMPLE OF STAGGERED T-INTERSECTION



PROPOSED T-INTERSECTION (NOT A STAGGERED T-INTERSECTION)



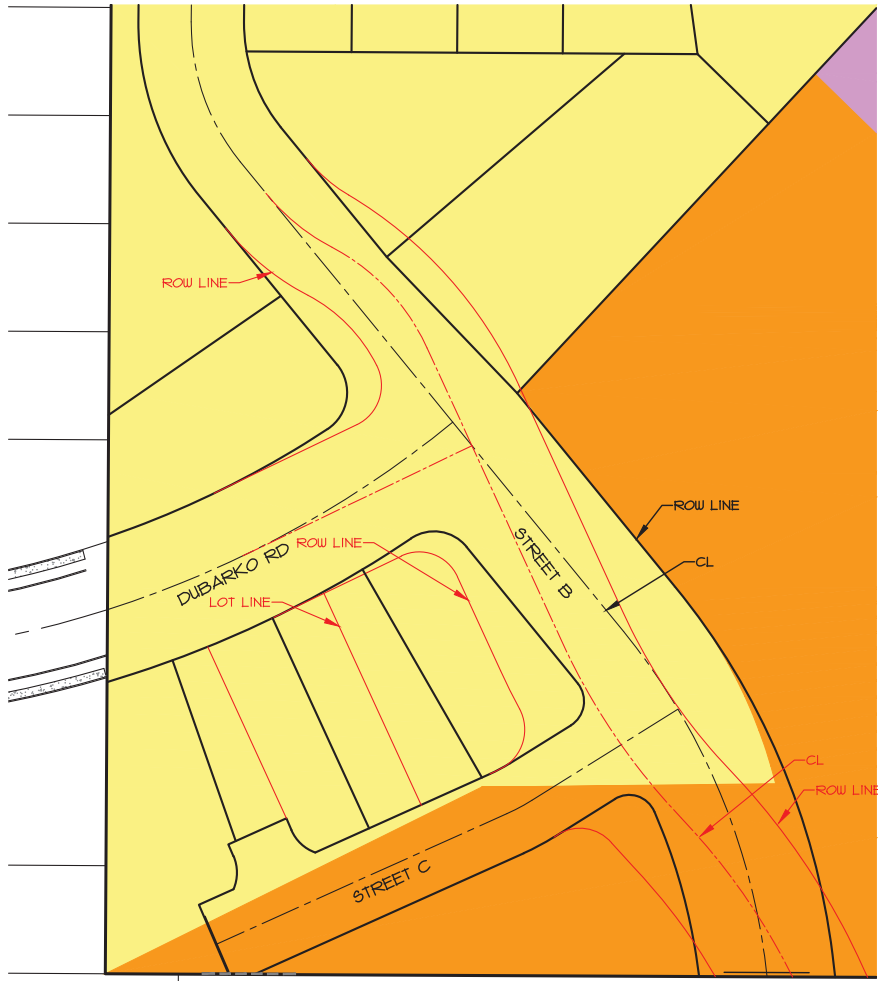
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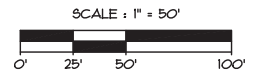
19-035-Planning-B.dwg
DATE OF PLOT: 09/21/2021

Exhibit 3

DUBARKO RD WITH 100' TANGENT EXHIBIT



NOTE: 100' TANGENTS CAN BE PROVIDED ON STREET B AND DUBARKO AS SHOWN. THE RESULTING ALIGNMENT WOULD MAKE LOT 32 LARGER, AND ELIMINATE ONE LOT FROM LOTS 21-30.



LEGEND

- R-1 ZONE
- R-2 ZONE
- C-3 ZONE



RENEWAL DATE: 12/31/2022

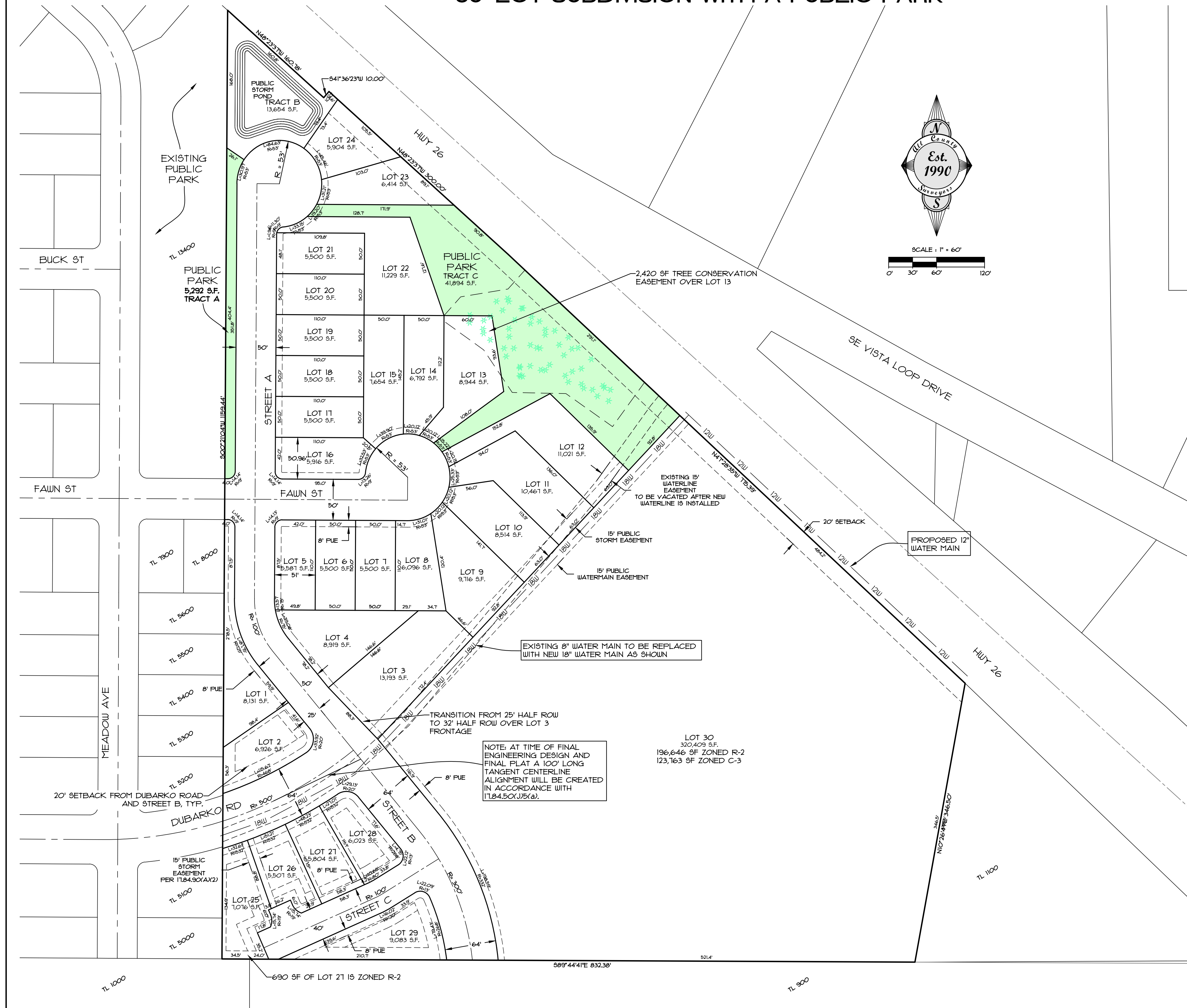
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 Surveying, Planning and Civil Engineering
 P.O. Box 955 Sandy, OR 97055
 Phone: (503) 668-3151
 Fax: (503) 668-4730
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19-035-Planning-B.dwg
 DATE OF PLOT: 09/24/2021

Exhibit 4

DEER MEADOWS

30-LOT SUBDIVISION WITH A PUBLIC PARK



CLIENT
 ROLL TIDE PROPERTIES CORPORATION
 PO BOX 103
 CORNELIUS, OR 97113

SURVEYOR/ENGINEER
 ALL COUNTY SURVEYORS & PLANNERS, INC.
 PO BOX 955
 SANDY, OR 97055

PLANNER
 TRACY BROWN PLANNING CONSULTANTS, LLC
 17075 FIR DR.
 SANDY, OR 97055

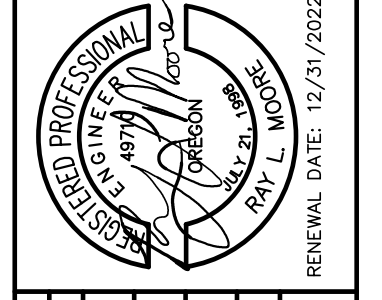
LEGEND

PARKLAND DEDICATION SHOWN AT 1/4-1 ACRE. MINIMUM REQUIRED AT TIME OF FINAL PLAT TO BE 0.93 ACRES (40,911 SF). ADJUSTMENTS TO LOT LINES WILL BE MADE AT TIME OF FINAL PLAT TO PROVIDE 0.93 ACRES OR MORE.

NOTES

- THIS IS NOT A BOUNDARY SURVEY. NO LIABILITY IS ASSUMED BY ALL COUNTY SURVEYORS AND PLANNERS FOR THE EXISTENCE OF ANY EASEMENTS, ENCUMBRANCES AND DISCREPANCIES IN BOUNDARY OR TITLE DEFECTS.
- LOT 30 TO BE DEVELOPED UNDER SEPARATE DESIGN REVIEW PROCESS AT FUTURE DATE.

REVISION	DATE	NO.	BY



SCALE	VERT.	HORIZ.	DATE	FILE	LEGAL	SECTION	TWP.	RANGE	SECTION
N/A	1"=60'	1"=60'	2-11-22	FILE:19-035-PARK-019					

PROJECT: **DEER MEADOWS SUBDIVISION**
 REVISED PLAT WITH
 PARKLAND DEDICATION

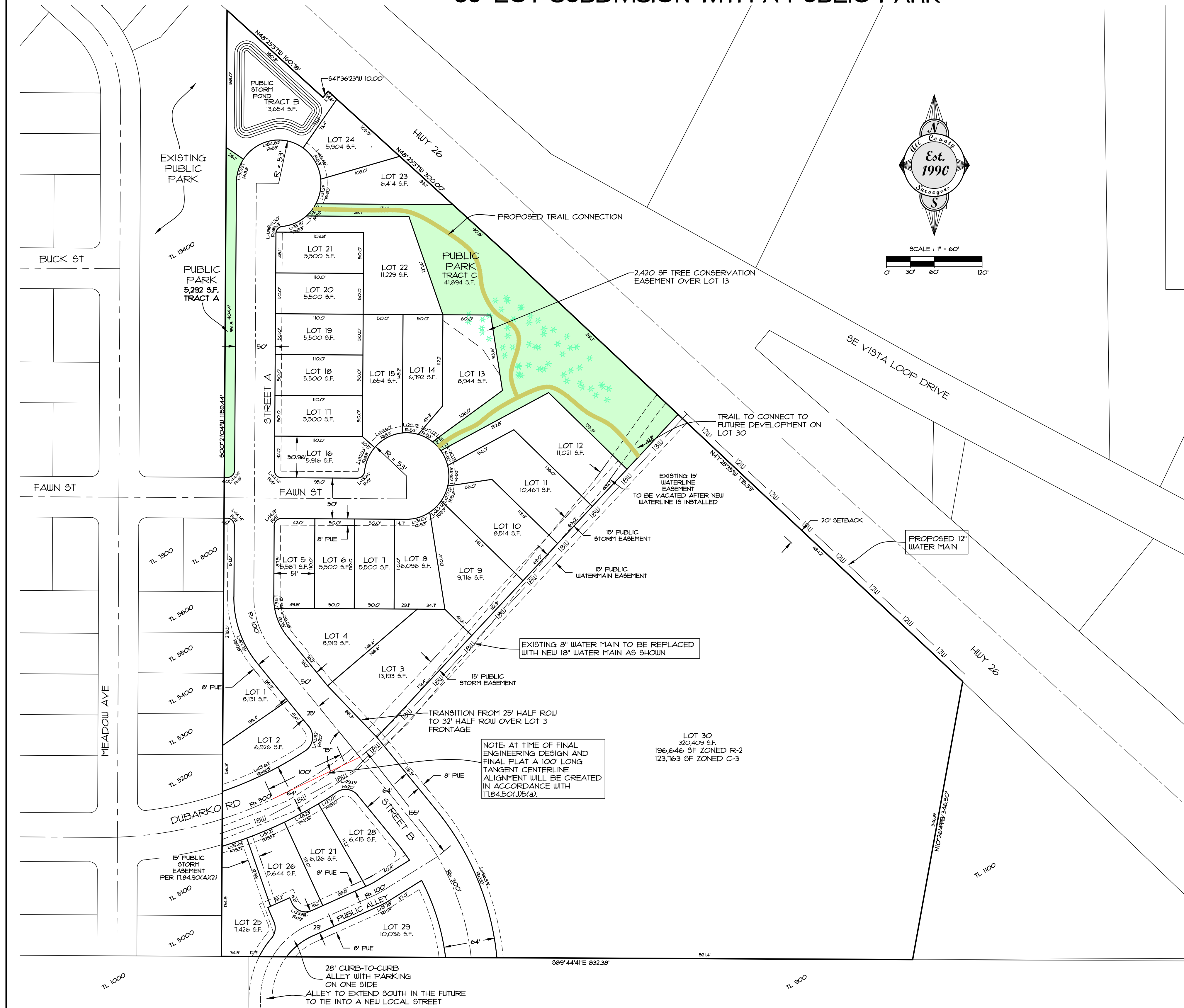
LOCATION: **40808 & 41010 HWY 26, SANDY, OR 97055**

CLIENT: **ROLL TIDE PROPERTIES CORPORATION**
 CORNELIUS, OR 97113

Surveyors & Planners, Inc.
 Surveying, Planning and
 Civil Engineering
 P.O. Box 955 Sandy, OR 97055
 Phone: (503) 668-4730
 Fax: (503) 668-4730
 DATE OF PLOT: 2-11-22

CLIENT: **ROLL TIDE PROPERTIES CORPORATION**
 CORNELIUS, OR 97113

DEER MEADOWS 30-LOT SUBDIVISION WITH A PUBLIC PARK



CLIENT
ROLL TIDE PROPERTIES CORPORATION
PO BOX 103
CORNELIUS, OR 97113

SURVEYOR/ENGINEER
ALL COUNTY SURVEYORS & PLANNERS, INC.
PO BOX 955
SANDY, OR 97055

PLANNER
TRACY BROWN PLANNING CONSULTANTS, LLC
17075 FIR DR.
SANDY, OR 97055

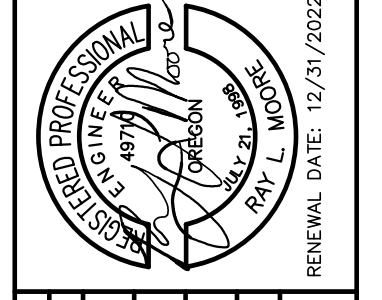
LEGEND

PARKLAND DEDICATION SHOWN AT +/- 1 ACRE. MINIMUM REQUIRED AT TIME OF FINAL PLAT TO BE 0.93 ACRES (40,911 SF). ADJUSTMENTS TO LOT LINES WILL BE MADE AT TIME OF FINAL PLAT TO PROVIDE 0.93 ACRES OR MORE.

NOTES

- THIS IS NOT A BOUNDARY SURVEY. NO LIABILITY IS ASSUMED BY ALL COUNTY SURVEYORS AND PLANNERS FOR THE EXISTENCE OF ANY EASEMENTS, ENCUMBRANCES AND DISCREPANCIES IN BOUNDARY OR TITLE DEFECTS.
- LOT 30 TO BE DEVELOPED UNDER SEPARATE DESIGN REVIEW PROCESS AT FUTURE DATE.

BY	REVISION	SHEET
		P1
		OF 1
DATE	DESIGNED: CTH	
	DRAWN: CTH	
	CHECKED: RLM	
	APPROVED: RLM	



SCALE	VERT.	N/A	HORIZ.	1"=60'
DATE:	3-1-22			
FILE:	19-0395-PARK-PL.dwg			
SECTION	TWP.	RANGE	SECTION	5E
	18	25		

DEER MEADOWS SUBDIVISION
REVISED PLAT WITH
PARKLAND DEDICATION

PROJECT: 40808 & 41010 HWY 26, SANDY, OR 97055

LOCATION:

Surveyors & Planners, Inc.
Surveying, Planning and
Civil Engineering
P.O. Box 955 Sandy, OR 97055
Tel: (503) 668-4730
Fax: (503) 668-4730
DATE OF PLOT: 3-1-22

CLIENT:
ROLL TIDE PROPERTIES CORPORATION
CORNELIUS, OR 97113



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

Meeting Date: April 13, 2022
To: Parks and Trails Advisory Board
From: Rochelle Anderholm-Parsch, Parks and Recreation Director
Subject: Revised code to Chapters 17.32 and 17.86

DECISION TO BE MADE:

Understand the proposed code changes to Chapters 17.32 Parks and Open Space (POS), and 17.86 Parkland and Open Space of the Sandy Development Code and provide any final comments before the edits are brought to the Planning Commission on April 25, 2022.

PURPOSE / OBJECTIVE:

Support the revised code as presented in order to facilitate successful implementation of the Parks and Trails Master Plan.

BACKGROUND / CONTEXT:

In conjunction with the adoption of the new Parks and Trails Master Plan, the City is revising two municipal code chapters that regulate parkland and open space development. The two development code chapters that are proposed to be modified are Chapter 17.32, Parks and Open Space (POS) and Chapter 17.86, Parkland and Open Space.

The code modifications will remove antiquated requirements, add 21st century industry terminology and best practices, solidify clear and objective code requirements, and incorporate recommendations from the new Parks and Trails Master Plan.

Staff met all noticing requirements by sending a post-acknowledgement plan amendment (PAPA) to DLCDC on March 21, 2022, and by publishing a legal notice in the Sandy Post.

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

The following is a list of some of the most significant changes*:

Chapter 17.32¹

1. Removed the references to public and private ownership in the intent statement as there is no need to distinguish between public and private parks and open space, or those that are “designated or proposed.” Our legal counsel has informed staff that this is uncommon in

¹ *Full revised code edits are located in the attachments.

an ‘intent’ statement, and it is enough to say that the chapter is intended to provide for parks and open space.

2. Added an applicability section.
3. Added additional clarity to the primary permitted uses and accessory permitted uses.

Chapter 17.86²

1. Added clarity to Section 17.86.10 to expressly incorporate the 2022 Amended Parks and Trails Master Plan by reference for limited land use decisions.
2. Increased the ratio to 0.0068 of an acre of parkland per person as recommended by ESA.
3. Added section 17.86.10 (C) specifies when an applicant shall pay a fee in lieu as it relates to the size of dedicated land.
4. Added additional clear and objective requirements for minimum parkland development standards in Section 17.86.20.
5. Removed the diagram in Section 17.86.20 as it was not clear and objective. It also set burdensome precedent by requiring streets around all sides of parks which is expensive to construct as the Parks SDC account has to pay for half street improvements along parkland.
6. Modified Section 17.86.30 to make the dedication process clear and objective and to better define the environmental testing requirements.
7. Added additional clear and objective requirements for fee in lieu of dedication in Section 17.86.40, including a level of service reference and stated that the City of Sandy does not want parkland less than one-quarter of an acre unless for trail needs.

Previous meetings and discussions include the following. The Planning Commission held two hearings (August 23, 2021 and September 27, 2021) to discuss the code amendments. The Parks and Trails Advisory Board held a meeting on October 6, 2021 to discuss the amendments. A memo dated October 7, 2021 that includes the Parks Board comments is attached. Staff has worked closely with the Parks and Trails Master Plan consultant, Environmental Science Associates (ESA), the city attorney’s office, the Parks and Trails Advisory Board Chair, and former Parks and Trails Advisory Board Chair / current City Councilor on the proposed amendments.

RECOMMENDATION:

Staff recommends the Parks and Trails Advisory Board review the proposed code amendments and make a recommendation to the Planning Commission.

BUDGETARY IMPACT:

1. Likely a cost savings for Parks SDCs with removal of the requirement to require streets around all sides of parks.
2. Likely additional parkland dedication or fee in lieu of land will be collected as the acre of parkland per person is proposed to increase.
3. Likely a reduction in legal costs by having an updated municipal code that is easier for staff to enforce.

² *Full revised code edits are located in the attachments.

SUGGESTED MOTION LANGUAGE:

I move that the Parks and Trails Advisory Board forward a recommendation of approval to the Planning Commission on the proposed code modifications to Chapters 17.32 and 17.86 of the Sandy Development Code.

LIST OF ATTACHMENTS / EXHIBITS:

- Chapter 17.32 - Edits for 21-032 DCA revised for April 13 Parks Board
- Chapter 17.86 - Edits for 21-032 DCA revised for April 13 Parks Board
- Memo from Sarah Richardson on behalf of the Parks and Trails Advisory Board

STAFF CONTACT:

Kelly O'Neill Jr.
Development Services Director
503-489-2160
koniel@ci.sandy.or.us

Rochelle Anderholm-Parsch
Parks and Recreation Director
503-489-2157
randholmparsch@cityofsandy.com

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 ~~both~~ 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 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 areas that support unique and/or endangered plant and animal 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 Map 5 Existing Park Inventory, Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan; or Park Specific Master Plans adopted by the City Council.
2. Trails identified in Map 6 Existing Trail Inventory, Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan; in otherwise undeveloped open space.
3. Other uses similar in nature as listed in the 2022 Parks and Trails Master Plan.

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;

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.

{00796137; 1 }

5. Splash pads;

6. Community gardens;

7. Disc golf courses;

8. Pump tracks;

9. Climbing walls;

10. Off-leash dog parks;

11. Sports fields and courts;

411. Park furnishings, including arbors, barbeques, benches, bicycle racks, drinking fountains, gazebos, kiosks, picnic tables, play equipment and signage--;

512. Public driveways and parking areas for uses permitted in this zone--;

613. Public restroom facilities--;

14. Other uses similar in nature as listed in the 2022 Parks and Trails Master Plan.

Sec. 17.32.2030. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:* None

B. *Conditional Uses:*

1. Campgrounds;

2. Swimming pools and aquatic facilities;

3. Community centers;

43. Other uses similar in nature.

Sec. 17.32.3040. 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 adopted by the City Council. 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. 17.32.4050. 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 17.90.120

{00796137; 1 }

Created: 2021-07-02 13:00:41 [EST]

(Supp. No. 1, Update 2)

Sec. 17.32.5060. Additional requirements.

- A. ~~Where applicable, p~~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.

DRAFT

{00796137; 1}

Created: 2021-07-02 13:00:41 [EST]

(Supp. No. 1, Update 2)

Page 3 of 3

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 2022 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 M~~ 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 residential 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 2022 Parks and Trails Master Plan, dedicated pursuant to the formula in Section 17.86.10 (B), and in compliance with the improvement standards in Section 17.86.20. The level of service standards as well as the park and trail level of service needs as identified in Chapter 4, Table 10, of the 2022 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;~~
 3. ~~Planned Development conceptual or detailed development plan;~~
 4. Design review for a multi-family development or manufactured home park; and
 5. 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 dwelling units) x (persons/dwelling unit) x ~~0.0043~~0.0068 (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 <u>Dwelling Unit</u>
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 dwelling 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 dwelling units. For example, if an existing single family dwelling unit is converted into a duplex dwelling unit the existing single family ~~home~~dwelling unit shall receive a credit, but the new dwelling unit shall pay the difference in persons per dwelling unit. This would equate to one proposed dwelling unit multiplied by three additional persons multiplied by ~~0.0043~~0.0068 for the above example.

2. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be ~~0.0043~~0.0068 of an acre per person based on the adopted standard of ~~4.36.8~~ acres of land per 1,000 of ~~ultimate~~ population per the 2022 Parks and Trails Master Plan.² This standard represents the citywide land-to-population ratio for city parks at 5.25 acres of land per 1,000 of population, and land for trails at 1.55 acres of land per 1,000 of population,~~and may be adjusted periodically through amendments to the Parks Master Plan.~~

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

C. 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 2022 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), with the following exceptions:

1. When the land to be dedicated is for a trail identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan;
2. When the land to be dedicated abuts existing or planned parkland that necessitates additional acreage to meet the identified parkland acreage needs as identified in Map 8 Proposed Park

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.~~2022 Parks and Trails Master Plan, Section 4.2, Park and Trail Needs, Table 10 (Park and Trail Needs Analysis).

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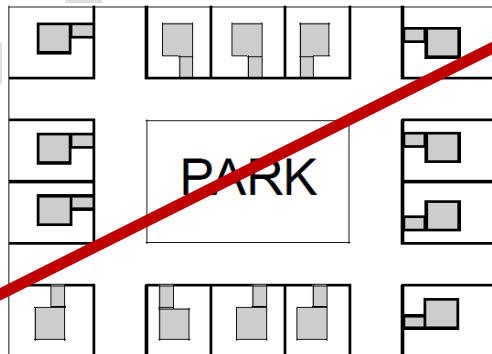
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System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan.

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 2022 Parks and Trails Master Plan, based on the following criteria:

- 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 for parks one acre or greater shall be abutted by street right-of-way for at least 400 linear feet, with the following exceptions for trails and parks less than one acre:
 - 1. Land dedicated for trails as identified in the 2022 Parks and Trails Master Plan only need to abut street right-of-way for a total of 15 linear feet.
 - 2. If the land dedication is between half-acre and one-acre the parkland shall be abutted by street right-of-way for at least 200 linear feet.
 - 3. If the land dedication is less than half-acre the parkland shall be abutted by street right-of-way for at least 100 linear feet.



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- ~~F.~~ The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by ~~roadways, streets or other pedestrian barriers.~~
- ~~G.~~ 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 2022 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 20 percent of the park may exceed 15 percent slope. Zero percent of the park shall include wetlands.~~

~~2. Mini Parks: Not more than 10 percent of the park may exceed 15 percent slope. Zero percent of the park shall include wetlands.~~

~~E. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.~~

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. 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.~~

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~~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~~s~~ or easement~~s~~ exist~~s~~, 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 may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 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 following factors shall be used in the choice of whether to accept land or cash 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 environmentally sensitive areas;~~
 3. ~~Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;~~
 4. ~~Availability of previously acquired property; and~~
 5. ~~The feasibility of dedication.~~
- A. The City shall accept a fee in lieu of dedication from an applicant if the land area proposed to be dedicated is not identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan or is not in compliance with the improvement standards in Section 17.86.20.
- B. The City shall accept a fee in lieu of dedication from an applicant if the land area proposed to be dedicated is not identified in Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan or is not in compliance with the improvement standards in Section 17.86.20.
- C. The City shall accept a fee in lieu of dedication from an applicant if the park area to be dedicated is less than one-quarter acre, or the level of service standard for mini parks described in the 2022 Parks and Trails Master Plan has been satisfied, with the following exceptions:
 1. When the land to be dedicated is for a trail identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan;

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2. When the land to be dedicated abuts existing or planned parkland that necessitates additional acreage to meet the identified parkland acreage needs as identified in Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan.

B.D. 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.~~

E. 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 application 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 shall not be eligible to, 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~~ owned, maintained, and administered; and
 3. Provide for public access to trails included in the 2022 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~~ another public agency, ~~approved by the City~~, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open

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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 ~~an appropriate~~ another public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
 4. Deed-restricted private ownership preventing development and/or subsequent ~~subdivision~~ land division and providing for ongoing maintenance responsibilities.
- E. In the event that ~~any private~~ an 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 shall enforce the maintenance requirement, pursuant to Sandy Municipal Code Sections 1.18 or 8.16.

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

To: City Council

Date: October 7, 2021

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

Subject: Municipal Code Chapters 17.32, 17.86

Attachments: None

I am sending this communication on behalf of the Sandy Parks and Trails Advisory Board at their direction.

The Parks and Trails board is grateful to have the opportunity to review for clarification and provide input on this important effort. The Board recognizes the hard work and diligence of Development Services Director Kelly O'Neill, the City Attorney and others who have been dedicated to reaching this point in the process.

At our meeting on October 6, 2021 the board looked closely at the proposed changes and obtained clarification on several areas of the code.

We understand that the Council will be taking up discussion on this topic and wanted to register our specific code recommendations as well as general input from discussions generated during the meeting.

Recommendations and input include the following:

1. Sec. 17.86.20. Minimum parkland standards.

The board asks that this section clearly state that wetlands cannot be dedicated. The wording seems unclear and the board requests that it be looked at closely for clarification and legal interpretation. The city would still maintain the flexibility to accept wetlands, but it is important that it is at the city's discretion and not something that can be dedicated outright by the landowner/developer.

1. Neighborhood Parks or Community Parks: Not more than 25 percent of the park may exceed 15 percent slope or contain wetlands.

4-2. Mini Parks: Not more than 10 percent of the park may exceed 15 percent slope or contain wetlands.

2. Trails.

The board requests that the code clearly states in applicable sections that it includes trails. It is understood that the code intends to address trails, but the board wants to be sure it is clear in legal terms.

3. Sec. 17.86.40. Fee in Lieu of Dedication

The board understands that with the 2021 Parks and Trails Master Plan expressly incorporated into the code that the city will be in a stronger position to enforce their ability to require Land Dedication and only accept a Fee in Lieu at the city's discretion.

4. Land Acquisition/Land Bank

The board notes that the city has a surplus of Mini Parks and a deficit in Neighborhood Parks. The land for Bornstedt Park was purchased by the city, and the city may need to consider purchasing more land in the future to meet the need for the larger parks. Acquiring the needed land from developers is challenging when the developments in an area with a park deficit are often small and involve more than one developer/landowner which can make it difficult to acquire enough contiguous parcels. Another possibility is a combination of city purchased and land dedication. A planned neighborhood approach might also be worth exploring. Land dedication has been very successful in building Sandy's current Parks and Trails system. As the city grows, the Board is concerned the future may require considering additional approaches.

5. 17.32.40. Permitted Uses

The board would recommend that sports fields and all the amenities that go along with a sports complex are included within this section. The board would like to see this added as both a primary and accessory use to be sure all the "bases" are covered. The board would like to reserve the opportunity to build a dedicated sports complex, while at the same time leave open the opportunity to add a field to a multi-purpose park.

Recommend that a Community Center building be added as a conditional use.

The board appreciates the Development Services Director taking the time to meet with the board to clarify sections of the code and to answer the board's questions. This effort has benefitted from the input of many and collating all the edits has required a great deal of time from Development Services, ESA and the City Attorney. The outcome will provide the city a stronger position to realize the vision of the 2021 Parks and Trails Master Plan and that is very exciting going forward.

Staff Contact:

Sarah Richardson
503-489-2150
srichardson@cityofsandy.com



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

Meeting Date: April 13, 2022
To: Parks and Trails Advisory Board
From: Rochelle Anderholm-Parsch, Parks and Recreation Director
Subject: Sandy Bluff Park Dog Park Improvements and Shelter Concept

DECISION TO BE MADE:

Review and provide comments on the Sandy Bluff Park Shelter and Dog Park Improvement concept plan, and whether to write a 'letter of support' supporting the Department pursuing a grant.

PURPOSE / OBJECTIVE:

The Parks Department would like the Parks Board to provide comments on the proposed concept plan for the location of the shelter(s) and dog park improvements at Sandy Bluff Park and support the department in their efforts to write a grant for the work.

BACKGROUND / CONTEXT:

Sandy Bluff Park (8.35 acres) was dedicated in 2000 and constructed in 2006. Half the park is wetland, pond, and forest area and the other 4+ acres have four sunken grassy pods that also serve as storm water detention for the surrounding residential area. The second pod has a playground structure. The fourth pod has a fenced one-acre dog park with a smaller area for small dogs or dogs with social issues. Pods one and three are large grassy recreation areas. A paved trail and sidewalk surround the park perimeter and goes between pods.

The Sandy Bluff Park dog park improvements and the construction of a shelter(s) was considered a goal and Department priority during the Feb. 9, 2022 Parks Board meeting. As such, the Parks and Recreation Department plans to pursue a grant through the Oregon Recreation Park Department (OPRD) called the Local Government Grant Program (LGGP). Before the Department submits the grant it is the wish of the Department to have the Parks Board review the Sandy Bluff Dog Park improvements and shelter(s) location concept plan.

This project would authorize the City of Sandy to request a Local Government Grant not to exceed \$68,000 and utilize up to \$62,460 in Park System Development Charges (SDC's). The grant match would include \$20,000 of existing funds raised in past Corn Cross events and use in-kind labor and equipment matches. The project would construct a shelter at the Sandy Bluff Dog Park and a larger shelter at the Sandy Bluff Park playground that could be rented out for cost recovery. The project would also construct a barrier free entrance on the west side of the small dog park, stairs to the small and large dog park on the east end, and a packed gravel trail around the interior perimeter of the dog park.

KEY CONSIDERATIONS / ANALYSIS:

The Sandy Bluff Park has no shelters for shade or rain protection. The dog park is very popular since it is the only one between Mt. Hood and Gresham. Users have asked for shelter while their dog's play. Playground users would enjoy a shelter and the city could rent out the shelter for cost recovery. The sunken topography in the dog park makes it difficult to walk around the interior perimeter. A compacted gravel trail around the interior perimeter of the dog park would improve access and eliminate costly fence line vegetation removal, while allowing users to walk while their dogs play. Stairs are needed for both the large and small dog park at the steeply inclined and muddy east entrance. Barrier free access is needed to the smaller dog park on the west end.

This project would have five components:

1. Build a 14 x 20-foot Sandy Style shelter at the dog park.
2. Enlarge and slightly re-fence and slightly reconfigure the small dog park to allow barrier free access from the west.
3. Construct a compacted gravel trail around the interior perimeter of the large dog park.
4. Install stairs to the small and large dog park entrances on the east end of the park.
5. Construct a 16 x 30-foot Sandy Style shelter adjacent to the Sandy Bluff Playground.

RECOMMENDATION:

Staff recommends that the Parks Board support the concept as presented, and supplies a letter of support demonstrating the need for the project.

BUDGETARY IMPACT:

The Grant application is due May 1, 2022. Award status will be announced in September, 2022. We will utilize plans similar to Bornstedt Park shelters and other City funded outdoor dining structures. Contracts for the project would be awarded by May, 2023. We would contract the fencing and barrier free access points with a local vendor. If the grant is awarded, the anticipated completion date would be Summer 2023. These projects are on the Parks and Trails Master Plan CIP List and SDC's can fund up to 60% of the total cost for this expanded capacity project. Only 41% is planned to be paid with SDC's.

Total estimated project costs (including 30% contingency) is \$153,846.

Please see, Attachment A: Pictures and Concept Plan and Estimated Budget..

SUGGESTED MOTION LANGUAGE:

I move to support the concept plan as represented and write a letter of support. .

OR

I move to support the concept plan with the following changes and write a letter of support ...

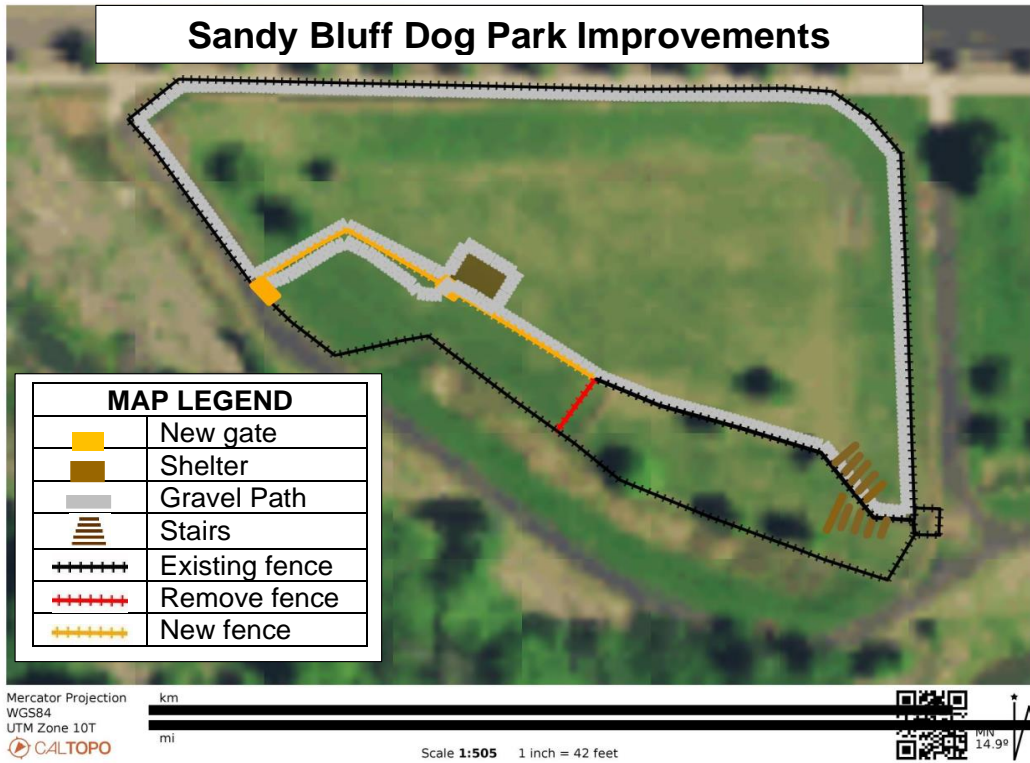
LIST OF ATTACHMENTS / EXHIBITS:

ATTACHMENT A: Pictures and Concept Plan and Estimated Budget

STAFF CONTACT:

Rochelle Anderholm-Parsch
503-489-2157
randerholmparsch@cityofsandy.com

**Attachment A:
Pictures, Concept Plan and Estimated Budget**



Attachment B: Pictures of Comparable structures, existing issues and proposed fixes.



Comparable shelter in Bornstedt Park (16'x38')
Sandy Bluff Playground would be 16'x 30'.



Smaller playground shelter in Bornstedt Park
(12'x 20') Dog park shelter would be 14'x 20'.



Need for stairs on east end of small dog park.



Need for stairs on east end of large dog park.



Fence & barrier free trail, west end of small dog park, with approximate shelter location & perimeter trail in large dog park.



Location of proposed packed gravel trail along perimeter fence line.

BUDGET FOR SANDY BLUFF PARK IMPROVEMENT GRANT

Improvement	Estimated Cost	Funding Source				Estimated Revenue
		Grant Request	SDCs	Existing Donations	In kind Services	
Playground Shelter 16'x30'	\$50,000	\$30,000	\$20,000	-	-	\$50,000
Dog Park Shelter 14'x20'	\$30,000	\$20,000	-	\$10,000	-	\$30,000
Trail around dog park (materials)	\$10,000	\$6,000		\$4,000		\$10,000
Fencing and Gates	\$6,000	\$4,000		\$2,000		\$6,000
Wood and packed gravel steps	\$2,000			\$2,000		\$2,000
Six metal barrier free picnic tables	\$6,000	\$3,800	\$2,200			\$6,000
Labor - Trail Construction	\$7,000	\$4,200	\$800	\$2,000		\$7,000
Equipment Rental and Operator	\$4,760		\$4,760			\$4,760
Volunteer Project Manager	\$3,386				\$3,386	\$3,386
30% contingency	\$34,700		\$34,700			\$34,700
TOTAL	\$153,846	\$68,000	\$62,460	\$20,000	\$3,386	\$153,846
Total Match (40%+ Required) = 56%	\$85,846					