



Staff Report

Meeting Date: June 6, 2022
From Kelly O'Neill Jr., Development Services Director
SUBJECT: Parks Code Modifications

DECISION TO BE MADE:

Review the code modifications for emergency adoption on June 6, 2022.

PURPOSE / OBJECTIVE:

Facilitate successful implementation of the goals set forth in the 2022 Parks and Trails Master Plan.

BACKGROUND / CONTEXT:

On May 16, 2022, the City Council provided direction to staff on the proposed code changes to Chapter 17.32 and 17.86.

Detailed analysis of the code amendments proposed by staff, and background/context on the rationale for the changes, is available in the [May 16, 2022 staff report](#).

The proposed code amendments have been revised with input from the City Attorney to address the comments provided by the City Council on May 16th.

KEY CONSIDERATIONS / ANALYSIS:

The amendment revisions suggested by the Council on May 16th included the following:

- Section 17.32.60 (B) - Strike this provision.
- Section 17.86.10 - Make sure that park and trail locations are added to this provision.
- Section 17.86.20 (B) - Add minimum distance between pedestrian access ways.
- Section 17.86.20 (C) - Add more clear and objectivity in this clause.
- Section 17.86.30 (A) (1) - Add '2011' before Transportation System Plan.

RECOMMENDATION:

Adopt the code modifications by emergency by adopting Ordinance No. 2022-10.

BUDGETARY IMPACT:

1. Likely a cost savings for Parks SDCs with removal of the requirement to require streets around all sides of parks.
2. Likely additional parkland dedication or fee in lieu of land will be collected as the acre of parkland per person is proposed to increase.

3. Likely a reduction in legal costs by having updated municipal code that is easier for staff to enforce.

DRAFT



NO. 2022-10

AN ORDINANCE AMENDING CHAPTER 17.32, PARKS AND OPEN SPACE (POS); AND CHAPTER 17.86, PARKLAND AND OPEN SPACE; OF TITLE 17 OF THE SANDY MUNICIPAL CODE AND DECLARING AN EMERGENCY

WHEREAS, the City regularly reviews and updates the development code to ensure its ongoing usefulness and efficacy; and

WHEREAS, the City recognizes the importance of clarity and objectivity in its development code; and

WHEREAS, the City Council wants to amend Chapters 17.32 and 17.86 of the Development Code (Title 17) to remove antiquated requirements, add 21st century industry terminology and best practices, and incorporate recommendations from the new Parks and Trails Master Plan; and

WHEREAS, the City Council wants to make other minor code changes as contained below; and

WHEREAS, on March 11, 2022, the City provided notice of the proposed amendments to DLCD in conformance with ORS 197.610; and

WHEREAS, the Planning Commission held a public hearing to review the amendments on April 25, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council then held a public hearing to review the proposal on June 6, 2022.

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

Section 1. Sandy Municipal Code Chapter 17.32 is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. Sandy Municipal Code Chapter 17.86 is amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3. In support of this ordinance, the City Council adopts the findings attached as Exhibit C.

Section 4. All remaining provisions of Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

Section 5. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately upon its adoption.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 06 day of June 2022

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

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CHAPTER 17.32 PARKS AND OPEN SPACE (POS)¹

Sec. 17.32.00. Intent.

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

Sec. 17.32.10. Applicability

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

Sec. 17.32.1020. Permitted uses.

A. Primary Uses Permitted Outright:

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

B. Accessory Uses Permitted Outright:

1. Accessory structures, detached or attached~~;~~
2. Educational activities in accordance with the primary purposes of the zone~~;~~
3. Interpretive displays~~;~~
4. Skate parks;

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

- 5. Splash pads;
- 6. Community gardens;
- 7. Disc golf courses;
- 8. Pump tracks;
- 9. Climbing walls;
- 10. Off-leash dog parks;
- 11. Sports fields and courts;
- 412. Park furnishings, including arbors, barbeques, benches, bicycle racks, drinking fountains, gazebos, kiosks, picnic tables, play equipment and signage-;
- 513. Public driveways and parking areas for uses permitted in this zone-;
- 614. Public restroom facilities-;
- 15. Other uses similar in nature as listed in the 2022 Parks and Trails Master Plan.

Sec. 17.32.2030. Minor conditional uses and conditional uses.

- A. *Minor Conditional Uses:* None
- B. *Conditional Uses:*
 - 1. Campgrounds;
 - 2. Swimming pools and aquatic facilities;
 - 3. Community centers;
 - 43. Other uses similar in nature.

Sec. 17.32.3040. Sandy River Park.

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

Sec. 17.32.4050. Development standards.

Parks and Open Space	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum or maximum
Lot Coverage	No maximum
Structure Height	35 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

Sec. 17.32.5060. Additional requirements.

- A. ~~Where applicable, p~~Park improvements shall comply with ~~city design standards.~~Chapter 17.90 Design Standards.
- B. ~~Provisions for pedestrian and vehicular off-street access to adjoining properties shall be included in park master plans.~~

DRAFT

Title 17 - DEVELOPMENT CODE
CHAPTER 17.86 PARKLAND AND OPEN SPACE

CHAPTER 17.86 PARKLAND AND OPEN SPACE¹

Sec. 17.86.00. Intent.

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy residents. This chapter implements policies of Goal 5 and Goal 8 of the Comprehensive Plan and the 2022 Parks and Trails Master Plan by outlining provisions for parks and open space in the City of Sandy.

Sec. 17.86.10. Minimum parkland dedication requirements.

Parkland Dedication: ~~New residential subdivisions, planned developments, Residential subdivisions and partitions, single-family or~~ multi-family ~~developments, or~~ and manufactured home park developments shall be required to provide parkland to serve ~~existing and future~~ residents of those developments. ~~Congregate M~~ multi-family ~~housing~~ developments ~~which that~~ provides ~~some "congregate"~~ services and/or facilities, ~~such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, as defined in Chapter 17.10 of the City's Municipal Code,~~ are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate ~~care~~ living facilities, nursing homes, and all other ~~similar residential care~~ facilities ~~which that~~ provide ~~their~~ clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are ~~specifically~~ exempt from parkland dedication, ~~and system development fee requirements.~~ The dedication or provision of parks, open space, trails, and amenities shall be located in compliance with the 2022 Parks and Trails Master Plan Maps 8 and 14, dedicated pursuant to the formula in Section 17.86.10 (B), and in compliance with the improvement standards in Section 17.86.20. The level of service standards as well as the park and trail level of service needs as identified in Chapter 4, Table 10, of the 2022 Parks and Trails Master Plan are specifically incorporated by this reference.

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

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

- B. Calculation of Required Dedication: The required parkland acreage to be dedicated ~~is shall be~~ based on ~~a calculation of~~ the following formula:

Required parkland dedication (acres) = (proposed dwelling units) x (persons/dwelling unit) x ~~0.0043~~0.0068 (per person park land dedication factor)

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

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

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

~~Persons per unit, age distribution, and local conditions change with time.~~ The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment. ~~The A~~ fee-in-lieu under Section 17.86.40 shall be based on the number and type of dwelling units proposed at time of plat, but an additional fee in-lieu will be ~~necessary~~required and calculated on a per lot basis if any lots are constructed or converted to add additional dwelling units. For example, if an existing single family dwelling unit is converted into a duplex dwelling unit the existing single family ~~home~~dwelling unit shall receive a credit, but the new dwelling unit shall pay the difference in persons per dwelling unit. This would equate to one proposed dwelling unit multiplied by three additional persons multiplied by ~~0.0043~~0.0068 for the above example.

2. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be ~~0.0043~~0.0068 of an acre per person based on the adopted standard of ~~4-36.8~~ acres of land per 1,000 of ~~ultimate~~ population per the 2022 Parks and Trails Master Plan.² This standard represents the citywide land-to-population ratio for city parks at 5.25 acres of land per 1,000 of population, and land for trails at 1.55 acres of land per 1,000 of population, ~~and may be adjusted periodically through amendments to the Parks Master Plan.~~

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

C. Notwithstanding Section 17.86.10 (A) above, when the amount of land to be dedicated is less than one quarter acre, or the level of service standards for mini parks in the 2022 Parks and Trails Master Plan have been met for the subject site, the applicant shall pay a fee in lieu of dedication as provided in Section 17.86.40 (B), with the following exceptions:

1. When the land to be dedicated is for a trail identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan;

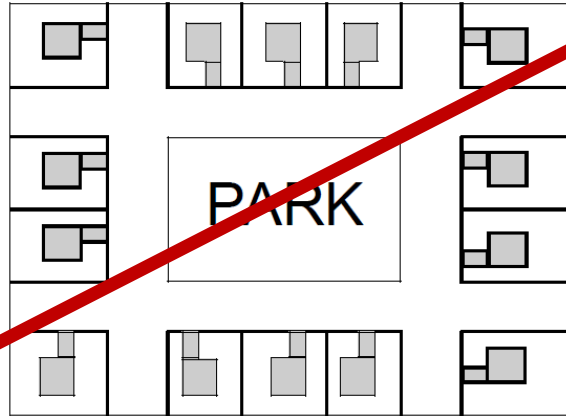
²Editor's note(s)—~~Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person.~~2022 Parks and Trails Master Plan, Section 4.2, Park and Trail Needs, Table 10 (Park and Trail Needs Analysis).

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

Sec. 17.86.20. Minimum parkland standards.

Land required or proposed for parkland dedication shall be contained within a continuous unit and ~~must shall~~ ~~be suitable for active~~ accommodate use as a mini, neighborhood, or ~~mini~~ community-park, as defined in the 2022 Parks and Trails Master Plan, based on the following criteria:

- A. ~~Homes must~~ The primary entrance of single-family homes and duplexes front shall face towards parkland when separated by street right-of-way. on the parkland as shown in the example below: Residential through lots or corner lots that abut more than one street with one of the streets defined as an arterial or collector street shall have the front door face the arterial or collector street as defined by Chapter 17.82.
- B. On the sides of the parkland not fronting onto a street, a pedestrian and bicycle access way shall be provided with a minimum improved surface of ten feet within a 15-foot right-of-way or tract. Pedestrian and bicycle access ways shall be spaced at least once every 400 feet. If the parkland abuts land to be developed for multi-family development or a manufactured home park the multi-family development or manufactured home park shall include a pedestrian and bicycle access way in a public easement from any abutting street right-of-way through the property with multi-family development or a manufactured home park to the parkland.
- C. In all zones, where real property abuts parkland, fence height shall not exceed six feet at the common property line with the parkland. Barbed wire is not permitted on fences abutting parks. This regulation supersedes Section 17.74.40.
- D. ~~Any~~ retaining wall constructed at the perimeter of ~~the a~~ park adjacent to a public right-of-way or private street shall not exceed four ~~(4)~~ feet in height.
- E. The required parkland dedication for parks one acre or greater shall be abutted by street right-of-way for at least 400 linear feet, with the following exceptions for trails and parks less than one acre:
1. Land dedicated for trails as identified in the 2022 Parks and Trails Master Plan only need to abut street right-of-way for a total of 15 linear feet.
 2. If the land dedication is between half-acre and one-acre the parkland shall be abutted by street right-of-way for at least 200 linear feet.
 3. If the land dedication is less than half-acre the parkland shall be abutted by street right-of-way for at least 100 linear feet.



- BF.** The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways, streets or other pedestrian barriers.
- CG.** The parkland ~~must shall be able to accommodate~~ provide for park facilities, such as play structures and play fields, picnic areas, or other active park use facilities, as described in the 2022 Parks and Trails Master Plan, subject to the following standards: The average slope of the active use parkland shall not exceed 15 percent.
 - 1. Neighborhood Parks or Community Parks: Not more than 20 percent of the park may exceed 15 percent slope. Zero percent of the park shall include wetlands.
 - 1-2. Mini Parks: Not more than 10 percent of the park may exceed 15 percent slope. Zero percent of the park shall include wetlands.

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

Sec. 17.86.30. Dedication procedures.

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

- A. Prior to ~~acceptance of required parkland dedications~~ final plat approval, the applicant/~~developer~~ shall complete the following items for all proposed dedication areas:
 - 1. The ~~developer applicant~~ shall clear, fill, and/or grade all land ~~to the satisfaction of the City in accordance with the approved grading plan~~, install curb, gutter, and sidewalks in accordance with the 2011 Transportation System Master Plan on the park land adjacent to any street, and seed the park-land; and,
 - 2. The ~~developer applicant~~ shall submit a Phase I Environmental Site Assessment of the parkland to the City, completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record prior to dedication.
 - a. In the event that the Phase 1 Environmental Site Assessment detects the potential for contaminated soil, the applicant shall perform further assessment, testing and sampling as needed to determine the type and extent of contamination present, and potential remediation steps needed.

b. If contaminated conditions are present the applicant shall either remediate the condition and submit a report to the City documenting the procedures and final soil conditions or select other property for the parkland dedication.

B. Additional Requirements.

1. ~~In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so Land dedicated and deeded or restricted for use as parkland shall not be subject to any other easements, reservations of record, or encumbrances of any kind or easements which, in the opinion of the Director, will that interfere with the use of the land for park, open space, or recreational purposes.~~

~~The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.~~

2. Where ~~any~~ reservations, encumbrance~~s~~ or easements exists, the applicant may propose an alternative lot or parcel for parkland dedication or the City may require payment in lieu of the dedication of lands, unless it chooses to accept the land subject to encumbrances.

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

Sec. 17.86.40. Cash Fee in lieu of dedication.

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

~~A. The following factors shall be used in the choice of whether to accept land or cash in lieu:~~

1. ~~The topography, geology, access to, parcel size, and location of land in the development available for dedication;~~
2. ~~Potential adverse/beneficial effects on environmentally sensitive areas;~~
3. ~~Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;~~
4. ~~Availability of previously acquired property; and~~
5. ~~The feasibility of dedication.~~

A. The City shall accept a fee in lieu of dedication from an applicant if the land area proposed to be dedicated is not identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan or is not in compliance with the improvement standards in Section 17.86.20.

B. The City shall accept a fee in lieu of dedication from an applicant if the land area proposed to be dedicated is not identified in Map 8 Proposed Park System, Table 12 Tier 1 Capital Improvement Plan, or Table A-3 Proposed Park Capital Improvement Plan of the 2022 Parks and Trails Master Plan or is not in compliance with the improvement standards in Section 17.86.20.

C. The City shall accept a fee in lieu of dedication from an applicant if the park area to be dedicated is less than one-quarter acre, or the level of service standard for mini parks described in the 2022 Parks and Trails Master Plan has been satisfied, with the following exceptions:

1. When the land to be dedicated is for a trail identified in Map 14 Proposed Trail System, Table 12 Tier 1 Capital Improvement Plan, or Table A-4 Proposed Trail Capital Improvement Plan of the 2022 Parks and Trails Master Plan;

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

BD. ~~Cash~~ The fee in lieu of parkland dedication for a residential subdivision shall be paid prior to approval of the final plat or as specified below:

1. Fifty (50) percent of the payment shall be paid prior to final plat approval, and

2. The remaining 50 percent of the payment, plus an administrative surcharge specified by City Council resolution, shall be pro-rated equally among the lots and paid at the time of building permit issuance for each lot. ~~plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.~~

E. The fee in lieu of dedication for a single-family dwelling, duplex, or multi-family dwelling not in conjunction with a residential subdivision shall be paid at the time of building permit issuance for the subject lot or parcel.

Sec. 17.86.50. Minimum standards for open space dedication.

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

A. The types of open space that may be provided are ~~as follows~~:

1. *Natural Areas*: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas, riparian corridors, or areas replanted with native vegetation after construction.

2. *Greenways*: linear green belts areas linking residential areas with ~~other~~ open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas ~~are is~~ encouraged.

B. A subdivision, partition, replat, or design review application proposing designation of open space shall include the following information as part of ~~this~~ the application:

1. Designate the boundaries of all open space areas; and

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2. Specify the manner in which the open space shall be ~~perpetuated~~owned, maintained, and administered; and
 3. Provide for public access to trails included in the 2022 Parks and Trails Master Plan, including but not limited to the Tickle Creek Path Trail.
- C. Dedication of open space may occur concurrently with development of ~~the a~~ project. ~~At the discretion of the city~~City, ~~For~~ phased development ~~that will be phased~~, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
- D. Open space areas shall be maintained so that the use and enjoyment thereof ~~is not diminished or destroyed~~remain safe, healthy, and functional. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
1. Dedication to the City of Sandy or ~~an appropriate~~another public agency, ~~approved by the City~~, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City ~~may~~shall require the ~~developer~~ applicant to submit a Phase I Environmental Site Assessment of the open space area completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record prior to dedication.
 - a. In the event that the Phase 1 Environmental Site Assessment detects the potential for contaminated soil, the applicant shall perform further assessment, testing and sampling as needed to determine the type and extent of contamination present, and potential remediation steps needed.
 - b. If contaminated conditions are present the applicant shall either remediate the condition and submit a report to the City documenting the procedures and final soil conditions or, select another area for parkland dedication.
 2. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
 3. Dedication of development rights to ~~an appropriate~~another public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
 4. Deed-restricted private ownership preventing development and/or subsequent ~~subdivision~~land division and providing for ongoing maintenance responsibilities.
- E. In the event that ~~any private~~an owner of private open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space. The City shall enforce the maintenance requirement, pursuant to Sandy Municipal Code Sections 1.18 or 8.16.

Exhibit C
Ordinance No. 2022-10

1. Goal 1 – Citizen Involvement. Both the Planning Commission and the City Council held a public hearing prior to adopting the ordinance. City staff completed a presentation explaining the proposed code amendments to Chapters 17.32 and 17.86 at both hearings. The Commission held a public hearing on April 25, 2022. The Council held a public hearing on June 6, 2022. The City provided notice of the public hearings in accordance with state law and the City’s development code. Goal 1 is satisfied.
2. Goal 2 – Land Use Planning. Goal 2 requires the ordinance to be coordinated with other governmental entities and to be supported by an adequate factual base. The City provided 35-day notice to the State of Oregon on July 19, 2021, and modifications on March 11, 2022. Goal 2 is satisfied.
3. Goal 3 – Agricultural Lands. Goal 3 does not apply to the decision.
4. Goal 4 – Forest Lands. Goal 4 does not apply to the decision.
5. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. The proposed code amendments help assure protection of natural resources and open space. The amendments also help achieve the goals and policies of the 2022 Parks and Trails Master Plan. Goal 5 is satisfied.
6. Goal 6 – Air, Water and Land Resources Quality. Goal 6 does not apply to the decision.
7. Goal 7 – Areas Subject to Natural Hazards. Goal 7 does not apply to the decision.
8. Goal 8 – Recreational Needs. The proposed code amendments help the City fulfill recreational needs for current and future Sandy residents over the next 15 years in coordination with the 2022 Parks and Trails Master Plan. Goal 8 is satisfied.
9. Goal 9 – Economic Development. Goal 9 does not apply to the decision.
10. Goal 10 – Housing. The proposed modifications to Chapters 17.32 and 17.86 provide clarification and updated language to reflect the needed housing policies in Oregon. Goal 10 is satisfied.
11. Goal 11 – Public Facilities and Services. The proposed code amendments help the City fulfill recreational needs for current and future Sandy residents over the next 15 years in coordination with the 2022 Parks and Trails Master Plan. This text amendment will not undermine or contradict any aspect of the existing public facilities plan. Goal 11 is satisfied.
12. Goal 12 – Transportation. Goal 12 does not apply to the decision.
13. Goal 13 – Energy Conservation. The City’s comprehensive plan with respect to Goal 13 and its standards governing energy conservation are not affected by the decision. Goal 13 is satisfied.
14. Goal 14 – Urbanization. The decision does not analyze or expand the City’s urban growth boundary. Goal 14 is not applicable.