



CITY COUNCIL MEETING

Monday, May 18, 2026 at 5:30 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/86481900753>

Or by phone: (253) 215-8782; Meeting ID: 86481900753

OPEN HOUSE – 5:30 PM

1. [Open House: Wastewater Facility Plan Amendment](#)

REGULAR MEETING – 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

CHANGES TO THE AGENDA

PUBLIC COMMENT (3-minute limit)

Note: Testimony for the public hearing will take place later on the agenda. The Council welcomes your comments on other matters 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

CONSENT AGENDA

2. [City Council Minutes: May 4, 2026](#)
3. [Resolution 2026-14: State Shared Revenue - Fiscal Year 2027](#)

RESOLUTIONS

4. [PUBLIC HEARING: Resolution 2026-04 - Revised Moratorium Planning for Future Capacity](#)

OLD BUSINESS

5. [Clackamas County TSP check-in](#)
6. [Follow Up Discussion: Nuisances Affecting Public Peace](#)

NEW BUSINESS

7. [Contact Amendments: On-Call Construction Services Cap Increase](#)

REPORT FROM THE CITY MANAGER

COMMITTEE / COUNCIL REPORTS

STAFF UPDATES

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

ADJOURN: (the Sandy Urban Renewal Agency meeting will take place immediately after adjournment)

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.



STAFF REPORT

Meeting Type: City Council Open House
Meeting Date: May 18, 2026
From: AJ Thorne, Public Works Director
Subject: Open House: Wastewater Facility Plan Amendment

DECISION TO BE MADE:

None at this time. This is an opportunity for the public to learn more and ask questions about our wastewater facility plans. The intent is to bring the Facility Plan Amendment to the Council for approval on June 1, 2026.

APPLICABLE COUNCIL GOAL:

- **Goal 7.6.1:** Complete and adopt the [Wastewater Facilities Plan Amendment](#).

BACKGROUND / CONTEXT:

The purpose of the Wastewater Facility Plan Amendment, required by the City's [Consent Decree](#) with the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ), is to plan for near-term and long-term improvements at the City's Wastewater Treatment Plant (WWTP) and develop a viable long-term wastewater treatment and discharge strategy to accommodate Sandy's future population.

The City previously adopted a Wastewater System Facilities Plan [in 2019](#). However, by early 2022 it began to become apparent that the improvements contemplated in the 2019 plan were no longer appropriate for the City's circumstances. For example, the additional collection pipe rehabilitation required by the EPA meant the treatment facilities in the plan were likely oversized. In addition, the plan underestimated the cost of treatment facilities, leading to the true cost of the recommended plan being unaffordable. Finally, the 2019 plan significantly underestimated the schedule to finance, permit, and construct such significant and environmentally complex projects. (In fact, the 2019 plan estimated the City could, in addition to everything completed to date, have built a second satellite treatment plant and completed construction of a Sandy River Outfall by 2024, which would have been vastly unrealistic and infeasible). Therefore, an updated/amended facility plan that better addressed the City's needs and that incorporated more accurate schedules and budgets was necessary to provide a true pathway to regulatory compliance.

Development Moratorium Context

Pursuant to the Consent Decree, the City implemented a moratorium on new development applications that would result in increased wastewater flows beginning in October 2022. The City has been investing in increased capacity at the wastewater treatment plant by rehabilitating aging sewer pipes

(reducing peak flows to the WWTP) and conducting stress testing to determine the plant's maximum capacity. A Comprehensive Capacity Evaluation Report was submitted to EPA and DEQ in September 2023, demonstrating that 760 ERUs should be approved for connection to the existing wastewater treatment plant as part of the Capacity Assurance Program (CAP), per requirements of the Consent Decree.

Clarifications and discussions with legal counsel were completed in May 2024 which resulted in EPA granting conditional approval of 570 ERUs with an additional 190 ERUs that will be released once the City completes several improvements to the existing treatment and discharge system. Those improvements are scheduled to be completed in 2026.

Approval of additional growth beyond the 760 ERUs requires completion of the long-term improvements established in the Facility Plan Amendment, which include a new discharge and additional treatment plant improvements and expansion.

KEY CONSIDERATIONS / ANALYSIS:

The Facility Plan Amendment ([linked here](#)) determined the City needs to pursue near-term improvements, long-term improvements, and permit modifications to maintain compliance and meet the requirements of the Consent Decree.

1. NEAR-TERM IMPROVEMENTS

Near-term improvements will allow the City to request approval for release of the remaining 190 ERUs under EPA's conditional approval and will allow plant staff to continue to operate the WWTP reliably until the long-term wastewater discharge project is completed. Most near-term improvements will be completed using grant funding secured for projects that can be completed by fall 2026. Spending grant funding is key to keeping rates as manageable as possible.

2. LONG-TERM IMPROVEMENTS

The Facility Plan Amendment evaluated a [variety of long-term alternatives](#) for expanding the existing wastewater treatment plant (WWTP) and constructing a new outfall as well as regional solutions for wastewater treatment. The Consent Decree requires long-term improvements to be constructed within 15 years of the signing of the decree.

The two alternatives initially identified as viable in late 2024 included:

- A. Treatment at Existing WWTP and Discharge to Sandy River: Three treatment processes were considered to maintain treatment at the Jarl Road facility. All processes would continue to provide a minimum of high level of treatment (tertiary filtered effluent). Effluent would continue to be used for irrigation during the summer and would be discharged to Tickle Creek as allowed during the winter, with peak flows diverted to a new Sandy River outfall.
 - B. Regional Treatment and Discharge: This alternative would include constructing a new pump station and pipeline to send flow from Sandy to a nearby larger wastewater treatment plant. The City of Gresham was identified as the most viable regional treatment and discharge partner.
- Note: in late 2024 groundwater recharge (discussed later in this staff report) was not considered to be a viable approach under the regulatory environment that existed in Oregon at that time.

Study of the Gresham Regional Treatment Option

[In December 2024](#), staff presented a draft Facility Plan Amendment to the City Council that identified the alternative of pumping flow to the City of Gresham for treatment and discharge as the preferred alternative because it provided the greatest long-term certainty regarding treatment requirements and could be designed, constructed, and permitted with the fewest unknowns. Expanding the existing WWTP and constructing a new Sandy River Outfall was the other viable alternative identified, however costs for this alternative were comparable to the Gresham alternative while also introducing the need for a new outfall permit, which requires a lengthy and uncertain public process. Council authorized City staff to request an extension of the Facility Plan Amendment submittal date to further investigate the regional treatment alternative, and this extension was approved.

The studies and inter-city coordination conducted in 2025 confirmed that the Gresham WWTP has capacity to serve the City of Sandy and that the City of Gresham is willing to partner with Sandy to find a long-term solution to its wastewater treatment challenges. Studies also determined that the most cost-effective approach to conveying flow to Gresham is through a new pump station, force main, and dedicated gravity pipe discharging into a portion of the City of Gresham's collection system that has available capacity.

However, during the process of confirming the viability of the Gresham discharge solution, more detailed cost analysis showed that this alternative was more expensive than previously estimated. Major cost increases were driven by the need for a redundant force main and an odor control facility, as well as more detailed route analysis combined with additional requirements determined in meetings with Gresham staff. In late 2025, these increased project costs crossed from being extremely expensive to unaffordable for Sandy. Relevant cost estimating increases were applied to the Sandy River discharge alternative and the two were compared again. The result was a similarly equivalent cost for both alternatives and an assessment that neither were affordable.

New Preferred Alternative: Groundwater Recharge

In late 2025, the City became aware of recently enacted state legislation (HB 2169) demonstrating that the State is interested in expanding water reuse. This change in the state's stance makes groundwater recharge (which was previously considered but dismissed as unrealistic) newly viable as a discharge solution. In light of this, the City asked for a final, six month, extension to the due date for Facility Plan Amendment. This was granted, and the City began work on exploring a groundwater recharge discharge alternative.

This new draft of the Facility Plan Amendment now being presented to the Council includes **groundwater recharge as the preferred alternative for Sandy's long-term discharge**. The solution proposed will be in the form of either a deep or shallow discharge to groundwater in a location near the existing outfall. This solution is similar to the Sandy River discharge in many ways and begins with the construction of Membrane Bioreactor (MBR) treatment at the existing plant. The effluent will then be treated further or 'polished,' to a level determined by the nature of the discharge and the requirements imparted by the State. This option will be substantially less expensive than either the Sandy River outfall, or a pipeline to Gresham. Operationally, this solution will help in the short term by providing Sandy discharge options during shoulder season storms or times when flow in Tickle Creek is too low to allow discharge during the winter period. In the long term, this solution will allow Sandy to grow without impacting the limits of the Three Basin Rule.

Staff is currently working on plans to move forward with this solution immediately after this Facility Plan is adopted. The first steps will be starting the process to build an MBR at the treatment plant while simultaneously starting the required studies of the intended recharge location. With this plan, a new **Sandy River discharge now becomes the backup alternative** because it would also require the construction of an MBR. The regional (Gresham) alternative, which would not involve any on-site treatment, would no longer be a practical backup.

Risk Considerations and Timelines

It should be noted that all three studied discharge alternatives carry risk. Below are notable risk factors to consider, as well as estimated timelines for completion:

- Regional (Gresham): extreme expense; challenging intergovernmental agreement negotiations related to connection fee, maintenance responsibilities, and rate increase procedures; significant and distant infrastructure to maintain with high consequence of failure; however, lack of ongoing treatment responsibilities. Estimated timeline: 4 years¹
- Sandy River: extreme expense; lengthy and uncertain NPDES process with anticipated public opposition; ongoing treatment responsibilities. Estimated timeline: 6 to 8 years^{1, 2}
- Groundwater Recharge: large but more manageable expense; approval process uncertainty due to novelty in Oregon; ongoing treatment responsibilities. Estimated timeline: 4 to 7 years^{2, 3}

3. PERMIT MODIFICATIONS

The City's NPDES permit is currently being renewed, with a draft permit developed in 2026. City team members are working with DEQ permitting staff to negotiate a bridging strategy to maintain compliance until long-term improvements are in place.

BUDGET IMPACT:

While the act of adopting the Facility Plan Amendment does not have an immediate budget impact, the planning estimates for project completion will inform future rate models and SDC valuation.

Estimated totals for the studied discharge alternatives are as follows:

- | | |
|---|-------------------|
| - Groundwater Recharge: | \$134M - \$147M* |
| - Sandy River Discharge: | \$165M |
| - Regional Solution (Gresham Connection): | \$184M - \$195M** |

**Groundwater recharge is represented as a range due to multiple polishing and depth options.*

***Regional option is represented as a range due to the unknown cost of capacity purchase.*

In addition to the discharge alternatives noted above, it's also important to note the system improvements that have already been implemented, and additional collection system improvements that still need to be made. From July 2020 through mid-April 2026, approximately \$40 million has been invested in the wastewater system. The Facility Plan Amendment calls for an additional \$14 million to be spent over the next several years to improve the collection system further, and address Category 4 and 5 defects, in alignment with the Consent Decree. These costs, coupled with the Groundwater Recharge option, yield a program total of \$188 million.

¹ Assuming that sufficient funding can be secured

² Range due to uncertainty of length of permitting process

³ MBR component of this solution can be completed within three years

The last time Council received a comprehensive utility rate update was in [December 2024](#). At that time, the wastewater rate projection was as follows:

December 2024 Rate Projections

2026	2027	2028	2029	2030	2031	2032	2033	2034
15%	14%	14%	14%	14%	10%	10%	10%	8.5%

The [Biennium 2025-27](#) budget reflects the 15% and 14% in years one and two.

Based on the information that has been garnered throughout the Facility Plan Amendment process, a rate projection for each alternative has been compiled. Please note that these projections are estimates and once a final alternative is adopted the City’s rate consultants will do a final projection for both rates and System Development Charges (SDC).

Discharge Alternative Impact on Utility Rate Projections

Sandy River Discharge

The estimated rate schedule for this alternative is presented below. The annual debt service to construct this project would be in excess of \$12 million upon completion of the project.

2026	2027	2028	2029	2030	2031	2032	2033	2034
15%	15%	15%	15%	15%	15%	15%	12%	12%

The estimated SDC for this alternative is \$17,257.

City of Gresham Discharge

The estimated rate schedule for this alternative is presented below. The annual debt service to construct this project would be approximately \$14 million upon completion of the project.

2026	2027	2028	2029	2030	2031	2032	2033	2034
16%	16%	16%	16%	16%	16%	16%	12%	12%

The estimated SDC for this alternative is \$26,327.

Groundwater Recharge

The estimated rate schedule for this alternative is presented below. The annual debt service to construct this project would be approximately \$10 million upon completion of the project.

2026	2027	2028	2029	2030	2031	2032	2033	2034
12%	12%	12%	12%	12%	12%	12%	12%	12%

The estimated SDC for this alternative is \$12,235.

Upon plan adoption, staff will re-engage with FCS to formally revise the rate and SDC projections.

RECOMMENDATION:

Continue review of the Facility Plan Amendment to prepare for adoption in June of 2026. Staff is available to answer questions or to attend council meetings to further discuss the contents of plan.

SUGGESTED MOTION LANGUAGE:

None at this time.

LIST OF ATTACHMENTS / EXHIBITS:

- [Draft Wastewater Facility Plan Amendment – May 2026 \(link\)](#)
- Presentation Slides
- Wastewater Facility Plan Amendment Summary
- Groundwater Overview Handout

Open House: Wastewater Facility Plan Amendment

May 18, 2026

Sandy Clean Waters Program (SCWP)

OVERVIEW

1. City of Sandy Current Status
2. Long-Term Discharge Alternatives
3. Recommended Approach
4. Membrane Bioreactor
5. Groundwater Discharge

2025 Analysis

- Facility Plan Amendment initially recommended a Regional Treatment approach, sending flow to Gresham for treatment and discharge
 - While at the time slightly more expensive than other options, this approach had the greatest schedule certainty
 - This alternative has the advantage of getting Sandy out of the wastewater business, but relies on partnership and agreements with Gresham to support Sandy's future growth
- A Conceptual Design Report for conveyance from Sandy to Gresham revealed additional complexity and cost, making costs higher than previously estimated
- Discussions with Gresham were positive, however the cities have not agreed upon a connection charge

Bottom Line: Neither Sandy River or Gresham Alternatives are financially feasible

Current Situation

- At the direction of the Legislature, Oregon DEQ is now investigating opportunities to promote increased effluent reuse
- New Groundwater Recharge Alternative for Sandy:
 - Direct injection to groundwater, potentially augmenting depleting groundwater supply
 - Ideal location = near Iseli Nursery
 - Provides a foundation for a variety of discharge options
 - Wet-season Tickle Creek discharge with highest effluent quality
 - Continued reuse at Iseli Nursery
 - Discharge to groundwater during times when Tickle Creek discharge prohibited and reuse demand not available

Treatment and Discharge Alternatives

**Jarl Road WWTP Expansion
+ Sandy River Discharge**



Time to Construct:
6-8 Years

Cost: \$165 M

**Convey to Gresham WWTP
for Treatment and Discharge**



Time to Construct:
4 Years

Cost: \$184 – \$195 M

**Jarl Road WWTP Expansion
+ Groundwater Discharge**



Time to Construct:
4-7 Years

Cost: \$134 – \$147 M

Recommended Approach

Jarl Road WWTP Expansion + Groundwater Discharge



Time to Construct:
4-7 Years

Cost: \$134 – \$147 M

Advantages:

- Lowest cost based on shortest potential effluent conveyance route
- Can be phased so initial WWTP expansion is concurrent with discharge permitting & design
- Retains local reuse partner

Risks:

- Has not been permitted in Oregon yet
- Effluent quality determined by aquifer characteristics; treatment requirements uncertain

Overview of Recommended Alternative

Phased WWTP Expansion

Phase 1: MBR Expansion

- Headworks Upgrade
- New Membrane Bioreactor (MBR) with complete nitrogen removal for groundwater discharge
- Biosolids Dewatering Upgrade
- Biosolids Storage
- Electrical, Instrumentation, Controls, and Site Utilities

Phase 2: Effluent Polishing

- Additional treatment required to meet final groundwater discharge standards
- Two treatment options considered to estimate range of cost

MBR Expansion



Effluent Polishing Options

Granular Activated Carbon



Treatment units containing activated carbon to remove pollutants that pass through membrane filters in MBR

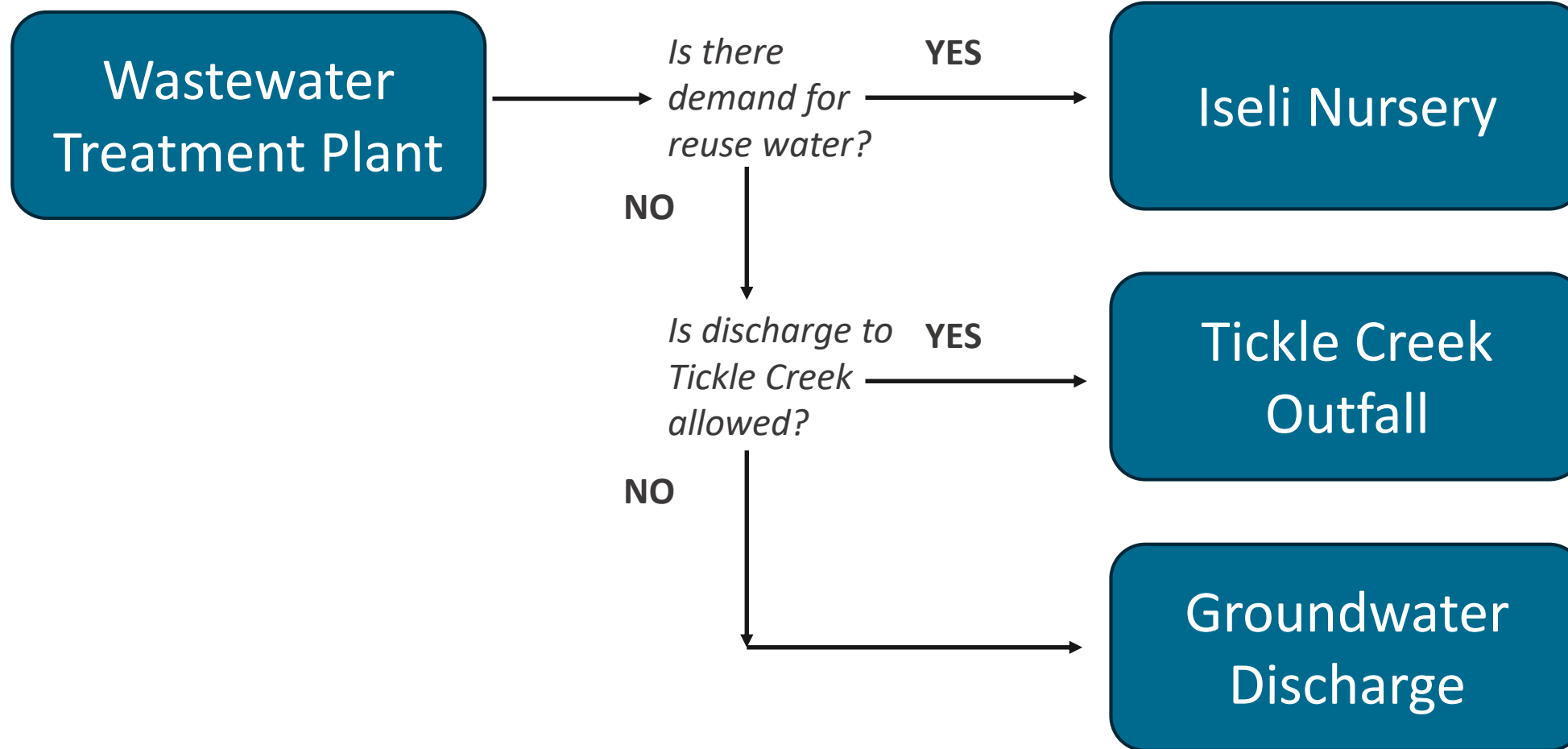
Reverse Osmosis



Purification process using extremely fine filters that remove nearly all contaminants but produces large volume of waste

Overview of Groundwater Discharge

Proposed Effluent Discharge Concept

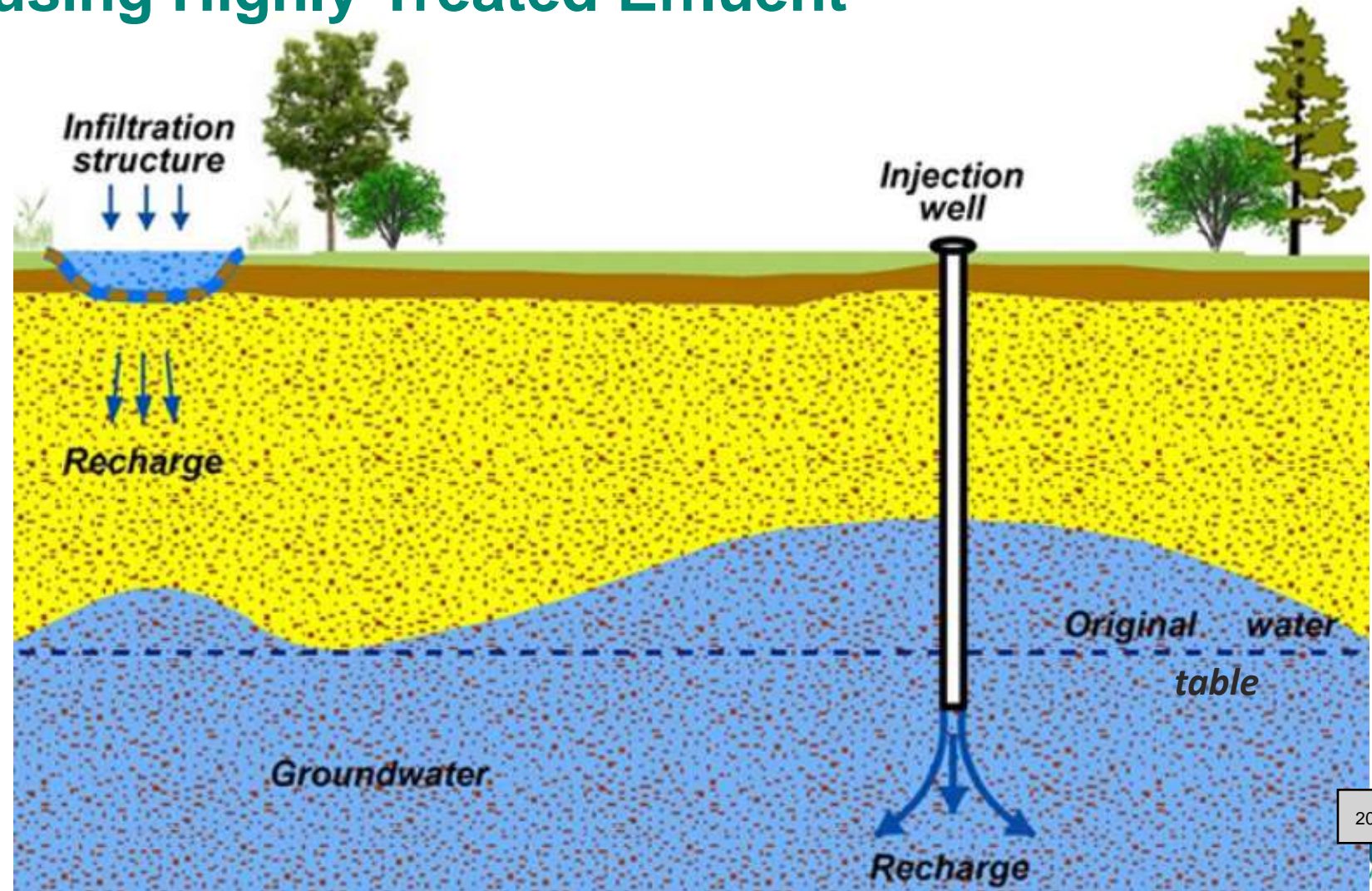


Groundwater Discharge Concept

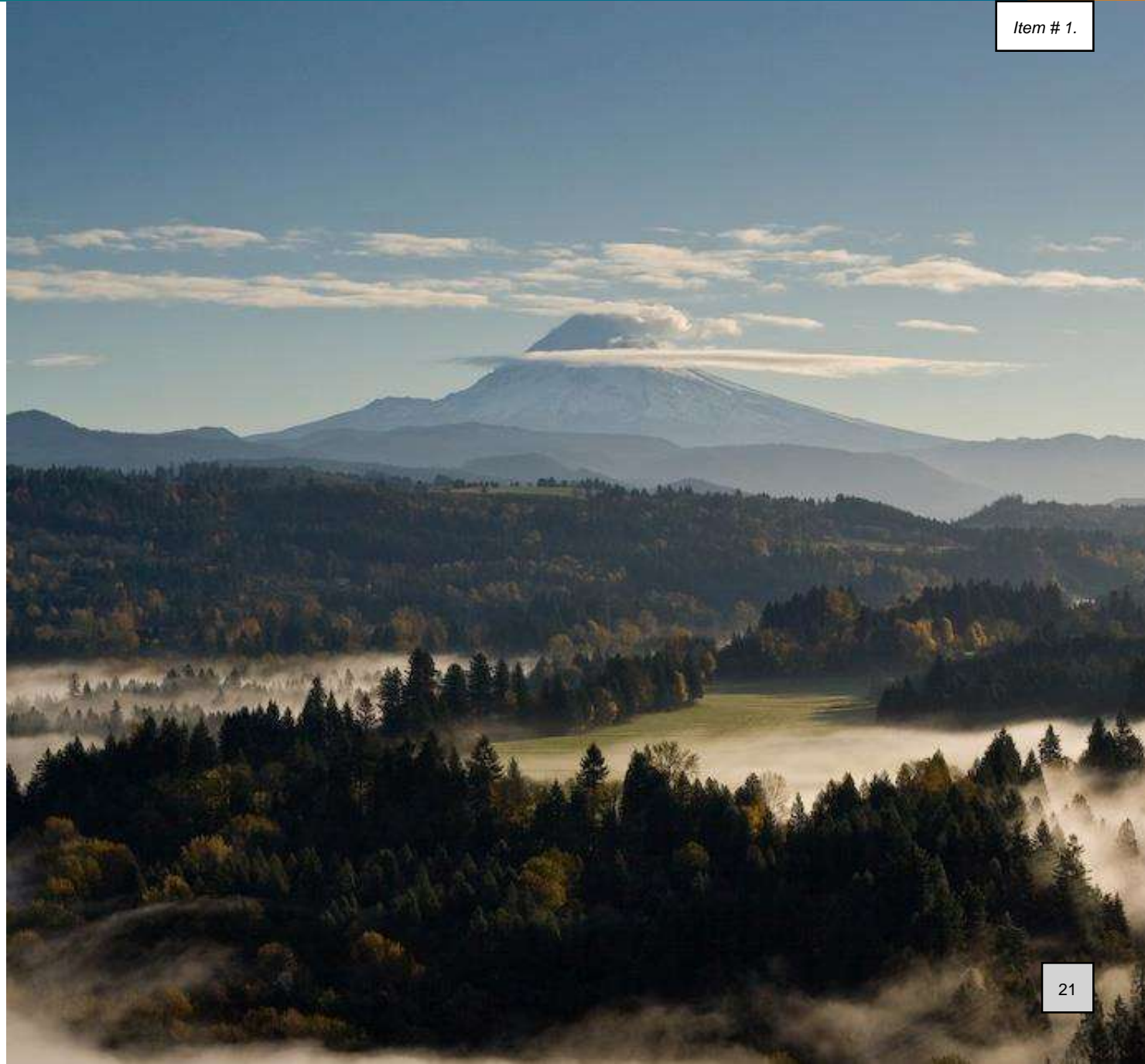
Aquifer Recharge using Highly Treated Effluent

Two methods of aquifer recharge:

- Infiltration – not suitable due to soil characteristics
- Direct injection – proposed for Sandy



Thank you!



City of Sandy

Wastewater Facility Plan Amendment Summary

May 2026



Introduction

The City of Sandy (City) currently discharges treated effluent from its wastewater treatment plan (WWTP) to Tickle Creek in the winter and provides filtered water to a local nursery for beneficial reuse (irrigation) in the summer. The City is permitted to discharge treated effluent to Tickle Creek from May 1 to October 31, with no regard for the current weather conditions or stream flow. These means of effluent discharge and reuse are constrained by the [Three Basin Rule](#), which prohibits increases in mass load discharges to Tickle Creek. Additionally, there is limited demand for beneficial reuse from the City's nursery partner during the spring and fall shoulder seasons.



The City entered a [Consent Decree](#) with the State of Oregon's Department of Environmental Quality (DEQ) and United States Environmental Protection Agency (EPA) in 2023 to resolve past claims and effluent discharge violations, while also allowing the City to develop a long-term wastewater discharge strategy. Part of the Consent Decree required that certain investments be made to the existing collection system, addressing inflow and infiltration and other system defects.

As of the date of this report, over \$40 million has been invested into the City's collection system, repairing leaky pipes and manholes to prevent groundwater from entering the system, WWTP upgrades, and studying viable alternatives to correct the capacity issue for the long-term. An additional \$14 million is expected to be spent to complete this work throughout the entirety of the collection system.

The Facility Plan Amendment studied three different long-term discharge alternatives, which are explained in more detail further this in summary.

Existing Conditions

The City's existing discharge permit allows for the discharge of treated effluent to Tickle Creek during the winter (wet weather) months of November through April, and to a local nursery partner for irrigation in the summer months (dry weather) of May through October. Statewide dilution limitations restrict discharge to Tickle Creek during the winter months to only when a 10 to 1 dilution ratio of the effluent can be achieved, meaning the treated effluent cannot exceed 10% of the total streamflow.

In addition to the challenges noted above, Tickle Creek is located within the "Three Basin Rule" area which prohibits increases in mass load discharge Tickle Creek. As a tributary to Clackamas River, which serves as the primary drinking water source for a large portion of Oregon's population, the strict discharge limits are meant to protect the watershed. Unfortunately, current permitting limits have not been modified to reflect the significant technological improvements that have been made to the treatment process over the last several decades. The mass load discharge limits cannot be increased from the levels currently noted in our 2010 permit.

Finally, due to the discharge permit following calendar days and not actual weather conditions, if the City experiences a significant wet weather event in the dry months, the demand for water does not exist from the nursery partner and Tickle Creek discharge is not allowed. This creates an unmanageable situation that leaves the City vulnerable to permit violations.

Treatment Alternatives

While several different alternatives have been studied, there are only three alternatives that can meet the City's long-term needs. These alternatives include: the construction of a membrane bioreactor (MBR) and discharge treated effluent to Sandy River, construction of a new pumpstation and pipeline to a neighboring wastewater treatment facility for treatment and discharge, and construction of an MBR and continued discharge to Tickle Creek and the local nursery partner along with expanded discharge to groundwater.

- **Sandy River** – This alternative would utilize MBR treatment technology, membrane filtration, and a new pumpstation and pipeline to discharge treated effluent to Sandy River. The submerged membrane performs a physical barrier to the sludge, removing toxins and ammonia from the treated effluent. An MBR facility would require higher levels of certification for operators, but due to built-in automation, the plant could be operated by the same number of staff.
 - **Opportunities:** A single MBR solution would provide improved operation, compliance, and resiliency. Discharging to Sandy River eliminates the many challenges the City faces with regards to the Three Basin Rule.
 - **Challenges:** Extreme expense; lengthy and uncertain permitting process; ends current reuse
 - **Timeline:** 6 – 8 years, depending on permitting and land acquisition.
- **Regional Treatment** – This alternative includes constructing a new pumpstation and approximately 14 miles of pipeline to the City of Gresham WWTP. City of Gresham would then treat and discharge the City's waste. Staffing would potentially be reduced, and the certification level for operators would likely be reduced to a collection system certification only.
 - **Opportunities:** Shortest timeline for construction; risk of permit violations and operational complexity are significantly reduced.
 - **Challenges:** Extreme expense; challenging intergovernmental agreement negotiations; significant and distant infrastructure to maintain; higher risk of raw sewage overflow; ends current reuse
 - **Timeline:** 4 years
- **Groundwater Recharge** – This alternative would utilize MBR treatment technology, membrane filtration, utilizing the existing discharge to Tickle Creek, retaining the local nursery partner, and construction of a new groundwater discharge location. Additional effluent polishing (i.e. advanced treatment) would likely be required to meet more stringent discharge standards.
 - **Opportunities:** This alternative is environmentally beneficial, retaining existing partnerships while also having the added benefit of augmenting our region's diminishing groundwater supply. While the Three Basin Rule would still apply to the City, this alternative provides the needed relief throughout the year when discharge cannot take place in Tickle Creek and the nursery does not need to irrigate.
 - **Challenges:** Uncertainty due to permitting process; adds additional treatment complexity
 - **Timeline:** 4 – 7 years, depending on permitting.

Project Costs

The Facility Plan Amendment process included evaluating the estimated cost of each of the three alternatives. These costs include direct construction costs, program overhead costs, and other applicable costs dependent upon the alternative.

It's important to note that these costs do not reflect the \$40 million already invested in the wastewater system, nor the additional \$14 million that is required to be spent over the next five years finishing the overall collection system improvements.

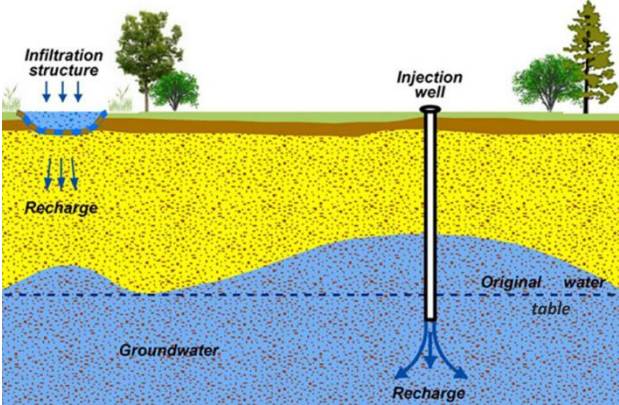
WASTEWATER DISCHARGE ALTERNATIVES

Project Element	Regional Groundwater		
	Sandy River	Treatment	Recharge
Construction Costs			
MBR Plant	\$68	\$0	\$62
Advanced WWTP Improvements	-	-	23
Sandy River Discharge	66	-	-
Groundwater Discharge Improvements	-	-	24 *
Sandy to Gresham Pump Station	-	22	-
Sandy to Gresham Force Main	-	88	-
Sandy to Gresham Gravity Main	-	25	-
Construction Costs Total	134	135	109
Capacity Purchase Costs			
Gresham Connection Fee	-	18 - 29	-
Capacity Purchase Costs Total	-	18 - 29	-
Program Overhead Costs Total			
Program Management	5	5	4
Construction Management and Inspector	8	8	7
Management Reserve	13	13	11
Soft Costs (Finance, Legal, etc.)	4	4	3
Program Overhead Costs Total	31	31	25
Total Project Costs (millions)	\$165	\$184 - 195	\$134

*Cost based on advanced polishing for groundwater recharge using filtration with granular activated carbon. If reverse osmosis is required, total project cost increases to \$147 mm.

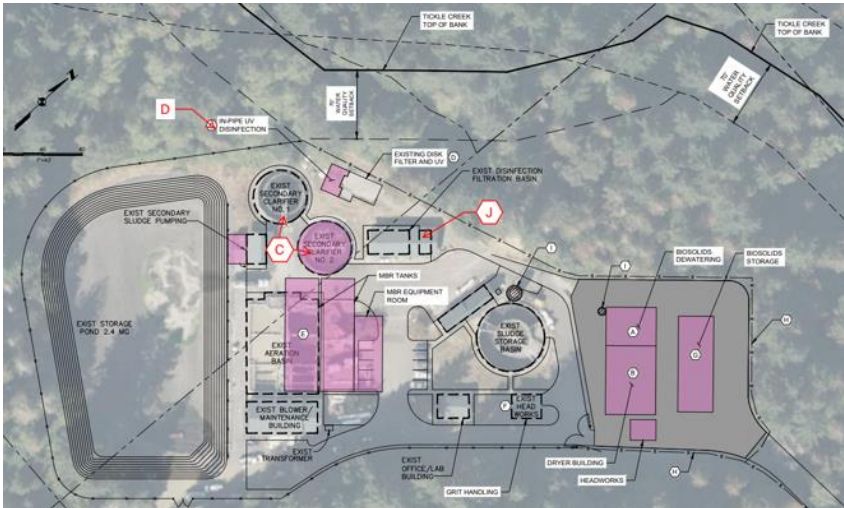
Preferred Alternative & Next Steps

The Facility Plan Amendment has identified the **Groundwater Recharge alternative as the preferred alternative** to ensure the City’s long-term ability to remain compliant with wastewater discharge permit, allow for future development, and is the lowest overall cost. The total program costs, including all collection system work, treatment enhancements, discharge infrastructure, and permitting is approximately **\$188 million**.



Groundwater recharge is a modern, sustainable approach that is already utilized in many communities across the western United States. Rather than treating highly purified effluent as waste, recharge projects return it to underground aquifers where it can help replenish declining groundwater supplies and improve long-term regional water resilience. In the City’s case, this approach provides an environmentally responsible solution that supports future growth, lessens resilience on surface water discharge, and aligns with broader statewide goals to expand innovate water reuse strategies.

Upon adoption of the Facility Plan Amendment, the City will immediately begin working on drafting a request for proposals (RFP) to complete the design and engineering work needed to advance this alternative forward. The City’s existing WWTP location will be reconstructed to allow for the MBR plant to be built.



The City will also begin working with the local nursery to broaden the scope of the current reuse agreement, as well as work with DEQ to ensure a timely permit application period for the new groundwater recharge alternative.

Groundwater Recharge: Sandy’s New Water Reuse Strategy

The City of Sandy is pursuing a new wastewater strategy – treating water to extremely high standards and then discharging the treated effluent underground. This approach aligns with the State of Oregon’s goals to advance water reuse (see HB 2169).

At its core, Sandy’s approach is simple:

- **Treat wastewater to a very high standard and put it to beneficial use by recharging our local aquifers, boosting our community’s long-term access to clean water rather than sending it away downriver.**

The Existing Wastewater Challenge Sandy Is Solving

Sandy’s current system reflects common constraints facing Oregon communities:

- Existing winter discharge to Tickle Creek is limited by strict dilution requirements
- Summer reuse depends on irrigation demand, which is seasonal and inconsistent
- The State’s “Three Basin Rule” prevents increasing discharge, even as the city grows

Sandy’s New Direction: A Balanced, Long-Term Solution for Wastewater

After evaluating multiple alternatives, Sandy is pursuing a three-part strategy:

1. Advanced Wastewater Treatment

- Upgrading our system to membrane bioreactor (MBR) technology
- Producing Class A or higher effluent through activated carbon or reverse osmosis

2. Multiple Conventional Discharge Options

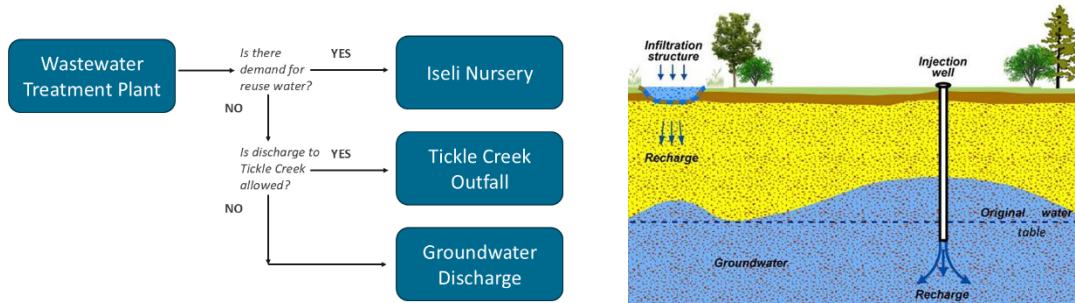
- Discharge into Tickle Creek as allowed under current permit limitations
- Maintaining irrigation reuse with nursery partner when feasible

3. Groundwater Recharge When Conventional Options Are Unavailable

- Injection of the highly treated water into local aquifer
- Hybrid approach provides year-round flexibility and long-term compliance

Groundwater Recharge: Proven Established Technology

- Groundwater recharge projects have been operating in the US for over 50 years.
- Washington has allowed recharge since the 1990s
- Multi-layer treatment combined with natural soil filtration produces abundant safe water for municipal and agricultural use



Cost Considerations

While groundwater recharge carries a substantial cost, it is the least expensive of the viable alternatives available to Sandy.

<p>Jarl Road WWTP Expansion + Sandy River Discharge</p>  <p>Time to Construct: 6-8 Years</p> <p>Cost: \$165 M</p>	<p>Convey to Gresham WWTP for Treatment and Discharge</p>  <p>Time to Construct: 4 Years</p> <p>Cost: \$184 – \$195 M</p>	<p>Jarl Road WWTP Expansion + Groundwater Discharge</p>  <p>Time to Construct: 4-7 Years</p> <p>Cost: \$134 – \$147 M</p>
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Learn More: Read the Facility Plan Amendment on our website at: www.ci.sandy.or.us



CITY COUNCIL MEETING

Monday, May 04, 2026 at 6:00 PM
Sandy City Hall and via Zoom

MINUTES

WORK SESSION – 6:00 PM

1. Wastewater Facility Plan Amendment Work Session

The Public Works Director summarized the staff report in the meeting packet and presented slides that were also included in the packet.

Discussion ensued on the following topics:

- Explanation of the challenges related to discharge during shoulder seasons
- Consideration related to costs and timelines of discharge alternatives
- Discussion of the estimated \$14 million in collection system rehabilitation that is still outstanding
- Overview of regulations pertaining to groundwater discharge in other parts of the country
- Discussion of timing and phasing strategies for construction to maintain compliance with the City's discharge permit
- Discussion of contingency considerations should the City's nursery partner cease operations at some point in the future; suggestion that the City should own the property used for discharge
- Suggestion to explore additional agricultural operations that could use treated effluent for irrigation purposes
- Note of the regional groundwater supplementation benefits associated with the recommended alternative
- Note of the need to secure permission to increase groundwater discharge in the future as conditions in Tickle Creek change
- Discussion of interest in groundwater recharge from other cities throughout the state
- Benefits of the groundwater recharge alternative in terms of cost and timeline
- Discussion of unknown factors related to permitting such a project in Oregon
- Discussion of the need to consider and understand relative costs of operating different discharge solutions
- Discussion of possible increases in system capacity once the MBR is completed
- Overview of recent discussions with state officials related to the groundwater concept
- Discussion related to dilution ratio limits in discharge permits and whether production of Class A+ water could lead to more discharge flexibility
- Discussion of next steps after plan adoption including MBR design and geotechnical exploration

- Discussion of the staff-estimated utility rates and associated SDCs for the alternatives considered, including incorporation of program costs and grant funding
- Note that a Sandy River discharge would become the backup option to the recommended alternative
- Request for additional rate projections into future years
- Discussion of the need to proactively explain the need for groundwater recharge and advocate for state support
- Request for information from staff explaining how projected rates are affected by new grant funding
- Discussion of possibilities for pipeline cost sharing with the nursery partner
- Note of a typo in the plan document on page 14, citing 2065 rather than 2026
- Discussion of the logistics of the upcoming open house event on May 18th

REGULAR MEETING – 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

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

CHANGES TO THE AGENDA

The Council agreed to hear from NAMI immediately after the presentation from MHCC

PUBLIC COMMENT (3-minute limit)

(none)

RESPONSE TO PREVIOUS COMMENTS

(none)

CONSENT AGENDA

2. City Council Minutes: April 20, 2026

MOTION: Adopt the consent agenda

Motion made by Councilor Sheldon, Seconded by Councilor Ramseyer.

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

Voting Abstaining: Councilor Smallwood

MOTION CARRIED: 6-0-1**PRESENTATIONS**

3. Mt Hood Community College Presentation

President Skari and Board Member Noriega were present to share an update with the Council. Presentation slides were included in the meeting packet. After the presentation the Council expressed their thanks and appreciation.

4. National Alliance on Mental Illness (NAMI) Presentation

Gary Marschke was present to share with the Council about NAMI's operations in Clackamas County. Presentation slides are attached to these minutes. After the presentation the Council expressed their thanks and appreciation, and suggested that NAMI should be involved in future homelessness outreach discussions.

ORDINANCES

5. PUBLIC HEARING: Ordinance 2026-03 – Pre-House Bill 2005 Compliance Amendments

Abstentions

(none)

Conflicts of Interest

(none)

Staff Report

The City Attorney summarized the staff report in the meeting packet, including the context and history of this code amendment effort, as well as the intentions and current state litigation related to HB 2005. It was noted that the amendments at issue in this ordinance have been state law since 1989 and the proposed ordinance uses the exact language from state law; although usage of this section of law is not common, the issue came to the attention of staff because of an inquiry about such usage on Bluff Rd.

It was noted that the word "care" should be cut from the beginning of the definition for "Residential facility."

Public Testimony

(none)

Recap and Recommendation

Staff recommended adoption of the proposed ordinance.

MOTION: Close the public hearing

Motion made by Councilor Ramseyer, Seconded by Council President Hokanson.

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

MOTION CARRIED: 7-0

Council Discussion

- Concerns about facilities in residential neighborhoods
- Discussion of the scope of the litigation about HB 2005
- Concern that it is very difficult to understand precisely what kinds of facilities are allowed in residential zones
- Note that the definition of “residential facility” is not at issue in the litigation
- Frustration with the confusing and contradictory definitions in state law
- Suggestion to create a clearly understandable list of what is allowed, despite the ambiguity in state law
- Note that any such application received by staff would be reviewed by the City Attorney
- Questions as to the City’s ability to approve or deny a treatment facility; discussion about the development moratorium and ERU availability
- Concerns about sufficient parking being available
- Discussion about treatment facilities being allowed in zones with higher density

The Council agreed that the words “per ORS 197.660” should be inserted into the definitions for “Residential facility” and “Residential home.”

MOTION: Approve the first reading of Ordinance 2026-03, with the amendment that the first definition paragraph will read as follows: "Residential facility: Per ORS 197.660, a residential facility means" and the second definition paragraph will read as follows: "Residential home: Per ORS 197.660 a residential home means"

Motion made by Council President Hokanson, Seconded by Councilor Smallwood.

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

MOTION CARRIED: 7-0

MOTION: Approve the second reading of Ordinance 2026-03, with the amendment that the first definition paragraph will read as follows: "Residential facility: Per ORS 197.660, a residential facility means" and the second definition paragraph will read as follows: "Residential home: Per ORS 197.660 a residential home means"

Motion made by Councilor Ramseyer, Seconded by Councilor Hanley.

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

MOTION CARRIED: 7-0

OLD BUSINESS

5. Nuisances Affecting Public Peace

The Development Services Director summarized the staff report in the meeting packet. Council discussion ensued on the following issues:

- Discussion on enforcement, fines, and municipal court procedures
- Note that solicitors must currently hold a business license
- Suggestion to have solicitors display their business licenses when they operate
- Suggestion that the definition of solicitation is too broad:
 - Concern about infringing on First Amendment rights
 - Response that attempting to differentiate between different types of solicitation would be very difficult
 - Discussion of implied consent provisions
 - Discussion of enforcement discretion
- Concern that preventing leaving written materials is too restrictive
- Discussion as to whether installing a no soliciting sign should always be necessary
- Discussion of case law regarding lawful solicitation cutoff times; note that 9:00 and 8:00 have been upheld by courts, but 7:00 has not yet been tested
- Consensus from the Council that 7:00 should be the cutoff time

The Council also discussed proposed code language regarding noise, as follows:

- Suggestion to make cutoff times for lawn mowing and blowers the same as solicitation
- Regarding fireworks:
 - Discussion regarding allowing fireworks noise on and around Independence Day, as well as on and around New Year's Eve; request for staff to refine the proposed language on this topic
 - Discussion about aerial fireworks, which can be dangerous and are disallowed under state law

NEW BUSINESS

6. Bin List Check-in

The City Manager summarized the staff report in the meeting packet. He asked the Council to

provide direction on each proposed item on the Bin List and indicate whether staff should spend time advancing them.

The Council provided direction as follows:

- Noise ordinance: already in progress
- Solicitation (door to door sales) ordinance: already in progress
- Utility bill due dates and practices: no action needed
- Roles and responsibilities of City Council (refresher on Council Rules): a discussion is needed, limited to statements to the media and other organizations
- Boards and Commission bylaws review: bylaws for the Transit Advisory Board need to be adopted by the Council
- Traffic discussion at Cedar Ridge Middle School and Sandy High School: staff will continue to monitor the situation, no action is needed in the short term
- Driveway lengths in higher density zones: should remain on the Bin List
- Cedar Park Ambassador program: Parks and Recreation should work to develop a program
- City slogan update (return to Gateway to Mt. Hood): the Council voted to change the slogan, see motion below
- Natural Hazard Mitigation Plan amendment: more information is needed from the County s to the scope of the effort required
- Speed studies for roads that are not currently designated as 25 mph zones: this is a low priority on the list while other traffic enforcement efforts are underway

MOTION: Change the City of Sandy's slogan back to "Gateway to Mt. Hood"

Motion made by Councilor Hanley, Seconded by Councilor Mayton.

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

MOTION CARRIED: 7-0

REPORT FROM THE CITY MANAGER

- Recap of the most recent C-4 meeting, including his summary of Sandy's economic development programs
- Note of upcoming meetings with Senator Drazan and Senator Merkley's staff
- Note of the ongoing ODOT curb ramp project on Hwy 26
- Reminder of the upcoming primary election

COMMITTEE / COUNCIL REPORTS

Council President Hokanson

- Note of a recent complaint from a resident about the City's electric buses
- Suggestion from Minty to construct additional smaller skateparks in the city

- Suggestion from Austin Ernesti regarding a wood art installation at City Hall in conjunction with upcoming renovations

Councilor Hanley

- Recap of the recent ribbon cutting event for the Mobile Library; note of the great feedback and appreciation from the community

Councilor Ramseyer

- Recap of the recent ribbon cutting event for the Mobile Library; note of the great feedback and appreciation from the community

Councilor Sheldon

(none)

Councilor Smallwood

(none)

Councilor Mayton

- Note that the Mt Hood Economic Alliance needs applicants for its board vacancy; suggestion that members of the Economic Development Advisory Board might be interested

Mayor Walker

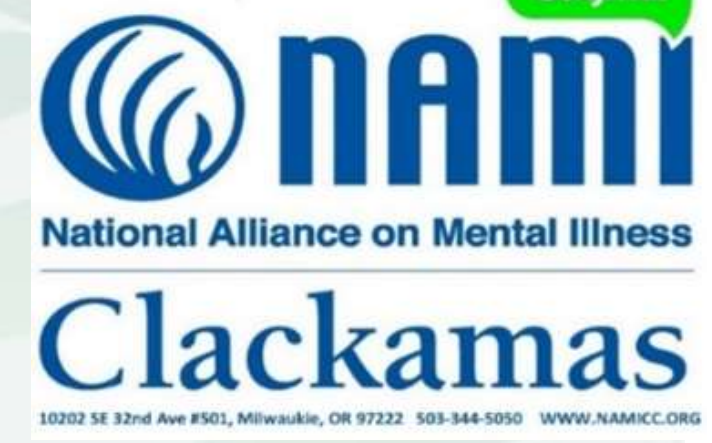
- Recap of the recent ribbon cutting event for the Mobile Library; note of the great feedback and appreciation from the community
- Note of upcoming meetings with Senator Drazan and Senator Merkley's staff
- Recap of the Arbor Day event
- Reminder of the upcoming Yappy Hour event
- Suggestion to collaborate with Austin Ernesti on installation of fun wood statues along Tickle Creek Trail
- Suggestion that the Economic Development Advisory Board should receive a briefing on Energize Sandy progress
- Note of the need for new entrance signs for the city, and upcoming collaboration with a landscape architect

STAFF UPDATES

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

ADJOURN

Cure
Stigma.



May is
**Mental
Health**
Awareness Month

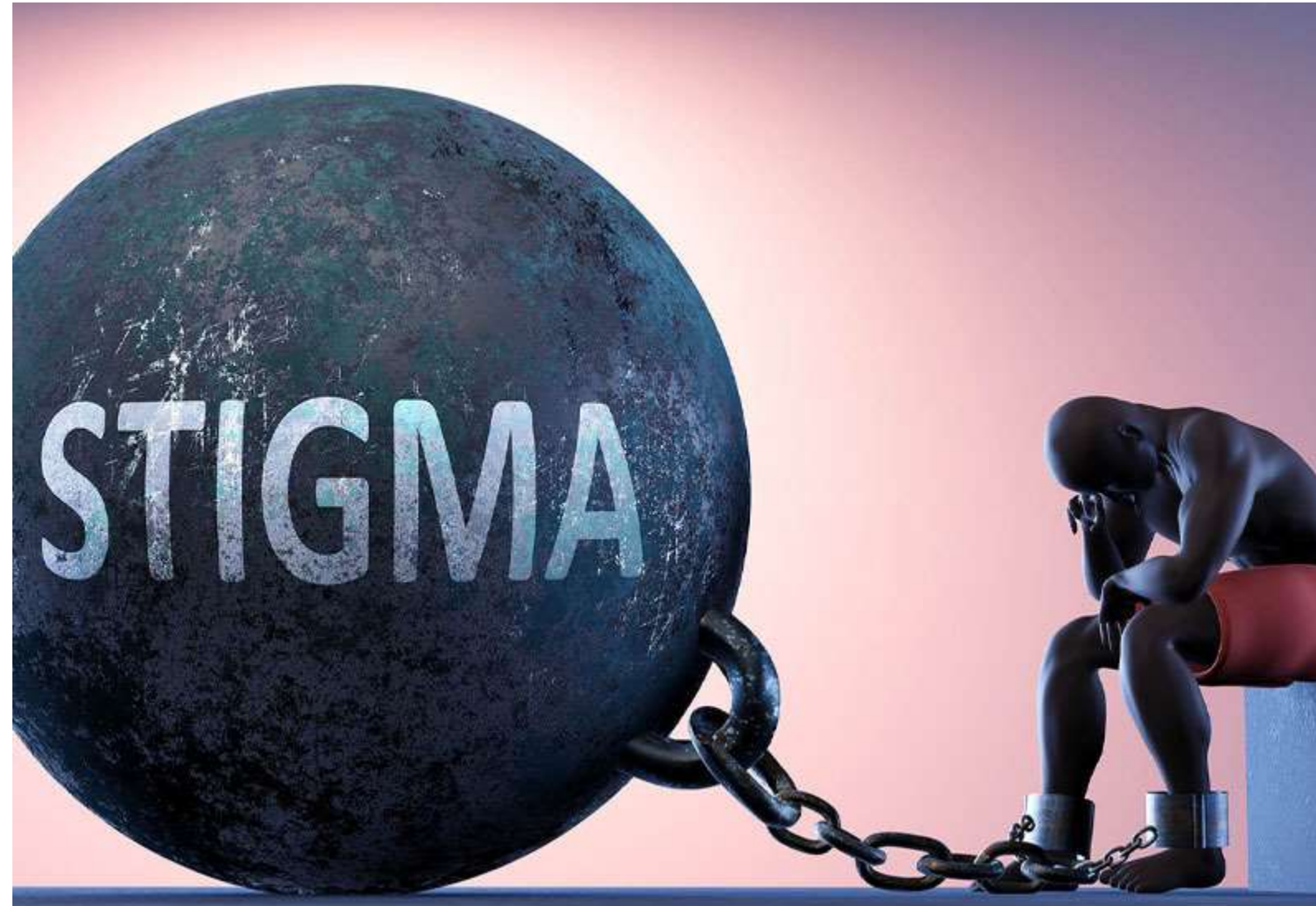


**What's the AVERAGE
time between someone
suspecting they have a
mental health condition
and seeking treatment
for it?**



**** 11 YEARS****

That's STIGMA!





What's the cure?

**Education & Peer
Support!**

NAMI CLACKAMAS CLASSES



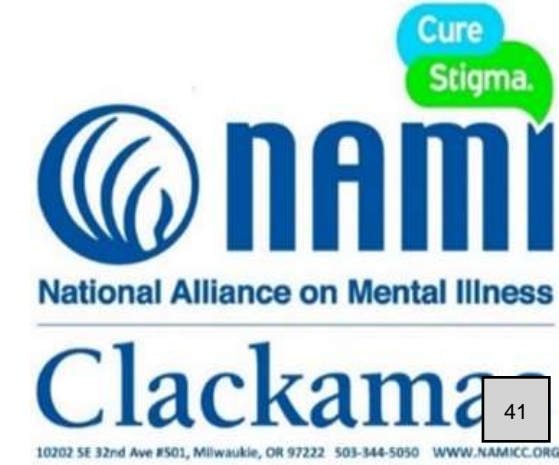
8-week Peer-to-Peer classes for adults with mental illness looking to better understand their condition and journey toward recovery



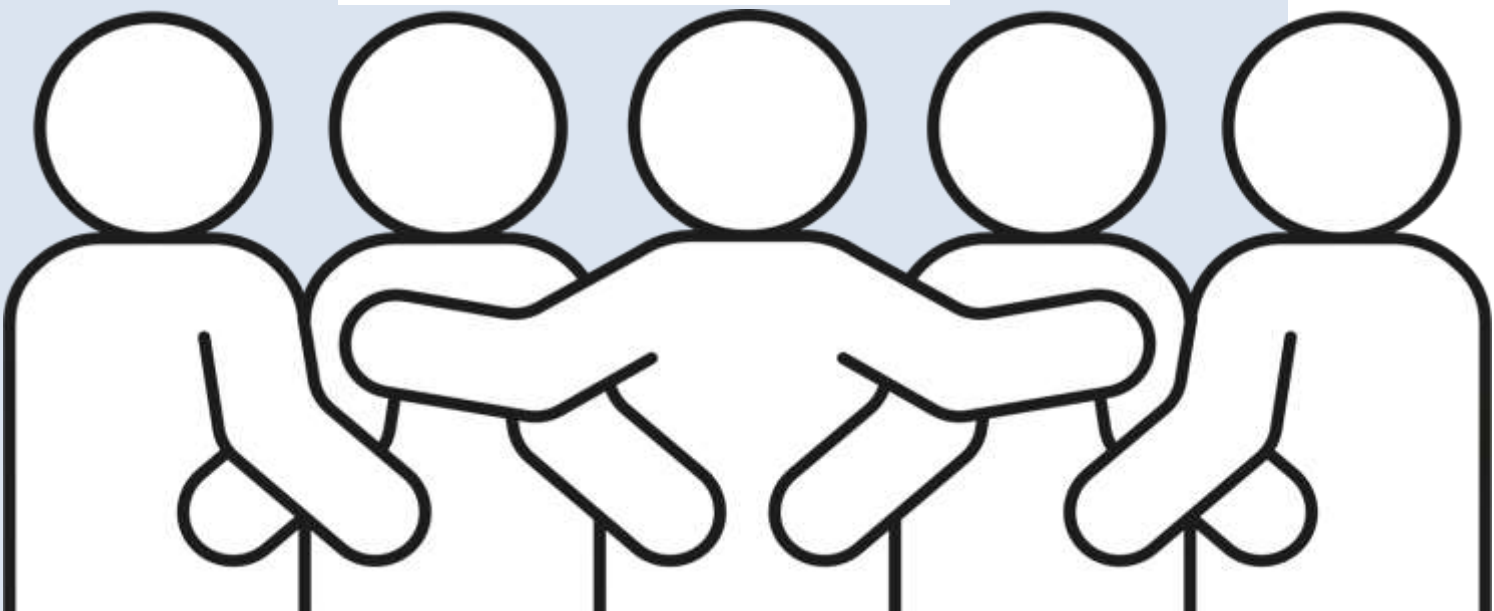
8-week Family-to-Family classes for family, significant others, and friends of people with mental illness



6-week NAMI Basics class for parents, guardians, and others who care for youth



NAMI CLACKAMAS SUPPORT GROUPS



Three weekly **Connection Peer Support Groups** for individuals with mental illness

One weekly + one monthly **Family Support Groups** for those who care about someone with mental illness

(2) FAMILY BOOK CLUBS monthly

SPANISH weekly Support Group & monthly Book Club

LGBTQIA2S+ weekly Support Group

WOMEN-ONLY bi-weekly Support Group

ART with HEART bi-weekly Support Group

GAMES weekly Support Group

Suicide Bereavement Group bi-weekly for survivors left behind after a suicide

Compassionate Friends monthly family support after the loss of a child.

MENTAL HEALTH & JUSTICE SYSTEM



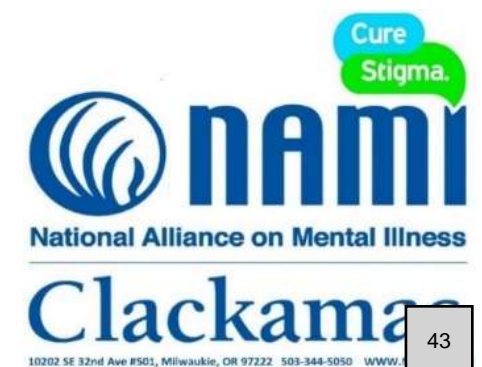
Support for Adults in Custody.

Mental Health Education Classes & Support Groups for Adults in Clackamas County Jail

Weekly volunteers in Mental Health Courts to provide resources for family members



www.namicc.org



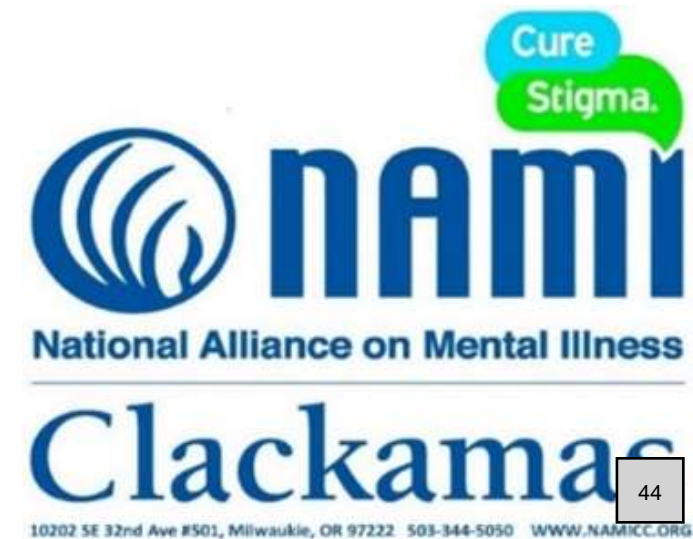
NAMI CLACKAMAS ONE-ON-ONE PEER HELP



Peer Support Specialist staff provide one-on-one support (in person, Zoom, or phone) to help those impacted by mental illness connect to needed resources such as housing, health coverage, providers, transportation, and community resources.



**Self-referral
Form**



COMMUNITY PRESENTATIONS

- **In Our Own Voice** presentations to educate our community about mental illness and that recovery is possible.
- **Mental Health Matters** presentations to civic clubs, faith communities, neighborhoods, and other groups.
- **Ending the Silence** presentations to middle & high school students to dispel stigmas, teach about signs, symptoms, and action steps.
- **Question, Persuade, Refer (QPR)** crisis intervention and suicide prevention tools & techniques.

NAMI
CLACKAMAS
FREE
PRESENTATIONS



NAMI CLACKAMAS:

BARRIER- FREE



N

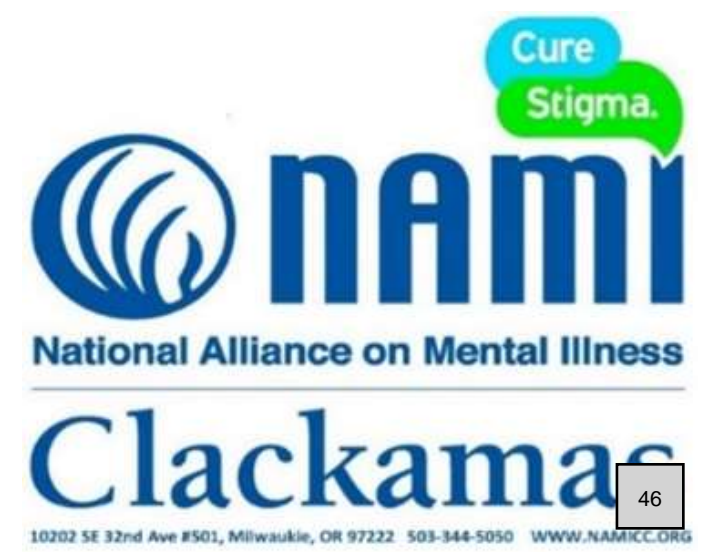
DIAGNOSIS

REFERRAL

O

INSURANCE

COST



NAMI CLACKAMAS: SUPPORT OUR MISSION



Stand-Up(s) Against Stigma Comedy Night

Friday, March 13th – Milwaukie Community Center

NAMI Walks

Saturday, May 16th – Peninsula Park

Party with a Purpose Gala

Thursday, September 17th – Gray Gables Estate

Champions Circle

Monthly financial support



ON SALE NOW!!!



THEATRE NIGHTS! **June 25 | December**

Thanks to Clackamas Repertory Theatre
AND Stumptown Stages...



ALL OF THE TICKET REVENUE

goes to us!!

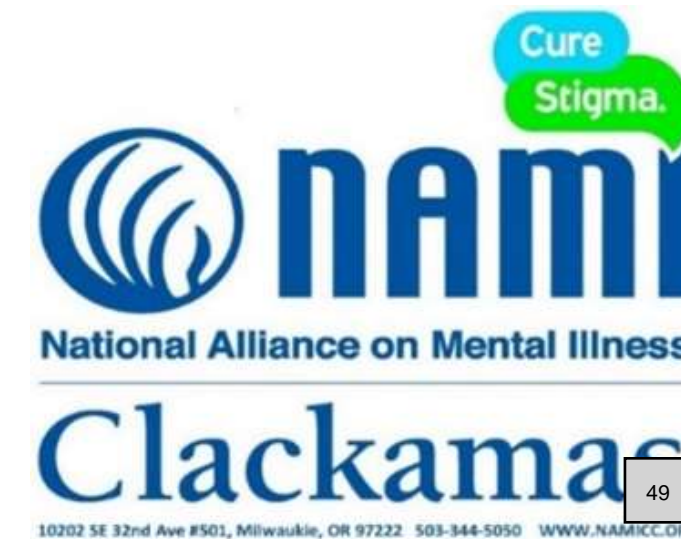


OUR VOLUNTEERS ARE AMAZING!

- Teach
- Facilitate
- Serve
- One-time, short-term, or long-term



To volunteer, contact volunteercoor@namicc.org



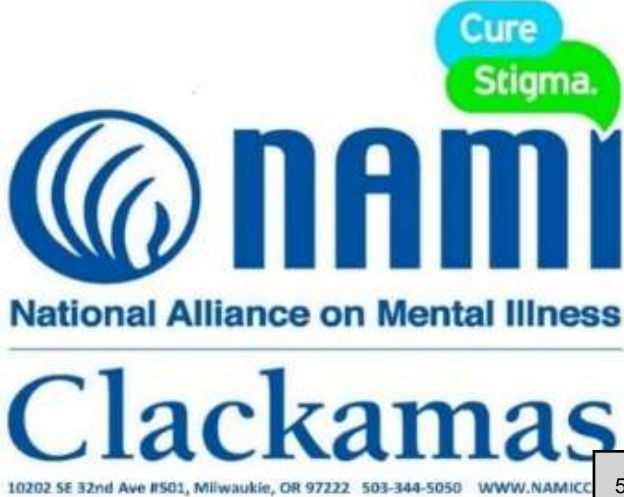


Questions?



Item #2.

<https://tinyurl.com/NAMICCNews>





STAFF REPORT

Meeting Type: City Council
Meeting Date: May 18, 2026
From: Tyler Deems, City Manager
Subject: Resolution 2026-14: State Shared Revenue - Fiscal Year 2027

DECISION TO BE MADE:

Whether to elect to receive State Shared Revenue for Fiscal Year 2027

APPLICABLE COUNCIL GOAL:

n/a

BACKGROUND / CONTEXT:

The City of Sandy operates on a two-year budget, as allowed by Oregon's Local Budget Law. The two-year period is made up of two fiscal years, running from July 1 through June 30. The adopted budget includes revenue sources that are collectively referred to as 'State Shared Revenue.'

KEY CONSIDERATIONS / ANALYSIS:

Each year, Oregon's Department of Administrative Services requires that the City pass a resolution to receive state-shared revenues, which includes cigarette, liquor, gas, and state taxes. Resolution 2026-14 fulfills this need. A public hearing was held during the Biennium 2025-27 budget process and is not needed at this time. The total estimated revenue from these sources is approximately \$450,000 in the General Fund, and \$900,000 in the Street Fund.

BUDGET IMPACT:

Revenue from these sources is already reflected in the Biennium 2025-27 budget. Failure to adopt this resolution would result in the loss of the revenue noted above.

RECOMMENDATION:

Approve Resolution No. 2026-14.

SUGGESTED MOTION LANGUAGE:

“I move to approve Resolution No. 2026-14.”

LIST OF ATTACHMENTS / EXHIBITS:

- Resolution 2026-14



RESOLUTION NO. 2026-14

A RESOLUTION DECLARING THE CITY OF SANDY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, the City of Sandy desires to receive State revenues.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY:

Section 1: Pursuant to ORS 221.770, the City hereby elects to receive state revenues for fiscal year 2026-2027.

This resolution is adopted by the City Council of the City of Sandy this 18th day of May, 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

I certify that a public hearing before the Budget Committee was held on April 28, May 5, and May 12, 2025 and a public hearing before the City Council was held on June 2, 2025 for the 2025-2027 biennium, giving citizens an opportunity to comment on the use of State Revenue Sharing.

Meeting Type: City Council
Meeting Date: May 18, 2026
From: Josh Soper, City Attorney
Subject: PUBLIC HEARING: Resolution 2026-04 - Revised Moratorium Planning for Future Capacity

DECISION TO BE MADE:

Whether to adopt a revised moratorium to address anticipated future wastewater system capacity and make other changes and clarifications.

APPLICABLE COUNCIL GOAL:

- **Goal 6.1:** Develop a clear policy for ERU allocation that is strategically aligned with the City's interests.

BACKGROUND / CONTEXT:

The City first enacted a development moratorium relating to capacity issues with its wastewater treatment system on October 3, 2022 (Moratorium 1.0) prior to entering the Consent Decree with EPA and DEQ relating to those same issues. Since that time, the City has periodically enacted replacement moratoria as circumstances change, generally to loosen restrictions or provide improved flexibility as much as possible.

This resolution is a continuation of those efforts. It would have the effect of adopting a new moratorium and repealing the existing moratorium, rather than being an extension of the existing moratorium, because state law requires a new moratorium be adopted in order to make any modifications to the moratorium terms.

KEY CONSIDERATIONS / ANALYSIS:

Staff is bringing forward a resolution to establish a replacement development moratorium (Moratorium 5.0) that would primarily make the following changes:

1. Adopt a "Development Allocation Program (DAP)." The DAP is a detailed program that provides a framework for distribution of wastewater system capacity to developments as it becomes available in the future. During the period this moratorium is in effect, the City anticipates receiving approval from EPA and DEQ to access an additional 190 ERUs of wastewater system capacity based on improvements the City has been making to its wastewater system. The DAP would apply to that capacity, as well as any other capacity that becomes available for

distribution because previous capacity allocations have expired. The DAP is based on an analysis of the City's development needs and forecasted growth, which is included as an exhibit to the attached resolution.

2. Align the expiration dates of existing ERU allocations through one final time extension.
3. Clarify provisions relating to ERUs set aside for emergency purposes (e.g. failed septic systems) and a small number remaining in the duplex pool.
4. Minor housekeeping and clarifications.

BUDGET IMPACT:

As compared to the moratorium currently in effect, this moratorium is expected to have a difficult to quantify, but positive, budgetary impact through reduced litigation risk, increased Development Services Department fee revenue from developments that move forward, increased property values which will result in more property tax revenue, and revenue from utility services on properties that are developed.

RECOMMENDATION:

Staff recommends the City Council approve Resolution 2026-04.

SUGGESTED MOTION LANGUAGE:

"I move to adopt Resolution 2026-04."

LIST OF ATTACHMENTS / EXHIBITS:

1. Resolution 2026-04
 - a. Exhibit A: Findings of Fact
 - b. Exhibit B: Sandy Development Allocation Program (DAP) Methodology
2. Public testimony received in advance of hearing:
 - a. Letter from All County Surveyors & Planners Inc: 4/9/26
 - b. Letter from Roll Tide Properties Corporation: 5/18/26



RESOLUTION NO 2026-04

A RESOLUTION APPROVING A MORATORIUM ON DEVELOPMENT PURSUANT TO ORS 197.505 TO 197.540 BASED ON LIMITED SANITARY SEWER CAPACITY

WHEREAS, pursuant to the federal Clean Water Act of 1972, the City of Sandy sanitary sewer collection and treatment system is subject to a National Pollutant Discharge Elimination System (NPDES) permit (the Permit) issued to the City by Oregon Department of Environmental Quality (DEQ) under authority granted by the U.S. Environmental Protection Agency (EPA); and

WHEREAS, the Permit limits the types and amounts of discharges from the City treatment plant into Tickle Creek; and

WHEREAS, population growth and development in the city has increased the demand on the available capacity at the treatment plant; and

WHEREAS, inflow and infiltration (I&I) into the City collection system (i.e. sewer pipes) from surface water has also increased the demand on available treatment plant capacity; and

WHEREAS, the combination of I&I and increased base flows has caused discharges from the treatment plant to violate permitted NPDES levels during certain weather events; and

WHEREAS, the City has engaged in a significant program of investigation, remediation, and repair of the collection system to reduce the amount of I&I and the corresponding demand on the treatment facilities; and

WHEREAS, the City is also amending the Facilities Master Plan to provide for the design, financing, and construction of additional facilities to improve the capacity of the City's wastewater system in the long term; and

WHEREAS, the aforementioned permit violations resulted in enforcement proceedings from DEQ and EPA which were resolved via the consent decree entered in the U.S. District Court for the District of Oregon on September 11, 2023 (the "Consent Decree"); and

WHEREAS, the terms of the Consent Decree required the City to perform a "stress test" and comprehensive capacity analysis to determine the capacity of the City's existing sanitary sewer system based on work the City had already performed to improve capacity; and

WHEREAS, the Consent Decree also required the City to limit new connections to the City's sanitary sewer system, and modifications to existing connections to the City's sanitary sewer system that increase flows, to no more than 300 equivalent residential units (ERUs) until the comprehensive capacity analysis results were approved by EPA and DEQ, at which point the 300 ERU cap would be replaced with a cap determined by the results of the comprehensive capacity analysis; and

WHEREAS, the City submitted the results of the comprehensive capacity analysis to EPA and DEQ on September 29, 2023, which resulted in a conditional approval decision on April 11, 2024, authorizing the

City to immediately access 270 additional ERUs above and beyond the 300 ERUs previously available, and to access 190 additional ERUs upon the completion of certain specified actions by the City and approval by EPA and DEQ; and

WHEREAS, as of the date of this Resolution, the City has issued 204.9 ERUs to developments out of the 570 ERUs, resulting in a total number of ERUs available as of this date of 365.1 ERUs; and

WHEREAS, upon completion of the actions described in the conditional approval, and further approval by EPA and DEQ, the City anticipates that more capacity will become available and additional development projects will be allowed to connect to the sanitary sewer system and add increased flows through existing connections; and

WHEREAS, the Consent Decree requires the City to take such actions as are necessary to meet the above obligations, including enactment of a development moratorium; and

WHEREAS, while negotiations with EPA and DEQ relating to the Consent Decree were ongoing, the City enacted a development moratorium via Resolution 2022-24 on October 3, 2022, and extended that moratorium via Resolution 2023-07 on March 20, 2023 (the "First Moratorium"); and

WHEREAS, upon approval of the Consent Decree by City Council, the City repealed and replaced the First Moratorium and enacted a new development moratorium with Resolution 2023-27 on June 20, 2023, and extended that moratorium via Resolution 2023-34 on November 20, 2023 (the "Second Moratorium"); and

WHEREAS, upon approval of the 270 additional ERUs, the City repealed and replaced the Second Moratorium and enacted a new development moratorium with Resolution 2024-11 on June 3, 2024, and extended that moratorium via Resolution 2024-24 on December 2, 2024 (the "Third Moratorium"); and

WHEREAS, in order to provide additional flexibility and better address the needs of the City, developers, and property owners, the City repealed and replaced the Third Moratorium and enacted a new development moratorium with Resolution 2025-14 on June 2, 2025, and extended that moratorium via Resolution 2025-29 on November 17, 2025 (the "Fourth Moratorium"); and

WHEREAS, land use applications which were submitted prior to enactment of the First Moratorium (the "Pre-Moratorium Applications") were not subject to the prohibition on acceptance and processing of new land use and development applications in the First, Second, Third, or Fourth Moratorium, but were impacted by the limitations on issuance of building permits and other permits also established in those moratoria; and

WHEREAS, in the interest of fairness, a priority of the City has been and continues to be to limit negative impacts on the Pre-Moratorium Applications; and

WHEREAS, the additional ERUs available to the City with adoption of the Third Moratorium made it possible for the first time since the enactment of the First Moratorium for the City to ensure ERUs are available to allow each of the Pre-Moratorium Applications to move forward; and

WHEREAS, as a result, the City established an ERU allocation program as part of the Third Moratorium, pursuant to which 356.6 of the remaining 365.1 ERUS available to the City were allocated; and

WHEREAS, during the term of this moratorium (the “Fifth Moratorium”), the City anticipates receiving approval from EPA and DEQ to access the additional 190 ERUs described in the September 29, 2023, conditional approval, and the City Council believes it is appropriate to adopt a plan for distribution of that additional capacity at this time; and

WHEREAS, it also appears to the City Council that it is appropriate to make additional changes to the ERU allocation program originally adopted with the Third Moratorium and modified in the Fourth Moratorium in order to continue to make improvements to the program to better address the needs of the City, developers, and property owners; and

WHEREAS, the Consent Decree also sets out a process the City is required to follow in order to address the need for additional capacity in its wastewater system into the future, including specific steps the City is required to take and deadlines for completion; and

WHEREAS, the moratorium imposed by this Resolution is intended to meet the City’s obligations under the Consent Decree and to limit the approval of additional development that will require new connections to the City’s sanitary sewer system or increased flow through existing connections to the City’s sanitary sewer system, to ensure that the capacity in the City’s wastewater system is not exceeded; and

WHEREAS, the new moratorium enacted by this Resolution is intended to replace the Fourth Moratorium; and

WHEREAS, this Resolution is authorized by ORS 197.505 to 197.540.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY:

DEVELOPMENT APPLICATION LIMITATIONS

Section 1. **Generally.** The City of Sandy Development Services Department (the “Department”) staff shall not accept or process a land use application or other application for approval of development that is submitted on or after the effective date of this Resolution if the development will require a new connection to the City sanitary sewer system or will result in increased flow through an existing connection to the City’s sanitary sewer system.

Section 2. **Subject Application Types.** Section 1 of this Resolution applies to the following types of land use applications or other similar applications as determined by the Department Director:

- a. Subdivision.
- b. Partition, except as provided in Section 3.n and 3.r below.
- c. Specific area plan.
- d. Replat that results in creation of an additional lot.

- e. Design review that will require a new connection or increased flows through an existing connection if approved, including conversion of a single-family dwelling into a duplex.
- f. Accessory dwelling unit.
- g. Food cart permit outside of an existing food cart pod.
- h. Conditional use permit that requires a new connection or will result in increased flows through an existing connection.

Section 3. **Exempt Application Types.** Section 1 of this Resolution does not apply to the following types of land use applications or other similar applications as determined by the Department Director:

- a. Comprehensive plan or zoning map amendment.
- b. Property line adjustment.
- c. Design review without a new connection and which will not result in increased flows through an existing connection.
- d. Conditional use permit without a new connection and which will not result in increased flows through an existing connection.
- e. Food cart permit inside an existing food cart pod.
- f. Adjustment, variance, or design deviation.
- g. Tree permit.
- h. Flood slope hazard permit.
- i. Hillside development permit.
- j. Replat that does not create an additional lot.
- k. Street vacation.
- l. Request for code interpretation.
- m. Development that relies on on-site septic treatment or another alternative that does not connect to the City sanitary sewer, as allowed under City code and other applicable laws.
- n. Middle Housing Land Division per Section 17.100.50 of the Sandy Municipal Code and SB 458 (2021).
- o. City projects described in a facility plan or master plan.
- p. Annexations.
- q. Hardship permits.

- r. Partition, provided the property owner records a deed restriction on each resulting parcel, preventing the parcel from being developed until such time as the City is no longer subject to the Consent Decree or such time as the City agrees, in its sole discretion, to release the deed restriction. The recording instrument for the deed restriction shall be approved by the Department Director prior to recording. For purposes of this subsection, “developed” refers to any use of the property that would require a new connection to the City sanitary sewer system or result in increased flow through an existing connection to the City’s sanitary sewer system.

Section 4. **Other Exceptions.** Section 1 of this Resolution does not apply to the following land use applications or other applications for approval of development:

- a. Applications which will not require a new connection to the City sanitary sewer system and will not result in increased flow through an existing connection to the City’s sanitary sewer system.
- b. Applications for which ERUs have been allocated pursuant to Sections 5 through 10 of this Resolution or to which ERUs have been reassigned pursuant to Section 12 of this Resolution.

SEWER CONNECTION LIMITATIONS

Section 5. **Generally.** During the time this Resolution is in effect, the Department will limit any new connections to the City’s sanitary sewer system, and any increased flows through existing connections, to the sum of 365.1 ERUs and any additional ERUs which may be approved for the City to access by EPA and DEQ subsequent to the adoption of this Resolution. The Department shall not issue building permits or other permits that in total would allow more than the above sum of ERUs through new connections or increased flows through existing connections to the City’s sanitary sewer system. This Section 5 is subject to the following:

- a. ERUs shall be calculated as set forth in the Consent Decree.
- b. A second connection to an existing duplex currently served by a single connection in order to allow a Middle Housing Land Division under Section 3.n above, per Section 17.100.50 of the Sandy Municipal Code and SB 458 (2021), shall not be considered a new connection for purposes of this Section 5.
- c. In order to ensure compliance with the requirements of this section and achieve the purposes of the ERU allocation programs described in this Resolution, the Department shall not issue any building permits or any other permits that would allow new connections or increased flows through existing connections to the City’s sanitary sewer system except for developments for which ERUs have been allocated pursuant to Sections 5 through 10 of this Resolution or to which ERUs have been reassigned pursuant to Section 12 of this Resolution.

- d. The City has reserved 6.5 ERUs to be used on a first come, first served basis for the sole purpose of allowing connections to the City’s wastewater system for existing development when, as determined by the Director in the Director’s sole discretion, such connection is necessary due to pollution, health, or safety concerns, such as a failed septic system. These ERUs will be allocated by the Director to specific properties at the time of building permit issuance.
- e. The City previously reserved a number of ERUs to be used on a first come, first served basis for the sole purpose of allowing for construction of duplexes in developments for which ERUs were allocated under the Third Moratorium (the “duplex pool”). Two ERUs remain in the duplex pool and are anticipated to be used during the term of this moratorium. These 2 ERUs will continue to be reserved for the purpose stated in this subsection and will be allocated by the Director to specific properties at the time of building permit issuance.

PRE-MORATORIUM ERU ALLOCATION PROGRAM

Section 6. **Pre-Moratorium Allocations Generally.** The City has allocated ERUs to specific development projects for which land use applications were submitted prior to the enactment of the First Moratorium, and for which such approval was subsequently obtained, as set forth in the Third Moratorium, in the interest of ensuring maximum possible fairness and certainty under the circumstances, and in an effort to accommodate the housing and economic development needs of the City as much as possible, pursuant to ORS 197.520. That program has concluded and no new ERU allocations will be issued pursuant to that program; any additional ERU allocations will only be as provided in Section 5 and Sections 8 through 10 below.

Section 7. **Extension of Pre-Moratorium Allocations.**

- a. In the interest of ensuring maximum possible fairness and certainty under the circumstances, and in an effort to accommodate the housing and economic development needs of the City as much as possible, pursuant to ORS 197.520, the City has elected to provide additional time to the development projects described in Section 6 above, beyond the time extensions described in the Third Moratorium and Fourth Moratorium, through one final extension.
- b. A person who wishes to obtain an extension of the term of an allocation of ERUs issued under the Third Moratorium for a development project on a property owned by that person must submit a written application to the Department prior to the expiration of the term existing on the date of adoption of this Resolution. The application must include the following:
 - i. A description of the property.
 - ii. A reference to the land use decision which approved the development on the property for which an ERU allocation is sought.

- iii. The number of ERUs for which the extension of term is requested.
 - iv. The names and signatures of all of the owners of the property.
 - v. A narrative explaining how the criteria of subsection (c) are met.
 - vi. A processing fee in the amount of \$530.00, plus a 3 percent technology fee.
- c. The Development Services Director, or designee, shall review applications submitted under subsection (b) above as they are received, and shall approve each application in writing if it meets all of the following criteria:
- i. The development project previously received an ERU allocation under the Third Moratorium.
 - ii. The number of ERUs for which the extension of term is requested does not exceed the number of ERUs previously allocated minus any ERUs which have been subsequently issued.
 - iii. The land use approvals for the development project have not expired, if applicable.
- d. An extension approval issued by the Department Director, or designee, under this Section 7 shall:
- i. Be the final extension.
 - ii. Specify and be restricted to the property for which it was requested and qualified, except as set forth in Section 12.
 - iii. Specify and be restricted to the land use approval for which it was requested and qualified, except as set forth in Section 12.
 - iv. Specify the number of ERUs allocated.
 - v. Expire on December 31, 2027.

DEVELOPMENT ALLOCATION PROGRAM

Section 8. Development Allocation Program Generally.

- a. During the term of this moratorium, the City anticipates receiving approval from EPA and DEQ to access the additional 190 ERUs described in the September 29, 2023, conditional approval from those agencies. The City of Sandy Development Allocation Program (DAP), as described in Sections 8 through 11 of this Resolution, will go into effect fifteen (15) business days after the City's receipt of such written approval.
- b. In addition to the ERUs subject to the allocation programs described in Sections 9 through 11 below, 13 ERUs of the 190 ERUs described in the September 29, 2023, conditional approval from EPA and DEQ are allocated for City projects.

Section 9. Residential Lands Development Allocation Program – Accessory Dwelling Units (ADUs).

- a. In accordance with the 2024 Housing Capacity Analysis (HCA), Sandy needs an increase in affordable housing options for both renters and homeowners. In the

interest of encouraging housing affordability and infill development, the City will allocate 7 ERUs specifically to ADU projects, which is sufficient to allow 10 ADUs to be constructed, in addition to any ADUs that may be constructed under the Residential Lottery Allocation described in Section 10. ADU ERUs allocated through Section 9 of this Resolution will be allocated on a first come, first served basis.

- b. A person who wishes to obtain an ADU ERU allocation for a property owned by that person must submit a written application to the Department. The application must include the following:
 - i. A description of the property.
 - ii. The names and signatures of all of the owners of the property.
 - iii. A narrative explaining how the criteria of subsection (c) are met.
 - iv. A processing fee in the amount of \$200.00, plus a 3 percent technology fee.

- c. The Development Services Director, or designee, shall review applications submitted under subsection (b) above in the order they are received, and shall approve each application in writing if it meets all of the following criteria:
 - i. All submittal requirements under subsection (b) have been met.
 - ii. The subject property is already located in city limits.
 - iii. An allocation for no more than one (1) ADU may be issued per property, lot, or owner. For purposes of this section, an owner shall also be considered to be the same as another owner if the relationship between the two owners is that of a parent corporation or other parent entity, or a subsidiary, or if 50% or more of the membership or ownership of the two entities is the same.
 - iv. The subject property must have been created by deed, or the lot must have been platted prior to October 3, 2022.
 - v. Sufficient ERUs designated for ADUs under this Resolution are available for the project.

- d. An approval issued by the Department Director, or designee, under this Section 9 shall:
 - i. Specify and be restricted to the property for which it was requested and qualified.
 - ii. Specify an allocation of 0.7 ERU.
 - iii. Specify that the approval is subject to the timelines in subsection (e) below.

- e. ADU ERU allocations under this Section 9 are subject to the following timelines:
 - i. An applicant that is issued an ADU ERU will have 60 calendar days after the date of issuance to apply for a pre-application meeting for the ADU project.
 - ii. Once the pre-application meeting has been held, the applicant will have 120 calendar days to submit a land use application, which must be deemed complete within the time required by state law.

- iii. If the project has already been discussed at a pre-application meeting prior to issuance of an ADU ERU, the applicant will have 120 calendar days from the date of ADU ERU issuance to submit a land use application, which must be deemed complete within the time require by state law.
- iv. Once the land use decision is issued, the applicant will have one (1) year from the date of decision to submit for a building permit.
- v. No extensions will be granted.
- vi. If any of these deadlines are not met, the ERU allocation will expire and the ERU will be returned to the City for reallocation.

Section 10. Residential Lands Development Allocation Program – Residential ERU Lottery Allocation.

- a. The Residential ERU Lottery Allocation program applies to the distribution of 42 ERUs of the 190 ERUs described in the September 29, 2023, conditional approval from EPA and DEQ, plus any ERUs which were allocated under the Third Moratorium for residential uses and for which that ERU allocation has expired as of the date of notice of the Residential ERU Lottery described in subsection (b) below or the date of notice of a subsequent lottery under subsection (i) below, as applicable. ERUs allocated under the program described in this Section 10 can be used only for residential uses.
- b. Within 30 calendar days after the effective date of this Section 10 (as described in Section 8), the City will publish a notice of Residential ERU Lottery on the City's website. The notice must include the number of ERUs that will be available for allocation pursuant to the lottery, instructions for entering the lottery, and the entry deadline.
- c. A person who wishes to enter the Residential ERU Lottery for a property owned by that person must submit a written application to the Department within 150 calendar days after the date of notice under subsection (b) above. The application must include the following:
 - i. A description of the property.
 - ii. The names and signatures of all of the owners of the property.
 - iii. A tentative site plan and/or tentative subdivision plat for the property.
 - iv. A narrative explaining how the criteria of subsection (d) are met and describing the number of ERUs requested and how that number was calculated.
 - v. A processing fee in the amount of \$600.00, plus a 3 percent technology fee.
- d. The Development Services Director, or designee, shall review applications submitted under subsection (c) above to determine whether they qualify for entry into the Residential ERU Lottery. Applications shall qualify for entry into the lottery if they meet all of the following criteria:
 - i. All submittal requirements under subsection (c) have been met.

- ii. The number of ERUs requested does not exceed the number that are available as described in the notice of the lottery under subsection (b).
 - iii. The subject property is already located in city limits.
 - iv. No more than one entry is permitted for the same property.
- e. Within 20 business days after the deadline to submit entries under subsections (b) and (c), the City will conduct a random drawing of all eligible entries. The drawing will be conducted in a manner which allows the public to observe the drawing remotely. The drawing will continue until each eligible entry has been drawn, with entries placed on a list in the order in which they were drawn.
- f. The City will allocate ERUs in the order of the list produced under subsection (e) until all available ERUs (as described in the notice of lottery) are exhausted.
 - i. If the remaining number of available ERUs is not sufficient to fulfill the number of ERUs requested for a particular entry, the City will provide the applicant with thirty (30) calendar days to modify their application in order to not exceed the number of ERUs available. If the applicant chooses not to modify their application under this subsection, the application will be denied and the City will continue to the next applicant in the list developed under subsection (e).
 - ii. If the proposed project exceeds 50 ERUs, including future phases, then a project specific capacity evaluation (as required by the Consent Decree) must be conducted by the City of Sandy and must find that sufficient project specific capacity exists in order for ERUs to be allocated. The applicant shall pay a non-refundable third-party assessment fee of \$2,230 for a project specific capacity evaluation, due within five business days after notice from the City that the applicant's entry is under consideration pursuant to the list developed under subsection (e). If the fee is not paid, the application will be denied and the City will continue to the next application on the list. If the fee is paid, the lottery process will be paused while the capacity evaluation is conducted. If the capacity evaluation finds that sufficient capacity exists, the Residential ERU Lottery application will approved. If the capacity evaluation finds that insufficient capacity exists, the City will provide the applicant with thirty (30) calendar days to modify their application in order to not exceed the capacity available. If the applicant chooses not to modify their application under this subsection, the application will be denied and the City will continue to the next applicant in the list developed under subsection (e).
- g. An approval issued by the Department Director, or designee, under this Section 10 shall:
 - i. Specify and be restricted to the property and project for which it was requested and qualified.

- ii. Specify the number of ERUs allocated.
 - iii. Specify that the approval is subject to the timelines in subsection (h) below.
- h. ERU allocations under this Section 10 are subject to the following timelines and requirements:
- i. An applicant that is issued ERUs through the Residential ERU Lottery will have 60 calendar days after the date of issuance to apply for a pre-application meeting for the project.
 - ii. Once the pre-application meeting has been held, the applicant will have 120 calendar days to submit a land use application, which must be deemed complete within the time required by state law.
 - iii. If the project has already been discussed at a pre-application meeting prior to issuance of ERUs, the applicant will have 120 calendar days from the date of ERU issuance to submit a land use application, which must be deemed complete within the time required by state law.
 - iv. Once the land use decision is issued, expiration of the land use approval as set forth in Title 17 of the Sandy Municipal Code will result in expiration of the Residential ERU Lottery allocation.
 - v. No extensions will be granted beyond those already allowed under Title 17 of the Sandy Municipal Code.
 - vi. If any of these deadlines are not met, the ERU allocation will expire and the ERUs will be returned to the City for reallocation.
 - vii. If an application receives an ERU allocation, but the resulting project consumes fewer ERUs than were allocated, the surplus ERUs will be returned to the City for reallocation upon determination by the City that a surplus exists.
- i. At any time after the completion of the Residential ERU Lottery, the City Manager may elect to conduct one or more additional lotteries in order to distribute ERUs which were allocated for residential purposes under this Section 10 but not distributed under the first lottery, any ERUs which were allocated under a prior residential lottery but for which the ERU allocation expired, and any ERUs which were allocated under the Third Moratorium for residential uses and for which that ERU allocation has expired. Any additional lotteries must be conducted consistent with the requirements of this Section 10.

Section 11. Employment Lands Development Allocation Program.

- a. The Employment Lands DAP applies to the distribution of 128 ERUs of the 190 ERUs described in the September 29, 2023, conditional approval from EPA and DEQ, plus any ERUs which were allocated under the Third Moratorium for commercial or industrial uses upon expiration of those ERU allocations. ERUs allocated under the program in this Section 11 can be used only for commercial and industrial uses. Employment Lands ERUs will be allocated on a first come, first served basis.

- b. A person who wishes to obtain an Employment Lands ERU allocation for a property owned by that person must submit a written application to the Department. The application must include the following:
- i. A description of the property.
 - ii. The names and signatures of all of the owners of the property.
 - iii. A tentative site plan and/or tentative subdivision plat for the property.
 - iv. A narrative explaining how the criteria of subsection (c) are met.
 - v. A processing fee in the amount of \$600.00, plus a 3 percent technology fee.
 - vi. If the proposed project exceeds 50 ERUs, the applicant shall pay an additional non-refundable third-party assessment fee of \$2,230 for a project specific capacity evaluation.
- c. The Development Services Director, or designee, shall review applications submitted under subsection (b) above in the order they are received, and shall approve each application in writing if it meets all of the following criteria:
- i. All submittal requirements under subsection (b) have been met.
 - ii. The subject property is already located in city limits.
 - iii. The proposed development is in one or more of the following target industries or target development areas, as described in the March 2023 Economic Development Strategic Plan (EDSP) that was adopted by Ordinance No. 2025-31:
 - a. Health care facilities;
 - b. Childcare facilities;
 - c. Job training and wraparound services for youth and disadvantaged workers;
 - d. Manufacturing;
 - e. Food processing, produce, and cold storage;
 - f. Lodging, tourism, and hospitality;
 - g. Outdoor recreation, equipment, and apparel;
 - h. Experiential retail;
 - i. Large retail businesses in the 362nd Avenue / Bell Street area; or
 - j. Small retail businesses in downtown Sandy or on Pleasant Street.
 - iv. A project which previously obtained approval for and installed an alternative wastewater system under the City's development code in Chapter 17.84 and which is now required to connect to the City's public wastewater system under the terms of that approval is exempt from the requirements of subsection (iii) above.

- v. If the proposed project exceeds 50 ERUs, then a project specific capacity evaluation (as required by the Consent Decree) must be conducted by the City of Sandy and must find that sufficient project specific capacity exists in order for ERUs to be allocated. However, if all other criteria are met, the requested ERUs will be temporarily placed on hold for the project while the project specific capacity evaluation is being conducted.
 - vi. Sufficient ERUs designated for Employment Lands under this Resolution are available for the project. If insufficient ERUs are available at the time of application review, and all other criteria are met, the City will provide the applicant with thirty (30) calendar days to modify their application in order to not exceed the number of ERUs available. If the applicant chooses not to modify their application under this subsection, the application will be denied.
- d. An approval issued by the Department Director, or designee, under this Section 11 shall:
- i. Specify and be restricted to the property and project for which it was requested and qualified.
 - ii. Specify the number of ERUs allocated.
 - iii. Specify that the approval is subject to the timelines in subsection (e) below.
- e. Employment Lands ERU allocations are subject to the following timelines and requirements:
- i. An applicant that is issued Employment Lands ERUs will have 60 calendar days after the date of issuance to apply for a pre-application meeting for the project.
 - ii. Once the pre-application meeting has been held, the applicant will have 120 calendar days to submit a land use application, which must be deemed complete within the time required by state law.
 - iii. If the project has already been discussed at a pre-application meeting prior to issuance of Employment Lands ERUs, the applicant will have 120 calendar days from the date of ERU issuance to submit a land use application, which must be deemed complete within the time required by state law.
 - iv. Once the land use decision is issued, expiration of the land use approval as set forth in Title 17 of the Sandy Municipal Code will result in expiration of the Employment Lands ERU allocation.
 - v. No extensions will be granted beyond those already allowed under Title 17 of the Sandy Municipal Code.
 - vi. If any of these deadlines are not met, the ERU allocation will expire and the ERUs will be returned to the City for reallocation.
 - vii. If an application receives an ERU allocation, but the resulting project consumes fewer ERUs than were allocated, the surplus ERUs will be returned to the City for reallocation upon determination by the City that a surplus exists.

ERU REASSIGNMENT PROGRAM

Section 12. **Generally.** The owner of a property may submit an application to the Department to reassign ERUs associated with that property, subject to the following:

- a. **Eligible Properties.** ERUs may be reassigned only from either:
 - i. A property to which ERUs were allocated under the Third Moratorium; or
 - ii. A property on which an existing development was located as of the date of enactment of the First Moratorium (October 3, 2022). For purposes of this Section, “existing development” means any improvements to the property that involved use of the City’s sanitary sewer system.

- b. **Number of ERUs Available to be Reassigned**
 - i. For properties described in Section 12(a)(i) (ERUs allocated under the Third Moratorium), the number of ERUs which can be reassigned is limited to the number of ERUs so allocated.
 - ii. For properties described in Section 12(a)(ii) (existing developments), the number of ERUs which can be reassigned is limited to the number of ERUs calculated for the existing development based on the terms of the Consent Decree.

- c. **Where ERUS May be Reassigned.**
 - i. ERUs from properties described in Section 12(a)(i) (ERUs allocated under the Third Moratorium) may be reassigned to either:
 - a. The same land use on a different property; or
 - b. A different land use on the same property; or
 - c. A commercial or industrial use on a different property.
 - ii. ERUs from properties described in Section 12(a)(ii) (existing developments) may only be reassigned to a different land use on the same property or to a commercial or industrial use on a different property.
 - iii. ERUs may not be reassigned to a different land use on a different property, except for a commercial or industrial use on a different property.
 - iv. Notwithstanding the foregoing, ERUs from properties described in Section 12(a)(ii) (existing developments) may be reassigned to a different property, regardless of land use type, for essential public facilities. For purposes of this subsection, essential public facilities means public safety facilities, public schools, and city administrative facilities.

- d. **Deed Restriction.** When the request is to reassign ERUs from one property to a different property, the owner of the property from which ERUs are requested to be reassigned (the “Originating Property”) must record a deed restriction on the Originating Property, preventing the Originating Property from being developed until

such time as the City is no longer subject to the Consent Decree or such time as the City agrees, in its sole discretion, to release the deed restriction. The recording instrument for the deed restriction shall be approved by the Department Director, or designee, prior to recording. For purposes of this subsection, “developed” refers to any use of the property that would involve use of the City’s sanitary sewer system.

- e. **Review and Approval.** If the application meets the requirements of this Section 12, the Department Director, or designee, shall approve the request in writing.

MISCELLANEOUS PROVISIONS

Section 13. The moratorium previously enacted via Resolution 2025-14 on June 2, 2025, and extended via Resolution 2025-39 on November 17, 2025, is hereby repealed.

Section 14. The City Council shall review this Resolution and determine whether there is a need to extend or repeal the moratorium it establishes not more than six months after the effective date of this Resolution.

Section 15. The City hereby adopts the requirements of the Consent Decree as its program to correct the problems leading to this moratorium, as required by ORS 197.530.

Section 16. This Resolution is based on the recitals above and the findings of fact set forth in the attached Exhibits A and B.

Section 17. This Resolution is effective June 1, 2026, and shall remain in effect for a period of six months, unless earlier extended or repealed.

This resolution is adopted by the City Council of the City of Sandy this 18th day of May, 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

EXHIBIT A

FINDINGS OF FACT

1. These findings are intended to supplement the findings stated in the recitals to Resolution 2025-14.
2. ORS 197.520 provides:

- (1) No city, county or special district may adopt a moratorium on construction or land development unless it first:
 - (a) Provides written notice to the Department of Land Conservation and Development at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium;

Finding: The City e-mailed notice to DLCD on April 1, 2026. This criterion is satisfied.

- (b) Makes written findings justifying the need for the moratorium in the manner provided for in this section; and

Finding: The findings stated in the recitals to Resolution 2026-04, this Exhibit A, and Exhibit B are written findings justifying the need for the moratorium. This criterion is satisfied.

- (c) Holds a public hearing on the adoption of the moratorium and the findings which support the moratorium.

Finding: The City Council held a hearing on the adoption of the moratorium and the findings during a duly noticed public meeting on May 18, 2026. This criterion is satisfied.

- (2) For urban or urbanizable land, a moratorium may be justified by demonstration of a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. Such a demonstration shall be based upon reasonably available information, and shall include, but need not be limited to, findings:

Finding: The land affected by this moratorium is the entire city limits of the city of Sandy, which is urban or urbanizable land. The basis for the moratorium is a need to prevent a shortage of public facilities which would otherwise occur during the effective period of the moratorium. This criterion is satisfied.

- (a) Showing the extent of need beyond the estimated capacity of existing public facilities expected to result from new land development, including identification of any public facilities currently operating beyond capacity, and the portion of such capacity already committed to development;

Finding: The Consent Decree constitutes a legally binding agreement and court order establishing that the capacity of the City’s wastewater system is the ERU cap set by EPA and DEQ pursuant to the Capacity Assurance Program component of the Consent Decree, which is 365.1 ERUs as of May 18, 2026. The City allocated ERUs to development projects where applications for land use approval were submitted prior to the effective date (October 3, 2022) of the prior moratorium created by Resolution 2022-24, totaling 356.6 ERUs of wastewater system capacity, including duplexes within those developments, with two remaining ERUs set aside for additional duplexes within those developments. City staff further estimates that a small number of ERUs (6.5) will be necessary during the term of this moratorium to address failed septic systems and similar emergencies. Therefore, the wastewater system capacity already committed to development, for purposes of ORS 197.520(2)(a), is expected to consume the capacity of existing public facilities as that capacity exists on May 18, 2026. Any need which may exist beyond the development represented by applications for land use approval that were submitted prior to October 3, 2022, and emergency circumstances, is thus beyond the estimated capacity of existing public facilities as of May 18, 2026.

During the term of this moratorium, the City anticipates receiving approval from EPA and DEQ to increase the ERU cap by an additional 190 ERUs as described in the September 29, 2023, conditional approval from those agencies issued pursuant to the Consent Decree. As described in Exhibit B to Resolution 2026-04, the need for sanitary sewer capacity over a five-year period, based on the Sandy 2023-2043 Housing Capacity Analysis and Sandy 2023-2043 Economic Opportunity Analysis previously adopted by the City, is expected to approximately consume the ERU cap even with the addition of 190 ERUs. Section 1 of Appendix D of the Consent Decree provides that the ERU cap will remain in place “until the improvements for Continued Compliance identified in the approved Amended Wastewater System Facilities Plan... have been implemented, permitted, and are fully operational, and the City is in compliance with all Permit Wate Discharge Limitation.” Section 22 of the Consent Decree requires the City to complete all work under its Amended Wastewater Facilities Plan within 15 years of the date the Facilities Plan is approved by EPA and DEQ, which has not yet occurred. Although the City is working as expeditiously as possible to adopt the Amended Wastewater Facilities Plan and implement it, the City therefore anticipates that the period of time that the City will be subject to the ERU cap in the Consent Decree is greater than five years, and that the need for wastewater capacity therefore exceeds the estimated capacity available under the ERU cap.

This criterion is satisfied.

- (b) That the moratorium is reasonably limited to those areas of the city, county or special district where a shortage of key public facilities would otherwise occur; and

Finding: The City sanitary sewer system serves the entire city of Sandy. Therefore, the moratorium must apply to the entire city. This criterion is satisfied.

- (c) That the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity.

Finding: The City negotiated with EPA and DEQ to maximize the number of ERUs of capacity that would be available under the Capacity Assurance Program component of the Consent Decree in order to accommodate as much development addressing housing and economic development needs as possible.

The number of ERUs available under the Capacity Assurance Program and allocated pursuant to the Third Moratorium will allow each of the developments for which land use applications were submitted prior to October 3, 2022, to move forward, with a small number of ERUs (6.5) reserved to address failed septic systems and similar emergencies. Therefore, the City has accommodated housing and economic development needs as much as possible, with the level of need and the balance between economic development and housing needs determined by the market forces which resulted in those applications being submitted.

During the term of this moratorium, the City anticipates receiving approval from EPA and DEQ to increase the ERU cap by an additional 190 ERUs as described in the September 29, 2023, conditional approval from those agencies issued pursuant to the Consent Decree. As described in Exhibit B, the City has evaluated its housing and economic development needs and developed a program to accommodate those needs as much as possible, with the level of need and the balance between economic development and housing needs determined by the Sandy 2023-2043 Housing Capacity Analysis and Sandy 2023-2043 Economic Opportunity Analysis previously adopted by the City.

Moreover, if further capacity becomes available as a result of the City's ongoing efforts toward improvement to and repair of the collection and treatment systems, the City also intends that this capacity will be made available to address additional housing and economic development needs.

Finally, the City has structured the ERU allocation programs and ERU reassignment program to ensure, to the maximum extent reasonably possible, that available capacity (including both the 570 ERUs that have already been approved by EPA and DEQ and the 190 ERUs in the conditional approval from those agencies) is actually used to address housing and economic development needs.

This criterion is satisfied.

3. ORS 197.530 provides:

- (1) A city, county or special district that adopts a moratorium on construction or land development in conformity with ORS 197.520(1) and (2) shall within 60 days after the effective date of the moratorium adopt a program to correct the problem creating the moratorium. The program

shall be presented at a public hearing. The city, county or special district shall give at least 14 days' advance notice to the Department of Land Conservation and Development of the time and date of the public hearing.

Finding: Resolution 2026-04 adopts the requirements of the Consent Decree as the City's program to correct the wastewater system problems creating the need for the moratorium. The City's program to correct the wastewater system problems is adopted simultaneously with adoption of the moratorium. This program was presented at a public hearing during consideration of Resolution 2026-04 on May 18, 2026. Notice of this public hearing was provided to DLCD via e-mail on April 1, 2026. This criterion is satisfied.

- (2) No moratorium adopted under ORS 197.520(2) shall be effective for a period longer than six months from the date on which the corrective program is adopted...

Finding: The effective period for this moratorium is six months. This criterion is satisfied.

4. This Resolution is based on and directly implements state law. There are no applicable goals and policies in the Sandy Comprehensive Plan.

EXHIBIT B

Sandy Development Allocation Program (DAP) Methodology

The City of Sandy adopted a moratorium which stopped the acceptance of new land use applications that propose new or expanded wastewater system connections in October 2022, to ensure that demands on the wastewater system did not exceed the system's capacity while the City made improvements to the system. The City has since adopted several similar replacement moratoria.

The City's current allowance for new or expanded wastewater connections is 570 Equivalent Residential Units (ERU) during the moratorium. As part of the moratorium, ORS 197.520(2)(c) requires that the City demonstrate that "...the housing and economic development needs of the area affected have been accommodated as much as possible in any program for allocating any remaining public facility capacity." This methodology starts with a summary of relative needs and provides a proposed approach for prioritizing development during the moratorium.

Summary of Needs

Over the past 10 years, Sandy experienced substantial housing growth while economic development lagged. Although housing demand remains critical, the increasing job-housing imbalance is resulting in a potential shortage of employment opportunities and local services. **It is likely that Sandy will widen the jobs-housing imbalance unless it prioritizes economic development growth.**

Key Findings

- **Sandy's population increased much faster than employment.** In 2008, there were 2.6 residents for every one job. In 2021, there were 4.2 residents for every one job.
- **Sandy is becoming more of a bedroom community.** The number of residents commuting *out* of Sandy for work increased by about 57% between 2008 and 2020. Meanwhile, the number of residents who *live and work* in Sandy and the number of residents who commute *into* Sandy for work grew by about 25% each.
- **In the past seven years, housing growth significantly outpaced commercial and industrial growth within the city of Sandy. This trend continues with the current development projects in the pipeline (i.e., those for which land use applications were submitted prior to the initial moratorium adoption in October 2022).**
 - Between January 2015 and December 2024, 1,024 housing units were built in the City of Sandy which required approximately 878 ERUs or about 88 ERUs annually.
 - Between January 2015 and December 2024, 17 new commercial and industrial buildings were built in Sandy along with numerous additions to existing structures. Many of these buildings were for storage. This required approximately 16 ERUs or approximately 1.6 ERUs annually.

- As of September 1, 2025, the City has approximately 375 ERUs remaining in capacity availability. Projects representing approximately 369 ERUs are in the development pipeline (including the duplex pool) while approximately 6 ERUs have been reserved for emergency provisions, such as failed septic systems that cannot be repaired or replaced. Of the 369 ERUs in the development pipeline, 1.9% (7 ERUs) are for economic development and the remaining 98.1% (362 ERUs) are for residential development.
- Because the Development Allocation Program (DAP) Methodology is reliant on the pipeline distribution in determining the housing and economic development needs of the area affected, any ERUs that have been previously allocated but which are returned to the City have to be reallocated to the same category of use (i.e. a residential ERU that is returned in the pipeline has to be reallocated for a residential use).
- **Sandy is expected to need approximately 747 ERUs over the next 5 years.** Of these ERUs 585 are needed for housing, 152 for employment, and 10 for government use.¹
 - Sandy is forecast to grow by 606 new housing units and 631 new jobs over the next 5 years.²

Conclusion

Balancing housing with economic development offers numerous benefits. A diversified employment landscape brings more local job opportunities, reduces commutes, improves access to services, and strengthens the city's tax base for enhanced long-term service delivery.

The City's Economic Development Strategic Plan intends to address this imbalance by refocusing on economic development and achieving a better equilibrium between population growth and employment opportunities. However, limited ERU availability presents a challenge in balancing housing and economic growth.

As shown in Exhibit 1, forecasted growth requires 150 ERUs annually with approximately 78% of ERUs for residential, 20% for employment (commercial/industrial), and 2% for government. However, *98.1% of the ERUs represented by the current development pipeline are for housing projects*, perpetuating the housing-jobs imbalance.

¹ Based on the housing forecast in the Sandy Housing Needs Analysis, the employment forecast in the Economic Opportunity Analysis, and City staff analysis.

² City of Sandy, Sandy Housing Needs Analysis 2023-2043 and Economic Opportunity Analysis 2023-2043.

Exhibit 1. Summary of Forecasted ERU Need and Pipeline ERUs

Source: City of Sandy, Sandy Housing Needs Analysis, Sandy Economic Opportunity Analysis

	Forecasted ERU need		Forecasted share of ERU	Pipeline ERUs (Sept 2025)	Pipeline share of ERUs
	1-year	5-year			
Residential	117	585	78%	362	98%
Employment	31	152	20%	7	2%
Government	2	10	2%	0	n/a
Total	150	747	100%	369	100%

When the City's wastewater system has capacity beyond the 375 ERUs remaining in capacity availability, the City has the opportunity to allocate some of the additional ERUs to support employment growth. To balance the need for employment growth with need for housing the City could consider implementing criteria that will help it evaluate development proposals while the moratorium is in place. The City could consider allocating ERUs based on the forecasted share as shown in Exhibit 1 and reiterated below.

- 78% of ERUs for residential development
- 20% of ERUs for employment (commercial/industrial) development
- 2% of ERUs for government uses

For implementation this means that if the City has 760 total ERUs the City would allocate approximately 588 (78%) for residential, 151 (20%) for economic development and 15 (2%) for government uses. While also reserving approximately 6 ERUs for emergency provisions, such as failed septic systems that cannot be repaired or replaced. After subtracting the ERUs for projects in the development pipeline, the City would have an additional 49 ERUs for residential, 128 ERUs for economic development, and 13 ERUs for government use as shown in Exhibit 2.

Exhibit 2. Excess ERU allocation

Source: City of Sandy

	Allocated ERUs by Share	ERUs issued (since consent decree)	Pipeline ERUs	Allocation of ERUs minus pipeline
Residential	588	177	362	49
Employment	151	16	7	128
Government	15	2	0	13
Emergency	6	0	0	6
Total	760	195	369	196

Methodology to Assess Relative Needs Forecast of Housing and Employment Needs

Housing

Sandy is forecast to need 2,424 new housing units over the next 20 years (2023-2043) to accommodate population growth.³ This is an annual average of 121 dwelling units. Although the duration of Sandy's development moratorium is unknown, it is reasonable to assume that it could last in excess of an additional five years. During this five-year period, Sandy would need to add approximately 606 dwelling units to keep pace with forecasted growth. As illustrated below, the majority of this need will be addressed through projects already in the development pipeline.

About 80% of Sandy's needed housing will be for households with incomes at 120% MFI and below. This implies the need for more multi-dwelling (5+ units) housing as well as duplexes, triplexes, quadplexes, and townhomes which are relatively more affordable than single family detached homes. Exhibit 3 shows the projected growth by housing type in one-year, five-year, ten-year, and 20-year increments.

Exhibit 3. Housing Growth by Unit Type, One-, Five-, Ten-, and 20-Year Estimates

Source: Sandy 2023-2043 Housing Capacity Analysis

Housing Type	New Units			
	1-year	5-year	10-year	20-year
Single-Family Detached	73	364	727	1,454
Single-Family Attached	9	43	85	170
Duplex, Triplex, Quadplex	6	30	61	121
Multi-Dwelling (5+ units)	34	170	340	679
Total	121	606	1,212	2,424

For this methodology, it is important to understand how this housing need translates to equivalent residential units (ERUs) so that we can understand the impacts to Sandy's wastewater system. ERUs by housing type are listed in Exhibit 4. Quadplex (4 units) and multi-dwelling with 5+ units require fewer ERUs relative to the number of units than other types of residential development according to the consent decree.⁴ As shown in Exhibit 5, Sandy will need approximately 586 ERUs over the next five years to accommodate projected housing growth.

³ City of Sandy 2023-2043 Housing Capacity Analysis

⁴ From City of Sandy v. US EPA 2023 Consent Decree

Exhibit 4. ERUs by Housing Type

Source: Capacity Assurance Program Evaluation, City of Sandy, Consent Decree

Housing Type	ERUs
Single-family	1
Duplex (incl. manufactured homes)	2
Triplex (incl. manufactured homes)	3
Quadplex (incl. manufactured homes)	0.7 per household unit
Multi-Dwelling (5+ units)	0.7 per household unit
Accessory Dwelling Unit (“ADU”)	0.7

Exhibit 5. The Projected Need of ERUs by Housing Type

Source: Capacity Assurance Program Evaluation, City of Sandy, Consent Decree, Sandy 2023-2043 Housing Capacity Analysis

Note: For the purposes of this analysis, we assume that all plexes require two ERUs. This is because the Housing Capacity Analysis did not estimate individual need for duplexes, triplexes, and quadplexes but rather grouped them together. The estimated need for these housing types is fairly small.

Housing Type	ERUs	Total ERUs needed			
		1-year	5-year	10-year	20-year
Single-Family Detached and Attached	1	81	406	812	1,624
Duplex, Triplex, Quadplex	2, 3, and 0.7 per unit, respectively	12	61	121	242
Multi-Dwelling (5+ units)	0.7 per unit	24	119	238	475
Total		117	586	1,171	2,341

Employment

Sandy is forecast to add 2,523 new jobs over the 2023 to 2043 period.⁵ About 443 of these jobs will be industrial, 1,678 will be in office and commercial services, 218 in retail, and 184 in government. On an annual basis this means that Sandy will grow by about 126 jobs per year. Over the next five years, this is approximately 630 jobs across all employment sectors. Exhibit 6 shows the projected growth in one-year, five-year, ten-year, and 20-year increments by type of employment.

Exhibit 6. Job Growth by Employment Type, One-, Five-, Ten-, and 20-Year Estimates

Source: Sandy 2023-2043 Economic Opportunity Analysis

Employment Type	Job Growth			
	1-year	5-year	10-year	20-year
Office	84	420	839	1,678
Retail	11	55	109	218
Industrial	22	111	222	443
Government	9	46	92	184
Total	126	631	1,262	2,523

⁵ City of Sandy 2023-2043 Economic Opportunity Analysis

To understand how many ERUs will be needed to accommodate employment growth, the forecasted growth in employment must be converted to square feet of development. Staff used the U.S. Energy Information Administration’s Commercial Building Energy Consumption Survey (CBECS), a national sample survey that collects information on commercial buildings, to understand the median square feet per employee based on employment type. Staff then used the median square feet per employee to understand approximately how much additional commercial and industrial space Sandy will need to accommodate projected employment growth. It is important to note that this is an estimate and that actual square feet per employee, also called job density, will vary by business.

Industrial uses vary substantially in their wastewater needs and will need to be considered on a case-by-case basis. However, for the purposes of this methodology an assumption had to be made for industrial ERUs, so City staff projected one ERU for every six employees, which is consistent with the ERU allocation in the consent decree for a bakery.⁶ A bakery is the category of use in the ERU table in the Consent Decree which is most consistent with a typical industrial use. Similar to most industrial uses, bakery employees are assembling, processing, and producing a product.

Government will also need ERUs, but these are not directly tied to employment growth.⁷ The City of Sandy may need ERUs for new park restrooms and new office space during the moratorium period. The City expects to need about 13 ERUs over the next five years to accommodate these government uses.

As shown in Exhibit 7, Sandy will need approximately 480,881 square feet of office, retail, and industrial space over the next five years to accommodate projected employment growth. This equals approximately 152 ERUs over five years (Exhibit 8).

Exhibit 7. Total Square Foot of Need to Accommodate Employment Growth

Source: U.S. Energy Information Administration, Commercial Building Energy Consumption Survey, revised 2022, table B-2, Sandy 2023-2043 Economic Opportunity Analysis

Employment Type	Sq. ft. per employee	Sq. ft. need			
		1-year	5-year	10-year	20-year
Office	609	51,095	255,476	510,951	1,021,902
Retail	1,232	13,429	67,144	134,288	268,576
Industrial	1,429	31,652	158,262	316,524	633,047
Total		96,176	480,881	961,763	1,923,525

⁶ From City of Sandy v. US EPA 2023 Consent Decree.

⁷ From Sandy’s 2023 Economic Opportunity Analysis: Government employment is not included when discussing employment land demand since growth in government employment does not result directly in need for more land for public uses. Local or regional governments may grow and continue to occupy existing built space or may need land based on factors other than employment growth.

Exhibit 8. ERUs by Employment Type

Source: Capacity Assurance Program Evaluation, City of Sandy, Consent Decree, Sandy 2023-2043 EOA

Employment Type	ERUs	Total ERUs needed			
		1-year	5-year	10-year	20-year
Offices	1 per 2,000 sq. ft.	26	128	255	511
Retail	1 per 12,000 sq. ft.	1	6	11	22
Industrial	1 per 6 employees	4	18	37	74

Historical trends in housing and employment

Has employment growth kept pace with population growth?

Sandy's population increased much faster than employment between 2008 and 2021. Sandy's population increased 61% (4,864 people) between 2008 and 2021.⁸ Meanwhile, Sandy's covered employment increased 15% (468 jobs) over the same period.⁹ In 2008, there were 2.6 residents for every one job. In 2021, there were 4.2 residents for every one job.¹⁰

How have commuting trends changed over time in Sandy?

Sandy is becoming more of a bedroom community. The number of residents commuting *out* of Sandy for work increased by about 57% between 2008 and 2020. Meanwhile the number of residents who *live and work* in Sandy and the number of residents who commute *into* Sandy for work grew by about 25% each.

Exhibit 9. Commuting Trends in Sandy, 2008 and 2020

Source: U.S. Census Bureau, Census On the Map.

People who...	Number of people		Change between 2008 and 2020	
	2008	2020	Number	Percent
Live and work in Sandy	528	673	145	27%
Commute <i>into</i> Sandy for work	2,285	2,852	567	25%
Commute <i>out</i> of Sandy for work	3,404	5,332	1,928	57%

⁸ PRC at PSU

⁹ QCEW

¹⁰ Analysis based on covered employment data from the Oregon Employment Department. Covered employment includes employees covered by unemployment insurance.

Exhibit 10. Inflow/Outflow Analysis, Sandy, 2008 and 2020

Source: U.S. Census Bureau, Census On the Map.



How much residential and economic development has occurred over the past five years?

Over the past 10 years, housing growth has significantly outpaced economic growth within the city. This trend continues with the current development projects in the pipeline.

- Between January 2015 and December 2024, 1,024 housing units were built in the City of Sandy which required approximately 878 ERUs or about 88 ERUs annually. Of those units, 637 were single family and duplex units, and 387 units were multi-dwelling units.
- Between January 2015 and December 2024, 17 new commercial and industrial buildings were built in Sandy along with numerous additions to existing structures. Many of these buildings were for storage. This required approximately 15.5 ERUs or approximately 1.5 ERUs annually.
- As of September 1, 2025, the City had approximately 375 ERUs remaining in capacity availability. Of the 375 ERUs remaining, approximately 369 ERUs are in the development pipeline (including a duplex pool) while approximately 6 ERUs have been reserved for emergency provisions, such as failed septic systems that cannot be repaired or replaced. Of the 369 ERUs in the development pipeline, 1.9% (7 ERUs) are for economic development (Exhibit 11) and the remaining 98.1% (362 ERUs) are for residential development (Exhibit 12).

Exhibit 11. Commercial/Industrial Development Pipeline

Source: City of Sandy

Employment Pipeline Projects	ERUs	Type
Barlow Trail Vet Clinic	1	veterinary clinic
Next Adventure Expansion	1	retail
The Riffles Food Cart Facility	2	food cart pod
Roll Tide Properties (commercial)	2	unknown
State Street Mini-Storages	1	self storage
Total Commercial ERUs	7	

Exhibit 12. Residential Development Pipeline

Source: City of Sandy

Residential Pipeline Projects	ERUs	Type
Cedar Creek Heights Phase II	17	SFR & Duplex Units
Bull Run Terrace	134.4	Multifamily
Bull Run Terrace	8	SFR & Duplex Units
Idleman Park Subdivision	6	Duplex Units
Jewelberry Meadows	9	SFR
Pioneer Meadows	10	Duplex Units
Sandy Plaza Apartments	12.6	Multifamily
Salmon Creek Estates	3	SFR
Sandy Woods Phase II	43	SFR
State Streets Homes	21	Multifamily
Ten Eyck Rim	10	Duplex Units
The Bornstedt Views	43	SFR
Tickle Creek Village	33.6	Multifamily
Tiller Project	2	SFR
Trimble PD	6	Duplex Units
duplex availability	3	Duplex Units
Total Dwelling Units	362	

April 9, 2026

City of Sandy
City Council
39250 Pleasant Street
Sandy, OR 97055

RE: Request to Reconsider the “Already in City Limits” Requirement for the Residential ERU Lottery (Resolution 2026-04)

Dear Mayor Walker and Honorable Members of the City Council, I am writing to respectfully request that the City Council reconsider one specific requirement in the new Development Allocation Program established by Resolution 2026-04.

Section 10 of the Resolution currently requires that a property must already be located within Sandy city limits in order to qualify for entry into the Residential ERU Lottery. While I understand the City’s need to manage limited sewer capacity carefully, this requirement creates a significant barrier for property owners whose land is immediately adjacent to the city or within the Urban Growth Boundary.

Requiring annexation before the lottery forces property owners to spend considerable time and money on the annexation process with no guarantee of receiving any ERUs. Many owners, including myself, are unwilling to incur the expense and risk of annexation unless we know we will actually be able to develop the property. As a result, this rule effectively eliminates qualified properties from consideration and reduces the number of applicants who could participate in the lottery.

I believe a modest change would better serve both the City and property owners: allowing property owners to submit an application and enter the Residential ERU Lottery contingent upon successful annexation if they are selected. This “conditional” approach would:

- Encourage more participation in the lottery
- Allow the City to allocate its very limited ERUs to the strongest projects
- Still ensure that only properties inside city limits ultimately receive ERUs and building permits
- Align with the City’s goal of accommodating housing needs “as much as possible” under ORS 197.520

I fully support the City’s efforts to manage sewer capacity responsibly and appreciate the difficult position created by the Consent Decree. I am simply asking for a practical adjustment that removes an unnecessary obstacle while still protecting the City’s interests. Thank you for your time and for your continued work on this important issue.

Sincerely,

All County Surveyors & Planners, Inc.



Darren Clow
President

May 18, 2026

Dave Vandehey
Roll Tide Properties Corp.
503-327-6084
dave.vandehey@rolltideproperties.com

VIA E-MAIL

Mayor Kathleen Walker
Members, Sandy City Council
39250 Pioneer Boulevard
Sandy, OR 97055

RE: Resolution 2026-04 (Extension of Pre-Moratorium ERU Allocations)

Dear Mayor Walker and City Council Members:

I appreciate the city's desire to ensure maximum possible fairness and certainty under the circumstances, to accommodate development needs of the city.

While the proposed approximate 6-month extension of ERU allocations is appreciated, it is just not enough time. Of course, if we are not granted an extension of our land-use approval, it's irrelevant. I'm requesting that the city work collaboratively with us in a joint effort to bring needed housing to Sandy. This would include a previously requested extension to our land-use approval and a **two-year extension of our ERU allocation**. We have a lot of work to complete before being ready to pull permits and utilize our allocated ERU's.

Bull Run Terrace offers the single largest opportunity to provide needed housing to the city, during a challenging development moratorium. The project was approved, we are now just asking you to work with us on pre-determined timelines through unprecedented challenges to see it through.

If Bull Run Terrace dies due to expired timelines, what other projects are going to provide an opportunity for additional housing units during a development moratorium?

What harm is caused by granting a longer extension to the ERU allocations?

Sincerely,

Dave Vandehey

Dave Vandehey
Roll Tide Properties Corporation



STAFF REPORT

Meeting Type: City Council
Meeting Date: May 18, 2026
From: Kelly O’Neill Jr., Development Services Director
Subject: Clackamas County TSP check-in

DECISION TO BE MADE:

Provide staff with direction on how to respond to questions from the County staff regarding the County Transportation System Plan update.

APPLICABLE COUNCIL GOAL:

None

BACKGROUND / CONTEXT:

On March 2, 2026, the City Council directed staff to forward the following projects to Clackamas County to be inserted as projects in their TSP process:

- Improvements at the intersection of Ten Eyck Road / HWY 26. (*Note: During a TSP discussion, City staff told Clackamas County staff that if adequate improvements are completed to Ten Eyck Road then the City of Sandy may be interested in taking over jurisdictional responsibility of Ten Eyck Road in the Sandy city limits*)
- Improvements at the intersection of 362nd Drive / HWY 211
- Improvements at the intersection of Firwood Drive / HWY 26
- Extension of 362nd Drive, north of Bell Street, to intersect with Kelso Road

On May 7, 2026, Clackamas County staff sent an email asking for additional input from City staff. The information sent from Clackamas County staff is quoted below in the key considerations and analysis section of this staff report. City staff would like additional input from the City Council.

KEY CONSIDERATIONS / ANALYSIS:

Information and questions from the County Transportation and Development staff:

- **Ten Eyck Road.** “If I remember correctly, your interest was in seeing some degree of improvements made by the county on the Ten Eyck Road portion within the city limits, for a potential future jurisdictional transfer from the county to city to occur. **What specific improvements are you looking for, and has this conversation been started yet between**

city and county, or is this request now the start to that conversation? We are currently planning to show a project #3054 to add shoulders to the long length of Ten Eyck but it stops at the city limit line. Regarding the intersection of US 26 and Ten Eyck, I see that you have that covered in your TSP as D8 with ODOT listed.”

- **SE 362nd Drive / HWY 211.** “**What type of improvements are you looking for?** We are currently planning to show project #4053 from the existing TSP to ‘Remove or decrease vertical curve and remove vegetation.’ **Does this satisfy your concerns, or are there other concerns that the TSP should address?**”
- **Firwood Drive / HWY 26.** “The TSP has three identified projects at this intersection, which I’ve included in a table below. **Does this satisfy your concerns, or are there other concerns that the TSP should address?**”

Existing TSP ID	Project Name	Project Location	Project Description
2019	Firwood Rd	Wildcat Mountain Dr to US 26	Add paved shoulders and turn lanes at major intersections.
4068	US 26	Firwood Rd to Sleepy Hollow Dr	Perform road safety audit or transportation safety review to identify appropriate safety improvements
4070	US 26	US 26 / Firwood Rd intersection	Add eastbound right-turn lane

- **Extension of 362nd Avenue north to intersect with Kelso Road.** “Generally, our approach is that our county TSP does not duplicate projects in other city TSPs. I do see D15a and D15b in your TSP – My near-term thought is to not add D15b into our county TSP for that reason to avoid duplication. Alternatively, we can take a closer look and perhaps add this in if needed after our upcoming June/July engagement period ends and we look to incorporate all the feedback received, but that would differ from our standard approach of avoiding duplication.” **What input does the City Council have on this project request?**

BUDGET IMPACT:

None

RECOMMENDATION:

Provide staff with direction on how to respond to questions from the County Transportation and Development staff in regard to the County TSP update.

Meeting Type: City Council
Meeting Date: May 18, 2026
From: Kelly O'Neill Jr., Development Services Director
Subject: Follow Up Discussion: Nuisances Affecting Public Peace

DECISION TO BE MADE:

Hold a second work session on Ordinance No. 2026-09 to discuss proposed code amendments related to Chapter 8.20 Nuisances Affecting Public Peace in the Sandy Municipal Code.

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 meeting on [March 2, 2026](#), the City Council instructed staff to move forward with code amendments to noise and solicitation. [Chapter 8.20](#) includes regulations regarding noise. This chapter also includes a section titled, 'Notices and advertisements' which is being proposed to be replaced with a new code section regarding solicitation. While modifying Chapter 8.20, staff and the city attorney's office have worked together to revise that chapter in full (Exhibit A).

The City Council held an initial work session on [April 20, 2026](#), and a continuance of the initial work session on [May 4, 2026](#). Staff have included a revised code amendment document (Exhibit A.) which includes comments on the modifications that were requested by the City Council at the previous work sessions.

KEY CONSIDERATIONS / ANALYSIS:

The code amendments to Chapter 8.20 have been summarized by section. **Red text** indicates modifications since the previous work sessions.

Section 8.20.010. Radio and television interference

- The City Attorney modified this section to include necessary provisions.
- **Added provisions around radio frequency, electromagnetic interference, and Emergency Responder Communication Enhancement Systems (ERCES) as suggested by Councilor Hokanson.**

Section 8.20.020. Unnecessary noise

- Added titles to each unnecessary noise provision and updated the language where necessary.
- Added additional information (Section 8.20.020.B.7.) about what kind of work is permitted by contractors on Sundays.
- Added a provision (Section 8.20.020.B.8.) for leaf blowers and similar devices not to be used between the hours of 7:00 p.m. and 7:00 a.m.
- Added a provision (Section 8.20.020.B.10.) for recreational areas on private property to not be used between the hours of 10:00 p.m. and 7:00 a.m.
- Removed specific music instruments from Section 8.20.020.B.11.
- Modified Section 8.20.020.B.12. by the City Attorney to make clear that the City is regulating the speakers and their volume, not the content of their speech.
- Added a provision (Section 8.20.020.B.14.) to cover other noise not identified in any of the other provisions between the hours of 10:00 p.m. and 7:00 a.m.
- Added a list of exemptions (Section 8.20.020.C.) to a similar list that is found in other municipalities. This list also includes the 4th of July and the Sandy Mountain Festival programming. Additional modifications include:
 - Added an exemption for generators during power outages.
 - Added an exemption for music at businesses service food and beverages until 10 p.m. on Fridays and Saturdays.
 - Modified the text to allow fireworks for July 1st through 5th and New Year's Eve/Day.
 - Added the Sandy Music Fair and Feast as requested by the Deputy City Manager.
- Added an exceptions section to allow the City Manager to approve exception requests for any kind of noise.
- Added an appeals section (Section 8.20.020.E.) in the event that an applicant wants to appeal the noise exception decision by the City Manager.

Section 8.20.025. Public nuisance – Unlawful activities

- The City Attorney modified this entire section to include language that is easier to understand.
- Removed the list of offenses and instead reference the list in [Section 8.22.010](#), that was updated by the City Council in 2025 with Ordinance No. 2025-04.

Section 8.20.030. Solicitation (formerly Notices and advertisements)

- Removed the existing code provisions.
- Added solicitation code provisions that are similar to what is found in other municipalities.
- Clarified that it is unlawful to solicit between the hours of 7:00 p.m. to 9:00 a.m.
- The City Attorney completed some small modifications to Section 8.20.030.E. to address some of the concerns raised by the City Council.

Section 8.20.040. Illegal signs

- Staff recommend removal of this section as it essentially duplicates the sign code provisions in Chapter 15.32.

BUDGET IMPACT:

Staff and City Attorney expenses that have already been incurred.

RECOMMENDATION:

Staff recommend that the City Council discuss the proposed code amendments and provide staff with any further edits prior to holding a public hearing on June 1, 2026.

LIST OF ATTACHMENTS / EXHIBITS:

- Ordinance No. 2026-09
 - Exhibit A. Chapter 8.20 Code Amendments in track changes



ORDINANCE NO. 2026-09

AN ORDINANCE UPDATING THE CITY’S REGULATIONS ON NUISANCES AFFECTING PUBLIC PEACE IN CHAPTER 8.20 OF THE SANDY MUNICIPAL CODE

WHEREAS, 2025-27 City Council Goal 6.10 tasked staff with continuing to improve and refine code language, policies, and practices related to code enforcement; and

WHEREAS, Title 8, CHAPTER 8.20 – Nuisance Affecting Public Peace includes regulations for radio and television interference, unnecessary noise, public nuisance, and solicitation within the city of Sandy; and

WHEREAS, the purpose of this ordinance is to ensure all regulations in this chapter follow best practices, make processes clearer, and modify the code for easier comprehension and implementation; and

WHEREAS, the City Council held work sessions on April 20, 2026, May 4, 2026, and May 18, 2026, making modifications that have been incorporated into the code amendments; and

WHEREAS, the City Council held a public hearing on June 1, 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 Chapter 8.20 is hereby amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this Ordinance shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

This ordinance is adopted by the City Council of the City of Sandy on this 1st day of June 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

Title 8 - HEALTH AND SAFETY
CHAPTER 8.20 NUISANCES AFFECTING PUBLIC PEACE

CHAPTER 8.20 NUISANCES AFFECTING PUBLIC PEACE

Sec. 8.20.010. Radio frequency and television interference.

- A. No person may operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes radio frequency or electromagnetic interference that affects other properties, ~~reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.~~
- B. Any radio enhancement system (RES) or bi-directional amplifier (BDA) used within a building must not cause interference with the public safety radio system or an Emergency Responder Communication Enhancement System (ERCES) and must instead be wholly compatible with such systems.
- C.B. This section does not apply to electrical and radio devices licensed, approved, and operated under the rules and regulations of the Federal Communications Commission.
- D. This section does not prohibit the use or operation of any such device, apparatus, instrument, or machine when necessary for the protection of life or property, for the care or treatment of sick or injured persons, or for the operation of a public utility.

(Ord. No. 1 73, § 15, 1973)

Commented [K01]: Added the word 'frequency' to the title.

Commented [K02]: Modified this to address the electromagnetic compatibility concerns as raised by Councilor Hokanson.

Commented [K03]: Added this provision to address ERCES interference concerns as raised by Councilor Hokanson.

Sec. 8.20.020. Unnecessary noise.

- A. No person may make, assist in making, continue, or cause allow, or permit to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.
- B. Loud, disturbing, and unnecessary noises in violation of this section include, but are not limited to the following:
 1. Animals: Unreasonably loud and raucous noise emitted or caused by an animal for which a person is responsible. A person is responsible for an animal if the person owns, controls, or otherwise cares for the animal. ~~The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity;~~
 2. ~~The attaching of a bell to an animal or allowing a bell to remain on an animal;~~
 3. Vehicles: The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;
 3. Engines: The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises;
 4. Horns, Signaling Devices, and Similar Devices: The sound of a horn, or signaling device, gong, siren, or similar device on a vehicle on a street, public place, or private place, except as a necessary warning of danger;
 5. Stationary Boiler: The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper City authorities;

Commented [K04]: Added 'allow or permit' per City Council direction.

Commented [K05]: Removed the words 'and the emission of excessive smoke' per City Council direction.

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6. Mechanical Device: The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;

7. Excavation and Construction: Any excavation or construction by a contractor or developer, including but not limited to: erection, repair, alteration, or demolition of a building or structure, other than between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, or between the hours of 8:00 a.m. to 5:00 p.m. on ~~weekends~~ Saturday and Sunday. However, site clearing, tree ~~falling~~, earth moving, installation or construction of underground utilities, paving of streets and sidewalks, framing, ~~and~~ foundation pouring, roofing, and structure framing shall be entirely prohibited on Sundays. Limited noise producing improvements such as but not limited to painting, installation of carpet and window coverings, plumbing repairs, etc. are permitted on Sundays.

Commented [KO6]: Added 'contactor or developer' per City Council direction.

~~Exceptions may be granted by the city manager in cases of urgent necessity in the interest of the public welfare and safety, by permit for a period not to exceed ten days. Such permit may be renewed for periods of five days while such emergency continues to exist. Exceptions may also be granted by the city council, by application before or during the progress of the work, upon a determination by the council that the public health, safety and welfare will not be impaired and that loss or inconvenience would result to any person unless such exception were granted.~~

Commented [KO7]: Added a sentence on what is permitted on Sundays per City Council direction.

Notwithstanding anything to the contrary provided in this section, ~~the~~ owner of property may do work on property actually occupied by him or her between the hours of 7:00 a.m. and 10:00 p.m. weekdays on Monday through Friday, and from 8:00 a.m. to 10:00 p.m. weekends on Saturday and Sunday, without obtaining a permit as herein required;

Commented [KO8]: Moved the exception process to subsection D. in this section.

~~8. The use of a gong or siren upon a vehicle, other than police, fire or other emergency vehicle;~~

8. Blowers, Lawn Mowers, and Similar Devices: The operation of any noise-creating blower, power fan, lawn mower, or any similar device, the operation of which causes noise, provided that the noise can be heard across the property line of the property from which it emanates between the hours of 7:00 p.m. and 7:00 a.m.;

Commented [KO9]: Added 'lawn mowers' per City Council direction.

9. Noise Sensitive Areas: The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs ~~or unduly annoys~~ patients;

~~10. The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;~~

10. Recreational Areas on Private Property: The making of noise with a sports ball, racquet, bat, or any similar device, provided that the noise can be heard across the property line of the property from which it emanates between the hours of 10:00 p.m. and 7:00 a.m.;

11. Amplified Sound: The use or operation of an automatic or electric ~~piano, phonograph, gramophone, victrola, radio, television, loudspeaker or any~~ instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance.

Commented [KO10]: Modified from 'musical devices' to 'amplified sound' per City Council direction and City Attorney advice.

~~However, upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches or general entertainment as a part of a national, state or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than 1,000 feet from the instrument, speaker or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, in connection with~~

Commented [KO11]: Removed specific music instrument types per City Council direction.

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~~the event which is utilizing the instrument for sound producing or the sound amplifying device, will result;~~

12. Yelling, Shouting, and Similar Activities by Businesses: The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device, ~~for the purpose of advertising goods, wares or merchandise, attracting attention, or inviting patronage of a person to a business~~ by a place of business, or the employees or independent contractors of a place of business, during that business's regular business hours so loudly as to disturb persons in the vicinity thereof. ~~However, newsboys may sell newspapers and magazines by public outcry;~~

Commented [KO12]: Moved the exception process to subsection D. in this section.

13. Automotive Repair Shops: The conducting, operating, or maintaining of ~~a garage~~ an automotive repair shop within 100 feet of a ~~private residence, apartment dwelling unit, rooming houses~~ short term rental, residential facility, residential home, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of ~~10~~ 4:00 p.m. and 7:00 a.m.

Commented [KO13]: Modified by the City Attorney to make clear that the City is regulating the speakers and their volume, not the content of their speech.

14. Any other loud, disturbing, or unnecessary noise between the hours of 10:00 pm and 7:00 am which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.

C. Exemptions. Sounds caused by the following are exempt from the prohibitions set out in subsection B:

1. Repairs of utility facilities that pose a clear and immediate danger to life, health, or significant loss or property;

2. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger;

3. The emission of sound to alert persons to the existence of an emergency or the emission of sound in the performance of emergency work by a public agency or utility;

Commented [KO14]: Added 'by a public agency or utility' to define who is allowed to make sound when performing emergency work.

4. The emission of sound from a generator during power outages;

Commented [KO15]: Added an exemption for generators during power outages per Council direction.

5. Repairs or excavations of streets by or on behalf of the City or the State, between the hours of 7 p.m. and 7 a.m., when the public welfare and convenience renders it impractical to perform the work between 7 a.m. and 7 p.m., as determined by the City or the State in its sole discretion;

6. Reasonable activities conducted on public playgrounds and public or private school grounds that are conducted in accordance with the way such spaces are generally used, including but not limited to school athletic and school entertainment events;

7. Outdoor gatherings, public dances, shows, sporting events, and other similar outdoor events when the event is being hosted or sponsored by the City;

8. Music emanating from businesses serving food and beverages between the hours of 7 a.m. and 10 p.m. on Fridays and Saturdays;

Commented [KO16]: Added an exemption for music at restaurants and bars per Council direction.

9. Noise emanating from the combustion, detonation, or concussion caused by using fireworks or other similar devices from July 1st through July 5th and New Year's Eve and Day;

Commented [KO17]: Modified to be July 1st through 5th and New Year's Eve/Day per Council direction.

10. Noise emanating from the Sandy Mountain Festival, the Sandy Mountain Festival Parade, the Sandy Mountain Festival Carnival, and the Sandy Music Fair and Feast in July of each year.

Commented [KO18]: Added 'the Sandy Music Fair and Feast'.

~~(Ord. No. 1-73, § 16, 1973; Ord. No. 2007-11)~~

D. Exceptions to the prohibitions of subsection B may be granted by the City Manager, upon application and payment of applicable fees, when the City Manager determines that granting the exception is in the interest of the public welfare and safety and that loss or inconvenience would result to any person unless the exception were granted. If so determined, the City Manager shall grant an exception via a permit for a period not to exceed ten days. Such permit may be renewed for periods of up to five days while such circumstances

Commented [KO19]: This new exception section applies to the entirety of subsection B. as requested by the City Manager.

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(Supp. No. 5, Update 3)

continue to exist. The decision by the City Manager may impose such conditions on the approval as necessary to achieve the purposes of these regulations. A person requesting an exception may appeal the City Manager's decision to the City Council following the appeal process in subsection E of this section.

E. Appeals. In the event an application for a noise exception under this chapter is denied or includes conditions that the applicant wants to challenge, the applicant shall have the right to appeal to the City Council.

1. The applicant must file written notice of appeal to the City Council with the City Manager within 12 days after the noise exception decision is issued.
2. The City Council shall hear and make a determination in regard to the appeal at a regularly scheduled meeting within 60 days of the filing of the appeal.
3. The decision of the City Council on the appeal shall be final and conclusive.

~~State law reference(s) — For statutory provisions regarding excessive noise, see ORS 467.010 et seq.; for provisions prohibiting unnecessary muffler noise in motor vehicles, see ORS 483.448.~~

Commented [KO20]: Removed in its entirety at the recommendation of the City Attorney.

Sec. 8.20.025. Public nuisance—Unlawful activities.

- A. It is a public nuisance for (1) any person in charge of real private property to permit three or more nuisance activities to occur on or in such property within a six month period, or (2) any person to cause to exist three or more nuisance activities to occur in any public place or in on any real public property within a six month period where patrons, employees, residents or occupants engage in a pattern of behavior in the neighborhood involving the commission of three or more of the following offenses. For purposes of this section, "nuisance activities" has the meaning set forth in Sandy Municipal Code Section 8.22.010.:
- ~~1. Furnish Liquor to Intoxicated Person; ORS 471.410;~~
 - ~~2. Furnish Alcohol to a Minor; ORS 471.410;~~
 - ~~3. Prostitution; ORS 167.007;~~
 - ~~4. Patronizing Prostitution; ORS 167.008;~~
 - ~~5. Promoting Prostitution; ORS 167.012;~~
 - ~~6. Noise, SMC Section 8.20.020;~~
 - ~~7. Assault, ORS 163.160, 163.165, 163.175 or 163.185;~~
 - ~~8. Sexual abuse, ORS 163.415, 163.425 or 163.427;~~
 - ~~9. Public indecency, ORS 163.465;~~
 - ~~10. Criminal trespass, ORS 164.245 or 164.255;~~
 - ~~11. Criminal mischief, ORS 164.345, 164.354 or 164.365;~~
 - ~~12. Disorderly conduct, ORS 166.025;~~
 - ~~13. Harassment, ORS 166.065;~~
 - ~~14. Minor in possession of alcohol, ORS 471.430; or~~
 - ~~15. Unlawful manufacture, delivery or possession of a controlled substance, ORS 475.992;~~
- ~~B. For purposes of this section, "pattern of behavior in the neighborhood" means one or more patrons, employees, residents, or occupants of the place or business having been arrested or issued a citation for violation of three or more of any of the offenses specified in subsection A. of this section that occur over any six month period at the place or business or within 300 feet thereof.~~

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(Supp. No. 5, Update 3)

B.C. It is unlawful for any place or business to be a public nuisance or to be used as a public nuisance, as defined in subsection A of this section. If any place or business is found to be a public nuisance or to be used as such, it shall be subject to a fine as provided in Chapter 8.28. ~~closure for a period of up to one year.~~

C.D. Public nuisances ~~closure~~ will be subject to the abatement procedures provided in ~~SMC Sections 8.24.010 and 8.24.030.~~ Chapter 8.24.

~~(Ord. No. 3-97, § 1, 1997)~~

Sec. 8.20.030. ~~Notices and advertisements~~ Solicitation.

A. The purpose of this section is to regulate residential soliciting hours and prohibit door-to-door solicitors at residences posting "No Soliciting" signs.

B. For the purposes of this section, the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual, or in writing.

C. Prohibited acts. It is unlawful for any person to:

1. Solicit before 9:00 a.m. or after 7:00 p.m. without the consent of the occupant to do so.
2. Leave written materials upon real property where a "No Solicitation" sign conforming to the requirements of this section is posted.
3. Solicit where a "No Solicitation" sign conforming to the requirements of this section is posted.
4. Allow or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.

D. Consent to enter real property.

1. It shall be an affirmative defense to an alleged violation of this section that the person charged received actual or constructive consent of the occupant prior to entering the real property. Constructive consent may be implied from the circumstances of each instance, the relationship of the parties, and actual or implied contractual relationships.
2. The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 7:00 p.m. if they have not posted a "No Solicitation" sign, pursuant to this section.

E. Effect of posting "No Soliciting" sign.

1. If an occupant of real property chooses to not invite solicitors, or certain types of solicitors, onto their property, the occupant may post a sign indicating their preference, such as a sign stating, "No Solicitation." The effect of posting a sign stating, "No Solicitation," or similar words to that effect, is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit.
2. In order for a property to be deemed posted with a "No Soliciting" sign for purposes of this section, such sign must be at least one square foot in size.
3. A property shall be deemed posted with a "No Soliciting" sign for purposes of this section if a sign, as described in subsections 1 and 2 above, is posted on or near the boundaries of the property at the normal points of entry. For real property possessing no apparent barriers to entry at the boundaries of the property that limit access to the primary entrance of a structure located on the property, placement of a sign at the primary entrance to the structure constitutes compliance with this subsection.

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(Supp. No. 5, Update 3)

4. Notwithstanding the limitations of Chapter 15.32, a person may post up to two signs, each one square foot in size, at the locations described in subsection 3 above, in addition to any signs permitted under Chapter 15.32.

F. Violations. A person who enters or remains unlawfully on property posted with a "No Solicitation," "No Trespassing," or similar sign is subject to a fine as provided in Chapter 8.28.

G. Compatibility. Nothing in this section shall relieve any person or entity who solicits and conducts business in the city from compliance with Title 5 of the Sandy Municipal Code.

H. Severability. The subsections of this section are severable. The invalidity of any subsection shall not affect the validity of the remaining subsections.

~~A. No person may affix or cause any placard, bill, advertisement or poster to be affixed upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.~~

~~B. No person, either as principal or agent, may scatter, distribute or cause any placards, advertisements or other similar material to be scattered or distributed on public or private property.~~

~~C. This section does not prohibit the distribution of advertising material during a parade or approved public gathering.~~

~~(Ord. No. 1-73, § 17, 1973)~~

Sec. 8.20.040. Illegal signs.

~~No person may erect or maintain any sign or any abandoned sign in violation of the provisions of Chapter 15.32 of this Code.~~

~~(Ord. No. 4-88, § 15, 1988)~~

Commented [KO21]: Modified by the City Attorney to address concerns raised by the City Council.



STAFF REPORT

Meeting Type: City Council
Meeting Date: May 18, 2026
From: AJ Thorne, Public Works Director
Subject: Contact Amendments: On-Call Construction Services Cap Increase

DECISION TO BE MADE:

Whether to authorize the City Manager to execute amendments for the two contractors engaged with the City's On-Call Construction Services for Drinking Water and Wastewater Facility Minor Upgrades program; increasing the current not-to-exceed amount from \$5 million to \$6 million for each.

APPLICABLE COUNCIL GOAL:

[Multiple goals](#) related to accomplishment of the City's drinking water and wastewater improvements programs.

BACKGROUND / CONTEXT:

[On May 20, 2024](#), the City passed Resolution 2024-12 granting an exemption from the standard procurement process to create a master services agreement (MSA). This exemption has enabled the City to expedite contracting with a contractor. This resulted in the City issuing a Request for Proposals (RFP) for On-Call Construction Contractor Services for Drinking Water and Wastewater Facility Minor Upgrades.

The On-Call Construction contracts were executed with J.W. Fowler and R.L. Reimers in November 2024. The On-Call Construction contracts were established to complete work required to maintain, repair and upgrade the City's water and wastewater infrastructure assets. These contracts have provided a flexible menu of services targeting smaller or minor upgrades as task orders on an as-needed basis. This has allowed the City to expedite projects and continuity between multiple projects in active construction. The following projects have been completed or are in active construction through

On-Call Construction task orders:

1. Task Order No. 1 – Sandy Pump Station Improvements (complete)
2. Task Order No. 2 – Equalization Basin Expansion (complete)
3. Task Order No. 3 – Effluent Pump Station Expansion (in construction)
4. Task Order No. 4 – WAS/Scum Pump Replacement (in construction)
5. Task Order No. 5 – UV System Replacement

There are additional projects identified to improve the City's infrastructure:

1. Task Order No. Pending – Brownell Springs Overflow Improvements

2. Task Order No. Pending – Sandy Lift Stations (Marcy, Meinig, Jacoby, and Snowberry) Improvements Program

KEY CONSIDERATIONS / ANALYSIS:

As additional water and wastewater infrastructure projects were identified, it was determined that the existing \$5 million contractor cap under the on-call construction MSA is insufficient. The original procurement anticipated awarding agreements to three on-call contractors; however, only two responsive bids were received. While the overall construction was initially anticipated to be no more than \$15 million, the current contract structure limits available construction capacity to \$10 million based on the \$5 million cap applied to each contractor. This funding level is insufficient to complete the remaining identified projects and does not provide adequate capacity to address potential change orders associated with active construction. It is therefore proposed to increase each contractor's cap from \$5 million to \$6 million, resulting in a total construction increase of \$2 million, to allow completion of the identified projects.

BUDGET IMPACT:

Increase not-to-exceed contract cap from \$5 million to \$6 million per on-call contractor, applied cumulatively across all task orders. Funding for the additional capacity has been designated from remaining American Rescue Plan Act (ARPA) funds or WIFIA funds.

RECOMMENDATION:

Authorize the City Manager to execute amendments with James W. Fowler Co. and R.L. Reimers Company to increase the on-call not-to-exceed amount to \$12 million total, consisting of \$6 million not-to-exceed per contractor.

SUGGESTED MOTION LANGUAGE:

"I move to authorize the City Manager to execute amendments to the on-call water and wastewater construction contracts with James W. Fowler Co. and R.L. Reimers Company, to increase each of their not-to-exceed limits from \$5 million to \$6 million."

LIST OF ATTACHMENTS / EXHIBITS:

- Two Draft Contract Amendments

AMENDMENT NO. 2
to the
PROFESSIONAL SERVICES AGREEMENT
Between
CITY OF SANDY AND J.W. FOWLER

This Amendment is made and entered into _____, by and between the City of Sandy, OR (hereinafter “City”), whose address for any formal notice is 39250 Pioneer Blvd. Sandy OR, 97055 and J.W. FOWLER (hereinafter “Contractor”) with an office at 12775 Westview Drive, Dallas, OR 97338. This is Amendment No. 2 to the Agreement Dated September 16, 2024, between City and Contractor.

Now, therefore, City and Contractor agree to amend the Agreement as follows:

- 1. Amend Section 3 (Compensation) of the Master Services Agreement to increase the not-to-exceed contract, calculated as the cumulative total of all task orders, from \$5 million to \$6 million.

All other terms and conditions of the Contract remain unchanged by this Amendment and are in full force and effect.

Both parties indicate their approval of this Amendment by their signatures below.

J.W. FOWLER

CITY OF SANDY, OREGON

Authorized signature:

Authorized signature:

Name: _____

Name: _____

Date: _____

Date: _____

AMENDMENT NO. 2
to the
PROFESSIONAL SERVICES AGREEMENT
Between
CITY OF SANDY AND R.L. REIMERS COMPANY

This Amendment is made and entered into _____, by and between the City of Sandy, OR (hereinafter "City"), whose address for any formal notice is 39250 Pioneer Blvd. Sandy OR, 97055 and J.W. FOWLER (hereinafter "Contractor") with an office at 3939 Old Salem Road NE, Suite #200, Albany, OR 97321. This is Amendment No. 2 to the Agreement Dated October 4, 2024, between City and Contractor.

Now, therefore, City and Contractor agree to amend the Agreement as follows:

- 1. Amend Section 3 (Compensation) of the Master Services Agreement to increase the not-to-exceed contract, calculated as the cumulative total of all task orders, from \$5 million to \$6 million.

All other terms and conditions of the Contract remain unchanged by this Amendment and are in full force and effect.

Both parties indicate their approval of this Amendment by their signatures below.

R.L. REIMERS COMPANY

CITY OF SANDY, OREGON

Authorized signature:

Authorized signature:

Name: _____

Name: _____

Date: _____

Date: _____