



AN ORDINANCE ALLOWING EXTENSIONS FOR LAND USE APPROVALS THAT COULD EXPIRE DURING THE CITY'S DEVELOPMENT MORATORIA

WHEREAS, the City desires to mitigate the impacts of the current sanitary sewer moratorium and consent decree on developments for which applications for land use approval were submitted prior to the establishment of the initial moratorium as much as is possible under the circumstances;

WHEREAS, the sanitary sewer moratoria and consent decree have created uncertainties for developers and contractors related to development timelines and permit issuance;

WHEREAS, the number of Equivalent Residential Units (ERUs) of capacity in the City's wastewater system available for development has varied since the establishment of the initial moratorium on October 3, 2022, which has created additional uncertainty;

WHEREAS, although the City is working diligently to address the underlying causes of the sanitary sewer moratoria, the ultimate duration of the moratoria remains unknown;

WHEREAS, the City recognizes that property owners who submitted applications for land use approval prior to the initial moratorium invested significant resources into those approvals;

WHEREAS, the land use approvals for several of these projects now run the risk of expiring;

WHEREAS, the City Council therefore believes it is just and equitable to allow for the extension of the expiration date of those land use approvals in order to allow those developments to proceed through construction to the extent possible under the consent decree and development moratoria; and

WHEREAS, the City Council believes allowing extension of such approvals will stimulate responsible and needed development activity in the city of Sandy to the extent possible under the consent decree and moratoria, help address the state's current housing crisis, enable property owners to recoup their investments, and reduce the amount of staff time necessary to review these projects again if land use approvals were to expire and new approvals would be required.

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

Section 1. An owner, as that term is defined in Sandy Municipal Code 17.10.30, whose property has received land use approval based on an application which was submitted prior to October 3, 2022, may apply for and be granted a one-year extension of the expiration date of such approval as provided herein. If approved, one year will be added to the current expiration date of the land use approval. This extension is in addition to any other extension which may be available under the Sandy Municipal Code. The Development Services Director will review and approve an extension request pursuant

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to a Type I process under Sandy Municipal Code 17.12.10 if an applicant satisfies the clear and objective criteria above.

Section 2.

The period of the extension described in Section 1 shall be two years rather than one year if requested by the applicant and the request meets at least one of the following additional criteria:

1. The applicant submits a letter from a third-party lender or other third-party source of project financing stating that an extension period of two years is necessary in order for the third party to agree to finance the development.
2. The land use approval is for a complex development, defined for purposes of this Section 2 as a development which will consume more than thirty (30) ERUs, calculated as set forth in the consent decree for the City of Sandy entered in the U.S. District Court for the District of Oregon on September 11, 2023, and based on:
 - a. For land use decisions where a specific number of ERUs can be calculated based on the terms and conditions of the approval (e.g. unit count, unit type, approved use), the number of ERUs so calculated.
 - b. For all other land use decisions, 1 ERU per lot or parcel, excluding lots and parcels which are dedicated or restricted to use as open space, common areas, water quality facilities, or similar.

Any land use approval which receives a two-year extension under this Section 2 shall be ineligible for modification under Section 17.90.80 of the City of Sandy Development Code for a period of three (3) years commencing on the date the extension application is submitted, unless such modification reduces the number of ERUs associated with the project, as calculated pursuant to this Section 2.

Section 3.

An application for extension shall include the following:

1. A completed Land Use Application Form and payment of fees in the amount of \$530;
2. A written narrative addressing the approval criteria contained in Section 1 above.

Section 4.

This ordinance is supported by findings, attached as Exhibit A, and incorporated by reference.

Section 5.

This ordinance shall take effect thirty days after its enactment. An applicant seeking an extension under this ordinance must submit an application no later than one year after the date of adoption of this ordinance.

This ordinance is adopted by the City Council of the City of Sandy this 20th day of May, 2024.

Stan Pulliam, Mayor

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ATTEST:

Jeffrey Aprati, City Recorder