



# Staff Report

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**Meeting Date:** August 24, 2020

**From** Emily Meharg, Senior Planner

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

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## **Background:**

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

Since the July 27, 2020 PC meeting, staff has worked closely with Commissioner Mobley (Mr. Mobley is a transportation engineer), the City's Transportation Engineer, and the City Attorney to revise the proposed code. Below is a summary of the changes made since the July 27, 2020 draft:

### Chapter 17.10 Definitions (*Note: only the 2 pages with proposed edits are included.*)

- Revised definition of average daily traffic (ADT).
- Removed ADT limit from all street classifications, except local streets.
- Exempted projects in the C-1 from adherence to ADT standards on local streets.
- Revised language regarding green street widths.

### Chapter 17.84 Improvements Required with Development

- Revised clear and objective language related to transportation impact analysis requirement.
  - Changed study area to include streets and intersections where the cumulative impact of development is predicted to add more than 20 vehicles during any peak hour, instead of a 1-mile radius as that was determined too burdensome and unnecessary.
  - Added language regarding mitigation.
  - Reduced the number of allowed vehicle trips that allow a development to be exempt from the TIA from 50 to 20, and added language regarding cumulative impact.
  - Added a timeline to annexation exemption.
  - Added language regarding safe access.

- Exempted conversion of a single family home to a duplex to meet the intent of House Bill 2001.

#### Chapter 17.100 Land Divisions

- Specified compliance with ADT standards on local streets in criteria for land divisions.
- Deleted ADT standard language from all street classifications, except local streets.
- Exempted ADT standard compliance on local streets within the Central Business District, C-1.

The Commission's role in this process is to review the proposed code amendments and forward a recommendation to the City Council.

#### **Recommendation:**

Staff recommends the Planning Commission hold a public hearing to take testimony regarding modifications to Chapters 17.10, 17.84, and 17.100 and forward a recommendation of approval to the City Council.

#### **Code Analysis:**

#### **Budgetary Impact:**

None

#### **List of Attachments/Exhibits:**

- A. Chapter 17.10 Code Modifications
- B. Chapter 17.84 Code Modifications
- C. Chapter 17.100 Code Modifications
- D. Staff Report from July 27, 2020 with Exhibits
- E. Memo from the Public Works Director (August 13, 2020)

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

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

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

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

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

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

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

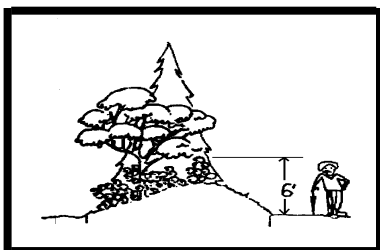
**Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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



**Berm Example**

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

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

- A. ~~Arterial Highways~~Arterial, Major: These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~Arterial, Minor: These interconnect and support the major arterial highway system and link major commercial, residential, industrial, and institutional areas.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. ~~Paved~~Right-of-way width ~~of shall not be less than 62~~shall not be less than 62~~38 feet to nor more than 50-82 feet (or 88 feet if it's a green street with swales on both sides), street shall be a~~ minimum three-lane cross section, and may include on-street parking.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet (or 82 feet if it's a green street with swales on both sides).
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet (or up to 56 feet if it's a green street with swales on both sides). Average daily traffic (ADT) shall not exceed 1,000 vehicles/day. Proposed projects that result in more than 1,000 ADT on an existing or proposed local street shall be modified to not exceed the 1,000 ADT threshold on the local street or the proposal may be processed through the procedures in Chapter 17.66 of the Sandy Development Code. Proposed projects in the C-1, Central Business District, are exempt from adherence to the ADT standards on local streets.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.
- F.G. **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Swales shall be a minimum of 8 feet wide. ADT standards and dimensional standards shall adhere to the above classifications depending on the street classification.

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

## CHAPTER 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

### 17.84.00 INTENT

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters.

### 17.84.10 EXCEPTIONS

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

### 17.84.20 TIMING OF IMPROVEMENTS

- A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
  2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.
- B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

### 17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

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

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

B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

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

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

development. Dedication of the trail to the City shall be provided in accordance with 17.84.  
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~~C.D.~~To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

~~D.E.~~To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

#### 17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

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

#### 17.84.50 STREET REQUIREMENTS

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; ~~determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared~~ in accordance with the following:
1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City Traffic Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess ~~all nearby key~~ intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation~~ study has been approved, the applicant shall ~~present~~ submit the results ~~of the study with and an overall site development proposal~~ as part of its development application. Failure to submit a required study will result in an incomplete application. If required by the City Engineer, such eEvaluations A traffic impact study shall bear the signed sealed by of a ~~Licensed~~ Professional ~~Civil~~ Engineer or ~~Licensed~~

~~Professional Traffic Operations Engineer~~ licensed in the State of Oregon and qualified in traffic or civil engineering.

2. If the ~~traffic evaluation~~ study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with a the proposed development proposal.

B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional ~~Civil Engineer or Professional Traffic Operations Engineer~~ licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:

1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development is predicted to add more than 20 vehicles during any peak hour. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.
6. A transportation impact study is not required under this section if:
  - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
  - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
  - c) Notwithstanding Section 17.84.50.B.6.a, a limited transportation analysis may be required for any development application to ensure safe access is provided; or



d) The proposed development is to convert an existing single family home to a duplex in concert with the goals of HB 2001.

C. Transportation Impact Study (Dwellings) – Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose this discretionary track by coordinating with the City Transportation Engineer to determine the scope and requirements of the traffic impact study. This shall be processed as a discretionary review.

D. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.

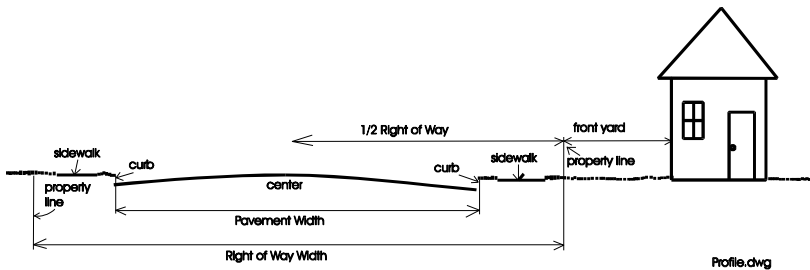
E. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the ~~2~~two rights-of-way.
3. Cul-de-sacs ~~should generally~~shall not exceed 400 ft. in length nor serve more than 20 dwelling units, unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code. ~~except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area.~~ Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

F. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

4. Reimbursement agreements for three-quarter<sup>3/4</sup>-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
5. A 1/2 half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A three-quarter<sup>3/4</sup>-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- G. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-arounds, subject to the approval of the Fire Marshal.
  2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

H. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

I. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

H.-J. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street

alignments resulting in “T” intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.

4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
  - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
  - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
  - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
  - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

I-K. Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner’s association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

#### **17.84.60 PUBLIC FACILITY EXTENSIONS**

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

- E. All public facility installations required with development shall conform to the City's facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
  - 1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
  - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
  - 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

### **17.84.70 PUBLIC IMPROVEMENT PROCEDURES**

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

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

### **17.84.80 FRANCHISE UTILITY INSTALLATIONS**

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

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
  2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
  3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
  2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.
- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
  2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

#### **17.84.90 LAND FOR PUBLIC PURPOSES**

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
1. When located between adjacent lots, easements shall be provided on one side of a lot line.
  2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

- B. Public utility easements with a minimum width of ~~5~~-eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:
  - 1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

#### **17.84.100 MAIL DELIVERY FACILITIES**

- A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.

- B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.
- C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform ~~with~~to the City's standard construction specifications. Actual mailbox units shall conform ~~with~~to the Post Office standards for mail delivery facilities.
- D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

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

## CHAPTER 17.100 LAND DIVISION

### 17.100.00 INTENT

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

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

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

### 17.100.10 GENERAL PROVISIONS

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

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

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



1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.

E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:

1. The land division does not link streets that are stubbed to the boundaries of the property.
2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

### **17.100.30 PROPERTY LINE ADJUSTMENT**

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

A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:

1. ~~Eight~~ Two (2) copies of the property line adjustment map;
2. The required fee;
3. Any data or narrative necessary to explain the application.

B. Map Information. The property line adjustment map and narrative shall include the following:

1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
2. Scale of the drawing using an engineer's scale;
3. North arrow and date;

4. Legal description of the property;
5. Dimensions and size of the parcels involved in the property line adjustment;
6. Approximate locations of structures, utilities, rights-of-way and easements;
7. Points of access, existing and proposed;
8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
9. Approximate topography, particularly noting any area of steep slope.

- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
  2. All parcels meet the density requirements and dimensional standards of the base zoning district.
  3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

#### **17.100.40 MINOR AND MAJOR PARTITIONS**

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

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

6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the [property tract](#) to be partitioned;
9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
10. Approximate topography, particularly noting any area of steep slope;
11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.

D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
2. The proposed partition is consistent with the design standards set forth in this chapter.
3. Adequate public facilities are available or can be provided to serve the proposed partition.
4. All proposed improvements meet City standards.
- ~~4.5.~~ [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
- ~~5.6.~~ The plan preserves the potential for future redivision of the parcels, if applicable.

E. Conditions. The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative partition plan as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.

F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~[City](#).

G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:

1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
2. Sign the plat to certify that the map is approved.
3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.

H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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

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

### **17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS**

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

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
  - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
  - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
  - 3. Special requirements may be imposed by the ~~city~~ City with respect to street, curb, gutter and sidewalk design and construction.
  - 4. Special requirements may be imposed by the ~~city~~ City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
  - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
  - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
  - ~~6.7.~~ Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

### **17.100.60 SUBDIVISIONS**

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

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

15. Location of at least one temporary bench mark within the tract boundaries.
16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
18. Existing zoning and proposed land use.
19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
20. Proposed development phases, if applicable.
21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.

E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section~~ [Chapter 17.12](#) and the following approval criteria:

1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
2. The proposed subdivision is consistent with the design standards set forth in this chapter.
3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for local streets as detailed in Chapter 17.10, Definitions.](#)
- ~~3-5.~~ Adequate public facilities are available or can be provided to serve the proposed subdivision.
- ~~4-6.~~ All proposed improvements meet City standards.
- ~~5-7.~~ The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.

F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.

G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.

H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one-two~~ [\(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year.](#) [The Planning Commission may, upon written request, grant an extension of the tentative plat approval for up to one \(1\) additional year beyond the extension if granted by the Director. The two extensions, one by the Director and one by the Planning Commission, are the maximum number of extensions that may be granted for a subdivision.](#)

I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:

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

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

## **17.100.70 LAND DIVISION DESIGN STANDARDS**

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

## **17.100.80 CHARACTER OF THE LAND**

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



subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

### **17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION**

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

### **17.100.100 STREETS GENERALLY**

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

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. Transportation impact studies commensurate with the scope of the development proposal may be required by the City Engineer or his/her designee to assist the city to evaluate the traffic impacts of development proposals, determine reasonable and prudent transportation facility improvements and mitigation and justify modifications to the design standards. Such studies ~~will~~ shall be prepared in accordance with Chapter 17.84 ~~the following~~:
  - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
  - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

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

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

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

### **17.100.110 STREET STANDARDS AND CLASSIFICATION**

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

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended. [Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard shall not apply within or adjacent to land zoned C-1.](#)
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

#### **17.100.120 BLOCKS AND ACCESSWAYS**

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

#### **17.100.130 EASEMENTS**

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

#### **17.100.140 PUBLIC ALLEYS**

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

#### **17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES**

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

##### A. Criteria for Approval

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

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

##### B. Design

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

## 17.100.160 PUBLIC ACCESS LANES

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

### A. Criteria for Approval

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

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

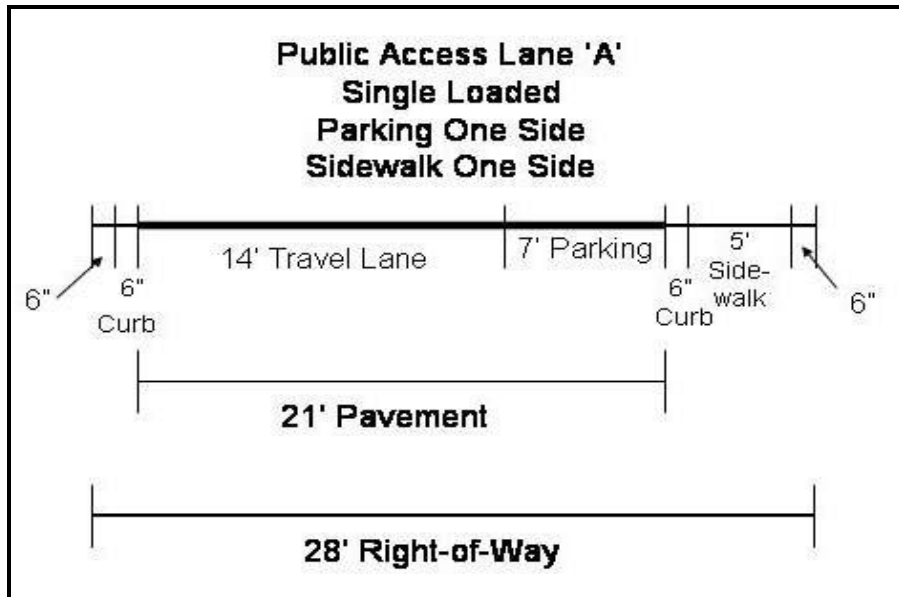
### B. General Provisions

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

### C. Public Access Lane Design

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

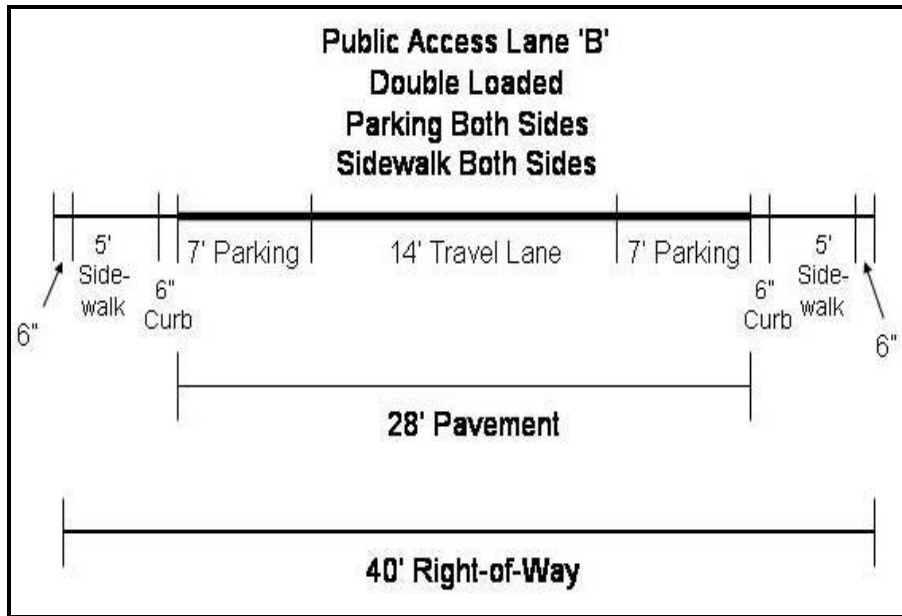
**Figure 17.100 – A: Public Access Lane 'A'**



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

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

**Figure 17.100 – B: Public Access Lane 'B'**



**17.100.170 FLAG LOTS**

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

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

**17.100.180 INTERSECTIONS**

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

**17.100.190 STREET AND TRAFFIC CONTROL SIGNS**

~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ [traffic control signs](#), street signs and/or traffic safety devices.

## **17.100.200 STREET SURFACING**

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ [Oregon Standard Specifications](#). ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development~~ [All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing](#). Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

## **17.100.210 STREET LIGHTING**

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

## **17.100.220 LOT DESIGN**

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.



- E. Lots shall ~~avoid deriving~~ not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazards~~ traffic conflicts on such streets. Where possible, driveways ~~should~~ shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

#### **17.100.230 WATER FACILITIES**

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

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

#### **17.100.240 SANITARY SEWERS**

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

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

#### **17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM**

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

### **17.100.260 UNDERGROUND UTILITIES**

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

### **17.100.270 SIDEWALKS**

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

### **17.100.280 BICYCLE ROUTES**

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

### **17.100.290 STREET TREES**

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

### **17.100.300 EROSION CONTROL**

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

### **17.100.310 REQUIRED IMPROVEMENTS**

The following improvements shall be installed at no expense to the ~~city~~City, consistent with the ~~design~~standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A. Drainage facilities~~

~~B. A.~~ Lot, street and perimeter monumentation

~~C. B.~~ Mailbox delivery units

~~D. C.~~ Sanitary sewers

D. Stormwater drainage facilities

E. Sidewalks

F. Street lights

G. Street name signs

H. Street trees

I. Streets

J. Traffic control devices and signs

K. Underground communication lines, including broadband (fiber), telephone, and cable.  
Franchise agreements will dictate whether telephone and cable lines are required.

L. Underground power lines

M. Water distribution lines and fire hydrants

### 17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~City. Improvements shall be installed in accordance with the following general procedure:

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

### 17.100.330 OPTIONS FOR IMPROVEMENTS

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

- A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final subdivision plat for certification by the ~~Board of County Commissioners~~County Surveyor and then to the County Clerk for recording; or
- B. Agree to Install Improvement. The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The

agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance ~~guarantee bond equal to 110 percent of the value of the guaranteed improvements~~ shall be required. Performance bonds shall be issued by a surety registered to do business in Oregon. The value of the guaranteed improvements may include engineering, construction management, legal and other related expenses necessary to complete the work. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or

- C. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A-The performance guarantee bond described in section B above~~ shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~City.

#### **17.100.340 PERFORMANCE GUARANTEE**

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

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
  - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
  - ~~3.~~2. Supply certification by a bank or other reputable lending institution that an irrevocable line letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
  - ~~4.~~3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.



## Staff Report

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**Meeting Date:** July 27, 2020

**From** Emily Meharg, Senior Planner

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

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### **Background:**

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

Chapter 17.10 Definitions (*Note: only the 2 pages with edits are included.*)

- Added definition of average daily traffic (ADT).
- Updated definition of each street classification to include ADT standards.

Chapter 17.84 Improvements Required with Development

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

Chapter 17.100 Land Divisions

- Added compliance with ADT standards to the criteria for land divisions.
- Added clarifying language to allow the Planning Commission to grant an extension of the tentative plat approval.
- Added clarifications to street signs, street surfacing, and street lighting sections (Sections 17.100.190, 17.100.200, and 17.100.210).
- Added clarifications regarding bonds and performance guarantee.
- Other housekeeping amendments.

The Commission's role in this process is to review the proposed code amendments and forward a recommendation to the City Council.

### **Recommendation:**

Staff recommends the Planning Commission hold a public hearing to take testimony regarding modifications to Chapters 17.100, 17.84, and 17.10 and forward a recommendation of approval to the City Council.

**Code Analysis:**

Chapter 17.10 Draft Code

Chapter 17.84 Draft Code

Chapter 17.100 Draft Code

**Budgetary Impact:**

None

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

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

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

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

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

**Average Daily Traffic (ADT):** Two-direction, 24-hour total count of vehicles crossing a line on an average weekday. Unusual seasonal variations must be specified, or else the typical annual conditions are assumed. Use the following equation to calculate ADT: trip generation by ITE land use category x number of units = ADT.

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

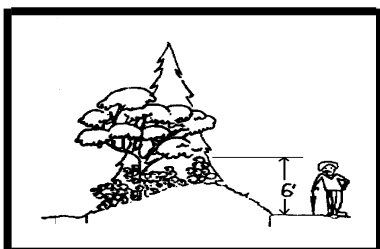
**Base Flood Elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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





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

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

- A. ~~Arterial Highways~~**Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. ~~Arterial Streets~~**Arterial, Minor:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas. Average daily traffic (ADT) shall not exceed 16,000 vehicles/day.
- C. **Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. ~~Paved~~Right-of-way width of shall not be less than 62~~38~~ feet to nor more than 50-82 feet, street shall be a minimum three-lane cross section, and may include on-street parking. Average daily traffic (ADT) shall not exceed 10,000 vehicles/day.
- D. **Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Right-of-way width shall not be less than 44 feet nor more than 78 feet. Average daily traffic (ADT) shall not exceed 6,000 vehicles/day.
- E. **Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet. Average daily traffic (ADT) shall not exceed 1,000 vehicles/day.
- F. **Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units except through approval of a Special Variance.
- F.G. **Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Right-of-way width shall be 52 feet for a swale on one side and 55 feet for swales on both sides of a local street. ADT standards and dimensional standards shall adhere to the above classifications depending on the street type.

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

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

## CHAPTER 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

### 17.84.00 INTENT

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters.

### 17.84.10 EXCEPTIONS

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

### 17.84.20 TIMING OF IMPROVEMENTS

- A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
  - 1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
  - 2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.
- B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

### 17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

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

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

development. Dedication of the trail to the City shall be provided in accordance with 17.84.  
~~8090(D)180-~~

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

#### **17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS**

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

#### **17.84.50 STREET REQUIREMENTS**

- A. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require ~~Traffic~~ a transportation impact study that ~~evaluations may be required of all development proposals to evaluate the traffic impact of development proposals~~ the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study; ~~determine reasonable required mitigation and prudent transportation facility improvements and justify modifications to the design standards. Such studies shall be prepared~~ in accordance with the following:

  - 1. A proposal establishing the scope of the ~~traffic evaluation~~ study shall be submitted for review to the City Traffic Engineer. The ~~evaluation scope requirements~~ shall reflect the magnitude of the project in accordance with accepted transportation planning and traffic engineering practices. Large projects ~~should~~ shall assess all nearby key intersections. Once the City Traffic Engineer has approved scope of the ~~traffic evaluation~~ study has been approved, the applicant shall ~~present submit~~ the results of the study with and an overall site development proposal as part of its development application. Failure to submit a required study will result in an incomplete application. If required by the City Engineer, such eEvaluations A traffic impact study shall bear the ~~signed sealed by of~~ of a Licensed Professional Civil Engineer or ~~Licensed~~ Professional Traffic Operations Engineer licensed in the State of Oregon.
  - 2. If the ~~traffic evaluation~~ study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan,

or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating the identified problems or deficiencies shall that will be considered implemented concurrent with a the proposed development proposal.

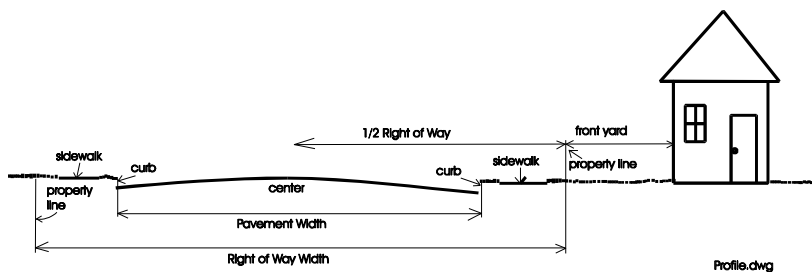
- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(5), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Civil Engineer or Professional Traffic Operations Engineer licensed in the State of Oregon. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections within a one mile radius of the development site.
  2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
  3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.).
  4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards.
  5. A transportation impact study is not required under this section if:
    - a) The proposed development will generate no more than 50 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
    - b) The proposed development completed a transportation impact study at the time of annexation.

- C. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
1. Arterial streets should generally be spaced in one-mile intervals.
  2. Traffic signals should generally not be spaced closer than 1,500 ft. for reasonable traffic progression.

- ~~E~~D. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:
1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and "T" intersections while maintaining pedestrian connectivity.
  2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 150 ft. between the nearest edges of the ~~2~~two rights-of-way.
  3. Cul-de-sacs ~~should generally~~shall not exceed 400 ft. in length nor serve more than 20 dwelling units, except ~~in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area~~through approval of a Special Variance. Cul-de-sacs longer than 400 feet

or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

- D.E.** Development sites shall be provided with access from a public street improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
  2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.
  3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.
  4. Reimbursement agreements for three-quarter<sup>3/4</sup>-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
  5. A 1/2 half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A three-quarter<sup>3/4</sup>-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- F.** As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without a turn-arounds, subject to the approval of the Fire Marshal.
  2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.
- G.** Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

H. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

G-I. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.
4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
  - a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
  - b) The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
  - c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
  - d) Intersections with arterial and collector streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

H-J. Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner's association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

#### **17.84.60 PUBLIC FACILITY EXTENSIONS**

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

#### **17.84.70 PUBLIC IMPROVEMENT PROCEDURES**

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

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

#### **17.84.80 FRANCHISE UTILITY INSTALLATIONS**



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

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

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

#### **17.84.90 LAND FOR PUBLIC PURPOSES**

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
  1. When located between adjacent lots, easements shall be provided on one side of a lot line.
  2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of ~~5~~eight (8) feet shall be provided adjacent to all street rights-of-way for franchise utility installations.
- C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.
- D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.
- E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.
- F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
- G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed one (1) year.
- H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental

assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

#### **17.84.100 MAIL DELIVERY FACILITIES**

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

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

## CHAPTER 17.100 LAND DIVISION

### 17.100.00 INTENT

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

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

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

### 17.100.10 GENERAL PROVISIONS

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

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

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

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

D. Type II Land Division (Minor ~~Revised Plat~~ Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.

E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:

1. The land division does not link streets that are stubbed to the boundaries of the property.
2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

### **17.100.30 PROPERTY LINE ADJUSTMENT**

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

A. Application Requirements. Property line adjustment applications shall be made on forms provided by the ~~city~~ City and shall be accompanied by:

1. ~~Eight~~ Two (2) copies of the property line adjustment map;
2. The required fee;
3. Any data or narrative necessary to explain the application.

B. Map Information. The property line adjustment map and narrative shall include the following:

1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
2. Scale of the drawing using an engineer's scale;
3. North arrow and date;

4. Legal description of the property;
5. Dimensions and size of the parcels involved in the property line adjustment;
6. Approximate locations of structures, utilities, rights-of-way and easements;
7. Points of access, existing and proposed;
8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
9. Approximate topography, particularly noting any area of steep slope.

- C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
1. No additional parcels are created.
  2. All parcels meet the density requirements and dimensional standards of the base zoning district.
  3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.
- D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

#### **17.100.40 MINOR AND MAJOR PARTITIONS**

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

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

6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries;
7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
8. Location and size of [sanitary](#) sewer, water and [stormwater](#) drainage facilities proposed to serve the [property tract](#) to be partitioned;
9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
10. Approximate topography, particularly noting any area of steep slope;
11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.

D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
2. The proposed partition is consistent with the design standards set forth in this chapter.
3. Adequate public facilities are available or can be provided to serve the proposed partition.
4. All proposed improvements meet City standards.
- ~~4.~~5. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10, Definitions.](#)
- ~~5.~~6. The plan preserves the potential for future redivision of the parcels, if applicable.

E. Conditions. The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative partition plan as deemed necessary. In no event, however, shall the Director or Planning Commission require greater dedications or conditions than could be required if the entire tract were subdivided.

F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the ~~city~~[City](#).

G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:

1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
2. Sign the plat to certify that the map is approved.
3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.

H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place

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

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

### **17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS**

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

- A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:
  - 1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
  - 2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
  - 3. Special requirements may be imposed by the ~~city~~ City with respect to street, curb, gutter and sidewalk design and construction.
  - 4. Special requirements may be imposed by the ~~city~~ City with respect to the installation of public utilities, including but not limited to water, sanitary sewer, and stormwater drainage facilities.
  - 5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
  - 6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.
  - ~~6.7.~~ Traffic volumes shall not exceed average daily traffic (ADT) standards for each street classification as detailed in Chapter 17.10, Definitions.

### **17.100.60 SUBDIVISIONS**

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



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

15. Location of at least one temporary bench mark within the tract boundaries.
16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
18. Existing zoning and proposed land use.
19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
20. Proposed development phases, if applicable.
21. Any other information determined necessary by the Director ~~at the preapplication conference,~~ such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.

E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in ~~Section~~ [Chapter 17.12](#) and the following approval criteria:

1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
2. The proposed subdivision is consistent with the design standards set forth in this chapter.
3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
4. [Traffic volumes shall not exceed average daily traffic \(ADT\) standards for each street classification as detailed in Chapter 17.10, Definitions.](#)
- ~~3-5.~~ Adequate public facilities are available or can be provided to serve the proposed subdivision.
- ~~4-6.~~ All proposed improvements meet City standards.
- ~~5-7.~~ The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.

F. Conditions. The Director or Planning Commission may require dedication of land and easements, and may specify such conditions or modifications of the tentative plat as deemed necessary.

G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.

H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within ~~one-two~~ [\(2\) years](#) following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request ~~of the subdivider,~~ grant an extension of the tentative plat approval for up to one [\(1\) additional year.](#) [The Planning Commission may, upon written request, grant an extension of the tentative plat approval for up to one \(1\) additional year beyond the extension if granted by the Director. The two extensions, one by the Director and one by the Planning Commission, are the maximum number of extensions that may be granted for a subdivision.](#)

I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:

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

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

## **17.100.70 LAND DIVISION DESIGN STANDARDS**

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

## **17.100.80 CHARACTER OF THE LAND**

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

subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

### **17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION**

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

### **17.100.100 STREETS GENERALLY**

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

- A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.
- B. Transportation Impact Studies. Transportation impact studies commensurate with the scope of the development proposal may be required by the city engineer to assist the city to evaluate the traffic impacts of development proposals, determine reasonable and prudent transportation facility improvements and mitigation and justify modifications to the design standards. Such studies ~~will~~ shall be prepared in accordance with Chapter 17.84. ~~the following:~~
  - ~~1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer and other agencies with jurisdiction over affected roadways. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic operations engineer registered in the State of Oregon shall prepare such studies.~~
  - ~~2.1. If the study identifies level of service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem proposed by the applicant shall be considered as part of the land use decision for the proposal.~~

- C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.
- D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.
- E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
- F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

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

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

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

### **17.100.110 STREET STANDARDS AND CLASSIFICATION**

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

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals. [Minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential. [Residential minor arterials shall not exceed the ADT standards set out in Chapter 17.10.](#)
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals. [Collector streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended. [Local streets shall not exceed the ADT standards set out in Chapter 17.10.](#)
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.
- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

#### **17.100.120 BLOCKS AND ACCESSWAYS**

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

### **17.100.130 EASEMENTS**

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

### **17.100.140 PUBLIC ALLEYS**

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

### **17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES**

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

#### **A. Criteria for Approval**

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

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

#### **B. Design**

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



5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

### **17.100.160 PUBLIC ACCESS LANES**

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

#### **A. Criteria for Approval**

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

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

#### **B. General Provisions**

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

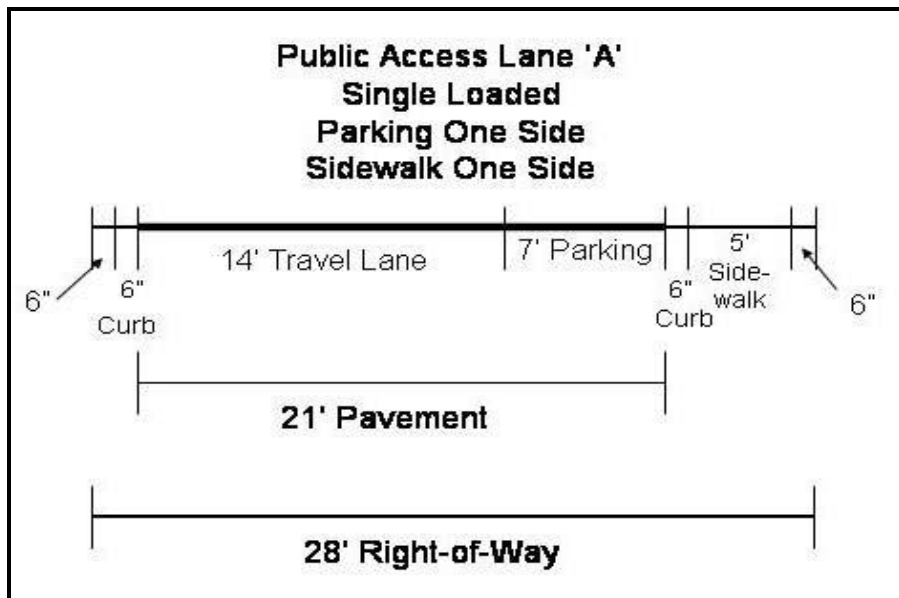
5. Parking shall be prohibited in public access lane turnarounds.

~~5.6.~~ [Street lighting may be required in public access lanes for traffic and pedestrian safety.](#)

#### **C. Public Access Lane Design**

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

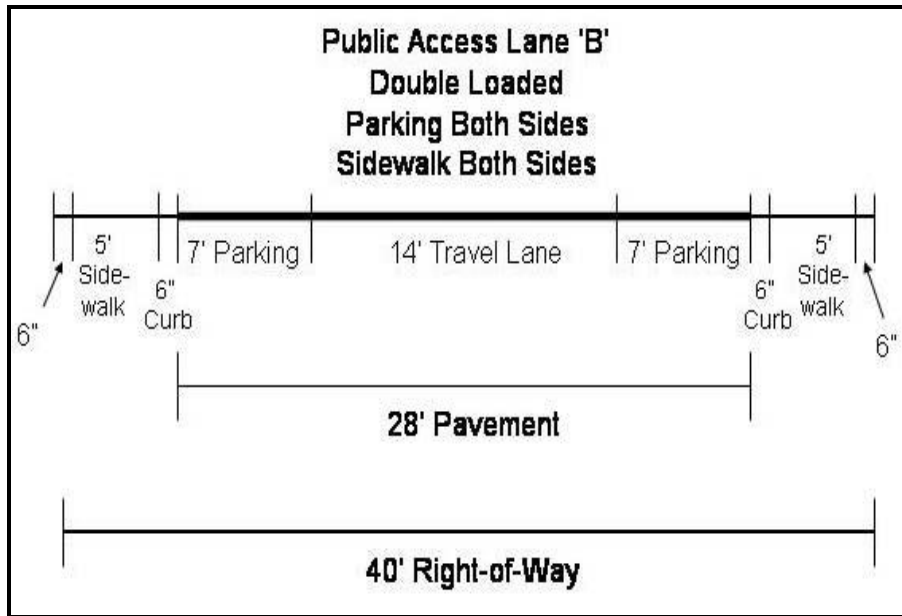
**Figure 17.100 – A: Public Access Lane 'A'**



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

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

**Figure 17.100 – B: Public Access Lane 'B'**



**17.100.170 FLAG LOTS**

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

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

**17.100.180 INTERSECTIONS**

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

**17.100.190 STREET AND TRAFFIC CONTROL SIGNS**

~~The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development.~~ The City Engineer shall specify the type and location of ~~the~~ traffic control signs, street signs and/or traffic safety devices.

## **17.100.200 STREET SURFACING**

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the ~~standards of the Oregon State Highway Department~~ Oregon Standard Specifications. ~~An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development~~ All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

## **17.100.210 STREET LIGHTING**

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

## **17.100.220 LOT DESIGN**

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

- E. Lots shall ~~avoid deriving~~ not take access from major ~~or~~ arterials, minor arterials or collector streets if access to a local street exists. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit ~~possible traffic hazards~~ traffic conflicts on such streets. Where possible, driveways ~~should~~ shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

#### **17.100.230 WATER FACILITIES**

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

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

#### **17.100.240 SANITARY SEWERS**

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

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

#### **17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM**

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

### **17.100.260 UNDERGROUND UTILITIES**

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

### **17.100.270 SIDEWALKS**

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

### **17.100.280 BICYCLE ROUTES**

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

### **17.100.290 STREET TREES**

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

### **17.100.300 EROSION CONTROL**

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

### **17.100.310 REQUIRED IMPROVEMENTS**

The following improvements shall be installed at no expense to the ~~city~~City, consistent with the ~~design~~standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

~~A. Drainage facilities~~

A. Lot, street and perimeter monumentation

B. Mailbox delivery units

C. Sanitary sewers

D. Stormwater drainage facilities

~~D.~~E. Sidewalks

~~E.~~F. Street lights

~~F.~~G. Street name signs

~~G.~~H. Street trees

~~H.~~I. Streets

~~I.~~J. Traffic control devices and signs

~~J.~~K. Underground communication lines, including broadband (fiber), telephone, and cable.

Franchise agreements will dictate whether telephone and cable lines are required.

~~K.~~L. Underground power lines

~~L.M.~~ Water distribution lines and fire hydrants

### 17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the ~~design~~ standards of Chapter 17.84 and improvement standards and specifications adopted by the ~~city~~ City. Improvements shall be installed in accordance with the following general procedure:

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

### 17.100.330 OPTIONS FOR IMPROVEMENTS

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

- A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor ~~and the Board of County Commissioners~~. The City shall keep the subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final subdivision plat for certification by the ~~Board of County Commissioners~~ County Surveyor and then to the County Clerk for recording; or
- B. Agree to Install Improvement. The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The

agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance ~~guarantee bond equal to 110 percent of the value of the guaranteed improvements~~ shall be required. Performance bonds shall be issued by a surety registered to do business in Oregon. The value of the guaranteed improvements may include engineering, construction management, legal and other related expenses necessary to complete the work. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or

- C. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. ~~A~~ The performance guarantee bond described in section B above shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the ~~city~~ City.

#### **17.100.340 PERFORMANCE GUARANTEE**

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

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
- B. In lieu of the surety bond, the applicant may:
1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
  - ~~2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;~~
  - ~~3.~~ 2. Supply certification by a bank or other reputable lending institution that an irrevocable line letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision. has been established to cover the cost of required improvements, to be ~~utilized~~ released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
  - ~~4.~~ 3. Provide bonds in a form approved by the City Attorney.
- C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.



D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

M E M O R A N D U M

TO: EMILY MEHARG, SENIOR PLANNER  
FROM: MIKE WALKER, PUBLIC WORKS DIRECTOR  
RE: CHANGES TO SECTION 17.100 SMC  
DATE: AUGUST 13, 2010

I understand that the Planning Commission had some questions on the proposed changes to section 17.100 of the Municipal Code. My responses or clarifications are below:

- The changes proposed to 17.100.190 through 210 reflect current practice and reduce the administrative burden on City staff.
- The changes to 17.100.300 reflect our current practice. It is important to clearly define the amount of the performance bond (110% of the approved estimate). The requirement to use a surety registered in Oregon and including soft costs also mirrors current practice. If a developer fails to follow through on their obligation to complete improvements the City shouldn't be on the hook for additional legal, engineering and construction management expenses that were not included or were too low in the original estimate.
- The option in 17.100.340B(2) to provide a letter from a bank or lending institution that funds are being held guaranteeing the completion of public improvements subjects the City to greater risk and is very complicated to administer. The City gets involved in approving pay requests and gets in the middle of a contractual relationship between a contractor and a developer.
- The language in the next section more clearly defines the current requirements for a Letter of Credit to guarantee completion of public improvements.

Please let me know if you have any questions or need more information.