



CITY COUNCIL MEETING

Monday, October 05, 2026 at 6:00 PM
Sandy City Hall and via Zoom

AGENDA

TO ATTEND THE MEETING IN-PERSON:

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

TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/86423748521>

Or by phone: (253) 215-8782; Meeting ID: 86423748521

WORK SESSION – 6:00 PM

1. [Pleasant Street Improvements Work Session](#)

REGULAR MEETING – 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT (3-minute limit)

The Council welcomes your comments at this time. The Mayor will call on each person when it is their turn to speak for up to three minutes.

-- If you are attending the meeting in-person, please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

-- If you are attending the meeting via Zoom, please complete the online comment signup webform by 4:00 p.m. on the day of the meeting: <https://www.ci.sandy.or.us/citycouncil/webform/council-meeting-public-comment-signup-form-online-attendees>.

RESPONSE TO PREVIOUS COMMENTS

PROCLAMATIONS

2. [Domestic Violence Awareness Month](#)

CONSENT AGENDA

3. [City Council Minutes: September 21, 2026](#)

ORDINANCES

4. [PUBLIC HEARING: Ordinance 2026-23 - Civil Infractions Code Amendments](#)
5. [PUBLIC HEARING: Ordinance 2026-22 - Bornstedt Views FSH Overlay Map Amendment](#)

NEW BUSINESS

6. [Contract Amendment Authorization: Pump Storage and Maintenance](#)

REPORT FROM THE CITY MANAGER

7. [Draft Flavored Tobacco Letter](#)

COMMITTEE / COUNCIL REPORTS

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) or (Email: recorder@ci.sandy.or.us) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

Meeting Type: City Council
Meeting Date: October 5, 2026
From: Kelly O'Neill Jr., Development Services Director
A.J. Thorne, Public Works Director
Tyler Deems, City Manager
Subject: Pleasant Street Improvements Work Session

DECISION TO BE MADE:

Hold a work session to discuss how to proceed with the Council' scaled-down vision for improvements to Pleasant Street.

APPLICABLE COUNCIL GOAL:

- **Goal 6.4:** Revisit the Pleasant Street Master Plan with minimal reliance on consulting services.

BACKGROUND / CONTEXT:

On September 19, 2022, the City Council held a [work session](#) to discuss the Pleasant Street Master Plan and provided input to staff. Most recently, the City Council adopted a new goal for the 2025-2027 biennium that stated, "Revisit the Pleasant Street Master Plan with minimal reliance on consulting services." It should be noted that staff do not believe a 'master plan' is necessary for this project to move forward and would prefer to shift this project to being a streetscape reinvestment project instead. The primary reason to shift away from the master plan concept is to save money and time, and to focus entirely on the City Council's latest objectives for this project.

Project History

The concept of expanding Sandy's downtown commercial district was first introduced in 1995 during a downtown charrette held by the City of Sandy as part of the 2040 Neighboring Cities Study, a precursor to the 1997 Comprehensive Plan Update. At the time, the community was trying to determine how and where to extend the commercial area of the downtown district to, and the most common answer amongst those present was Pleasant Street. It was also noted by the participants at that charrette that "overhead wiring should eventually be moved underground in order to help clean up the visual clutter that is often the first impression that a visitor has of the downtown", and that "there is a need to make the entire downtown area more pedestrian friendly with better sidewalks and street furniture, trees, friendly storefronts, good signage and the like".

The idea for the development of a master plan for commercial improvements to downtown Sandy began in earnest in 2017 when the City Council adopted the development of a master plan for Pleasant Street as [one of their official goals for the 2017-2019 biennium](#). The Planning Division hired a [RARE](#) student to manage a number of tasks for the Division, which included the development of a draft of the Pleasant Street Master Plan. [AECOM](#) was selected as the contractor for this project and assisted the

City with construction cost estimation, public engagement, and the creation of renderings of complete project segments for visioning purposes.

Item # 1.

The initial work done in 2017 and 2018 included three phases of public engagement work. The first phase collected information from local residents, downtown business owners, downtown property owners, and local community non-profits through lengthy stakeholder interviews. Nine organizations and thirteen individual stakeholders took part in these interviews. Following the stakeholder interviews, general surveys were the second step in the public engagement process. The purpose of the surveys was to inform survey respondents of the project and to receive their feedback on initial concepts of the master plan. A total of 174 surveys were received by City staff. The City of Sandy also held an open house event in March of 2018 at the library.

Previous Community Campus Context

It is also worth noting that around this same time, the City was engaging with Oregon Trail School District to purchase the old Cedar Ridge Middle School site, which included the old aquatic center. As part of the purchase of this property, the City conducted several studies to determine the best use for the site as well as the affordability of various options. At that time, it appeared that investing in Pleasant Street made a great deal of sense, given the likely activity that would occur along this stretch of road should a full-scale aquatic center be constructed.

Economic Development

With the development of the Bell St / 362nd Ave extension in recent years, the focus of economic development has shifted away from Pleasant Street. Staff has spoke with the City's economic development consultant, Jon Legarza, and the feedback that has been received is that investment in the Pleasant Street area would certainly improve the overall safety and ascetics, and may make the sale of existing properties easier, but the City will a much greater return on investment with funding spent in the Bell St / 362nd Ave area.

Safe Routes to Schools

In 2020 the City worked with ODOT to develop a Safe Routes to Schools Plan for both Sandy Grade School and Cedar Ridge Middle School. [Pleasant Street improvements included within the plan can be found on page 41 of the plan PDF.](#) Unfortunately, ODOT rescinded the funding for Safe Routes to Schools projects in 2026, so the City was unable to apply for any funding this year. It is possible that funding will become available again in 2027. In alignment with another Council goal, staff will continue to monitor these funding opportunities and complete an application for various safety specific projects are funding allows.

KEY CONSIDERATIONS / ANALYSIS:

During the work session discussion in 2022, the City Council indicated its preference to remove the project area east of Meinig Avenue, refrain from undergrounding the majority of aerial utilities, and link the improvements from Pleasant Street to Pioneer Blvd. via one of the local north/south streets. As also highlighted in the figures, the City Council had requested to modify Strauss Avenue from Pleasant Street to Pioneer Blvd., instead of Alt Avenue. If the Council determines to move forward with this work, City staff would also recommend modifications to Bruns Avenue (Figure 3) and Smith Avenue (Figure 4) from Proctor Blvd. to Pleasant Street as these two blocks are missing curb, sidewalks, and other typical street infrastructure.

The idea was to modify the improvements as shown in the two figures below:



Figure 1 - Original project area in red



Figure 2 - Proposed project area in red



Figure 3 - Bruns Avenue



Figure 4 - Smith Avenue

Based on the AECOM estimates from August 2022, the Pleasant Street Master Plan infrastructure implementation would have cost approximately \$10.725 million (in 2023 dollars) and \$15.092 million (in projected 2033 dollars).

In order to provide a new estimate based on the revised improvement area without undergrounding of most overhead aerial utilities, City staff engaged with MacKay Engineering. The total cost estimates for the improvements shown in Exhibit A are estimated at \$2,380,000.

Pleasant Street & Strauss Avenue Street Improvements
PRELIMINARY COST ESTIMATE
September 2026, MacKay

Item No.	Description	Quantity	Unit	Unit Price	Total
Site Preparation					
1	Mobilization & Traffic Control Measures	All	LS	\$ 142,000	\$ 142,000
2	Common Excavation (Est. Depth 18")	3,750	CY	50	187,500
3	Tree Removal and Stump Grinding	1	EA	4,000	4,000
4	Striping Improvements	All	LS	25,000	25,000
5	Sawcut AC & Concrete Surfaces	200	LF	7.50	1,500
6	Site Restoration, Erosion & Sediment Control	All	LS	50,000	50,000
Subtotal					\$ 410,000
Paving & Surfacing					
7	1"-0" Crushed Rock Base (10" deep)	3,000	CY	\$ 50	\$ 150,000
8	Standard Concrete Curb & Gutter	1,750	LF	70	\$ 122,500
9	6" Concrete Residential Driveway	650	SY	150	\$ 97,500
10	4" Concrete Sidewalk including Excavation and 2" Leveling Rock	1,200	SY	150	\$ 180,000
11	ADA Ramp Installations	29	EA	10,000	\$ 290,000
12	½" Dense Mix ACP, Level II (3.5" depth)	2,100	Tons	150	\$ 315,000
Subtotal					\$ 1,155,000
Storm Drain					
13	10" HDPE Pipe	250	LF	120	\$ 30,000
14	24" HDPE Perforated Pipe	750	LF	200	\$ 150,000
15	Curb Inlet Catch Basin	10	EA	4,500	\$ 45,000
16	48" Standard Manhole	3	EA	10,000	\$ 30,000
Subtotal					\$ 255,000
TOTAL					\$ 1,820,000
*PGE Utility Poles					\$ 100,000
Contingency/ENG 25%					\$ 460,000
TOTAL ESTIMATED COST					\$ 2,380,000

**We do not have estimates from PGE at this time. This value will depend on final design.*

Figure 5 - Preliminary Cost Estimate

It should be noted that this preliminary cost estimate does not include the following items:

- New street furniture such as benches, trash cans, or artwork
- New street lighting
- Uniquely designed sidewalks
- Decorative tree well grates or street trees
- Raised planter beds
- A plaza feature as shown in Figure 8

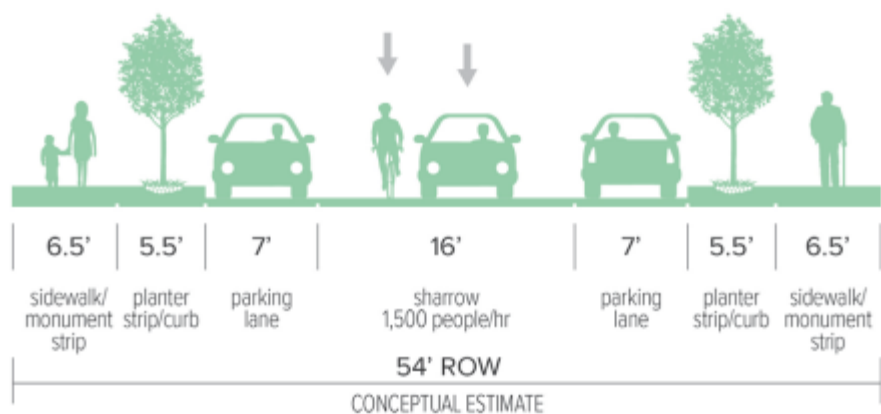
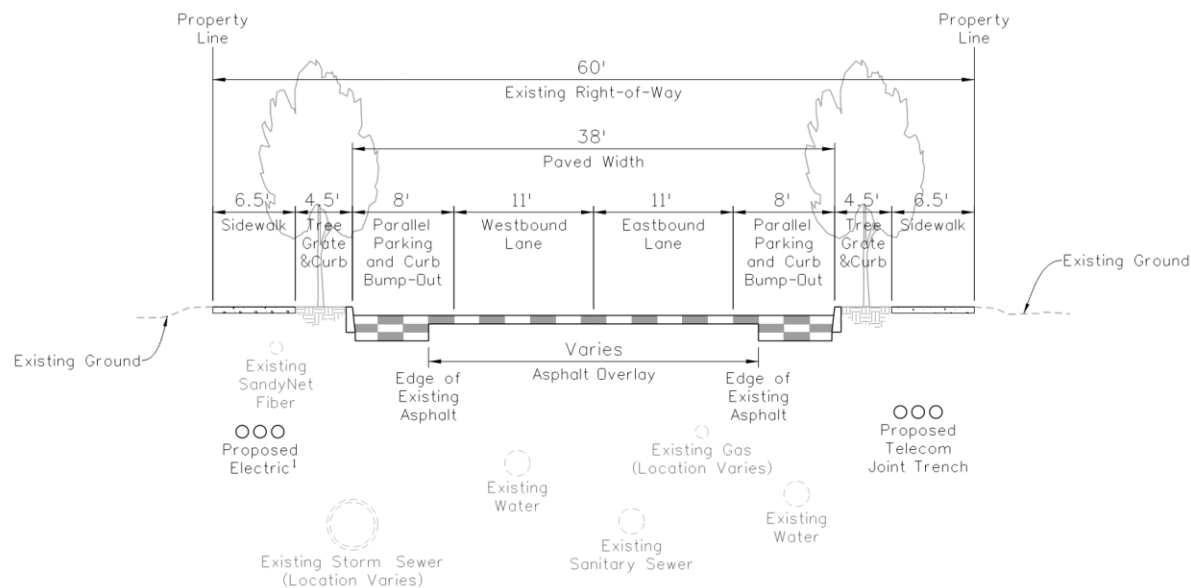
figure 17**Cross-section of Local Street***Figure 6 - Typical new local street**Figure 7 - Planned new street section for Pleasant Street*

Figure 8 details the redesign of Alt Avenue which is not captured in any of the preliminary cost estimates.



Figure 8 - Alt Avenue design

BUDGET IMPACT:

Public Works Department staff worked closely with MacKay Engineering to determine a preliminary cost estimate (Figure 5) for work session discussion purposes. The total cost estimates for the improvements shown on the Exhibit A map are estimated at \$2,380,000. It should be noted that these preliminary estimates are not based on construction plans, and they do not include the features listed on page 4 of this staff report.

RECOMMENDATION:

Prior to continuing to work on Pleasant Street, City staff would like the City Council to discuss the following:

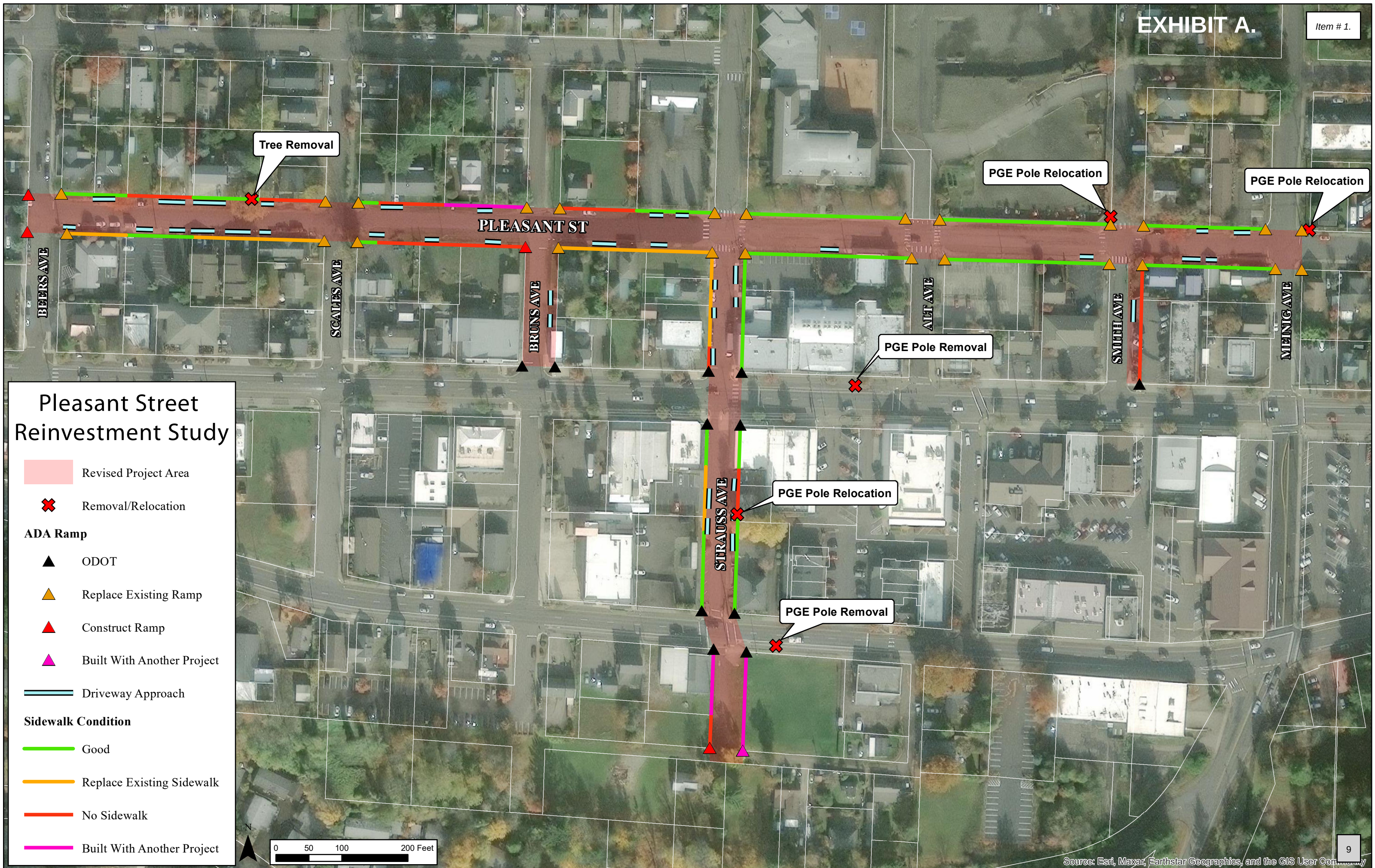
- Is the Council still interested in moving forward with reinvestment along Pleasant Street and some of the other local streets in downtown Sandy?
 - If so, is the revised project area in Figure 2, correct?
- If the Council wishes to make improvements to Pleasant Street and the surrounding area, which approach should be pursued?
 1. Focus only on the areas of improvement that are highlighted within the standard [city-wide pavement management report](#), and let other improvements (such as infilling gaps in existing sidewalks) occur in the future in conjunction with private development
 2. Develop a short-term strategy to repave the immediate areas of need on Pleasant Street in addition to the applicable improvements identified in the [Safe Routes to Schools plan](#)
 3. Complete the \$2,380,000 worth of reinvestment work surrounding Pleasant Street identified in Figure 5 above (including sidewalks, ramps, street repaving, etc.)
 4. Complete the reinvestment work surrounding Pleasant Street identified in Figure 5 above (including sidewalks, ramps, street repaving, etc.), **including** new street furniture,

new street lighting, wider sidewalks, street trees, planter beds, and other optional extensions referenced on page 4 of this staff report

Item # 1.

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A. Pleasant Street Reinvestment Study Map
- Presentation Slides



Pleasant Street Reinvestment Study Work Session

October 5, 2026

Why this work session?

Item # 1.

On September 19, 2022, the City Council held a [work session](#) to discuss the Pleasant Street Master Plan and provided input to staff. A synopsis of that input can be found in the [minutes](#) from that meeting in September 2022.

Most recently, the City Council adopted a new goal for the 2025-2027 biennium that stated, “Revisit the Pleasant Street Master Plan with minimal reliance on consulting services.”



Figure 1 - Original project area in red



Figure 2 - Proposed project area in red

PLEASANT STREET

Item # 1.



STRAUSS AVENUE

Item # 1.



Figure 8 - Alt Avenue design

BRUNS & SMITH AVENUES

Item # 1.



Figure 3 - Bruns Avenue



Figure 4 - Smith Avenue





Item # 1.

PGE POLE ISSUES





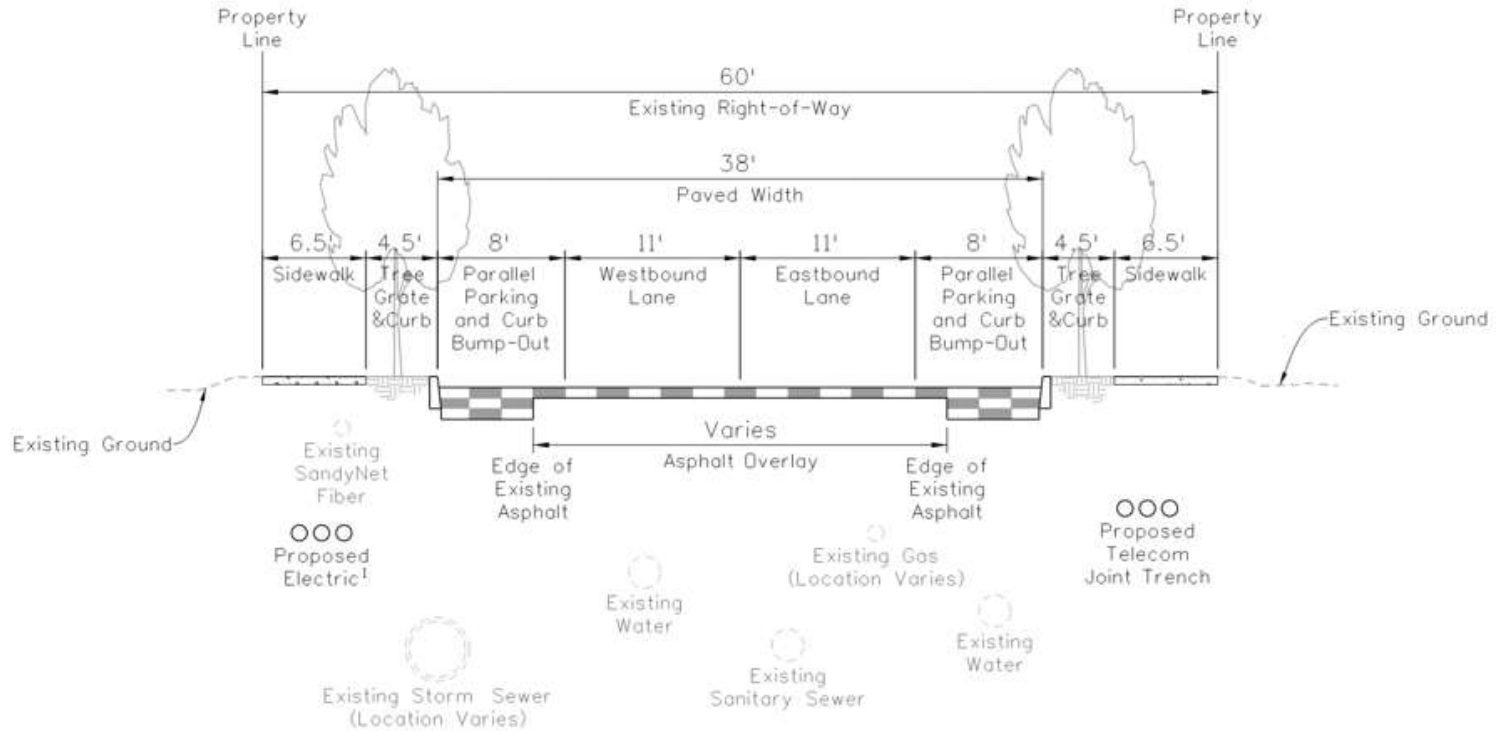


Figure 7 - Planned new street section for Pleasant Street

Pleasant Street & Strauss Avenue Street Improvements
PRELIMINARY COST ESTIMATE
September 2026, MacKay

Item # 1.

Item No.	Description	Quantity	Unit	Unit Price	Total
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TOTAL ESTIMATED COST					\$ 2,380,000

**We do not have estimates from PGE at this time. This value will depend on final design.*

Is the Council still interested in moving forward with reinvestment along Pleasant Street and some of the other local streets in downtown Sandy?

- Is the revised project area in Figure 2, correct?

Which improvement approach should be pursued?

1. Focus only on the areas of improvement that are highlighted within the standard [city-wide pavement management report](#)
2. Short-term strategy to repave the immediate areas of need on Pleasant Street in addition to the applicable improvements identified in the [Safe Routes to Schools plan](#)
3. Complete the \$2,380,000 worth of reinvestment work surrounding Pleasant Street identified in Figure 5 (including sidewalks, ramps, street repaving, etc.)
4. Complete the reinvestment work surrounding Pleasant Street identified in Figure 5 **including** new street furniture, new street lighting, wider sidewalks, street trees, planter beds, and other optional extras

DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

Whereas, Domestic Violence Awareness Month (DVAM) is a national campaign dedicated to raising awareness about domestic violence, and each October communities across the country come together to uplift the needs, voices, and experiences of survivors; and

Whereas, domestic violence is a serious crime and pervasive public health, safety, and human rights concern, affecting individuals and families across all backgrounds, ages, races, genders, income levels, and communities; and

Whereas, 1,110 victims of domestic violence requested a protection order in Clackamas County in 2025; and

Whereas, 781 victims accessed wrap-around services for the first time at A Safe Place Family Justice Center, for a total of 3,875 visits in 2025; and

Whereas, survivors deserve to be heard, believed, respected, and supported, with access to the resources, services, and opportunities necessary to achieve safety, stability, healing, and hope for themselves and their children; and

Whereas, those who perpetrate domestic violence must be held accountable, and our community must continue to challenge the attitudes and behaviors that minimize or normalize violence; and

Whereas, the City of Sandy stands with survivors, recognizes their strength and resilience, and is committed to building a community where every person can live with safety, dignity, respect, and freedom from violence; and

Whereas, Domestic Violence Awareness Month 2026 calls on communities to move from awareness to action, strengthening our commitment to survivors and taking meaningful steps to remove barriers to safety, support prevention, and ensure survivors and their children have access to the resources they need;

Whereas, Domestic Violence Awareness Month provides an excellent opportunity for people to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims;

NOW, THEREFORE, I, Kathleen Walker, Mayor of Sandy, do hereby proclaim October 2026 as

DOMESTIC VIOLENCE AWARENESS MONTH

And I encourage all citizens of Sandy to join in this observance and learn more about what they can do to help end domestic violence both individually and collectively.

In witness whereof, I have hereunto set my hand this 5th day of October 2026.

KATHLEEN WALKER, Mayor





CITY COUNCIL MEETING

Monday, September 21, 2026 at 7:00 PM
Sandy City Hall and via Zoom

MINUTES

EXECUTIVE SESSION – 6:00 PM The City Council met executive session pursuant to ORS 192.660(2)(h)

REGULAR MEETING – 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Kathleen Walker
Council President Don Hokanson
Councilor Laurie Smallwood
Councilor Rich Sheldon
Councilor Kristina Ramseyer
Councilor Lindy Hanley

CHANGES TO THE AGENDA

PUBLIC COMMENT (3-minute limit)

Erika Moseson: is a doctor at Mt Hood Medical Center; stated that menthol is pernicious, e-cigarettes are not safe and cause disease; and that candy and nicotine together are addictive for children. Stated that flavored tobacco should not be sold so easily, and asked for Council support for a county-wide ban. Stated the thoracic society supports a ban, and that menthol and other cooling agents prevent users from realizing they are inhaling toxins.

Selena Garzon: shared that a friend of hers recently got e-cigarettes from her parents and many other students at her middle school use them in secret.

Heidi Low: with the Campaign for Tobacco-Free Kids, stated that local governments should protect youth from dangerous products like flavored tobacco; shared statistics on tobacco use; stated that flavored tobacco is a started product that leads to future addiction.

RESPONSE TO PREVIOUS COMMENTS

(none)

CONSENT AGENDA

1. City Council Minutes: August 17, 2026

MOTION: Adopt the Consent Agenda

Motion made by Councilor Ramseyer, Seconded by Councilor Hanley.

Voting Yea: Mayor Walker, Council President Hokanson, Councilor Smallwood, Councilor Sheldon, Councilor Ramseyer, Councilor Hanley

MOTION CARRIED: 6-0

PRESENTATIONS

2. NAMI Presentation - Suicide Prevention Month

Gary Marschke with NAMI Clackamas provided a presentation to the Council; presentation slides were included in the meeting packet. The Council asked staff to share mental health and suicide prevention resource information on the City's website.

NEW BUSINESS

3. Civil Infractions Code Discussion

The Development Services Director summarized the staff report in the meeting packet. The Council discussed the number of code enforcement warnings that are issued before any fines are levied, as well as code enforcement procedures generally. They also discussed the possibility of acquiring property in the case of severe chronic nuisances, especially if fines are not paid.

Other topics of discussion included:

- Emphasis on the need to update the code and adopt penalties to dissuade property owners from moving retention trees
- Suggestion that chronic nuisances should be Class A violations rather than Class B; agreement that the chronic nuisance chapter can be handled separately with respect to fine amounts
- Discussion of code enforcement success metrics, procedures, likelihood of compliance, and concern about possible overreach
- Emphasis on livability and respect for neighbors, and the importance of the ability to impose fees and liens to gain compliance which is the goal of code enforcement
- Concern about mental health challenges that can lead to code violations
- Clarification on fee amounts for unlawful camping and applicable state law limits

Following the discussion it was the consensus of the Council that staff should revise the draft code to ensure chronic nuisances will be Class A violations. Staff also agreed to continue proactively working on developing code language to dissuade property owners from moving retention trees.

4. Council Chambers Audio/Visual Improvements

The IT Director summarized the staff report in the meeting packet, and explained the two AV improvement proposals provided by the preferred vendor.

Council discussion ensued on the following topics:

- Clarification on the option for a roll-away monitor
- Possibilities for tilting monitors on the dais downward to more easily see other Council Members
- Possibilities for installing monitors that are recessed into the dais
- Possibilities for directional cameras that can follow people who are speaking
- Suggestions for installing a large monitor on the wall behind the dais
- Clarification on the procurement process for this project
- Consideration related to paying for the project, including use of Council contingency funds; note that \$50,000 had been discussed for the project during budget development
- Suggestion to reduce costs by moving from seven to four monitors on the dais
- Suggestion to prioritize audio improvements and forego visual improvements
- Concern about wasted investments if the Council Chambers is comprehensively remodeled in the near future; suggestion that staff should gather more information on the potential cost to reorient the room layout
- Suggestion to provide a monitor to make it easier for presenters to see their slides
- Discussion related to the integration of audio and video processing
- Suggestion to look into the cost of rebuilding the dais itself

Following the discussion it was recognized that more information is needed. Staff agreed to gather additional choices for the Council's consideration including four dais monitors rather than seven, an option to make only audio improvements and not visual, and information related to reorienting the Council Chambers layout.

REPORT FROM THE CITY MANAGER

5. Flavored Tobacco Follow Up

The City Manager asked whether the Council would like to add its support to the letter drafted by the City of Oregon City regarding a proposed county-wide ban on flavored tobacco sales. After discussing the matter, the Council indicated its general support for efforts to reduce access of minors to flavored tobacco, alongside the need to consider the impact on local businesses and the importance of giving voters an opportunity to express their desires. It was agreed that staff should draft a separate letter from the City of Sandy expressing these concurrent views.

Further City Manager Report items included:

- Update on ODOT ADA ramp construction night work
- Update on Energize Sandy grant progress at the former Paola's Pizza location
- Update on wastewater projects being completed to gain access to the conditionally-approved 190 ERUs; note that staff have begun working with Justin Green and Mike Eliason on intergovernmental relations related to wastewater
- Update on ongoing street paving projects

COMMITTEE / COUNCIL REPORTS

Council President Hokanson

- Suggestion to consider repairing or rebuilding the Council dais

Councilor Hanley

- Reminder about the Dine Around Sandy fundraiser
- Reminder about CamoCon and the Trick or Treat Trail

Councilor Ramseyer

- Recap of the volunteer appreciation event
- Recap of the recent Transit Advisory Board meeting; note that there will be more Jolly Trolley rides during this next Winterfest
- Reminder of the great service provided by the Shopper Shuttle

Councilor Sheldon

- Recap of the most recent C-4 meeting regarding transportation needs
- Concern that ODOT is taking too long to complete the ADA ramp improvements; further details from staff on the challenges ODOT is experiencing with the project

Councilor Smallwood

(none)

Mayor Walker

- Thanks to Darren Wegener and Jil Williamson for attending the meeting
- Thanks and appreciation for the City's volunteers; details on the number of volunteer hours and equivalent labor value provided
- Recap of the recent Rip City Rally event
- Note of the recent meeting with Senator Drazan's staff and the upcoming meeting with Congresswoman Dexter
- Praise for the work beginning with Justin Green and Mike Eliason
- Praise for the Meinig Park improvement project work
- Note that planning is underway for a Kobyn McClure memorial
- Note of the upcoming Community Livability Task Force meeting
- Suggestion that staff should increase communications related to street paving work and ODOT ADA ramp work

STAFF UPDATES

Monthly Reports: <https://reports.cityofsandy.com/>

ADJOURN



STAFF REPORT

Item # 4.

Meeting Type: City Council
Meeting Date: October 5, 2026
From: Kelly O'Neill Jr., Development Services Director
Subject: PUBLIC HEARING: Ordinance 2026-23 - Civil Infractions Code Amendments

DECISION TO BE MADE:

Hold a public hearing to discuss proposed code amendments related to civil infractions in the Sandy Municipal Code and consider adoption of Ordinance No. 2026-23.

APPLICABLE COUNCIL GOAL:

- **Goal 6.10:** Continue to improve and refine code language, policies, and practices related to code enforcement.

BACKGROUND / CONTEXT:

At the City Council Work Session on October 7, 2024, staff outlined several chapters within the Sandy Municipal Code (SMC) that would be brought forth for modification as recommended by the Code Enforcement Task Force. On December 2, 2024, the City Council adopted Ordinance No. 2024-23, which removed Chapter 1.16 and modified Chapter 1.18. The modifications to Chapter 1.18 included infraction classifications consistent with other municipalities and a fine escalation clause for repeat offenders. At the time of adoption of Ordinance No. 2024-23, staff stated that a future code modification process would identify outdated code references to Chapter 1.16 and would also standardize violation references to a Class A, B, or C, as permissible.

While the Planning Commission is not part of the public hearing process for these code amendments because they are outside of Title 17, staff sought input from the Commission at a work session on March 30, 2026. The only input that the Commission provided was to modify Section 8.28.010. to have nuisance penalties in Chapters 8.04 through 8.24 be a Class B Civil Infraction at \$500 instead of the existing violation of a Class A Civil Infraction at \$1,000.

City Council Direction at the September 21, 2026 Meeting

The City Council held a work session on September 21, 2026, and discussed the proposed code amendments and the recommendation from the Planning Commission. The City Council concurred with the Commission's recommendation to reduce the penalty amount for nuisance penalties, but determined it should not apply to Chapter 8.22 relating to chronic nuisance properties. Based on this input staff wrote the following in Chapter 8.28:

"Violation of any provision of Chapters 8.04 through 8.20 shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050."

Chapter 8.22 does not need a separate violation penalty called out in Chapter 8.28 because it's already included in Section 8.22.040.C. No violation penalty is required for Chapter 8.24 because it's an abatement procedure (i.e., an alternative enforcement mechanism), not a violation in its own right.

KEY CONSIDERATIONS / ANALYSIS:

The infraction table in Attachment 1. identifies all violation references in the Sandy Municipal Code, except for Title 17. The table defines current code language and proposed code language, highlighting the dollar amount of each proposed infraction classification. A few proposed modifications of note:

- Staff have removed references that each day constitutes a separate violation as Section [1.18.050](#) states, "Each day a violation continues or occurs shall constitute a separate infraction."
- Staff have mirrored the infraction classification to the dollar amount in the existing code when possible. For example, if a code section currently states the violation is \$500 then the proposed infraction classification is a Class B which is currently set at \$500.
- Staff have set new infraction classifications as close to the dollar amount in the existing code, as possible. For example, if a code section currently states the violation is \$100 then the proposed infraction classification is a Class C which is currently set at \$250.
- Staff are recommending removal of Chapter [1.20](#) as the City does not hold jury trials.
- Staff have removed 'imprisonment' as a potential penalty as the City does not have jury trials nor a defense counsel.
- Staff are recommending removal of references to ORS in Chapters [8.34](#) and [8.35](#) for violations as the City Attorney recommends referring to the City's violation schedule instead of ORS. The only limitation is that the City's fines cannot be higher than they would be under state law, which they are not proposed to exceed.
- Staff are recommending removal of Section [8.34.080.E](#) as the minimum fine language in this subsection establishes a floor for the fine the court can impose, while the amounts in Chapter 1.18 provide a ceiling ("not exceeding..."). Establishing a floor is not common as it's generally just left to the discretion of the court.

BUDGET IMPACT:

Staff and City Attorney expenses that have already been incurred.

RECOMMENDATION:

Staff recommend that the City Council hold a public hearing, discuss the proposed code modifications, and adopt Ordinance No. 2026-23.

SUGGESTED MOTION LANGUAGE:

"I move to approve the first reading of Ordinance 2026-23."

LIST OF ATTACHMENTS / EXHIBITS:

- Ordinance No. 2026-23
 - Exhibit A. Track Change Code Modifications



ORDINANCE NO. 2026-23

AN ORDINANCE UPDATING THE CITY'S REGULATIONS ON CIVIL INFRACTIONS IN THE SANDY MUNICIPAL CODE

WHEREAS, 2025-27 City Council Goal 6.10 tasked the Development Services Department to continue to improve and refine code language, policies, and practices related to code enforcement; and

WHEREAS, with removal of Chapter 1.20 the City will remove the City's ability to hold trials by jury; and

WHEREAS, with the proposed revisions to Titles 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15, the Sandy Municipal Code would be standardized to have violation references to a Class A, B, or C, in accordance with Chapter 1.16; and

WHEREAS, the City Council held a public hearing on September 21, 2026, allowing the public an opportunity to provide testimony on the proposed code amendments; and

WHEREAS, the City Council held a public hearing on October 5, 2026, allowing the public an opportunity to provide testimony on the proposed code amendments.

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

Section 1. Sandy Municipal Code Titles 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15 are hereby amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. This Ordinance shall become effective 30 days from the date of adoption.

This ordinance is adopted by the City Council of the City of Sandy on this 5th day of October 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

Section	Title	Amended Code Language
1.20.	Trial by Jury	Sec. 1.20.010. -- Right to trial by jury. Every person charged with an offense which carries a potential sentence of incarceration, as defined and made punishable by the City Charter or city ordinance shall have the right to trial by jury. (Ord. No. 1-74, § 1, 1974; Ord. No. 12-85, § 1, 1985) Sec. 1.20.020. -- Number of jurors. The jury shall consist of six persons duly sworn to try the cause for which they are called. The jurors shall be selected as provided in this chapter. (Ord. No. 1-74, § 2, 1974) Sec. 1.20.030. -- Term of court. The terms of municipal court shall be for a period of one year, beginning on January 1 of each year following the passage of the ordinance codified herein. (Ord. No. 1-74, § 3, 1974) Sec. 1.20.040. -- Jury list. Upon the passage of the ordinance codified herein, and commencing on January 2, 1974, the recorder shall prepare a preliminary jury list, by lot, of not less than 150 nor more than 500 names of persons selected from the latest tax role and registration books used in the last city election. The recorder, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications described in O.R.S. 10.030 and not entitled to exemption as provided in O.R.S. 10.040.

~~If for any reason the making of a jury list is omitted and neglected on the 2nd day of January, it may be done on the first Monday of any month following to serve until the close of the year, and until another list is made.~~

~~(Ord. No. 1-74, § 4, 1974)~~

~~Sec. 1.20.050. -- Jury panels.~~

~~The jury panel for each term shall be selected on the first day of each term of court and the recorder shall select 100 names of persons, by lot, from the preliminary jury list, to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any three year period. A jury panel shall be selected on January 2, 1974, upon the passage of the ordinance codified herein and thereafter on January 2 of each and every year; provided, however, that if the preliminary jury list is not selected on the second day of January of any year, the jury panel may be selected on the first Monday of any following month. The jury panel shall be selected by the recorder in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with this chapter for selecting the panel shall be sufficient.~~

~~(Ord. No. 1-74, § 5, 1974)~~

~~Sec. 1.20.060. -- Selection of trial jury.~~

~~At least ten days, excluding Sundays and legal holidays, prior to the trial date, the defendant or his attorney and the city attorney shall appear before the municipal judge for the selection of the trial jury. The time and place of said selection shall be designated by the court and the judge thereof shall notify the defendant or his attorney and the city attorney of said time and place. The judge shall then select, by lot, six names of persons from the jury panel. When it appears to the municipal judge that any of the persons whose names are drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he has good reason to believe that a person whose name is drawn is temporarily absent from the city, or is ill, or is so engaged as to be unable to attend at the time of trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such~~

~~ballot shall be returned to the jury box after the drawing of the trial jury is completed. The defendant or his attorney may then challenge by peremptory challenge four of the prospective jurors and the city may challenge by peremptory challenge two prospective jurors. The order of challenge shall be that the defendant or his attorney may challenge two and then the city attorney may challenge one and then the defendant or his attorney may again challenge two and then the city attorney may challenge one. Additional names shall be selected, by lot, to replace those jurors challenged. When six jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.~~

~~(Ord. No. 1-74, § 6, 1974)~~

~~Sec. 1.20.070. -- Alternate jurors.~~

~~The defendant or his attorney and the city attorney may agree by stipulation to the drawing of additional names from the jury panel to serve as alternate trial jurors to be summoned should summons not be served upon any of those persons selected as a part of the trial jury pursuant to Section 1.20.060.~~

~~(Ord. No. 1-74, § 7, 1974)~~

~~Sec. 1.20.080. -- Conduct of trials.~~

~~Trials shall be conducted as trials in justice court and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the state regarding the introduction or admission of evidence.~~

~~(Ord. No. 1-74, § 8, 1974)~~

~~Sec. 1.20.090. -- Verdict.~~

~~Six of the six jurors sworn to try the cause must concur to render a verdict.~~

~~(Ord. No. 1-74, § 9, 1974)~~

~~Sec. 1.20.100. -- Payment of jurors.~~

~~Those jurors notified and who appear at trial shall receive compensation from the city in the amount of \$5.00 for each day of attendance upon the municipal court.~~

~~(Ord. No. 1-74, § 10, 1974)~~

~~Sec. 1.20.110. -- Powers of the municipal judge.~~

~~The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The chief of police shall assist the judge in the serving of subpoenas, notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than \$100.00 or by imprisonment in the city or county jail for not more than 30 days, or by both such fine and imprisonment.~~

~~(Ord. No. 1-74, § 11, 1974)~~

<u>2.80.090.</u>	Emergency Planning	Any person, firm, corporation, association or entity who violates any emergency measure taken by the city council under authority of this chapter shall be <u>in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> , upon conviction, to a fine of not more than \$500.00 per offense.
<u>3.28.180.</u>	Transient Lodging Tax	A <u>v</u> iolation of this chapter is a Class "A" <u>Civil i</u> nfraction <u>and is subject to the Forfeitures defined in Section 1.18.050.</u> under Chapter 1.18. Each day that a violation remains uncured is a separate infraction.
<u>5.04.120.</u>	Occupations, Professions, and Business Licenses	Any person violating any of the provisions of this chapter shall be in v <u>i</u> olation of <u>any provision of this chapter shall be in violation of a</u> Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. Each day on which a violation occurs or continues shall be considered a separate violation.

<u>5.05.240.</u>	Public Transportation and Self Employment Tax	Any person, firm, corporation or association committing any v <u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. described in this section shall, upon conviction, be fined not less than \$100.00, nor more than \$2,500.00, for each offense, and shall be subject to one year in jail.</u>
<u>5.24.020.</u>	Advertisements on Utility Poles	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this chapter shall upon conviction thereof be punished by a fine not to exceed \$50.00.
<u>5.28.020.</u>	Bingo and Lotto	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A violation of this chapter shall be punishable by a fine not to exceed \$500.00, by imprisonment not to exceed six months, or by both.
<u>6.04.130.</u>	Animal Control	Violation of <u>any provision of this chapter shall be in violation of</u> is deemed to be a Class C <u>Civil i</u> nfraction <u>and is subject to the Forfeitures defined in Section 1.18.050.</u>
<u>6.08.040.</u>	Apiaries, Livestock and Fowl	A person violating <u>Violation of any of the provisions</u> of this chapter shall <u>be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050., upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18</u>
<u>8.28.010.</u>	Nuisances Penalty	A person violating <u>Violation of any of the provisions</u> of Chapters 8.04 through 8.20 <u>4 shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050., upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18.</u>
<u>8.28.020.</u>	Nuisance Penalty	A. Each day's <u>a</u> violation of a Chapters 8.04 through 8.24 <u>continues or occurs shall provision of</u> constitutes a separate offense <u>infraction.</u>

B. The abatement of a nuisance is not a penalty for violating Chapters 8.04 through 8.24, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

<u>8.32.170.</u>	Nuisances Explosives	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be punished by imprisonment for not to exceed ten days, or by a fine not to exceed \$300.00, or both.
<u>8.34.080.</u>	Sandy Graffiti Code	A. Applying graffiti <u>is a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>in violation of this Chapter is a Class B violation. Under ORS 153.018, a Class B violation is punishable by a maximum fine not to exceed \$360.00. B. Unlawfully possessing a graffiti implement is a Class D<u>C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>violation. Under ORS 153.018, a Class D violation is punishable by a maximum fine not to exceed \$90.00. E. Upon conviction for unlawfully applying graffiti the court shall impose a minimum fine of at least \$100.00. Upon conviction for unlawfully possessing graffiti implement, the court shall impose a minimum fine of at least \$50.00.
<u>8.34.100.</u>	Sandy Graffiti Code (abatement warrant)	F. 4. <u>Violation of any provision of this subsection shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any violation of this Subsection is punishable upon conviction by a fine of not more than \$500.00.
<u>8.35.030.</u>	Camping Prohibited in Certain Places	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> is a Class "D" violation per ORS Chapter 153. Each day that a violation occurs will be considered a separate offense.

9.01.03.	Social Hosting (unruly gatherings)	C. A person who violates subsection A. of this section shall be subject to a fine prescribed by subsection A. of s Section 9.01.04 of this Code chapter. In addition, a person who is convicted of violating subsection A. of this section for a second time, and for any additional time, within a 12-month period, shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection D. of s Section 9.01.03 of this Code chapter.
9.01.04.	Social Hosting (penalties specific)	Violation of <u>any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> the following sections is punishable by fine not to exceed \$1,000.00 or confinement in jail, or both, up to the amounts indicated opposite each.
9.01.05.	Social Hosting (administrative civil penalty)	Second and subsequent violations of subsection A. of s Section 9.01.03 of this Code chapter within a 12-month period are subject to the imposition of response costs as defined in s Section 9.01.02 of this Code chapter.
9.01.06.	Social Hosting (administrative civil penalty continued)	Upon fourth and any subsequent violation of subsection A. of s Section 9.01.03 of this Code chapter within a 12-month period, at a property as defined in s Section 9.01.02 of this Code chapter, the owner of the property is subject to the imposition of response costs as defined in s Section 9.01.02 of this Code chapter.
9.01.07.	Social Hosting (enforcement and penalties)	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A. Violations of any of the provisions of this Chapter are declared civil violations and shall be enforced pursuant to the provisions of Sandy Municipal Code 1-18 B. Fines for violations of the provisions of this Chapter shall be in the amounts specified.
10.24.120.	Parking	Violation of <u>any provisions of</u> Sections 10.24.010 to 10.24.130 is punishable by fine as set by resolution. <u>in the master fee schedule.</u>

<u>10.30.020.</u>	Skateboards, Roller Skates, Etc. on Public Sidewalks	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful use of public sidewalks and property is a Class B infraction.
<u>10.34.010.</u>	Public Rights-of-Way Obstructions (unlawful street obstruction)	<u>Violation of any provision of this section shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful street obstruction is a Class B infraction.
<u>10.34.020.</u>	Public Rights-of-Way Obstructions (unlawful street marking)	<u>Violation of any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Unlawful street marking is a Class A infraction.
<u>10.44.010</u>	Penalties (Sections 10.12.030 through 10.12.050, Chapter 10.16, Chapter 10.20, and Chapters 10.28 through 10.32)	A. Violation of <u>any provisions of</u> Sections 10.12.030 through 10.12.050 and Chapters 10.16 and 10.20 (except Section 10.20.100 thereof), <u>shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>is punishable by fine not to exceed \$100.00, or confinement in the city or county jail not to exceed ten days, or both fine and imprisonment. B. Violation of <u>any provision of</u> Chapter 10.28 through 10.32 and Section 10.20.100 <u>shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u>is punishable by fine not to exceed \$50.00.
<u>10.48.060</u>	Commercial Vehicle Size and Weight Limits	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00 or by imprisonment not to exceed six months, or by both fine and imprisonment.
<u>10.56.040.</u>	Auto Wrecking and Dismantling	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00, or by imprisonment not to exceed six months, or by both fine and imprisonment.

12.02.170.	Utility Facilities in Public Rights-of-Way	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any violation of the provisions of this Chapter or the license shall be a civil infraction that may be subject to a penalty of not more than \$500.00 for each offense.
12.08.160.	Sidewalk, Curb and Driveway Construction	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A person cited for a violation of any provisions of this Chapter shall be fined per Chapter 1.18 of this Code. Each day that a violation exists shall be considered a separate violation.
12.12.030.	Rules of Conduct and Exclusion from Public Property	<u>A. Violation of an exclusion notice issued in accordance with this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> is a Class A infraction punishable under Chapter 1.18 of this Code. <u>B. Violation of any other provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A violation of any other provision of this chapter is a Class C infraction punishable under Chapter 1.18 of this Code. <u>C. A violation of an exclusion notice issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by state law and any other applicable provisions of this Code.</u>
12.18.090.	Street Trees	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to it is subject to a fine of \$500.00 for each separate violation.
13.04.250.	Water and Sewer (Violation - Penalty)	Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff, or any other part of the water system belonging to the city <u>City of Sandy</u> , or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court <u>be declared in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> of said city be fined in the sum of not more than \$100.00 for each offense, or by

~~imprisonment for a period of not more than ten days, or by both fine and imprisonment.~~

<u>13.06.070.</u>	Cross Connections	Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the <u>City of Sandy</u> city , shall be deemed guilty of a misdemeanor and, upon conviction thereof, <u>be declared in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> shall for each offense be punished by a fine in a sum not exceeding \$500.00 or imprisonment for a term not exceeding ten days, or by both fine and imprisonment.
<u>13.08.090.</u>	Water System - Connection Charges and Rates	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.
<u>13.12.170.</u>	Sanitary Sewer System - Rules and Regulations	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$300.00, or by imprisonment for not more than 100 days, or both.
<u>13.16.100.</u>	Sanitary Sewer System - Connection Fees and Charges	<u>A. Violation of any provision of Section 13.16.070. shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> <u>B. Violation of any provision of this chapter, except Section 13.16.070., shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or by imprisonment for not more than 100 days, or both

~~B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.~~

<u>13.20.110.</u>	Stormwater Utility	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.
<u>15.04.150.</u>	Building Code	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense.
<u>15.10.080.</u>	Derelict Buildings and Structures (procedure for enforcement)	<u>I. If nuisance still exists, staff shall declare the nuisance a violation of a Class B Civil Infraction, subject to the Forfeitures defined in Section 1.18.050.</u> issues a citation with a possible fine up to \$500.00 per day, mandatory appearance in Municipal Court, or initiates the abatement process.
<u>15.10.110.</u>	Derelict Buildings and Structures (citation)	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 per violation.
<u>15.12.090.</u>	Movement of Buildings	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person, firm or corporation violating any of the provisions of this chapter shall be punished

		by a fine of not more than \$500.00 or by imprisonment in the jail for a period of not to exceed six months, or by both such fine and imprisonment.
<u>15.22.150.</u>	Underground Utility Districts	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be guilty of a violation punishable by a fine of not to exceed \$1,000.00. Each day during any portion of which a violation of any of the provisions of this Chapter is committed, continued, or permitted shall constitute a separate offense.
<u>15.28.160.</u>	System Development Fees (prohibited connection)	<u>Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Violation of this section constitutes a Class A infraction and subjects the violator to the penalties provided in Chapter 1.18.
<u>15.30.100.</u>	Dark Sky Ordinance	<u>Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> See Section 1.16.010 of the Sandy Municipal Code
<u>15.34.030</u>	Disposal of Debris from Construction Sites	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.
<u>15.44.160.</u>	Erosion Control Regulations	<u>Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.</u> Each violation of any provision of this section, or any failure to carry out the conditions of any approval granted pursuant to this section, shall be unlawful and a civil infraction subject to the enforcement provisions of Section 1.16.010 of this Code.



STAFF REPORT

Item # 5.

Meeting Type: City Council
Meeting Date: October 5, 2026
From: Patrick Depa, Senior Planner
Kelly O'Neill Jr., Development Services Director
Subject: PUBLIC HEARING: Ordinance 2026-22 - Bornstedt Views FSH
Overlay Map Amendment

DECISION TO BE MADE:

Hold a quasi-judicial public hearing on Ordinance 2026-22, to decide whether the zoning map amendment application conforms to the applicable criteria to add the Flood and Slope Hazard (FSH) Overlay to multiple properties in the Bornstedt Views Subdivision.

APPLICABLE COUNCIL GOAL:

n/a

BACKGROUND / CONTEXT:

The Bornstedt Views subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on June 27, 2022. [Condition A.7 of this approval](#) included the following language: "A.7. Submit concurrence from the Oregon Department of State Lands (DSL) prior to any development activities on the site. If DSL determines there's an intermittent stream and/or a significant wetland on the subject property, the applicant shall submit an application and receive approval for an update to the FSH overlay district on the subject property in compliance with Ordinance 2019-16."

On August 6, 2024, the Department of State Lands issued letter WD #2024-0397 (Attachment 1) concurring with the submitted wetland delineation for the property. This delineation and concurrence identified a 0.03-acre wetland at the northern boundary of the site and a non-jurisdictional ephemeral stream traversing the property from south to north. The mapping concludes at the Bornstedt Views subdivision's north property line. The red dotted line on the Bornstedt Views FSH Overlay Sketch Map (Exhibit A) provides the area that the FSH Overlay is

proposed. The blue dotted line shown in the Bornstedt Views FSH Overlay Sketch Map is not included in this zone map amendment request as no wetland mapping of that area has been performed.

KEY CONSIDERATIONS / ANALYSIS:

The purpose of this land use application is to fulfill the requirements of [Condition A.7](#). from File No. 21-021. On June 11, 2026, the applicant submitted an application requesting the City amend its Zoning Map. Their request includes this small wetland area with a 25-foot buffer around the perimeter of the wetland and a 50-foot setback from the ephemeral stream's top of bank as specified in Section 17.60.30 - Required Setback Areas, of the Sandy Development Code. The three (3) properties that the FSH Overlay will be applied to are:

BORNSTEDT VIEWS 4813 TRACT B
BORNSTEDT VIEWS 4813 LT 10
BORNSTEDT VIEWS 4813 LT 11

As detailed in Note 3 of the plat, Tract B was conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy. Any future development proposed on Lot 10 or Lot 11 in the Bornstedt Views Subdivision will be subject to the requirements found in Chapter 17.60, although the restricted development area is entirely located on Tract B.

The existing Comprehensive Plan Natural Resource goals and policies support the recommended zone amendment. The proposed zoning map amendment is also in compliance with the Statewide Planning Goals as explained in Exhibit B.

BUDGET IMPACT:

None, as the Planning Division collected fees to process this application.

RECOMMENDATION:

The Planning Commission concluded that the required findings for the zoning map amendment support those required in Chapter 17.26 – Zoning Amendments. The Planning Commission held [a public hearing](#) on August 24, 2026, and voted unanimously to recommend approval to the City Council. Both the Planning Commission and City staff recommend the City Council approve the requested zoning map amendment.

SUGGESTED MOTION LANGUAGE:

“I move to approve the first reading of Ordinance No. 2026-22.”

LIST OF ATTACHMENTS / EXHIBITS:

- Attachment 1. Land Use Application
- Attachment 2. Project Narrative
- Attachment 3. DSL Letter (WD #2024-0397)
- Attachment 4. Zoning Map
- Attachment 5. James Cusick Letter (38806 Jerger Street)
- Attachment 6. Ordinance No. 2026-22
 - Exhibit A. Bornstedt Views FSH Overlay Sketch Map
 - Exhibit B. Findings of Fact (Type IV Decision)



General Land Use Application

1 page

Name of Project:	Bornstedt Views FSH Map Amendment
Location or Address:	19618 SE Bornstedt Road

Map & Tax Lot #	T: 2S	R: 4E	Section: 24C	Tax Lot (s): 100
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Request: Type IV Zoning Map Amendment to map the FSH Overlay boundary on Tract B of the subject property as required by Condition A.7 of this approval.

- I am the (check one) ☒ owner ☐ lessee of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.
- With submission of this application, I authorize representatives of the City of Sandy to access the property for the purpose of site investigation associated with this application.

Applicant (if different than owner) Alex Flikkema, NW Executive Homes & Dev. LLC	Owner
Address P.O. Box 818	Address
City/State/Zip Boring, OR 97009	City/State/Zip
Email alexflikkema@gmail.com	Email
Phone 971-777-2198	Phone
Signature 	Signature
Date of Signature 06/16/26	Date of Signature

Staff Use Only

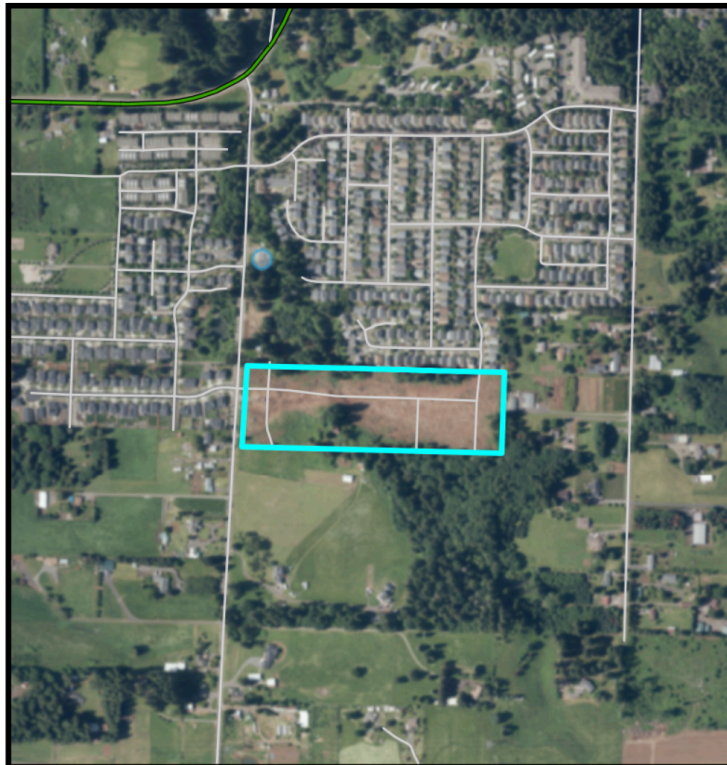
File #: 26-029 ZC	Date: Pd 6/11/26	Fee\$: \$5,804.05	Planner: P Depa
Type of review:	Type I ☐	Type II ☐	Type III ☐
			Type IV ☒
Has applicant attended a pre-app?	Yes ☐	No ☒	If yes, date of pre-app meeting:

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

Email: planning@ci.sandy.or.us

City of Sandy Zoning Map Amendment

**19618 SE Bornstedt Road
24E24C tax lot 100
Tract B of the Bornstedt Views Subdivision**



**Prepared by Tracy Brown Planning Consultants, LLC
June, 2026**

Project Details

Project Location: Tract B - 19618 SE Bornstedt Road

Legal Description: 24E24C tax lot 100

Zoning District: Single Family Residential (SFR)

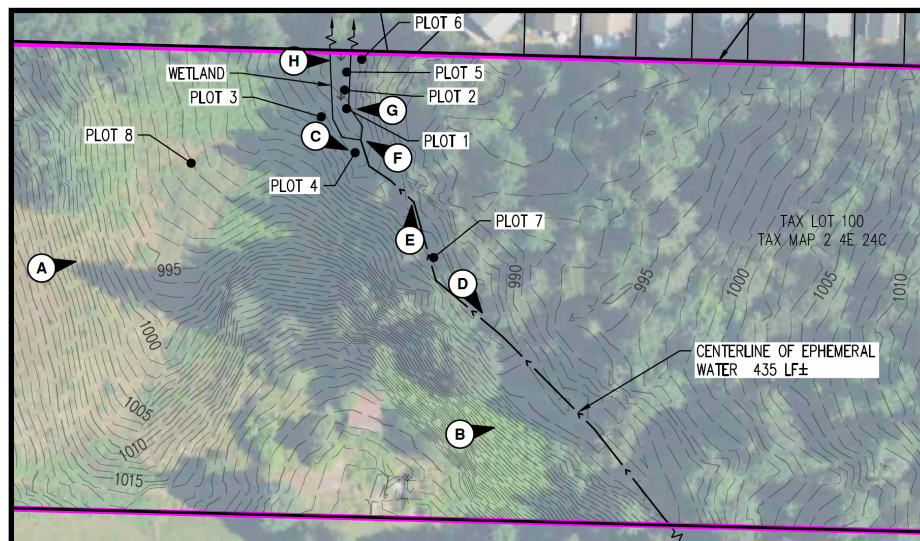
Approval File: File No. 21-021 SUB/VAR/TREE/HD

1. Project Description and Background

The Bornstedt Views Subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. Condition A.7, of this approval included the following language:

A.7. Submit concurrence from the Oregon Department of State Lands (DSL) prior to any development activities on the site. If DSL determines there's an intermittent stream and/or a significant wetland on the subject property, the applicant shall submit an application and receive approval for an update to the FSH overlay district on the subject property in compliance with Ordinance 2019-16.

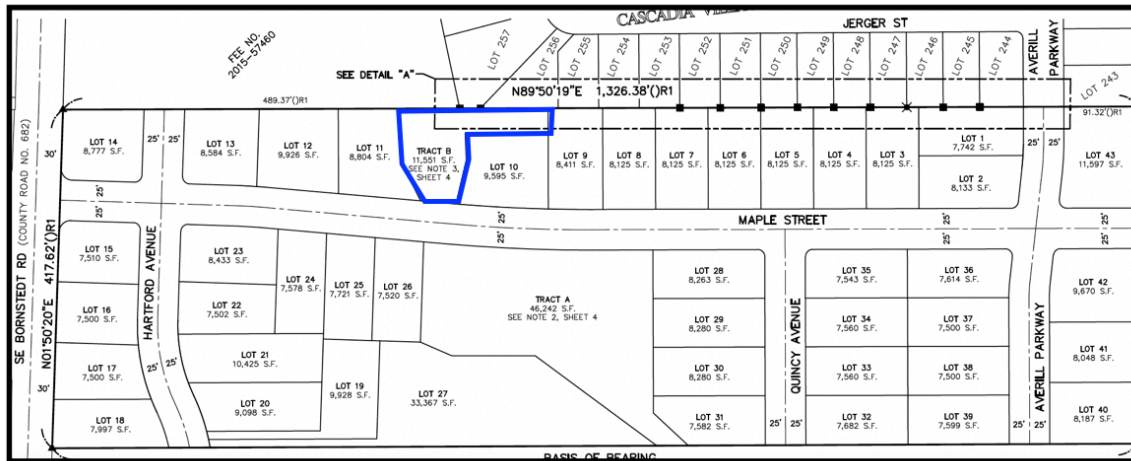
On August 6, 2024 the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property. This delineation and concurrence identified a 0.03 acre wetland at the northern boundary of the site and a non-jurisdictional ephemeral drainage traversing the property from south to north as shown below.



In order to fulfill the requirements of Condition A.7, the applicant has submitted an application requesting the City amend its Zoning Map to include this small wetland area with a 25-foot buffer around the perimeter of the wetland as

specified in Section 17.60.30 - Required Setback Areas, of the Sandy Development Code.

The wetland area is located on Tract B of the Bornstedt Views Subdivision as identified on the image below. As detailed in Note 3 of the plat, Tract B will be conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.



The submission of this application was coordinated with City of Sandy Planning staff and it was determined that a pre-application conference would not be required prior to submitting the application.

II. Application Approval Requests

The applicant requests the following approvals with this application:

- Type IV Zoning Map Amendment to include a wetland boundary and buffer located on Tract B of the Bornstedt Views Subdivision.

III. Items Submitted With This Application

- Land Use Application
- Project Narrative
- Wetland Boundary and Buffer Map
- DSL Concurrence (WD #2024-0397)

V. Conclusion

The applicant proposes an amendment to the City's Zoning Map to include the wetland boundary and a buffer as FSH Overlay located on Tract B of the Bornstedt Views Subdivision. This application has been submitted to fulfill the requirements of Condition A.7 of the subdivision approval. As noted above, concurrence of the wetland boundary was received from the Department of State Lands and as shown on the Final Plat for this subdivision, Tract B containing this feature will be conveyed to the City of Sandy.



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

Even Better Homes, Inc
Attn: Mac Even
PO Box 2021
Gresham, OR 97030

Tina Kotek
Governor

LaVonne Griffin-Valade
Secretary of State

Re: WD # 2024-0397 **Approved**
Wetland Delineation Report for SE Bornstedt Road
Clackamas County; T2S R4E S24C TL100

Tobias Read
State Treasurer

Dear Mac Even:

The Department of State Lands has reviewed the wetland delineation report prepared by AKS Engineering & Forestry, LLC for the site referenced above. Based upon the information presented in the report, a site visit on July 31, 2024, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland, totaling approximately 0.03 acres) and one waterway (Ephemeral Water) were identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The waterway is exempt per OAR 141-085-0510(49) and therefore, is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Steveson, PWS the Wetland Ecologist for Clackamas County at (503) 798-7622.

Sincerely,



Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Stacey Reed, PWS, AKS Engineering & Forestry, LLC
City of Sandy Planning Department
Morgan Hall, Corps of Engineers
Michael De Blasi, DSL
Hannah Smiley, DEQ

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Item # 5.

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- ❖ Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information
☒ Applicant ☒ Owner Name, Firm and Address:

Business phone #

Mobile phone # (optional)

E-mail: mac@EvenBetterHomes.com

Attn: Mac Even

Even Better Homes, Inc.

PO Box 2021

Gresham, OR 97030

☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name:

Signature: Mac EvenDate: 7/16/24

Special instructions regarding site access: _____

Project and Site Information

Project Name: SE Bornstedt Road

Latitude: 45°22'54.51"N

Longitude: 122°15'46.34"W

decimal degree - centroid of site or start & end points of linear project

Proposed Use:

Tax Map # 2 4E 24C

Residential Development

Tax Lot(s) 100

Tax Map #

Project Street Address (or other descriptive location):

Tax Lot(s)

19618 SE Bornstedt Road

Township 2S

Range 4E

Section 24

QQ

Use separate sheet for additional tax and location information

City: Sandy

County: Clackamas

Waterway: NA

River Mile: NA

Wetland Delineation Information

Wetland Consultant Name, Firm and Address:

Phone # (503) 563-6151

Stacey Reed, PWS

Mobile phone # (if applicable)

AKS Engineering & Forestry, LLC

E-mail: StaceyR@aks-eng.com

12965 SW Herman Road, Suite 100

Tualatin, OR 97062

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Stacey ReedDate: 7/16/24

Primary Contact for report review and site access is ☒ Consultant ☒ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present?

☒ Yes ☐ No

Study Area size: 12.24 Acres

Total Wetland Acreage: 0.0300

Check Applicable Boxes Below☐ R-F permit application submitted☐ Fee payment submitted \$ _____☐ Mitigation bank site☐ Resubmittal of rejected report (\$100)☐ EFSC/ODOE Proj. Mgr: _____☐ Request for Reissuance. See eligibility criteria. (no fee)☐ Wetland restoration/enhancement project (not mitigation)

DSL # _____ Expiration date _____

☒ Previous delineation/application on parcel☐ LWI shows wetlands or waters on parcelIf known, previous DSL # WD2022-0290

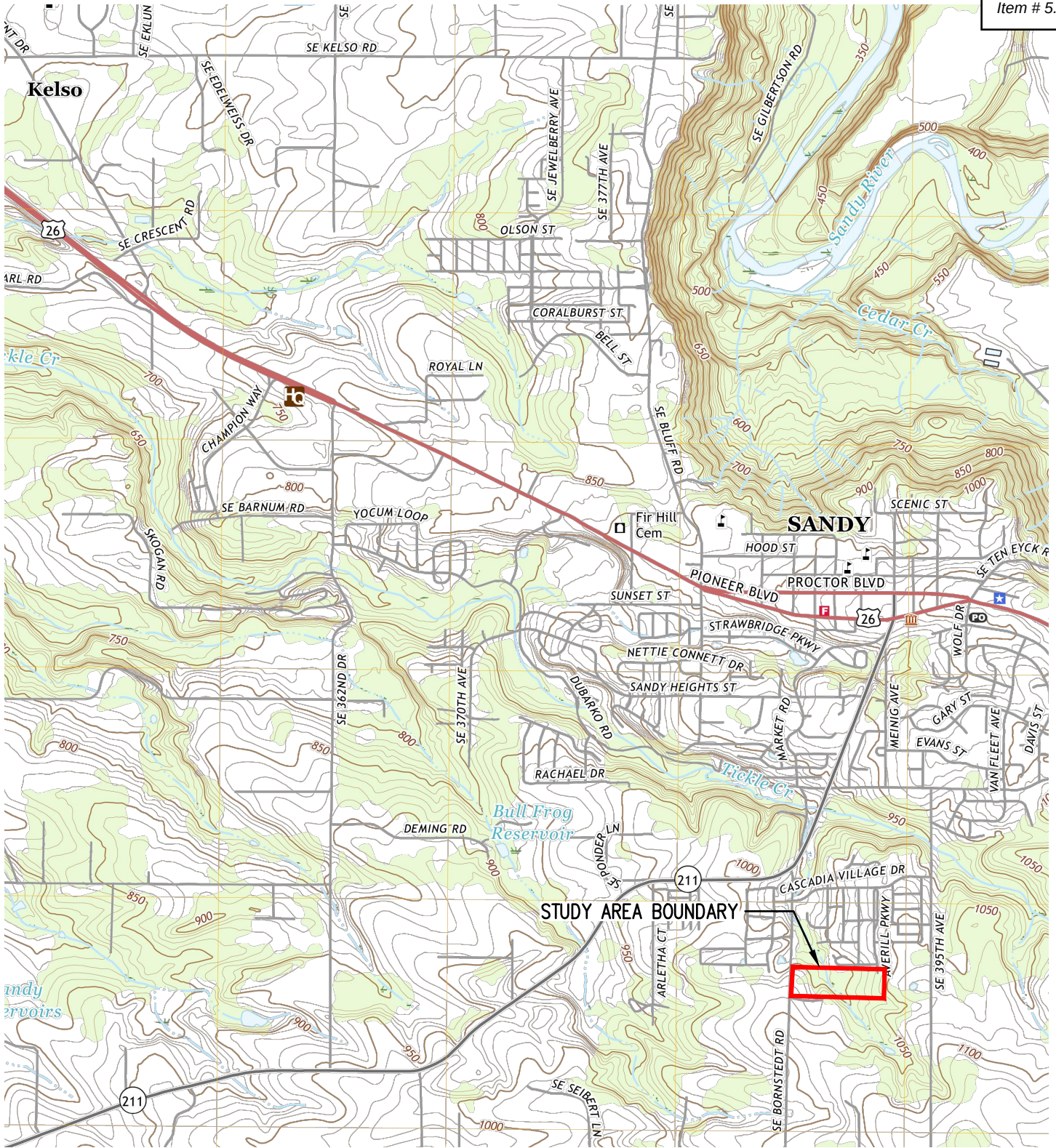
Wetland ID code _____

For Office Use OnlyDSL Reviewer: CS

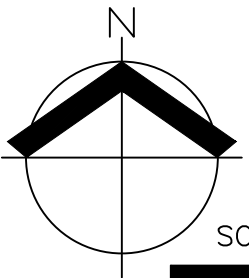
Fee Paid Date: _____ / _____ / _____

DSL WD # 2024-0397Date Delineation Received: 07 / 18 / 2024

DSL App.# _____



USGS 7.5' TOPOGRAPHIC SERIES
QUADRANGLE: SANDY, OR (2020)



SCALE: 1" = 2000 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 01/24/2024

USGS VICINITY MAP
SE BORNSTEDT ROAD WETLAND AND WATERS DELINEATION REPORT

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



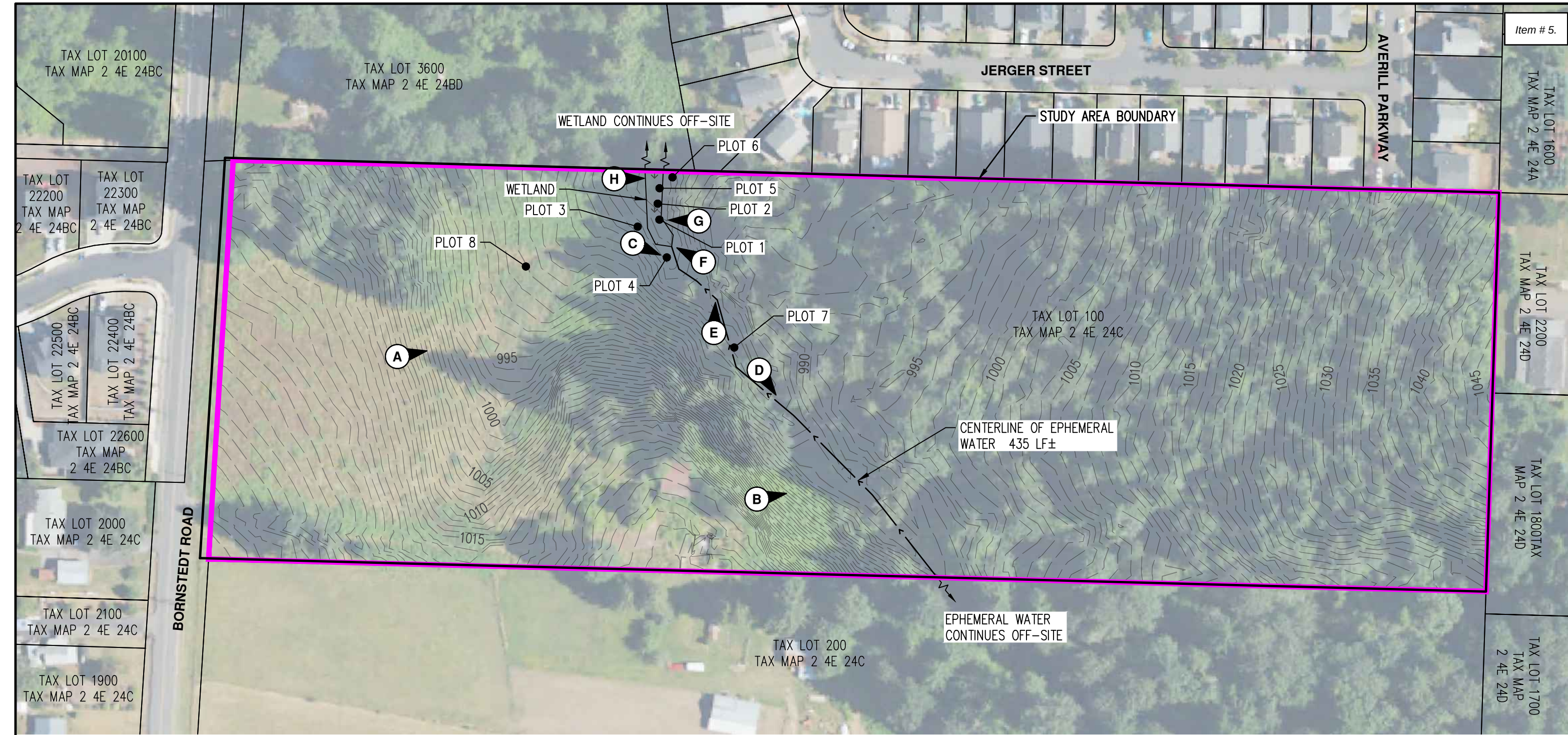
FIGURE
1

DRWN: GPM
CHKD: SKD
AKS 51
10/10

250 0 50 125 250
ORIGINAL PAGE SIZE: 8.5" x 11"

AKS

DRWN:	GPM
CHKD:	SKD
AKS	52



LEGEND:

 ON-SITE PEM/SLOPE HEADWATER WETLAND AREA: 1,390 SF± (0.03 ACRES±)

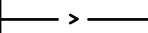
 ON-SITE CENTERLINE OF EPHEMERAL WATER: 453 LF± (±3 FT WIDE)

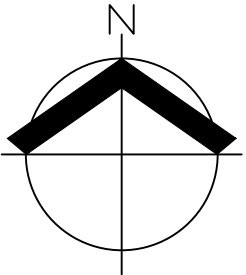
 PHOTO POINT LOCATION AND ORIENTATION

WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC (AKS) ON JULY 28, 2023 AND APRIL 16, 2024. WETLAND BOUNDARIES, CENTERLINES AND DATA PLOTS SHOWN WERE MAPPED BY AKS WITH SUB-METER ACCURACY USING A TRIMBLE R10 GPS RECEIVER AND TSC3 DATA COLLECTOR.

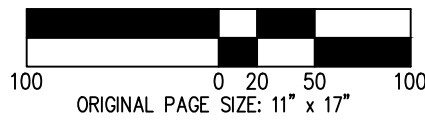
PROPERTY BOUNDARIES AND STUDY AREA DERIVED FROM GIS DATA BASE RESULTING IN ±5FT ACCURACY.

1-FOOT INTERVAL CONTOURS DERIVED FROM ALL COUNTY PROFESSIONAL LAND SURVEY (MAY 2015).

AERIAL DERIVED FROM NAIP (2022)



SCALE: 1"=100 FEET



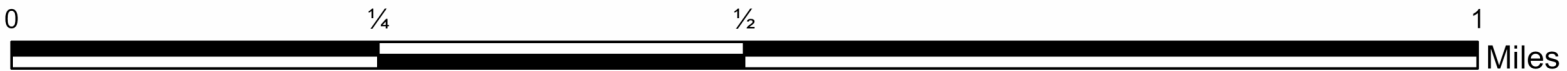
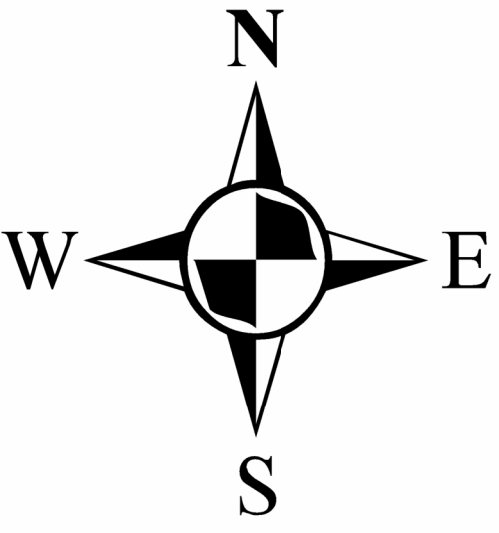
DSL WD # 2024-0397
Approval Issued 8/6/2024
Approval Expires 8/6/2029

DATE: 06/07/2024

WETLAND AND WATER DELINEATION MAP		FIGURE
SE BORNSTEDT ROAD WETLAND AND WATER DELINEATION REPORT		6
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: GPM CHKD: SAR AKS 53 10

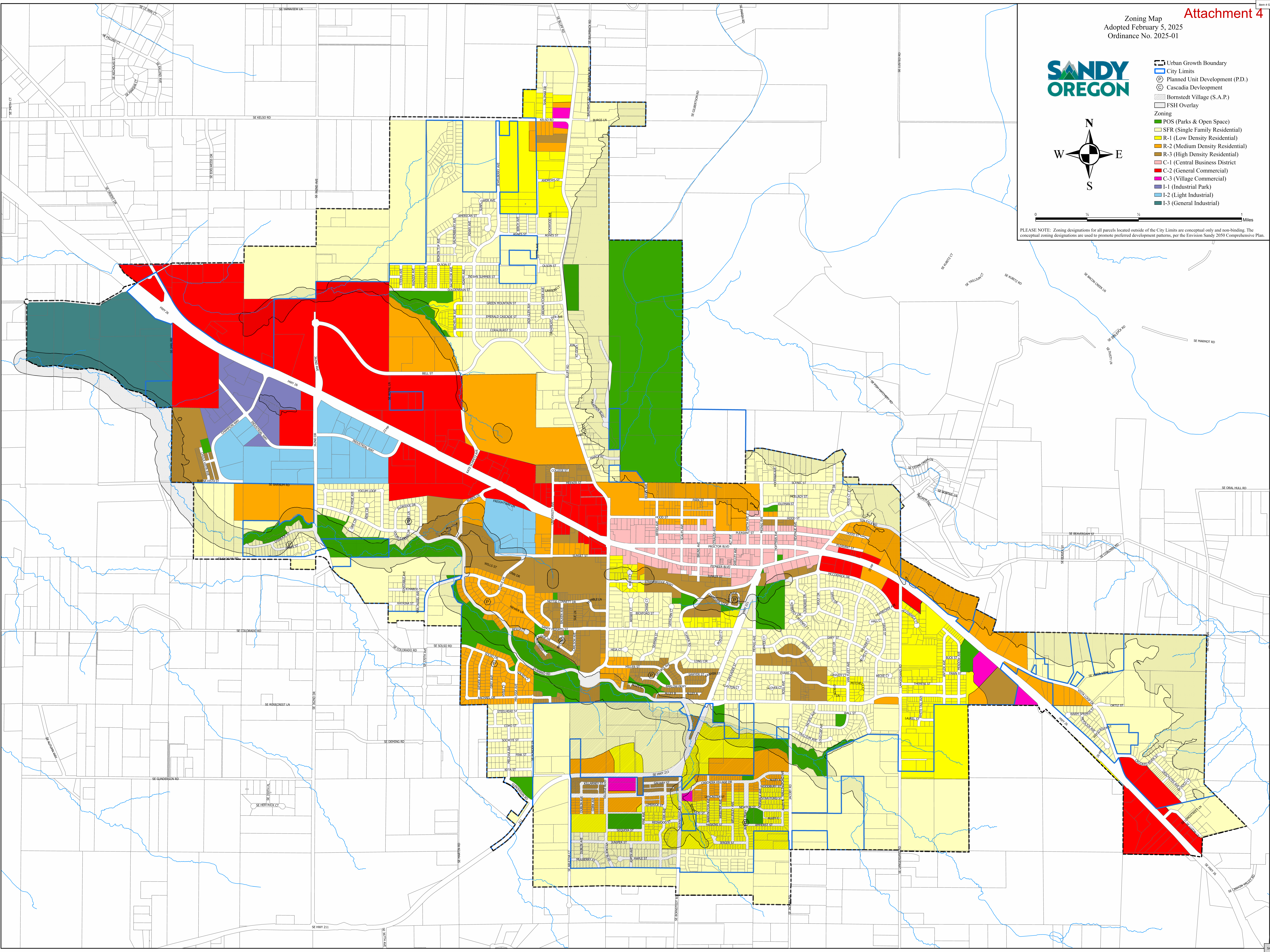


Zoning Map
Adopted February 5, 2025
Ordinance No. 2025-01



PLEASE NOTE: Zoning designations for all parcels located outside of the City Limits are conceptual only and non-binding. The conceptual zoning designations are used to promote preferred development patterns, per the Envision Sandy 2050 Comprehensive Plan.

- Urban Growth Boundary
- City Limits
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- Zoning
 - POS (Parks & Open Space)
 - SFR (Single Family Residential)
 - R-1 (Low Density Residential)
 - R-2 (Medium Density Residential)
 - R-3 (High Density Residential)
 - C-1 (Central Business District)
 - C-2 (General Commercial)
 - C-3 (Village Commercial)
 - I-1 (Industrial Park)
 - I-2 (Light Industrial)
 - I-3 (General Industrial)



James Cusick
38806 Jerger Street
Sandy, OR 97055
email: cusickjames018@gmail.com

RECEIVED
AUG 24 2026
City of Sandy

August 24, 2026

VIA HAND DELIVERY

Development Services Department
Attn: Patrick Depa, Senior Planner
39250 Pioneer Boulevard
Sandy, OR 97055

RE: Application File No. 26-029 ZC – Zoning Map Amendment;
Bornstedt Views Subdivision

Dear Mr. Depa:

I am submitting this letter to the Development Services Department (the “Department”) in response to its July 27, 2026, Notice relating to an application for a Zoning Map Amendment under the above Application File No.

I am a homeowner within the Cascadia Village Subdivision. My property, Parcel ID: 05006893, is straight north of the Bornstedt Views Subdivision. Directly adjacent to my property to the south is a 15’ Public Storm Easement (the “Easement”) that provides flood management functions to avert downstream flooding and erosion. The ephemeral drainage you refer to in your Notice occurs directly in my backyard. This drainage is extensive each fall and winter. Unfortunately, the Easement is currently inadequate in controlling the waterflow. The excess water is absorbed into the hillside of my backyard. This has caused *significant* erosion to my property.

The purpose of Sec. 15.44.00 of the City of Sandy, Oregon Code of Ordinances, is to regulate land disturbing activities that may lead to soil erosion and sedimentation of, among other things, private property. The City of Sandy has violated this Ordinance by not implementing adequate control measures. Any building on Lots 10 and 11 and Tract B, Bornstedt Views Subdivision, may further cause extensive erosion to the properties on the west of Jerger Street. My fear is that my property and others may be seriously damaged and may even slide into the wetlands.

Prior to your final approval of the Zoning Map Amendment, I respectfully request that you take into consideration this letter and what further actions the Department can take to

mitigate the erosion of my backyard and others on Jerger Street. This may include building a retaining wall or walls.

Respectfully submitted,

Jan M. Cook



ORDINANCE NO. 2026-22

AN ORDINANCE MODIFYING THE CITY ZONING MAP TO INCLUDE THE FSH OVERLAY IN THE BORNSTEDT VIEWS SUBDIVISION

WHEREAS, an ordinance 2019-16, approving annexation of one property totaling approximately 12.84 acres and assignment of single family residential (SFR) zoning was adopted; and

WHEREAS, on July 28, 2022, the Bornstedt Views subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission for a 43-lot subdivision; and

WHEREAS, in compliance with Ordinance 2019-16, Condition A.7., of the Bornstedt Views subdivision approval the City required the applicant to verify any streams or wetlands on the subject property, receive concurrence from the Department of State Lands, and apply to update the Flood and Slope Hazard (FSH) overlay district on the subject property; and

WHEREAS, the applicant applied to change the Zoning Map designation for the Map and Tax lot numbers 24E24CA01000 (Lot 10), 24E24CA01100 (Lot 11), and 24E24CA04500 (Tract B) by adding the FSH Overlay District to the underlying single family residential (SFR) district; and

WHEREAS, the applicant submitted an area map (Exhibit A) that reflects the required setbacks for wetlands and stream banks as described in Section 17.60.30 Required setback areas; and

WHEREAS, on July 20, 2026, the City provided notice of the proposed map amendment to DLCD in conformance with ORS 197.610; and

WHEREAS, the Planning Commission held a public hearing to review the map amendment on August 24, 2026, and forwarded a recommendation of approval based on the findings of fact addressed in the staff report (Exhibit B) to the City Council; and

WHEREAS, the City Council then held a public hearing to review the proposal on October 5, 2026.

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

Section 1: The City Council approves the Zoning Map amendment to change the Zoning Map designation for the Map and Tax lot numbers 24E24CA01000 (Lot 10), 24E24CA01100 (Lot 11), and 24E24CA04500 (Tract B). The identified properties will be changed to include the Flood and Slope Hazard (FSH) overlay in addition to the underlying zoning district of Single Family Residential (SFR). The City Manager, or designee, is hereby authorized and directed to take such actions as are necessary to effectuate this change.

Section 2: The applicant submitted an area map that shows the specific lots and area where the FSH Overlay will be applied to the zoning map (Exhibit A).

Section 3: The Zoning Map amendment is supported by the Findings and Conditions contained in the staff report attached as Exhibit B and incorporated into this Ordinance.

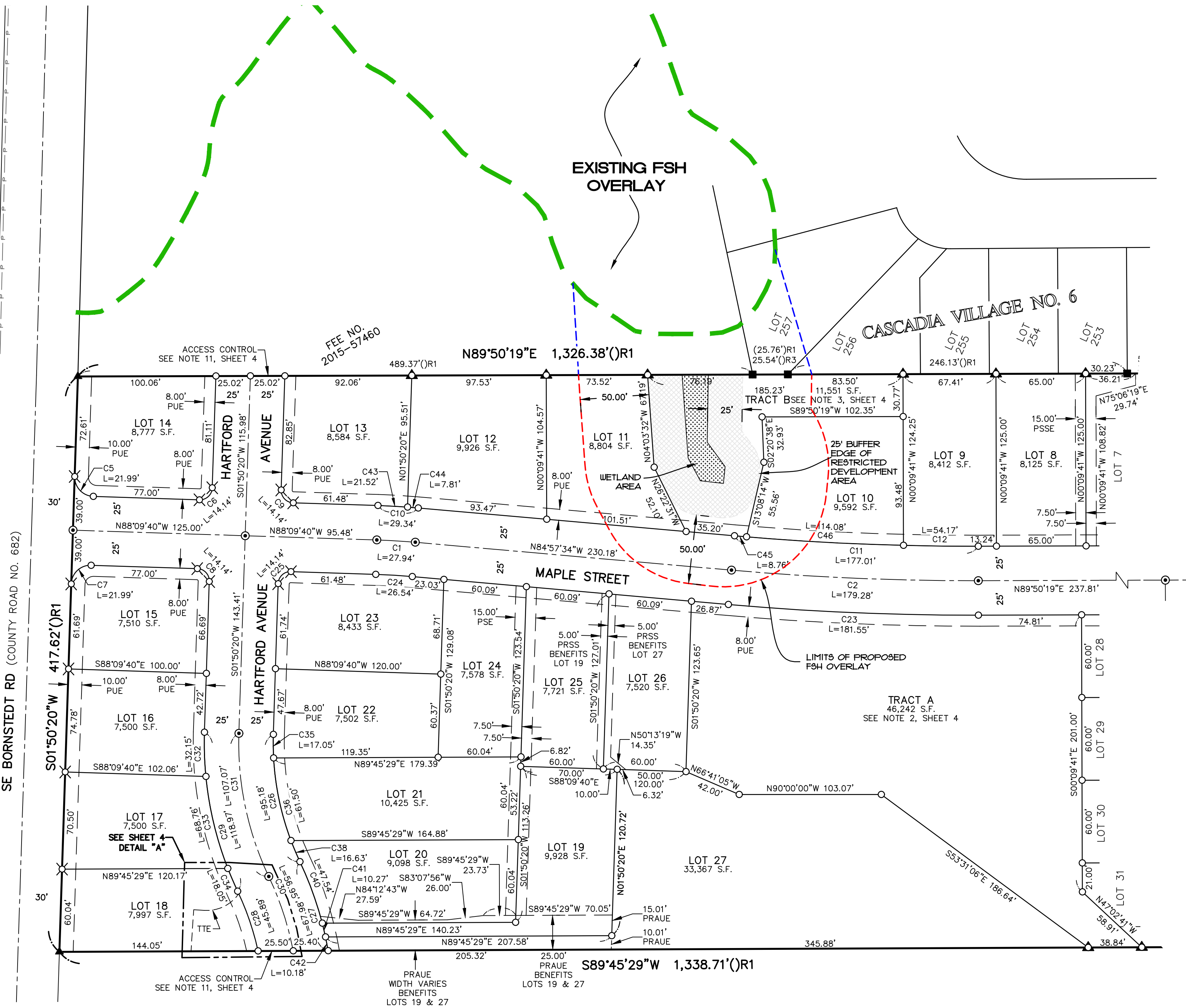
This ordinance is adopted by the City Council of the City of Sandy this 5th day of October, 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

BORNSTEDT VIEWS FSH OVERLAY SKETCH MAP



LEGEND

- LIMITS OF PROPOSED FSH OVERLAY
- POTENTIAL FSH OVERLAY OFF SITE
- EXISTING FSH OVERLAY

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Ray L. Moore
OREGON
JULY 15, 2003
RAY L. MOORE
49710
RENEWAL DATE: 12/31/26



SCALE : 1" = 50'
0' 25' 50'

ALL COUNTY
SURVEYING | PLANNING | ENGINEERING

ALL COUNTY SURVEYORS & PLANNERS, INC
CONTACT: RAY L. MOORE
P.O. BOX 955 SANDY, OR 97055
PHONE: 503.668.3151
DWG NUMBER: 24-017-FSH MAP.dwg
DATE OF PLOT: 6-23-26

FINDINGS OF FACT TYPE IV DECISION

MEETING DATE:	October 5, 2026
FILE NO.:	26-029 ZC
PROJECT NAME:	Bornstedt Views FSH Overlay Map Amendment
APPLICANT/OWNER:	Alex Flikkema, NW Executive Homes & Dev. LLC
MAP/TAX LOTS:	24E24CA01000, 24E24CA01100, 24E24CA04500
LEGAL DESCRIPTION:	Tract B, and Lots 10 and 11 in Bornstedt Views
APPLICABLE CRITERIA:	Chapter 17.26 – Zoning District Amendments
EXISTING ZONING:	Single Family Residential (SFR)
PROPOSED ZONING:	Single Family Residential (SFR) with FSH Overlay
COMP. PLAN DESIGNATION:	Low Density Residential
STAFF CONTACT:	Patrick Depa, Senior Planner

GENERAL FINDINGS OF FACT

Finding 1. These findings are based on the applicant's submittals and payment received on June 11, 2026. Staff deemed the application complete on July 9, 2026, with a 120-day deadline of November 6, 2026.

Finding 2. Notification of the proposal was mailed to property owners within 500 feet of the subject property on July 28, 2026. A general legal notice containing a link to the City's webpage that lists upcoming public hearings was published in the Sandy Post prior to the hearing dates. One public comment was received prior to the findings of fact being uploaded to the meeting platform.

Finding 3. The required notice regarding this zone change request was sent to the Department of Land Conservation and Development (DLCD) on July 20, 2026. DLCD File #: 004-26.

Finding 4. The Planning Commission held a public hearing on August 24, 2026, and voted unanimously to recommend approval to the City Council.

Finding 5. The Bornstedt Views Subdivision (File No. 21-021) was approved by the City of Sandy Planning Commission on July 28, 2022. The final Plat No. 4813 was recorded on June 25, 2026.

Finding 6. The parcel has a Comprehensive Plan Map designation of Low Density Residential and a Zoning Map designation of Single Family Residential (SFR).

Finding 7. The property to the north is zoned Low Density Residential (R-1)/Bornstedt Village (S.A.P.) Overlay/FSH Overlay, the property to the east and west is zoned Single Family Residential (SFR), and the property to the south is outside City limits/inside

the UGB and has a comprehensive Plan designation of Low Density Residential (See Figure 2: Surrounding Zoning).

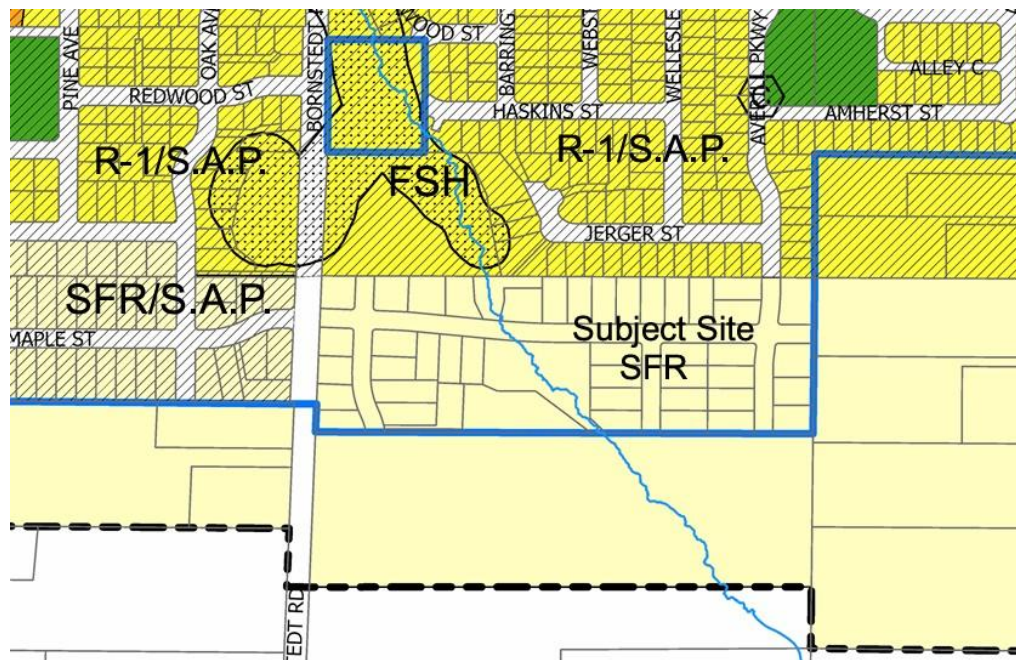


Figure 2: Surrounding Zoning

Finding 8. It is important to note that this zoning map amendment does not require a Comprehensive Plan Map amendment as the latter designation will remain low density residential underneath the new overlay zoning.

FINDINGS APPLYING DECISION CRITERIA

17.26 – Zoning District Amendments

Chapter 17.26 sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments. The applicant is requesting a quasi-judicial zoning map amendment to modify the zoning district boundaries for the site.

Section 17.26.40 outlines the procedures for a quasi-judicial zoning map amendment.

Section 17.26.40(B)(1) requires the City to determine the effects on City facilities and services.

Finding 9. The proposed zoning map amendment should not negatively impact public facilities or create service capacity shortfalls. The level of service for any potential use allowed in the underlying SFR district will remain identical and not have any additional impact on the sanitary sewer and water facilities. The subdivision's stormwater system is designed to channel runoff into a primary detention facility. The stormwater runoff will be detained for a short time and slowly release into Tract B from

underneath Maple Street and continue into an engineered drainage system traveling north.

Conclusion: Criterion (B)(1) is met.

Section 17.26.40(B)(2) requires the City to assure consistency with the purposes of this chapter.

Finding 10. Adherence to this chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to maintain sound, stable, and desirable development within the city and permit changes in zoning district boundaries where appropriate. The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Zoning Map has been adopted as part of the Development Code. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances. A series of steps in the review process shall be followed to maintain the integrity of this chapter and the Development Code as a whole.

- A. Adequate public involvement through noticing affected property owners and holding two public hearings meets this criterion.
- B. **Section 17.26.50. Staff evaluation.** These findings were compiled following the criteria set forth in this chapter.
- C. **Section 17.26.60. Action by hearing body.** Both the Planning Commission and the City Council shall hold a public hearing. **The criterion has been met.**
- D. Because this zoning map amendment is not changing the Comprehensive Plan Map designation from low density residential, a decision can be made.

Conclusion: Criterion (B)(2) is met.

Section 17.26.40(B)(3) requires the City to assure consistency with the policies of the Comprehensive Plan.

Finding 11. Multiple goals and policies support the City utilizing the Flood and Slope Hazard (FSH) Overlay District to minimize wetland and stream impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flow to significant wetlands or streams regulated by the FSH Overlay District. Tract B was conveyed to the City of Sandy as a tree, wetland, and stream protection tract to be owned and maintained by the City of Sandy.

NATURAL RESOURCES

Goal 26: Protect forest, river, and wetland ecosystems and the native species they support.

- Policy 26.5 Update the 1997 Wetlands Inventory and mapping of approximate areas of known stream corridors, wetlands, and associated buffers.

- Policy 26.6 Where feasible, preserve natural vegetation resource sites through public acquisition, conservation easements, or other available methods to permanently limit development.

Goal 28: Protect and conserve open space.

- Policy 28.2 Employ development regulations to preserve and protect open space and environmentally sensitive lands, integrate the natural environment of Sandy into project designs, minimize the creation of impervious surface, and incentivize the protection of native trees and other vegetation.

Goal 29: Ensure ecologically sound development.

- Policy 29.2 Notify applicable state and federal natural resource protection agencies of development proposals potentially impacting important natural features including the Department of State Lands (DSL) for any development that will occur in an area with wetlands or other waters of the state.
- Policy 29.3 Identify and inventory significant natural features during the development process to preserve natural features or mitigate losses by placing conditions upon development using city, state, and federal government regulations to achieve this objective.

Given that the City is working towards implementing protections around all existing and proposed developments, to conform with the Sandy Municipal Code and the goals and policies of the Comprehensive Plan, staff find that these criteria have been met.

Conclusion: *Criterion (B)(3) is met.*

Section 17.26.40(B)(4) requires the City to assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council. The applicable goals are as follows:

Finding 12. The following statewide planning goals are being met:

- A. **Goal 1: Citizen Involvement.** The Planning Commission held a public hearing for this application on August 24, 2026. The City Council held a public hearing on October 5, 2026, to consider the recommendation of the Planning Commission. A legal notice was published in the Sandy Post and a notice of the proposal was sent to the Department of Land Conservation and Development (DLCD). Public notices have been sent for these respective meetings.
- B. **Goal 2: Land Use Planning.** Comprehensive plans must comply with the requirements of each applicable statewide planning goal and must be supported by an adequate factual base. The Department of Land Conservation and Development (DLCD) reviewed

Sandy's Comprehensive Plan and confirmed it is in compliance with the statewide planning goals.

Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implement regulations. Cities and counties must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning map amendments. The proposed zoning map amendment to add the FSH Overlay to the subject properties is supported by the policies codified into the Comprehensive Plan adopted in 2024 and the regulations adopted to create the City's development code.

C. Goal 5: Natural Resources, Scenic and Historic Areas, and Open Space.

Goal 5 is a broad statewide planning goal that covers more than a dozen resources. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. Wetlands are one of these resources.

Resource sites are assessed and significant sites are protected. Some Goal 5 resource categories rely on inventories and assessments that have been conducted by state or federal entities. The City has created a local wetland inventory and continues to add areas that are identified during development and infrastructure projects.

Local governments develop their own protections in support of Goal 5 through their development code and comprehensive plan. The City implements protections through Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District and adds new areas requiring protection through the rezoning process. The City decides on a level of protection appropriate for each resource site through the adopted codes that put their policies into effect.

Conclusion: *Criterion (B)(4) is met.*

CHAPTER 17.60 – FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT

Finding 13. Chapter 17.60 is intended to promote the public health, safety, and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides, or degradation of water quality consistent with Statewide Planning Goal 6 (Air, Land and Water Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan.

Finding 14. Chapter 17.60 is consistent with Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Space) and provides provisions for the protection of wetlands and the responsibility to reach out to all jurisdictions where oversight applies. Section 17.60.10. Interpretation and mapping requires the City to notify the Oregon Department of State Lands (DSL) whenever any inventoried

wetland is proposed to be impacted by development, in accordance with ORS 227.350.

On July 28, 2022, the City of Sandy Planning Commission conditioned in their approval that the developer for the Bornstedt Views subdivision perform a wetland inventory. The developer commissioned AKS Engineering and Forestry LLC to map the area surrounding the intermittent stream to determine if the stream is accompanied by any significant wetlands. On August 6, 2024, the Department of State Lands issued a letter (WD #2024-0397) concurring with the submitted wetland delineation for the property.

Finding 15. Section 17.60.60. has approval standards and conditions for development proposed within restricted development areas of the FSH overlay district. Section 17.60.60.B. *Approval Standards for Residential Construction*. Any future development proposed on Lot 10 or Lot 11 in the Bornstedt Views Subdivision will be subject to the requirements found in this section, although the restricted development area is entirely located on Tract B.

File # 26-029 ZC

**Bornstedt Views
Subdivision
FSH Overlay
Zone Amendment**

City Council
October 5, 2026

Vicinity Map

Item # 5.



ORIGIN OF THE ZONING AMENDMENT REQUEST

Item # 5.

At the July 28, 2022, Planning Commission meeting for the Bornstedt Views subdivision, the Planning Commission conditioned its approval on the developer completing an environmental report and submitting it to the Oregon Department of State Lands (DSL) to identify if there are any delineated wetlands on the project site.

The zone change request is predicated on the Departments of State Lands (DSL) confirmation that there are wetlands associated with an Ephemeral waterway on the property. Within the study area, one wetland totaling approximately 0.03 acres and one ephemeral stream were identified.

An Ephemeral Stream is defined as:

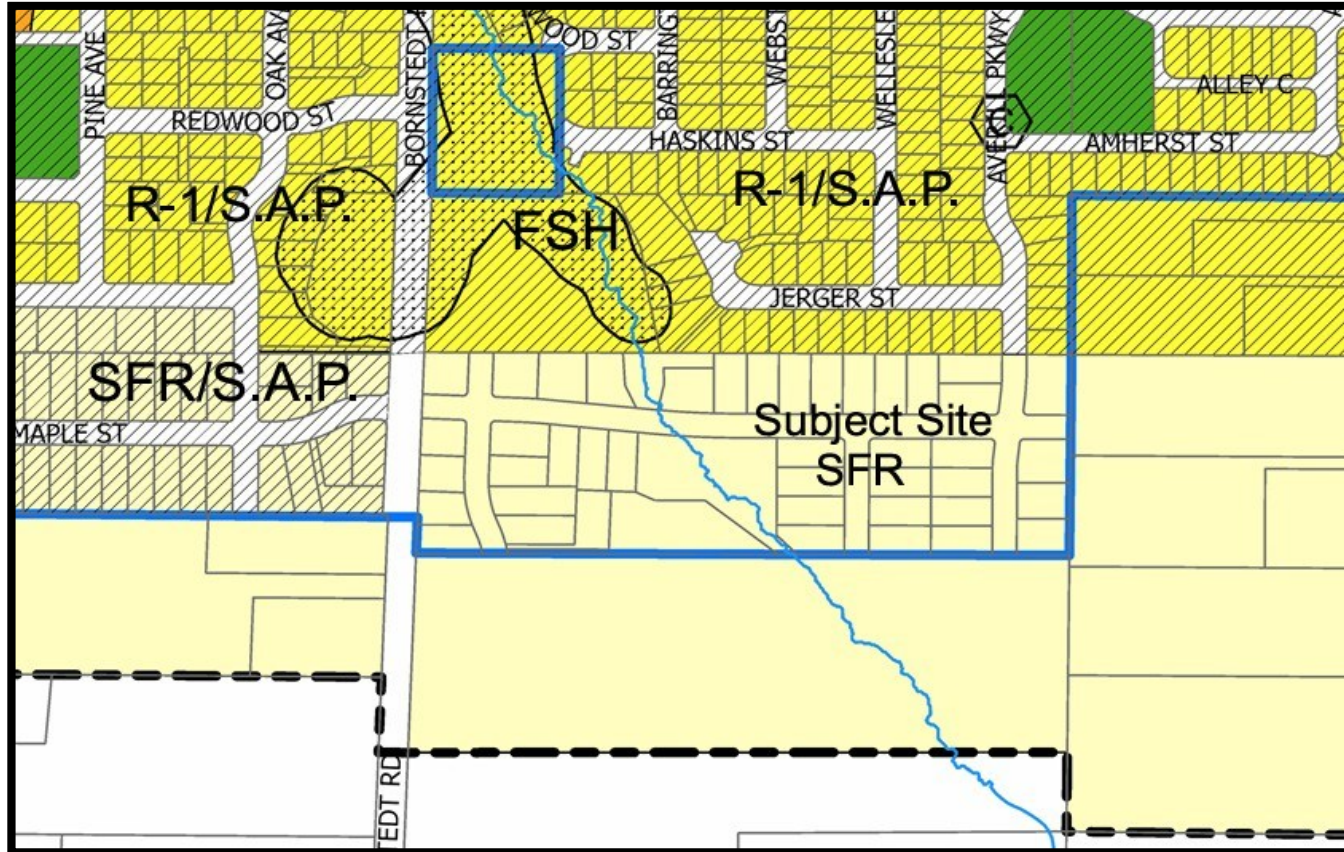
“A stream that has flowing water only during or for a short duration after precipitation events in a typical year. In many states, this term refers to streambeds that are located above the water table year-round and streams where groundwater is not a source of water for the stream.”

The stream continues to follow in its original path through Bornstedt Views but now travels through the detention pond and outfalls into its original stream channel under Maple Street. The tailwater just below the outlet is where the stream continues to travel through the wetland area before it continues north off the property.

Type IV Zone Change - Quasi-judicial process of adding the Flood and Slope Hazard (FSH) Overlay District to two lots and one tract in the Bornstedt Views subdivision.

Zoning Map

Item # 5.



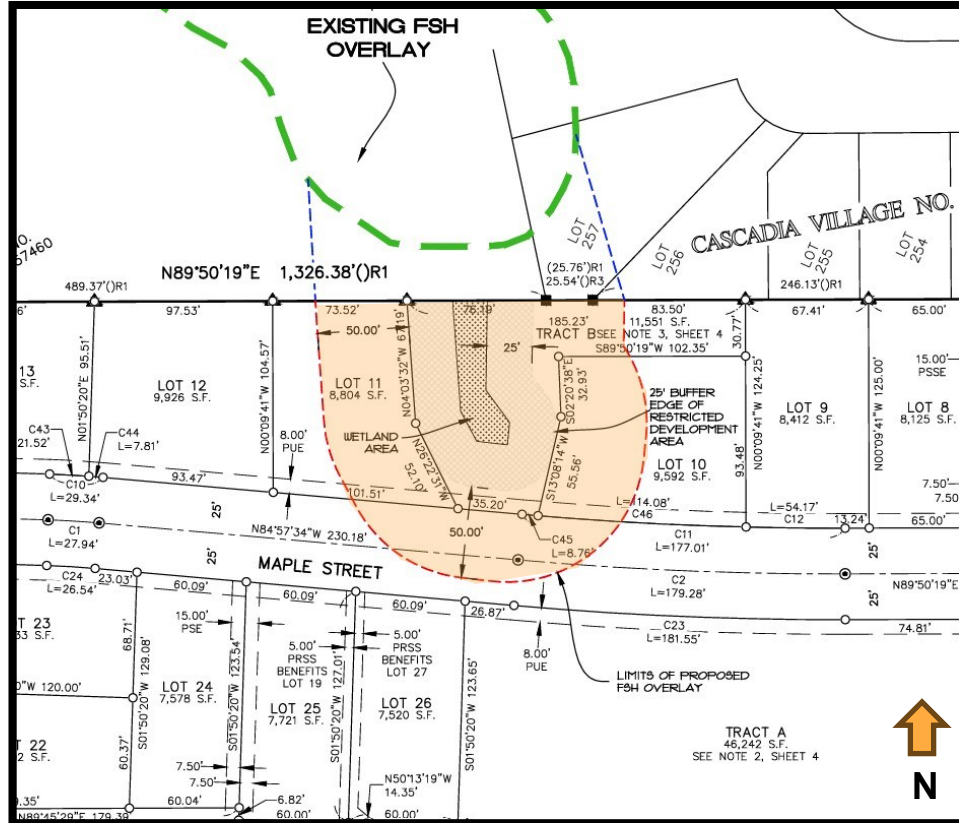
Zoning Map
Sandy, Oregon
Adopted February 5, 2025
Ordinance No. 2025-01



- Streams
- Urban Growth Boundary
- City Limits
- Planned Unit Development (P.D.)
- Cascadia Development
- Bornstedt Village (S.A.P.)
- FSH Overlay
- POS (Parks & Open Space)
- SFR (Single Family Residential)
- R-1 (Low Density Residential)
- R-2 (Medium Density Residential)

Bornstedt Views FSH Overlay Sketch Map

Item # 5.



Sec. 17.60.30. Required setback areas.

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to, and upland from the protected feature.

A. *Required Setbacks.* The required special setback(s), as illustrated in Figure 1, shall be:

- Eighty feet from the top of bank of Tickle Creek and other fish-bearing streams (this supersedes the setback in Figure 1).
- Fifty feet from the top of bank along other perennial streams, except for "No Name Creek" east of Towle Drive, as provided in Subsection 17.60.30.C.2.
- Twenty-five feet around the edge of any mapped locally significant wetland.

LEGEND

- LIMITS OF PROPOSED FSH OVERLAY
- POTENTIAL FSH OVERLAY OFF SITE
- EXISTING FSH OVERLAY



The tailwater from the detention basin is discharged into its original stream channel under Maple Street.

The stream will follow its original path through the wetland area before it continues north off the property.



Chapter 17.26 Zoning District Amendments

Item # 5.

Section 17.26.40. Quasi-judicial amendment procedures.

All zoning district changes not deemed legislative shall be quasi-judicial.

- A. *Initiation-Quasi-Judicial.* Initiation of a zoning district change that is quasi-judicial in nature may be accomplished by one of the following ways:
 - 1. Filing of an application by the owner(s) of the subject property(ies);
- B. *Review Criteria.* Quasi-judicial zoning district changes shall be reviewed to:
 - 1. Determine the effects on City facilities and services;
 - 2. To assure consistency with the purposes of this chapter;
 - 3. To assure consistency with the policies of the Comprehensive Plan;
 - 4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

Recommendation

Item # 5.

The Planning Commission and staff recommend the City Council approve the request for the zone change based on the findings outlined in the staff report and summarized in the conclusion.

Recommended Motion

I move to adopt the first reading of Ordinance No. 2026-22 to amend the City's Zoning Map by adding the Flood and Slope Hazard (FSH) overlay zone to the subject properties in Bornstedt Views Subdivision.



STAFF REPORT

Item # 6.

Meeting Type: City Council
Meeting Date: September 21, 2026
From: AJ Thorne, Public Works Director
Subject: Contract Amendment Authorization: Pump Storage and Maintenance

DECISION TO BE MADE:

Whether to approve a contract amendment with Triangle Pump for storage and maintenance of pre-procured pumps for the Bull Run Pump Station.

APPLICABLE COUNCIL GOAL:

- **Goal 7.2:** Progress construction of Portland Filtration Transmission System to near completion.

BACKGROUND / CONTEXT:

In December of 2024, Sandy entered into a [contract with Triangle Pump](#) for pre-procurement of pumps and pump cans to be installed at the Bull Run Filtration Facility. These pumps are the key component of a drinking water pump station that will move water from this facility to the City of Sandy. Pre-procurement was required at the time to ensure Sandy would have access to Portland's water by September 2027 to meet the requirements of the Bilateral Compliance Agreement with the OHA.

Since that time, Portland Water Bureau's project has seen delays due to challenges to its land use approval. These delays have affected PWB's project time, Sandy's land use decision through Multnomah County, and Sandy's project start date. As a result, the pumps will be delivered well before they are required on site. Storage of pumps that are nearly 40 feet long is a space challenge, but the problem is more complex. Pumps stored out of service and out of design alignment require specific maintenance to ensure they are in working order when installed.

KEY CONSIDERATIONS / ANALYSIS:

Triangle Pump storing and maintaining these pumps offers many advantages to the City. The most obvious is that we do not need to clear space for these very large items. More importantly, this ensures that Sandy is not responsible for these pumps and their maintenance from the time of their delivery until they are installed in our new pump station. Finally, this approach will remove the risk of unloading and reloading these pumps from Sandy property; instead these actions will be completed by parties that move items like this professionally and will allow us to deliver the pumps directly to the site at the optimal time.

The key piece of this plan is maintenance during pump storage. With the delays in the timeline of this project, these pumps will be installed near or at the end of their warranty period, putting the City into a higher risk scenario. With maintenance of these pumps being performed by Triangle instead, Sandy will have a couple of additional options:

- The conditions may lead to the pump manufacturer extending their warranty period to reflect a warranty starting when the pumps are 'delivered' to Sandy from Triangle. This is the best option for both Sandy and Triangle.

-or-

- Triangle Pump contracts with Sandy for a third-party warranty. This would require an additional amendment and will have some cost associated.

Execution of this contact amendment will help ensure the success of Sandy's connection to the Bull Run Filtration Facility and compliance with the Bilateral Compliance Agreement.

BUDGET IMPACT:

The contract amendment in question includes a \$1,000/month storage fee and a \$250/month maintenance fee, for a total of \$1,250 per month of storage. There are also one-time fees for delivery and assembly totaling \$7,500. As of today, there is not an exact date for storage or for when pumps will be needed on site. While it could take longer, this amendment should be between 12 and 18 months for a total ranging from \$22,500 to \$30,000.

RECOMMENDATION:

Authorize the City Manager to execute an amendment with Triangle Pump for storage and maintenance of pre-procured pumps.

SUGGESTED MOTION LANGUAGE:

"I move to authorize the City Manager to execute a contract amendment with Triangle Pump for storage and maintenance of the pumps for the Bull Run Pump Station, as included in the meeting packet."

LIST OF ATTACHMENTS / EXHIBITS:

- Triangle Pump Storage and Maintenance Amendment

Amendment Two to the Agreement Between Buyer and Seller for Bull Run Supply Pump Station Pump and Pump Can Procurement for City of Sandy

This Amendment Two to the Agreement Between Buyer and Seller for Bull Run Supply Pump Station Pump and Pump Can Procurement for City of Sandy (“Amendment”), executed as of _____, 2026 (“Effective Date”) by and between the City of Sandy, an Oregon municipal corporation (the “Buyer”) and Triangle Pump & Equipment, Inc. (the “Seller”). The parties are collectively referred to herein as the “Parties” and individually as a “Party.” Capitalized terms used but not defined herein have the meaning set forth in the Agreement.

Recitals

Buyer and Seller executed the Agreement between Buyer and Seller for Bull Run Supply Pump Station Pump and Pump Can Procurement for City of Sandy on December 16, 2024, as amended by Amendment No. 1 executed as of January 14, 2025 (collectively, the “Agreement”), to complete the Work.

Due to unforeseeable project delays, including delays in the land use approvals for the project site, the Owner must temporarily ensure the storage of the goods until it has obtained all necessary approvals.

The Parties desire to amend the Agreement to set forth this new temporary storage scope in the Work and the terms governing such storage.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the Parties hereto agree as follows:

Agreement

1. Article 2.1 is deleted in its entirety and replaced with the following:

“The Work contemplated consists of furnishing, delivering, storing, maintaining, and providing start-up services for two (2) vertical turbine pumps and four (4) vertical turbine pump cans that will be incorporated into the Buyer’s planned Bull Run Supply Pump Station (“Pump Station”). All delivered equipment will be installed by the Buyer’s construction contractor, during the construction of the Pump Station.”

2. Article 4.1 is deleted in its entirety and replaced with the following:

“The Point of Destination is designated as follows:

- a. For the vertical turbine pump cans: *City of Sandy Bull Run Pump Station Site, located on the north side of the PWB Bull Run Filtration Facility site, across from 35319 SE Carpenter Lane, Gresham, OR 97080.*
 - b. For the vertical turbine pumps: *Triangle Pump & Equipment, Inc, located at 7509 S 5th St #103, Ridgefield, WA 98642.*
3. Article 12 is added, as follows:

“ARTICLE 12 – STORAGE AND MAINTENANCE.

12.1 Immediately following delivery of the Goods to the Points of Destination designated in Article 4.1, the Goods shall be stored at the following Storage Locations:

- a. For the vertical turbine pump cans: 16610 Champion Wy, Sandy, OR 97055
- b. For the vertical turbine pumps: 7509 S 5th St #103, Ridgefield, WA 98642.

12.2 Buyer shall be solely responsible for the storage of the vertical turbine pump cans, vertical turbine pump can maintenance at the Storage Location, and vertical turbine pump can risk of loss for so long as they are stored. Buyer shall maintain the vertical turbine pump cans in accordance with the manufacturer’s storage and maintenance recommendations, for so long as the pump cans are stored at the Storage Location.

12.3 Seller shall be solely responsible for the storage of the vertical turbine pumps, vertical turbine pump maintenance during storage at the Storage Location, and vertical turbine pump risk of loss for so long as they are stored. Buyer shall maintain the vertical turbine pumps in accordance with manufacturer’s storage and maintenance recommendations, for so long as the pumps are stored at the Storage Location. Seller shall charge Buyer a monthly fee of \$1250 for so long as the pumps remain at the Storage Location.

12.4 Assembly and Delivery Fee. Buyer shall pay Seller a one-time fee of \$7,500.00 for assembly and delivery of the pumps from the Storage Location to the project site.

4. Buyer and Seller shall commence negotiations of a third amendment to the Agreement by January, 2027. The third amendment shall include, among other terms, extended warranty provisions for the Goods and a revised timeline for startup.

5. From and after the effective date, "Agreement" means the original Agreement as amended. Except as expressly modified by the terms and conditions of this Amendment, the parties ratify and confirm each of the terms and conditions of the Agreement which, the parties acknowledge and agree, remains in full force and effect. In case of conflict between the terms of the Agreement and this Amendment, the terms of this Amendment shall apply.

IN WITNESS WHEREOF, the parties have executed this Amendment intending it to be effective as of the date last set forth below (the "Effective Date").

CITY OF SANDY

TRIANGLE PUMP AND
EQUIPMENT, INC.

By: _____

By: *David W. Flack*

Print Name: _____

Print Name: David Flack

Title: _____

Title: Manager

Date:

Date: 9/25/2026

October 6, 2026

Clackamas County Board of County Commissioners
2051 Kaen Road
Oregon City, OR 97045

Dear Commissioners:

The Sandy City Council writes to express our support for adopting an ordinance prohibiting the retail sale of flavored tobacco and synthetic nicotine in Clackamas County.

Our Council believes reducing youth access to flavored tobacco and nicotine products is an important public health priority. Flavored products play a significant role in youth tobacco initiation, and Clackamas County continues to experience concerning rates of youth e-cigarette use. With Washington and Multnomah counties having already adopted similar restrictions, we recognize the value of a consistent regional prohibition on the sale of these products.

While banning flavored tobacco and synthetic nicotine sales is a worthwhile policy, it is important to note it will have impacts on businesses that currently sell such items. We encourage the County to work with affected retailers as an ordinance is developed and implemented, giving particular consideration to clear requirements, adequate notice, and a reasonable implementation period. These considerations should not prevent action, but they can help ensure that the transition is fair and workable for local businesses.

We also believe the Board should consider whether a countywide prohibition would benefit from being placed directly before Clackamas County voters. While the Sandy City Council supports the proposed prohibition, referring the question to the voters could provide an opportunity for broader public discussion and participation in this important decision.

Reducing youth access to flavored tobacco and nicotine products is an important public health priority that warrants timely attention. We respectfully ask the Board of County Commissioners to take up this matter in the near future and move the discussion forward toward meaningful countywide action as soon as possible.

Thank you for your consideration and for your work on this important issue.

Sincerely,

Kathleen Walker, Mayor of Sandy

On behalf of the Sandy City Council