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ORDINANCES MODIFYING DEVELOPMENT CODE

DESIGN REVIEW APPENDIX A-H
CHAPTER 17.00 - INTRODUCTION

17.00.00 ADOPTION

This document shall be known as the Development Code. This Code is adopted pursuant to the authority found in the Oregon Constitution, Article XI, Section 4; Sandy Charter, and Oregon Revised States 227.215 et. seq.

17.00.10 STATEMENT OF PURPOSES

A. The development regulations contained in this Code are in accordance with the Comprehensive Plan and are intended to ensure that development is of the proper type, design, and location and serviced by a proper range of public facilities and services; and in all other respects be consistent with the goals and policies of the Sandy Comprehensive Plan.

B. The development approval process shall not result in the exclusion of needed housing at densities permitted by the underlying zoning district designations.

17.00.20 ORGANIZATION OF THIS CODE

The Code is organized as a reference document that is not intended to be read in its entirety. It has been developed with a minimal use of planning and legal jargon. Tables and matrices are used in many places to summarize information. The Development Code describes:

A. The responsibilities of the City Council, Planning Commission, and the Development Services Director and provides basic information on the legal framework of the Code, definitions of words that are not in common usage or have a specific meaning to the Code, and enforcement provisions.

B. Administrative procedures for land use actions. Approvals by staff are defined as Type I and Type II decisions. In other cases, the Planning Commission and City Council make review and decisions after conducting at least one public hearing.

C. Permitted and conditional uses within individual zoning districts and which specifies density, building setbacks, building heights, and other quantifiable dimensions.

D. Overlay zoning districts, which attach an overlay to an underlying base zone such as historic resource or flood, slope and hazard.

E. Land division regulations, including subdivisions, planned developments, partitions, and adjustments to property lines.

F. Development provisions required in association with new development or intensification of existing development, including standards for parking, landscaping, accessory development, and other site-specific requirements.
CHAPTER 17.02 - THE CITY COUNCIL, ITS AGENCIES & OFFICERS

17.02.00  THE CITY COUNCIL AUTHORITY AND RESPONSIBILITY

The State has delegated to the City Council responsibility for adopting land use plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission for the purpose of implementing such plans and controls.

17.02.10  POWERS AND DUTIES

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

A. May adopt, amend, supplement, or repeal plans and policies for development of the community;

B. May adopt, amend, supplement, or repeal the text of any provision or regulation of this Code;

C. May amend the boundaries of zoning districts established on the Official Zoning Map;

D. Shall review decisions of the Planning Commission upon appeal;

E. Shall appoint members of the Planning Commission; and

F. May establish a reasonable schedule of fees with respect to matters under this Code.

17.02.20  THE PLANNING COMMISSION

The Planning Commission shall be appointed in accordance with the Sandy Municipal Code. The Commission shall have the powers and duties provided therein and provided by this Code. The Commission shall also hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this Code.

17.02.30  QUORUM OF THE PLANNING COMMISSION

Four members shall constitute a quorum.

17.02.40  DIRECTOR

A. Position. The Director referenced in this Code is the Director of Planning and Development or any other member of staff designated by the City Manager to supervise, organize, direct, and control activities defined under this Code. For brevity, the Planning and Development Director shall be referred to as Director throughout the Code.

Revised by Ordinance 2019-01 effective 1/07/19
B. **Powers and Duties.** The Director provides professional planning assistance to the citizens, City Council, Planning Commission, and City Manager and is hereby authorized to interpret provisions of this Code and to perform such other duties in the administration of the Development Code as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Director.

- **Floodplain Administrator.** The Director is hereby appointed to administer and implement the City of Sandy flood ordinance by granting or denying development permit applications in accordance with its provisions.

17.02.50 **CONFLICT OF INTEREST**

A member of the hearing authority shall not participate in any proceedings or action in which the member has a legal conflict of interest defined in State law that would bar participation in a decision by a Planning Commissioner or City Councilor. Any actual or potential interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include: a) the member has a direct economic interest in the proposal; or b) for any other valid reason, the member has determined that participation in the hearing and decision cannot be accomplished in an impartial manner.

17.02.60 **PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES**

No officer or employee of the City who has a financial interest in a land use decision shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.
CHAPTER 17.04 - LEGAL FRAMEWORK

17.04.00 RULES OF CONSTRUCTION

This Code shall be construed liberally in order to achieve its purposes. Unless otherwise specifically prescribed in this Code, the following provisions shall govern its interpretation and construction:

A. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

B. Unless otherwise specified in this Code, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

17.04.10 SEVERABILITY AND CONSTITUTIONALITY

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

17.04.20 DESCRIPTIVE HEADINGS

The paragraph captions and headings in this Code are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Code.

17.04.30 CALCULATION OF TIME

Where the performance of any act, duty, matter, payment, or thing is required in this case and the period of time or duration for the performance is prescribed and fixed herein, the time shall be computed so as to exclude the first and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. The word “day” means calendar day unless otherwise specified.

17.04.40 SAVINGS CLAUSE

Sandy Ordinance 11-80 as amended, which is repealed by the ordinance adopting this Code, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Sandy Ordinance 11-80 as amended, prior to the effective date of this Code.

17.04.50 REVIVAL

The repeal of Sandy Ordinance 11-80 as amended, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of Sandy Ordinance 11-80 as amended. This repeal does not affect any punishment, penalty, or fine incurred before the repeal took place or any prosecution or proceeding commenced or pending prior to the adoption of this Code.
17.04.60 NONDISCRIMINATION

The City shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation or physical disability in the administration or enforcement of this Code.

17.04.70 TEXT AMENDMENTS

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms to the Sandy Comprehensive Plan and any other applicable policies.

A. Initiation. Initiation of an amendment may be accomplished by one of the following methods:
   1. Majority vote of the City Council; or
   2. Majority vote of the Planning Commission; or
   3. Citizens can request that the City Council initiate an amendment. Council may either initiate and direct staff to proceed or may deny and direct the applicant proceed with an amendment.

B. Review of Text Amendments. The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 17.20-Public Hearings.

17.04.80 OFFICIAL ZONING MAP

Boundaries of development districts established by this Code are shown on the Official Zoning Map on file in the Planning & Development office. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

A. Amendments. Amendments to the Official Zoning Map shall be adopted as provided in Chapter 17.26-Zoning District Changes. After adoption of an amendment, the Director shall alter the Official Zoning Map to indicate the amendment.

B. Interpretation of Zoning District Boundaries. Boundaries of the development districts shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such district boundaries. If uncertainty exists as to the boundaries of the zoning districts that is not resolved by the ordinance or orders establishing and amending such boundaries, the following rules shall apply:
   1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;
   2. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main track or tracks;
   3. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
   4. Boundaries indicated as parallel to, or extensions of natural or manmade features indicated in Subsections “1” through “3” above shall be so construed;
   5. Distances not specifically indicated shall be determined by the scale of the Official Zoning Map;
6. Where a lot is divided by a boundary, the applicable uses and development standards shall be those of the district that contains the majority of the land area of a lot of record as it existed at the time of the adoption of this Code.

Where uncertainties continue to exist after application of the above rules, the Planning Commission shall determine the location of such boundaries.

**17.04.90 DEVELOPMENT REVIEW FEES**

A. **Required Fees.** The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council, by resolution, shall set fees in accordance with the Council’s financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1). The Director shall maintain a current schedule of fees for public review.

B. **Annual Review.** Development review fees shall be reviewed annually.
CHAPTER 17.06 - ENFORCEMENT

17.06.00 RESPONSIBLE OFFICERS

The Development Code shall be administered and enforced by the Director.

17.06.10 BUILDING PERMIT

No building permit shall be issued by the Building Official for any authorized development unless the Director has determined that the proposed development complies with the provisions of this Code and the required development review has been completed.

17.06.20 CERTIFICATE OF OCCUPANCY

No final certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this Code have been met or until the applicant has provided some written form of assurance acceptable to the Director guaranteeing the completion of all requirements.

17.06.30 STOP WORK ORDER

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the Director to proceed.

17.06.40 VIOLATIONS

Use of land in the City of Sandy not in accordance with the provisions of this Code constitutes a violation. Upon receiving information concerning a violation of this Code, the Director may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

17.06.50 REQUEST FOR PROSECUTION

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and other information staff may have.

17.06.60 NOTICE OF VIOLATION

After receiving a report of an alleged violation, the Director shall, if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first class mail, return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

A. Location and nature of the violation; and provision or provisions of this Code which allegedly have been violated; and

B. Whether immediate enforcement will be sought or if 15 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health
hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property; and

C. The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after mailing if the address to which it was mailed is outside the State. However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of this Code.

17.06.70 CITY ATTORNEY TO PURSUE ENFORCEMENT

As soon as the compliance deadline has expired the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

A. It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed; or

B. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the violation.

17.06.80 PENALTIES

A violation of this Code may be the subject of criminal, civil, or other sanctions authorized under ordinance of the City:

A. Criminal Penalties. Unless otherwise specified, every violation of the terms of the Code is a Class A infraction, punishable by a fine of up to $500.00. Each day such violation continues shall be considered a separate offense.

B. Civil Penalties and Remedies. In addition to, or in lieu of, criminal actions, a violation of this Code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.
   1. The Director is authorized to impose a civil penalty of up to $1,000.00 for any violation of this Code.
   2. In imposing a penalty amount pursuant to the schedule authorized by this section the Director shall consider the following factors:
      a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;
      b) Any prior violations of statutes, rules, orders or permits pertaining to development regulations;
      c) The gravity and magnitude of the violation;
      d) Whether the violation was repeated or continuous; and
      e) Whether the cause of the violation was an avoidable accident, negligence or an intentional act.
   3. Imposition and enforcement of civil penalties is not an exclusive remedy, but shall be in addition to any other procedures or remedies provided by law. Imposition or payment of a civil penalty under this section shall not be a bar to any criminal proceeding authorized under this ordinance.
   4. A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for the first 30 days and each additional 30-day period the
condition continues. The notice of penalty shall be provided in the manner as described under Subsection “5” below.

5. Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by mailing the notice by certified mail, return receipt requested, to the last known address of the person incurring the penalty. The notice of penalty shall include:
   a) A reference to the particular provision or law violated;
   b) A statement of the matters asserted or charged;
   c) A statement of the amount of the penalty or penalties imposed;
   d) A statement of the owner’s right to appeal the penalty; and
   e) A statement that if the penalty is not paid within the time required under Subsection “10” below, the penalty and any costs of service and recording fees will be recorded by the City Recorder in the City Lien Docket and shall become a lien on the property of the person incurring the penalty.

6. If the notice of penalty is returned to the City without service upon the named person, the Director shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.

7. The person to whom the notice of penalty is issued shall have 20 days from the date of service of the notice in which to appeal the penalty before the municipal judge, after which time the notice of penalty becomes a final order. The appeal shall be as provided in Subsections “8” and “9” below.

8. Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. A deposit in the amount of the civil penalty assessed and an appeal fee shall accompany the appeal. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

9. The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issues to be decided by the municipal judge are determinations of whether or not the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge’s order is final and not subject to appeal unless challenged in a court of competent jurisdiction.

10. Unless the amount of penalty imposed is paid within 10 days after the notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner’s subject property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The penalty provided in the order and added costs so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as
may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.

11. Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefor, stating that the full amount of penalties, interest, recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.

17.06.90 TAMPERING WITH OFFICIAL NOTICES

No person shall remove or tamper with a notice posted on property pursuant to the provisions of this chapter unless authorized by the Director. A violation of this provision shall be a Class “C” misdemeanor.
CHAPTER 17.08 - NONCONFORMING DEVELOPMENT

17.08.00 INTENT

These regulations are intended to permit nonconforming uses and structures to continue, but not to encourage their perpetuation. The regulation of nonconforming development is intended to bring development into conformance with this Code and the Comprehensive Plan.

As used in this chapter, nonconforming development includes nonconforming structures and nonconforming uses. A nonconforming structure is a structure that does not fully comply with the zoning district provisions because of setbacks, building height, off-street parking, or with some other standard of the district. Within the zoning districts established by this Code, development may exist that was lawful at the time it began, but would be prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual substantial construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation of rebuilding, and a building permit has been acquired, prior to the effective date of adoption or amendment of this Code.

17.08.10 GENERAL PROVISIONS

A. Alterations of a Nonconforming Use. No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

B. Alteration of a Nonconforming Structure. Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area.

17.08.20 DISCONTINUANCE OF A NONCONFORMING USE

Whenever a nonconforming use is discontinued for more than 1 year, further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. “Discontinued” shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

17.08.30 DAMAGE TO A NONCONFORMING USE

If a structure with a nonconforming use is damaged by any means to an extent exceeding 80 percent of its most recent, pre-damage assessed valuation as indicated by the Clackamas County
Assessor’s office, any future development on the site shall conform to the requirements of the zoning district in which it is located.

**17.08.40 RECLASSIFICATION TO CONDITIONAL DEVELOPMENT**

Whenever a nonconforming use is classified as a use that may be permitted conditionally, it shall be reclassified as conforming upon receipt of an approved conditional use permit in accordance with Chapter 17.68.

**17.08.50 EXCEPTIONS**

A. **Multi-Family Dwellings, Office Uses, Automotive Fueling Stations, Car Washes, and retail auto dealerships in the C-1 zoning district.** (Ord. 2000-02 § 2000.)

1. Multi-family dwellings in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
2. Office uses in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
3. Automotive fueling stations and car washes in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
4. Retail auto dealerships in existence as of September 30, 1997 shall not be classified as nonconforming development. Redevelopment of the existing dealership shall require compliance with current landscaping, lighting and access requirements. Expansion of an existing dealership shall be permitted only on property contiguous to the existing auto dealership and in the same ownership as the auto dealership on the effective date of this ordinance. Expansion shall be processed as a conditional use permit. If the existing auto dealership building is proposed to be altered or if a new building is proposed to be constructed on the expansion property, the entire dealership shall be required to conform to current applicable criteria and standards in the Sandy Development Code. If the expansion is proposed to include only parking for the display of automobiles, landscaping, light standards and signage, only the expansion property shall be required to conform to current applicable criteria and standards in the Sandy Development Code. (Ord. 2000-02 § 2000.)

B. **Nonconforming Duplexes.** Where a duplex is a nonconforming building type in the zoning district where it is located and has been damaged as described in 17.08.30 above, a duplex may be reconstructed provided such reconstruction commences within 1 year of the damage and complies with required development standards.

C. **Nonconforming Lots of Record.** An existing lot of record may not meet the lot size requirements of the zoning district in which it is located. Such a lot may be occupied by a use permitted in the district. If, however, the lot is smaller than the size required in its district, residential use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the district. Also, other applicable requirements of the zoning district must be met.

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D. **Street and Drainageway Dedications.** The act of conveyance to or appropriation by the City for street, drainage or other public purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.

E. **Residential Uses.** Any residential dwelling permitted prior to adoption of this Code, but which is no longer allowed as a new use, may be modified or enlarged, provided it complies with required development standards of the district.

F. **Legally Required Alterations.** Alterations of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.
CHAPTER 17.10 - DEFINITIONS

17.10.00 INTENT

These definitions are intended to provide specific meanings for words and terms commonly used in zoning and land use regulations.

17.10.10 MEANING OF WORDS GENERALLY

All words and terms used in this Code have their commonly accepted, dictionary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicated to the contrary.

17.10.20 MEANING OF COMMON WORDS

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. The word “shall” is mandatory and the word “may” is permissive.

D. The word “building” includes the word “structure”.

E. The phrase “used for” includes the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

F. The word “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.

G. The word “person” may be taken for persons, associations, firms, partnerships or corporations.

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure. An “intent to resume” can be shown through continuous operation of a portion of the facility, maintenance of sewer, water and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

Abandonment, Discontinued Use: Discontinued use shall mean nonuse and shall not require a determination of the voluntary or involuntary use or intent to resume the use.

Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public
way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

**Access:** The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use or parking space.

**Accessory Dwelling Unit:** A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the main dwelling.

**Accessory Structure (Detached):** A structure that is clearly incidental to and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

**Accessory Structure Example**

**Accessory Structure (Attached):** A structure that is clearly incidental to and subordinate to the main use of the property; attached to the principal structure by the wall or roof of the latter or by the roof over a breezeway connecting the accessory and principal structures.

**Accessory Use:** A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

**Acre, Gross:** Gross acre means an acre area of land, which includes in its measurement public streets or other areas to be dedicated or reserved for public use.

**Acre, Net:** Net acre means an acre area of land, which does not include in its measurement public streets or other areas to be dedicated or reserved for public use.

**Activate (as in “activate wall”):** Make the exterior of a building inviting to pedestrians through a combination of elements, such as an enhanced customer entrance, weather protecting features (such as canopies or awnings), pedestrian-scale signage, and transparent windows allowing for views into and from interior building spaces.

**Actual Construction:** The placing of construction materials in permanent position and fastened in a permanent manner.
Adjacent Lot: Adjacent means the same as abutting lot.

AE Zone (floodway): Area of special flood hazard with water surface elevations determined as depicted on the FIRM.

Affordable Housing: Housing for households with incomes at or below the Clackamas County median, as determined by the U.S. Department of Housing and Urban Development (HUD), on the assumption that these households do not spend more than 30 percent of their income for housing costs. Housing costs for renters include rent and heating. Housing cost for homeowners includes principal on the mortgage plus interest, taxes, insurance, and heating. Note: Median income figures depend upon the household size assumed. These numbers are updated annually by HUD.

A-Frame building: A building with steeply angled sides that meet at the top of the building in the shape of an “A”; more than half of the two side elevations comprise the primary roof form.

After School Program: A program designed to provide care for and educational enhancement to children immediately following school release.

Agriculture: Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, and poultry for commercial use; does not include processing, slaughtering, large scale poultry raising, commercial forestry and similar uses.

Aisle: The driving portion of the parking area. The aisle provides access to each space.

Alley: A public or private way permanently reserved as a means of access to abutting property, usually with principal access from another street.

Alteration: Any change, addition, or modification in construction or occupancy of an existing building or structure.

Amendment: A change in the wording, context, or substance of the Development Code, or a change in the zone boundaries or area district boundaries upon the zoning map.

Anchor space/store/building: The largest single use, or the largest space designed for a single store or use, on a site.

Ancillary structure/store/building: An accessory structure, store, or building. See also, Accessory Use

Angled: Any parking space that is not parallel to the curb or driving aisle.

Apartment: A dwelling unit, which is located within a multi-family dwelling but excluding condominiums. (Multi-family dwelling is defined under Building Types.)

Appeal, floodplain: A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.
**Application:** For purposes of this Code, application is defined as documents and materials submitted or to be submitted to the city.

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

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

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

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

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

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

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

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

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

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

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Berm Example
**Big-box, or Large-Format Commercial/Industrial:** Any single building containing more than 30,000 square feet of gross floor area in the C-1 zone, or greater than 60,000 square feet of gross floor area in any other commercial or industrial zone.

**Block:** A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainage ways, or unsubdivided land.

**Boarding, Lodging or Rooming House:** An establishment with lodging for not less than five persons nor more than 10 persons not including members of the owner-occupant or tenant-occupant family, other than a hotel or motel, where lodging, with or without meals, is provided.

**Bond:** Any form of security (including a cash deposit, surety bond, collateral, property, or instrument of credit) in an amount and form satisfactory to the City.

**Breezeway:** A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

**Buffer:** A combination of physical space and vertical elements, such as plants, berms, fences or walls, designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, generally reduce impacts of adjacent development, or separate and screen incompatible land uses from each other.

![Buffer Example](image)

**Building:** Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind. If within an Area of Special Flood Hazard then the definition of “Structure” provided in Chapter 17.10 shall apply.

**Building Types:**

A. **Nonresidential:** That group of building types comprising the following:

1. **Detached:** A single main building, freestanding and structurally separated from other buildings.
2. **Attached:** Two or more main buildings placed side by side so that some structural parts are touching one another.

B. **Residential:** That group of building types comprising the following:

1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.

2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.

3. **Duplex:** A dwelling containing two independent dwelling units.
4. **Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.

5. **Attached (Row House):** More than 2 dwelling units located on separate lots placed side by side but sharing some structural parts at a common property line.

6. **Multi-Family Dwelling:** At least 3 dwelling units in any vertical or horizontal arrangement, located on a lot or development site. An existing dwelling may be utilized as part of a multi-family dwelling when redevelopment of the site occurs and does not have to be attached to another structure.

7. **Manufactured Dwelling Park:** A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.
C. The following commonly used terms are not considered building types for purposes of this Code.

1. **Cluster:** An arrangement of building types designed to retain open space areas equal to or greater than the cumulative total open space areas normally required and maintaining the permitted gross density of a site.

2. **Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

**Building Envelope:** That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

**Building Height:** See Height of Buildings definition.

**Building Line:** A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum or maximum distance as prescribed by this Code between the property line abutting a street and the closest point of the foundation of any building or structure related thereto. Building line means a line established by this title to govern the placement of a building with respect to the front lot line through the setback requirements of a minimum front yard. A building line is ordinarily parallel to the front lot line and at a distance in accordance with the setback requirement.

**Bulk Plant:** An establishment where commodities, including both liquids and solids, are received by pipelines, tank car, tank vehicle, or other container, and are stored or blended in bulk for the purpose of distribution by pipeline, tank car, tank vehicle or container.

**Carport:** A stationary-roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

**Cemetery:** Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

**Change of Zone:** The legislative act of rezoning one or more lots or parcels

**Church:** An institution that people regularly attend to participate in or hold religious services, meetings and other activities.

**City:** The City of Sandy, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of the City.

**Civic Space:** A public or quasi-public gathering space, such as a plaza, square, outdoor seating area, bus waiting area, garden, fountain, sculpture or public art display, or similar space, oriented to pedestrians and connecting one or more developments to the adjacent streetscape.
**Civic Space Example**

**Clinic:** A building or portion of a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities, including medical, dental and psychiatric services.

**Commercial Day Care Facility:** Any business other than a family day care home providing adult supervision for children or adolescents.

**Commission:** The Planning Commission.

**Common Open Space:** An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

**Comprehensive Plan:** The comprehensive development plan for the City of Sandy, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development or redevelopment of the city.

**Community Service Use:** A community use, including but not limited to, schools, churches, community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings.

**Concrete Form:** A method of concrete construction where members are cast horizontally near their eventual location and integrate textures or patterns replicating other materials.

**Conditional Use:** A use that would not be generally appropriate within a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare.

**Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

**Congregate Housing:** A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located.
shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

**Conservation Easement:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.

**Consolidation:** The elimination of a property line or lines of unplatted land to create a single unit of land where more than one unit previously existed.

**Contiguous:** The same as abutting.

**Cooperative:** A group or association which has taken a deed or lease to property and which issues stock upon which the tenant’s rights to proprietary leases are based. The stock, or other evidence of interest in the cooperative corporation or association, shall be purchased by persons who are tenants in the occupancy of at least 80% of the accommodations in the structure and are entitled by reason of such ownership to proprietary leases of such accommodations.

**Critical Facilities (floodway):** Hospitals, fire stations, police stations, storage of critical records, and similar facilities.

**Cross-gable:** Where one gable-ending roof intersects another gable-ending roof. (See graphic below.)

![Gables (cross-gables) Example](image)

**Curtain windows (flush glazing):** Preassembled wall units or continuous window glazing providing a flush surface; windows may be separated by metal framing members which may be set entirely behind the glass panes or units. This type of glazing does not allow for the division of windows into small panes with trim.

**Day Care Facility:** A child care facility certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed other than a single family dwelling. Also known as a “Certified Child Care Center” as defined in OAR 414, Division 300.

**Day Care, Family:** Baby-sitting, care of 12 or fewer children, including resident family members, as accessory to any residential use regardless of full-time or part-time status. Family day care is subject to the definition of home business.

Revised by Ordinance 2019-01 effective 1/07/19
Day(s): Shall mean calendar days unless working days are specified.

Density, Gross: The number of residential dwelling units per gross acre of land

Density, Net: The number of dwelling units per net acre (based on the total area of the parcel) excluding areas dedicated for public use.

Density Transfer Receiving Areas: Unconstrained buildable land on the same site as land that is partially covered by the FSH overlay zone. Density may be transferred from constrained and unbuildable land to buildable density transfer receiving areas as prescribed in Chapter 17.60.120.

Detached: A single main building, freestanding and structurally separated from other buildings.

Detention, Stormwater: The release of surface and stormwater runoff from a site at a slower rate than it is collected by the drainage facility system, the difference being held in temporary storage.

Detention Facility, Stormwater: A facility that collects water from developed areas and releases it at a slower rate than it enters the collection systems.

Developer: The owners of property or their agents or contractors, or their successors or assigns, who have undertaken or are proposing development.

Development Site: A legally established lot or parcel of land occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this Code and having frontage upon a street.

Development: Any man-made change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, compaction, paving, excavation or drilling operations, storage of equipment or materials, stream alteration or channeling, vegetation removal or other similar activities.

Director: Planning and Development Director of the City of Sandy, or the Director’s official designee, with responsibility for administration of this Code.

District: A land use area or zone established by this title for the designated intent.

Drainageway: A natural or artificial watercourse, including adjacent riparian vegetation, that has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Drip line (of a tree): A line projected to the ground delineating the outermost extent of foliage in all directions.

Drive-in Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.
Dwelling Unit: An independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and rooming and boarding units, which are used primarily for transient tenancy, shall not be considered as dwelling units.

Easement: A right that a person has to use someone’s land for a specific purpose such as for access or for utilities.

Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

Erosion: Detachment and movement of soil, rock fragments, refuse, or any other material, organic or inorganic.

Established Grade: The curb line grade established by the City.

Excavation: The process of altering the natural (grade) elevation by cutting and/or filling the earth or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

Facing (Building Elevation): A building elevation that is typically parallel and adjacent to a public street or civic space.

Family: Any number of individuals living together in a dwelling unit related by blood, marriage, legal adoption or guardianship; or a group of not more than 5 persons all or part of whom are not so related by blood or marriage living together as a single housekeeping unit in a dwelling unit.

Revised by Ordinance 2019-01 effective 1/07/19
**Fast-Food Restaurant** – This type of restaurant is characterized by a large carryout clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service.

**Fence:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

**Fence, Sight-obscuring:** A fence or evergreen planting of such density and so arranged as to obstruct vision.

**Fill:** Placement of any soil, sand, gravel, clay, mud, debris, refuse, or any other material, organic or inorganic.

**Finished Grade (ground level):** The average of finished ground levels at the center of all walls of the building unless otherwise specified.

**Flag Lot:** A lot that has access to a public right-of-way by means of a narrow strip of land.

![Flag Lot Example]

**Flood or Flooding:** (A) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation of runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source. See “Flood or Flooding.” The lowland and relatively flat areas adjoining inland waters including, at a minimum, that area identified as the Area of Special Flood Hazard.

**Flood-proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Flood, Slope and Hazard Areas (FSH):**

- **Buildable Areas:** Accessible lands of less than 25% slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).

- **Restricted Development Areas:** As shown on the City of Sandy Zoning Map including:
  1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
  2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
  3. Required setback areas as defined in section 17.60.30.

**Floodway (Regulatory Floodway):** The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway:** The channel of a river or stream and those portions of the adjoining floodplains required to carry and discharge the base flood flow.

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**Floodway Example**

Revised by Ordinance 2019-01 effective 1/07/19
**Floor Area:** The sum of the area of several floors of a building including areas used for human occupancy. It does not include cellars, unenclosed porches, or attics not designed for human occupancy, or any floor space in any accessory building or any interior building parking areas, exclusive of vent shafts.

**Floor, Habitable:** A floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination of the above. A floor used only for storage or parking is not a “habitable floor.”

**Foster Home, Adult:** Any family home or facility in which residential care is provided for 5 or fewer adults who are not related to the provider by blood or marriage.

**Frontage:** That portion of a development site that abuts a public or private street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under “yards” in the definition section.

**Flood and Slope Hazard (FSH) Overlay District:** An overlay zoning district defining water quality, flood, and slope hazard areas within the City identified on the City of Sandy Zoning Map.

**Gabled roof:** The generally triangular portion of a wall between the lines of a sloping roof. The shape of the gable and how it is detailed depends on the structural system being used (which is often related to climate and materials) and aesthetic concerns. The City of Sandy requires minimum roof pitch on some buildings which supports the use of gables.

**Garage, Private:** A portion of a main building or an accessory building, shelter or carport used for the parking or temporary storage of private automobiles, trailers, mobile homes, boats or other vehicles owned or used by occupants of the main building.

**Garage, Public:** A building designed and used for the storage, care, or repair of motor vehicles, including both minor and major mechanical overhauling, paint, and body work or where such vehicles are parked or stored for compensation, hire or sale.

**Grade:** Given in reference to the slope of land or in reference to construction: is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

**Gross Area:** The total usable area including accessory space dedicated to such things as streets, easements and uses out of character with the principal use, but within a unit of area being measured.

**Ground floor:** The floor of a building that is at or nearest the ground level.

**Ground floor elevation:** The elevation of a building that is at or nearest the ground level measured from the ground to a point 12-feet above the ground. (This definition is used to measure the ground floor area subject to window requirements in Chapter 17.90).
**Group Care Home**: A home or residential institution maintained and operated for the supervision, care or training of physically, mentally, or socially handicapped persons, but not including foster homes or detention facilities.

**Grove**: A stand of three or more trees of the same species or mix, which form a visual and biological unit.

**Guest House**: An accessory, detached dwelling without kitchen facilities, designed for and used to house transient visitors or guests of the occupants of the main building without compensation.

**Half-story**: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than 5 feet above the top floor level. A half-story containing one or more dwelling units shall be counted as a full story.

**Half-Street improvement**: A ½ street improvement includes curb and pavement 2 feet beyond the centerline of the right-of-way. A ¾ street improvement includes curbs on both sides of the street and full pavement between curb faces.

**Health/Recreation Facility**: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

**Hearing Authority**: The City Council, Planning Commission or an agency or officer of the Council designated by this Code to conduct public hearings prior to acting on applications for development.

**Heavy timber**: Exposed timber framing or detailing consisting of larger wooden members, commonly with dimensions in the range of 6" to 12", as opposed to common wood framing which uses many more timbers with dimensions usually in the 2" to 10" range. The methods of fastening the frame members also differ; in conventional framing the members are joined using nails or other mechanical fasteners while timber framing uses mortice and tenon (wood joint) or metal fasteners.

**Height of Buildings**: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item “A” above is more than 10 feet above lowest grade.
High-Turnover Sit Down Restaurant – This type of restaurant consists of a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. This restaurant type is different than fast-food and quality restaurants as defined in the Institute of Transportation Engineers, Trip Generation manual.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hipped roof. A type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope. Thus it is a roof with no gables or other vertical sides to the roof. A square hip roof is shaped like a pyramid. Hip roofs on rectangular houses will have two triangular sides and two trapezoidal ones. Hip roofs often have dormers. Where two hipped (“h”) roof forms adjoin, the edge is called a valley (“v”). See graphic.

Historic Resource Alteration: Historic resource alteration means the change, addition, removal, physical modification or repair, which affects the exterior appearance of a landmark, excluding, however, routine maintenance and painting.

Historic Resource Alteration, Major: Means exterior alteration, which is not a minor alteration.

Historic Resource Alteration, Minor: Means exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or duplicates or
restores the affected exterior features and material as determined from historic photos, building plan or other evidence or original features or material.

**Historic Structure (Area of Special Flood Hazard):** Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior or
   2. Directly by the Secretary of the Interior in states without approved programs.

**Home Business:** A lawful commercial activity commonly carried on within a dwelling or attached or detached accessory structure.

**Homeowners Association:** An incorporated, nonprofit organization operating under recorded land agreements through which a) each lot owner of a planned development or other described land area is automatically a member; and b) subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property.

**Hospital:** An establishment, which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service.

**Hotel:** A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

**Household:** A domestic establishment including a member or members of a family and/or others living under the same roof.

**Hydrodynamic Load:** Force of water in motion.

**Hydrostatic Load:** Force of water at rest.

**Impervious Surface:** Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious area shall include graveled driveways and parking areas.
Impervious Surface Example

**Irrigation System:** Method of supplying water (which can be manually or mechanically controlled) to a needed area.

**Junkyard:** An area used for the dismantling, storage or handling in any manner of junked vehicles or other machinery, or for the purpose of storage of dismantled material, junk and scrap, and/or where wastes and used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles, if such activity is not incidental to the principal use of the same lot.

**Kennel:** Any premises or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation or sale.

**Kitchen:** Any room used, intended or designed for preparation and storage of food, including any room having a sink and provision for a range or stove.

**Land Area, Net:** That land area remaining after all area covered by impervious surfaces has been excluded (subtracted).

**Land Division:** Land divided to create legally separate parcels in one of the following ways:

A. **Partition:** A division of land that creates three or fewer lots within a calendar year when such parcel exists as a unit or contiguous units of land under single ownership at the beginning of the year. See also, “Replat, Minor.”

A partition does not include division of land resulting from any of the following:

1. Establishment or modifications of a “tax lot” by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots;
3. An adjustment of a property line by relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable development district criteria established by this Code;
4. Sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or
right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See “Property Line Adjustment.”

**B. Subdivision:** Division of an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. See also, “Replat, Major.”

**Land, Intensity of:** Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

**Land, Parcel of:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established. Also, a unit of land created by a partition.

**Landscape Management Corridor:** The required yards abutting Highway 26 within the C-2, I-I and I-2 zoning districts where the Development Code requires native conifer and deciduous landscaping, creating the appearance of a forested corridor; openings or breaks in the landscape corridor are minimized, allowing for transportation access and framed views into development sites.

**Landscaping:** The arrangement of trees, grass, bushes, shrubs, flowers, gardens, fountains, patios, decks, outdoor furniture, and paving materials in a yard space. It does not include the placing or installation of artificial plant materials.

**Legislative Decision:** Involves formulation of policy and as such, it is characteristic of the actions by a city council. *Ex-parte* contact requirements are not applicable to legislative hearings. Personal notice to citizens advising them of proposed changes is not required in most cases, although the Sandy Development Code specifies that in some cases notice shall be mailed to property owners if a decision will change the land-use designation. In general, the burden of being informed rests on the citizen. (See definition for “Limited Land Use Decision” and “Quasi-judicial Decision”.)

**Lien Foreclosure:** A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

**Limited Land Use Decision:** A land use decision made by staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.015.

**Loading Space:** An off-street space within a building or on the same lot with a building for the temporary parking of commercial vehicles or trucks while loading or unloading merchandise or materials and which space has direct access to a street.

**Lot Area:** The total horizontal area within the lot lines of a lot.

**Lot, Corner:** A lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.
Lot Corner Example

**Lot Coverage:** Unless otherwise noted in a zoning district, percent of a development site covered, including all gravel and paved surface areas and areas encompassed by buildings.

**Lot Depth:** The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot, Interior:** A lot other than a corner lot having frontage on only one street.

**Lot Line:** The property line bounding a lot.

**Lot Line, Front:** In the case of an interior lot, a property line that abuts the street. In the case of a corner lot, the front line shall be determined by orientation of the structure based on at least two of the following factors: location of the front door, location of the driveway, or legal street address.

**Lot Line, Side:** Any lot boundary not a front or rear lot line (see figure under “Lot Line, Rear”).

**Lot Line, Rear:** The recorded lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or lot with more than four sides, however, the rear lot line shall mean a straight line 10 feet in length that: a) is parallel to the front lot line or its chord and, b) intersects the other lot lines at points most distant from the front line (see figure below).
Rear Lot Line Example

**Lot of Record:** A lot or parcel created through applicable land division regulations before adoption of this Code.

**Lot, Reversed Corner:** A corner lot whose rear line borders the side yard of another lot, whether or not separated by an alley.

**Lot, Tax:** One parcel of real property shown on the County Assessor’s map, and identified by a tax lot number. A tax lot may not necessarily be a lot of record.

**Lot, Through:** A lot of record whose front and rear lot lines both abut streets.

**Lot Width:** The horizontal distance between the midpoints of the side lot lines.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including a “Basement”). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor if the building falls within the “Area of Special Flood Hazard,” provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Mansard roof:** A style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water. This form may accommodate an additional building story. Often the decorative potential of the Mansard is expressed through the use of convex or concave curvature and with elaborate dormer window surrounds.
Manufactured Dwelling Park (also Mobile Home Park or Trailer Park): A parcel (or contiguous parcels) of land with two or more manufactured dwelling lots for rent or sale. A parcel under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes. Manufactured home park means a privately owned place where four or more manufactured homes, mobile homes, or any combination of the above, used for human occupancy are placed on a lot, tract of parcel of land under the same ownership.

Manufactured Dwelling: A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standard and constructed for movement on public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is used for residential purposes and was constructed, and met the requirements of federal manufactured housing construction and safety standards and regulations in effect at the time of construction. All manufactured homes are to meet the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended on August 22, 1981, consistent with HB 2863 Oregon Laws, 1989, and current Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards as embodied in the most recent Federal Register. Within a “Special Flood Hazard Area” a manufactured dwelling shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle.”

Manufactured Dwelling Space: Any portion of a manufactured dwelling park (See “Manufactured Dwelling Park”) which is designated or used for occupancy of one manufactured home or mobile home, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking.

Manufactured Dwelling Stand: That portion of the manufactured home space reserved for the location of the manufactured home or mobile home.

Marijuana Dispensary: Those facilities registered and/or licensed by the state of Oregon as medical marijuana dispensaries and marijuana retailers.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.
Medical Facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients or animals including clinic, hospital, and laboratory, but excluding medical marijuana facility, as authorized by state law.

Medical Marijuana Grow Site: Those facilities defined, registered and/or licensed by Oregon Health Authority to grow medical marijuana for more than one registered medical marijuana cardholder.

Mini-storage Facility: A building or buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home: A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon’s mobile home laws in effect between January 1, 1962 and June 15, 1976 which met the construction requirements of Oregon Mobile Home Law in effect at the time of construction and which exhibits an Oregon Department of Commerce Insignia of Compliance that indicates conformance with U.S. Department of Housing and Urban Development, HUD, standards.

Modular Structure: A structure not built on-site, but which is placed on a permanent foundation and meets the State Building Code standards.

Motel: A building or group of buildings on the same lot designed or used primarily for providing sleeping accommodations for automobile travelers and providing automobile parking conveniently located on the premises.

National Geodetic Vertical Datum: An elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

New Construction (Area of Special Flood Hazard): For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Development: A lawful existing structure or use that does not conform to requirements of the district, but which was already in existence on the effective date of this Code or any amendment to it became effective.

Notice of Decision: A written communication that specifies the action of a hearing authority or Director concerning a development proposal.

Nuisance: Activity or use that is annoying, unpleasant or obnoxious.

Nursing Home: Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four hours for six or more ill or infirm patients not related to the nursing home administrator or owner.
Office: A place where the following civic and commercial uses are conducted: Administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

On the Record: Refers to review by the Planning Commission or City Council based on written submissions received by the Director or at the hearing and/or review of a non-verbatim transcript of the prior proceedings and decision. If requested, the Planning Commission or City Council shall allow the applicant and/or appellant to present an oral summary of the evidence and Code sections that support their position. No new evidence shall be allowed. The Planning Commission or City Council may allow further oral comments of a summary nature.

Open Space, Group: Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state. Group open spaces may include swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails but do not include off-street parking, maneuvering or loading areas or driveways.

Open Space, Private: Areas intended for the private use by residents of an individual dwelling unit, designed for outdoor living and recreation or the retention of an area in its natural state. Private open spaces may include patios and landscaped areas but does not include off-street parking, maneuvering, loading or delivery areas.

Order: Final disposition of a case. It can be affirmative, negative, injunctive, or declaratory in form. The grant, denial, or grant with conditions of an application for development is an order.

Other Marijuana Facility: Those facilities defined, registered and/or licensed by the state of Oregon including marijuana processing sites, marijuana producers, marijuana processors, marijuana wholesalers, and marijuana testing laboratories.

Overlay District: A development district created by ordinance in recognition of an area’s unique characteristics such as environmental or historic resources, natural hazards, or an identified need for redevelopment.

Overnight Lodging – A building or group of buildings designed and used primarily for overnight lodging. This definition includes hotels, motels, hostels, bed breakfast inns and similar uses.

Owner: The owner of record of real property as shown on the latest tax rolls of Clackamas County, or by the deed records of such county, or a person who is purchasing property under contract. In terms of violations and binding agreements between the city and owner, the owner shall also mean leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement or of violation of agreement or the provisions of this Code. Owner shall also mean authorized representative.

Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.
Parking area, Private: A privately owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this title and not open for use by the general public.

Parking area, Public: An area permanently available, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public which is open for use by the general public, either free or for remuneration. Public parking areas may include parking lots, which may be required by this title for retail customers, patrons, and clients.

Parking Bay: Rows of parking separated by an aisle. A parking bay may be single-loaded (parking on one side only) or double-loaded (on both sides).

Parking Space: Parking space means an area permanently available for the parking of an automobile.

**Typical Parking Area Example**

Participant: A person or entity that submitted written or oral comments in compliance with the time lines set in the procedure type, or at the public hearing. Merely signing a petition does not constitute participation.

Pedestrian-scale: The placement, proportioning, and detailing of building and site design elements resulting in an environment that is comfortable and inviting to pedestrians. Examples of elements that are regulated with the intent of creating pedestrian scale include, but are not limited to: pedestrian ways, parking facilities, street furnishings, civic spaces, building entrances, building articulation, divisions between first and second building stories, weather protecting canopies or awnings, transparent storefront windows, fences, walls, and landscape screening and buffering.

Percent of Slope: The ratio of vertical distance to horizontal distance (rise divided by run times 100). For example, a 1:4 slope (one-foot rise over a four foot run times 100) is a 25% slope.

Pergola: A structure forming a shaded walk or passageway. Pillars support cross beams and a sturdy open lattice, upon which woody vines are typically trained. It may also be part of a building, as protection for an open terrace or civic space.
Pergola Example

**Person:** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

**Planned Development:** A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in building siting, mixtures of building types and land uses, useable open spaces, and the preservation of significant natural features. Planned development means the proposed land development project as finally approved by the Planning Commission, and shall include a plat, all covenants, grants of easement, and other conditions relating to use, location and bulk of building, density of development, common open space and public facilities. The plan shall include such information as required by this zoning title.

**Plat:** Refers to a final subdivision plat, replat or partition plat.

**Plat, Partition:** A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

**Plat, Subdivision:** A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

**Portico:** A porch leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls.

**Practicable:** Capable of being effected, feasible.

**Preschool:** A facility providing care for children 36 months of age to school age that is primarily educational for four hours or less per day and where no preschool child is present at the facility for more than four hours per day.

**Primary structure/store/building:** The structure or building housing the largest use on a site, as determined by floor area, occupancy rating, trip generation, or similar criteria.

**Professional Office:** An office of a practitioner of an occupation or calling requiring the practice of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.

**Property Line Adjustment:** The relocation of a common property boundary where an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable development district regulation.

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**Public Facility**: Public facilities include, but are not limited to, sanitary sewer, water, storm drainage, street, communication, electrical and natural gas facilities necessary to support development. There are two types of public facilities:

- **Public Facility, Major**: Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.

- **Public Facility, Minor**: Minor utility structures (e.g., poles, lines, pipes); minor sewer, water and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas); and transportation improvements identified in the adopted Transportation System Plan.

**Quasi-judicial Decision**: Similar to a court proceeding where affected parties are afforded more procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission. Personal notice must be mailed to property owners and occupants living within a prescribed distance of the affected area. Unlike legislative decisions, Planning Commission members are expected to avoid outside discussion of the business at hand, and they must declare *ex parte* contacts. (See “Legislative Decision.”)

**Recreational Vehicle**: A vacation trailer or other vehicle or portable unit built on a single chassis, which is either self-propelled or towed or is carried by a motor vehicle and which is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Recreational Vehicle (Area of Special Flood Hazard)**: A vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recreational Vehicle Park**: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for recreational vehicles of the general public as temporary living quarters, for recreation or vacation purposes. An RV park is intended for use on a temporary basis by campers, vacationers, or travelers.
Remand: A remand shall be conducted in compliance with the procedure type issued by the decision maker upon its initial review of the application unless otherwise specified in the remand order.

Replat, Major: The reconfiguring of lots in a recorded subdivision plat that results in either the creation of 4 or more additional lots, deletion of 4 or more lots, or reconfiguring of 4 or more lots.

Replat, Minor: The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in 3 or fewer lots being created, deletion of 3 or fewer lots, or reconfiguring of 3 or fewer lots.

Reserve Strip: A narrow strip of land overlaying a dedicated street reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Required staff persons shall not be counted in the number of residents and need not be related to each other, the residents or the facility owner or operator. This definition includes adult foster homes. All exclusions set forth in ORS 443.715 are excluded from this definition.

Restaurant, Drive-In: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Restaurant, Fast Food: An establishment that offers quick food service of items already prepared and held for service, or prepared, fried, griddled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer’s table and food is generally served in disposable wrapping or containers.

Retention Facility: A facility to collect and hold stormwater runoff with no surface outflow.

Right-of-way: A public way dedicated for vehicular, bicycle or pedestrian use.
Right-of-way example

**Riparian Area:** The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

**Row House:** More than 2 units, often with 2 stories and with ground floor access, on individual lots.

**Rusticated:** A texture produced in ashlar (i.e., dressed stone work) masonry with deep cut 'V' or square joints to contrast with smooth masonry.

**Rusticated stone work example**

**Sandy Style:** An architectural style developed in the City of Sandy, Oregon that expresses elements of or reflects Cascadian Architecture by adapting appropriate elements of English Arts and Crafts Style (1900-1920) and Oregon Rustic Style (1915-1940) or similar elements.

**School:** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools.

**Sediment:** Any material that is in suspension, is being transported, or has been moved from its site of origin by water, wind, or gravity as a result of erosion.

**Senior Housing Complex:** A housing development designed for or occupied solely of persons over the age of sixty years.

**Service Building:** A structure in a manufactured (mobile) home or recreational vehicle park containing laundry, restrooms or showers, intended to serve the needs of the residents of the park.

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Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

Shed dormer: Often used in gable-roofed structures, a shed dormer has a single-planed roof, pitched (sloping away from the structure) at a shallower angle than the main roof.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Sidewalk Café: An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Site Plan Example

Site: The property subject to a development permit or erosion control plan.

Span (roof): The horizontal distance between the outside faces of bearing wall plates measured at the shortest dimension across the building.

Special Flood Hazard Area (SFHA): See “Area of Special Flood Hazard.”

Split-face concrete: Concrete masonry units or blocks with a split face, a technique that results in two blocks being manufactured as one unit and later split into two. This gives the blocks a rough face replicating the appearance of natural, quarried stone.
Standing seam: A raised joint or rib on a sheet of metal roofing; provides visual relief and may help manage rainwater and snow.

Start of Construction (Area of Special Flood Hazard): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stepped parapet: A parapet with breaks in elevation, usually in a symmetrical pattern, that provides visual relief along a building elevation and a transition between buildings of dissimilar height. May also screen rooftop equipment such as electrical and mechanical equipment.

Stockpile: On-site storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse or any other material, organic or inorganic, in a concentrated state.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above.

Stream Bank, Top Of: The land area immediately above and regularly confining a water body, including a stream, river or associated wetland. The bank has a notably steeper slope than the surrounding landscape. The “bankfull stage” means the stage or elevation at which water overflows the natural banks or streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull state. The first major break in the slope between the top of the bank at waterline and the surrounding landscape, shall be the "top of bank."
Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

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

A. Arterial Highways: These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.

B. Arterial Streets: These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas.

C. Residential Minor Arterial: A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. Paved width of 38 feet to 50 feet, minimum three-lane cross section, and may include on-street parking.

D. Collector Streets: These provide both access and circulation within residential neighborhoods and commercial/industrial areas.

E. Local Streets: The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged.

F. Cul-de-Sac: A local street with only one outlet and having a bulb at the opposite end.

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

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

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, repair, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “Substantial Damage,” regardless of the actual repair work performed.

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Director or his or her designee and which are the minimum necessary to assure safe living conditions; or

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2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Surface Water Management System:** All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainage ways, stream corridors, rivers, ponds, wetlands and impoundments. A surface or stormwater facility serves one or more of three primary functions:

- **Detention Facility:** A facility to temporarily store stormwater runoff and subsequently release it at a slower rate than would otherwise occur.

- **Retention Facility:** A facility to collect and hold stormwater runoff with no surface outflow.

- **Water Quality Facility:** A facility, which physically, chemically or biologically removes pollutants and sediments from stormwater before reaching natural wetlands or streams.

**T1-11 Siding:** A composite panel (plywood) siding material with vertical grooves used extensively in the 1980s; prone to dry rot if not sealed and maintained properly.

**Temporary use:** A use, intended for limited duration, to be located in a zoning district not permitting such use and not constituting or continuing a nonconforming use or building.

**Trailer:** A structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962, and, in the case of a mobile home, met the construction requirements of Oregon Mobile Home Law in effect at the time of construction, but has not been demonstrated to conform to the requirements of the building code for other residences.

**Transfer of development rights:** The conveyance of development rights by deed, easement, or other legal instrument authorized by local or state law to another parcel of land and the recording of that conveyance.

**Tree:** Any living, standing woody plant having a trunk six inches or more in diameter, maximum cross section, at a point 24 inches above mean ground level at the base of the trunk.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**Use:** An activity or a purpose, for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

**Variance, Area:** A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a deviation from dimensional (i.e., height, bulk, yard, setbacks) requirements of the Code because of unusual or unique conditions.

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**Variance (Area of Special Flood Hazard):** A grant of relief by a community from the terms of a floodplain management regulation.

**Variance, Special:** A dispensation permitted for use of structures or buildings as a method of alleviating unnecessary hardship by allowing a reasonable use of a building or structure, which because of unusual or unique circumstances, is denied by the terms of the Code. This type of variance should not be utilized as a substitute for the rezoning process.

**Vegetation, Native:** Vegetation that appears on a list of native vegetation species on file in the Planning Department. In contrast to native vegetation, invasive, exotic or introduced vegetation was imported to Sandy over the last few centuries, and can crowd out native vegetation species.

**Vegetation Removal:** Removal of vegetation within constrained or unbuildable areas governed by the FSH Overlay District.

**Vehicle:** A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**Vicinity Map:** A drawing or diagram, to scale, showing the location of the proposed development in relation to abutting properties, major streets and other known landmarks.

**Violation (Area of Special Flood Hazard):** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Visible (Building Elevation):** A building elevation that can be seen from an abutting public street or civic space. See related figure for “Facing (Building Elevation)”

**Vision Clearance Area:** A triangular area located at the intersection of two streets or a street and an alley; two sides of which are measured from the curb line, or when curbs are absent from the edge of asphalt. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Chapter 17.74. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides.

**Vision Clearance Example**

Revised by Ordinance 2019-01 effective 1/07/19
Visual Obstruction: Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 3 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Warehousing and Distribution: A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage or materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Water Area: The area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

Water Quality: Water quality for any stream or wetland is measured in terms the Oregon Water Quality Index (OWQI). The higher the OWQI score, the higher the quality of the water. The OWQI considers the following parameters:

(a) water temperature;
(b) percentage and concentration of dissolved oxygen;
(c) biochemical oxygen demand;
(d) pH;
(e) total suspended solids;
(f) ammonia and nitrate nitrogens;
(g) total phosphorous; and
(h) fecal coliforms.

Water quality is degraded when the mean OWQI score for a stream or wetland decreases (or can be expected to decrease) below existing conditions as a result of development.

Wetland: Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar wet areas. Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Hydrophytic vegetation typically is adapted for life in saturated soils, and under normal circumstances would be found in wetlands.

Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

Wheel Stop: A physical obstruction used to prevent a car from moving beyond a predetermined point, usually installed on the pavement.

Yard: An open space unobstructed from the ground upward except as otherwise provided in this Code.

X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

Yard, Exterior Side: A yard extending from the front lot line to the rear lot line on the street side of a corner lot.
Side Yard (Exterior) Example

**Yard, Front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.

Front Yard Example

**Yard, Rear:** A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.

Rear Yard Example

**Yard, Side:** A yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear lot line. The width of the required side yard shall be measured horizontally form the nearest point of the side lot line to the nearest part of the main building.
Side Yard Example

**Zoning District:** An area of land within the Sandy City limits, designated for specific types of permitted developments, subject to the development requirements of that district.
CHAPTER 17.12 - PROCEDURES FOR DECISION MAKING

17.12.00 TYPES OF PROCEDURES FOR TAKING PUBLIC ACTION

Three separate procedures are established for processing quasi-judicial development applications (Types I, II, and III) and one procedure (Type IV) is established for processing both legislative public actions which do not involve land use permits or which require consideration of a plan amendment, land use regulation or city policies and quasi-judicial applications.

17.12.10 TYPE I – Administrative Review

Type I decisions are made by the Planning Director or someone he or she designates without public notice or a public hearing. The Type I procedure is used when applying standards and criteria to an application requires no use of discretion. A decision of the Director under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with Chapter 17.28.

Administrative Decision Requirements. The City Planning Official or designee’s decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

Type of Applications:

A. Design review for single-family dwellings, duplex dwellings, manufactured homes on individual lots, manufactured homes within MH parks, accessory dwellings and structures.
B. Design review for exterior building remodel or addition on a commercially or industrially zoned lot, where the proposed remodel or addition meets criteria in Section 17.90.40(A).
C. Adjustments less than 10% of a quantifiable dimension which does not increase density
D. Flood Slope and Hillside Development-Uses listed in 17.60.40 A.
E. Minor Alteration of an Historic Resource
F. Property Line Adjustments
G. Tree removal involving less than 50 trees
H. Type I FSH Review
I. Minor Partition (no new street created)
J. Administrative Variance

17.12.20 TYPE II – Noticed Administrative Review

Type II decisions are made by the Planning Director or designee with public notice, and an opportunity for a public hearing if appealed. An appeal of a Type II decision is heard by the Planning Commission according to the provisions of Chapter 17.28. Notification of a Type II decision is sent according to the requirements of Chapter 17.22. If the Director contemplates persons other than the applicant can be expected to question the application’s compliance with the Code, the Director may elevate an application to a Type III review.

Types of Applications:
A. Design Review, except Type I Design Reviews under 17.12.10(B) and Type III Design Reviews under 17.12.30.
B. Historic Preservation Provisions Procedures for Alteration of an Historic Resource
C. Adjustments & Variances of up to 20% of a Quantifiable Dimension which does not increase density
D. Subdivisions in compliance with all standards of the Development Code
E. Partitions and Minor Replats
F. Flood, Slope and Hillside Development and Density Transfer-Uses listed in 17.60.40
G. Request for Interpretation
H. Tree Removal Permit (greater than 50 trees)
I. Minor Conditional Use Permit

17.12.30 TYPE III

Type III decisions generally use discretionary approval criteria and are made by the Planning Commission after a public hearing, in accordance with the provisions of Chapter 17.20. Appeal of a Type III decision is heard by the City Council according to the provisions of Chapter 17.28. Notification of a Type III decision is sent according to the requirements in Chapter 17.22. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the standards in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, and to otherwise fulfill the criteria for approval. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the Final Order and other requirements of this Code.

Types of Applications:

A. Appeal of a Director’s decision
B. Conditional Use Permit
C. Design Review for projects on commercially or industrially zoned lots where the applicant has requested Type III Design Review or the Director has determined that the request involves one or more deviations from the design standards in Chapter 17.90.80 or 17.90.90 (C-1 Design Standards and C-2/I-1/I-2 Design Standards) and such deviation is not subject to an Adjustment or Variance process under 17.66.
D. Flood, Slope, and Hillside Development-Uses not listed in 17.50.60 A & B
E. Major Amendment to a Specific Area Plan
F. Special Variance
G. Subdivisions and Major Replats that are elevated by the Director or not in conformance with the Development Code
H. Variances greater than 20% of a quantifiable dimension or variances which increase density
I. Village Concept Plan and Village Master Plan
J. Zoning map amendment, where the proposal comprises one parcel (or multiple parcels covering a small area) and the proposed zoning conforms to the Comprehensive Plan Map.

17.12.40 TYPE IV

Type IV decisions are usually legislative but may be quasi-judicial.
Type IV (Quasi-Judicial) procedures apply to individual properties. This type of application is generally considered initially by the Planning Commission with final decisions made by the City Council.

Type IV (Legislative) procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are typically considered first by the Planning Commission with final decisions made by the City Council. Occasionally, the Planning Commission will not consider a legislative matter prior to its consideration by the City Council.

Applications processed under a Type IV procedure involve a public hearing pursuant to the requirements of Chapter 17.20. Notification of this public hearing shall be noticed according to the requirements of Chapter 17.22 with appeal of a Type IV decision made to the state Land Use Board of Appeals according to the provisions of Chapter 17.28.

A. The City Council shall consider the recommendation of the Planning Commission and shall conduct a public hearing pursuant to Chapter 17.20. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.

B. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.

C. To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

D. Types of Applications
   1. Appeal of Planning Commission decision
   2. Comprehensive Plan text or map amendment
   3. Zoning District Map changes
   4. Planned Developments
   5. Village Specific Area Plan (master plan)
   6. Annexations
   7. Extension of City Services Outside the City Limits
   8. Vacating of Public Lands and Plats
   9. Zoning Map Overlay Districts

E. Timing of Requests. The City accepts legislative requests twice yearly, in March and September. The City Council may initiate its own legislative proposals at any time.
CHAPTER 17.14 - REQUEST FOR INTERPRETATION

17.14.00  INTENT

Property owners and developers often seek interpretations of the Development Code or Comprehensive Plan from the Director or other city staff persons. These interpretations may be “major” in that they apply to a large geographic area, for example, all properties within a given zoning district, or they may be “minor,” applying only to a specific site or area. Through the process identified in this chapter an applicant can obtain an official written interpretation from the City.

Requests for interpretation may be made for the following purposes:

A. Reconcile potential conflicts in the code where some terms or phrases may have two or more meanings.

B. Assure uniformity of Code and Comprehensive Plan interpretations through a formal process; and

C. Provide for a reasonable opportunity to appeal staff interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

17.14.10  APPLICATION REQUIREMENTS

Any person may file a request for interpretation of provisions of these regulations. Requests shall be in writing that is legible, reproducible and readily understood. The form of the request shall be as specified by the Director.

17.14.20  ACCEPTANCE OF APPLICATION

The Director shall review a request for interpretation within 10 working days to verify that the request meets the requirements specified above. If a request for interpretation does not meet the requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is “major” or “minor.”

17.14.30  PUBLIC NOTICE PRIOR TO MINOR INTERPRETATION DECISION

A. Once a request has been accepted for review, the Director shall notify affected parties that a request for a minor interpretation has been filed.

B. “Affected parties” shall mean any owner and occupants of property within 100 feet of the subject property and any other resident owner of property whom the Director determines is affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City whose boundaries include or are adjacent to the site.
C. The notice shall state that all comments concerning the interpretation must be in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
1. Street address or other easily understood geographical reference to the subject property;
2. Applicable criteria for decision;
3. Place, date and time comments are due;
4. Indicate that copies of all evidence relied upon by the applicant is available for review, and that copies can be obtained at cost;
5. Name and phone number of staff contact person;
6. Statement that notice of the decision shall be provided to the applicant and any person who submits comments;
7. An explanation of appeal rights;
8. A summary of the local decision making process.

17.14.40 STAFF EVALUATION

After accepting a request for an interpretation meeting the requirements specified above, the Director may route copies of the request to other City departments for comments or suggestions regarding the interpretation.

17.14.50 ACTION BY DIRECTOR

A. Within 30 calendar days after acceptance of a completed request for interpretation, the Director shall respond with a written interpretation. The Director shall clearly state the interpretation being issued and basis for such interpretation.

B. Interpretations by the Director are advisory only and do not bind the Planning Commission or City Council in making the final decisions.

C. The Director may modify previously issued interpretations if there are specific circumstances that warrant such modification.

17.14.60 NOTICE OF DECISION

A notice of decision and all applicable information shall be available in the Planning & Development office. Notification of the decision shall also be provided to the public in the following ways:

A. Major Interpretation: Where the Director finds that an interpretation applies to a large geographic area, for example, all properties within a given zoning district, notice of the decision shall be published in a newspaper of general circulation in Sandy that includes a statement of the decision and reasons leading to it, and appeal period deadline.

B. Minor Interpretation: Where the Director finds that an interpretation applies only to an individual site or small area of the City, the Director shall provide the applicant with a notice of decision that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of the decision shall also be mailed to persons who provided written comment on the mailed notice.

17.14.70 APPEALS
The decision of the Director may be appealed to the Planning Commission in accordance with Chapter 17.28-Appeals.

17.14.80 EFFECTIVE DATE

The decision of the Director shall become effective 10 days from the date that the notice of decision is published, unless an appeal is filed.

17.14.90 REGISTRY OF INTERPRETATIONS

A written record of the decision shall be kept on file with the Planning Department. As appropriate, interpretations will be incorporated into the Code through a code amendment.
CHAPTER 17.16 - AUTHORIZATION OF SIMILAR USES

17.16.00 INTENT

The intent of this section is to provide for those uses not specifically listed in commercial or industrial zoning districts but which are similar in character, scale and performance to permitted uses specified therein. Zoning districts in which a similar use may be authorized are:

- Central Business District C-1
- General Commercial C-2
- Village Commercial C-3
- Industrial Park I-1
- Light Industrial I-2
- Heavy Industrial I-3

17.16.10 SIMILAR USE TO A LISTED PERMITTED USE

This is processed as a Type I or Type II procedure as determined by the Director.

17.16.20 SIMILAR USE TO A LISTED CONDITIONAL USE

This is processed as a Type III procedure.

17.16.30 APPLICATION MATERIALS

A. An application for authorization of a similar use shall be filed with the Director and accompanied by the appropriate fee.

B. Narrative addressing the review criteria.

C. List of affected property owners

17.16.40 REVIEW CRITERIA

A similar use may be authorized provided that the applicant demonstrates that the proposed use satisfies the following criteria:

A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.

B. The use conforms to the applicable standards and limitations of the underlying zoning district.

17.16.50 CONDITIONS OF APPROVAL

In approving an application for a similar use, conditions may be imposed as necessary and appropriate to ensure that the intent of this section is carried out.

17.16.60 COMPLIANCE WITH CONDITIONS
Compliance with conditions imposed in approval of a similar use and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Code. Approval of any similar use may be revoked for failure to comply with any condition imposed in approval of the similar use or for any other violation of this Code.

17.16.70 INCORPORATION INTO THE DEVELOPMENT CODE

Upon authorization of use, either permitted or conditional, the use shall be incorporated into the Development Code during the next major update of the Code. Until this incorporation occurs, a list of similar uses shall be maintained at the City for use in reviewing development proposals.
CHAPTER 17.18 - PROCESSING APPLICATIONS

17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS

An application shall be processed under a Type I, II, III or IV procedure. The differences between the procedures are generally associated with the different nature of the decisions as described in Chapter 17.12.

When an application and proposed development is submitted, the Director shall determine the type of procedure the Code specifies for its processing and the potentially affected agencies.

If a development proposal requires an applicant to file a land use application with the city (e.g. a design review application) and if there is a question as to the appropriate procedure to guide review of the application (e.g. a Type II versus a Type III design review process), the question will be resolved in favor of the lower type number.

If a development proposal requires an applicant to file more than one land use application with the city (e.g. a design review application and a variance) and if the development code provides that the applications are to be reviewed under separate types of procedures (e.g. a Type II design review and a Type III variance):

- the Director will generally elevate all of the required applications to the highest number procedure for review (e.g. the Type II design review application would be reviewed by the Planning Commission along with the Type III variance).

In situations where an applicant has attended a pre-application conference and has reviewed the application with the Director prior to submitting the applications, the Director may exercise his/her discretion to review the Type II application(s) at the staff level and only schedule a public hearing for the Type III portion(s) of the development proposal.

17.18.10 COORDINATION OF PERMIT PROCEDURE

The Director shall be responsible for the coordination of the permit application and decision-making procedure and shall issue any necessary permits to an applicant whose application and proposed development is in compliance with the provisions of this Code. Sufficient information shall be submitted to resolve all determinations that require furnishing notice to persons other than the applicant. In the case of a Type II or Type III procedure, an applicant may defer submission of details demonstrating compliance with standards where such detail is not relevant to the approval under those procedures. Before issuing any permits, the Director shall be provided with the detail required to establish full compliance with the requirements of this Code.

17.18.20 PRE-APPLICATION CONFERENCE

A pre-application conference is required for all Type II, III, and IV applications unless the Director determines a conference is not needed. A request for a pre-application conference shall be made on the form provided by the city and will be scheduled following submittal of required materials and payment of fees. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise

Revised by Ordinance 2013-11 effective 12/18/13
identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director will provide the applicant with notes from the conference within 10 days of the conference. These notes may include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the applicable code sections and criteria that may apply to the application. Any opinion expressed by the Director or City staff during a pre-application conference regarding substantive provisions of the City’s code is advisory and is subject to change upon official review of the application.

17.18.30 LAND USE APPLICATION MATERIALS

Unless otherwise specified in this code, an application shall consist of the materials specified in this section, plus any other materials required by this Code.

A. A completed application form and payment of fees.

B. List and mailing labels of Affected Property Owners.

C. An explanation of intent, stating the nature of the proposed development, reasons for the request, pertinent background information, information required by the Development Code and other material that may have a bearing in determining the action to be taken.

D. Proof that the property affected by the application is in the exclusive ownership of the applicant, that the applicant has the consent of all parties in ownership of the affected property, or the applicant is the contractual owner.

E. Legal description of the property affected by the application.

F. Written narrative addressing applicable code chapters and approval criteria.

G. Vicinity Map showing site in relation to local and collector streets, plus any other significant features in the nearby area.

F. Site plan of proposed development

G. Number of Copies to be Submitted:
   1. One copy of items A through D listed above;
   2. Type I: 2 copies of site plan and other materials required by the Code.
   3. Type II: 8 copies of site plan and other materials required by the Code
   4. Type III: 15 copies of site plan and other materials required by the Code
   5. Type IV 20 copies of site plan and other materials required by the Code

The Director may vary the quantity of materials to be submitted as deemed necessary.

17.18.40 APPLICATION ACCEPTANCE AND COMPLETENESS REVIEW

A. Acceptance. When an application is received by the City, the Director or designee shall determine whether the following essential items are present. If the following items are not present, the application shall not be accepted by the City and it shall be returned to the applicant;
1. The required form;
2. The required fee;
3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

B. Completeness Review. After an application is accepted, the Director or designee shall review the application for completeness. If the application is incomplete, the Director or designee shall notify the applicant in writing of what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

C. Application deemed complete for review. In accordance with the application submittal requirements, the application shall be deemed complete upon the receipt by the Director or designee of:

(1) All of the missing information identified by the Director; or
(2) Some of the missing information and written notice that no other information will be provided to the City; or
(3) Written notice that none of the missing information will be provided to the City.

D. Application void. On the 181st day after first being submitted, the application is void if the Director has notified the applicant of missing information and the applicant has not responded as described in subsection C (1) – (3) above.

17.18.50 REFERRAL AND REVIEW OF APPLICATIONS

Within 10 working days of accepting an application as complete, the Director shall:

A. Transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment, including those responsible for determination of compliance with state and federal requirements.

B. If a Type II, III or IV procedure is required, provide for notice and hearing as set forth in Chapters 17.20 and 17.22.

17.18.60 STAFF EVALUATION

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria.

17.18.70 TYPE II DEVELOPMENT DECISION

A. Within 60 days of the date of accepting an application, the Director shall grant or deny the request. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies and affected property owners, and approvals required by others. After the decision is made, the Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 17.28.
B. The Director shall approve a development if he finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this Code.

C. The Director shall deny the development if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.

17.18.80 TYPE III OR IV DECISION

The Director shall schedule a public hearing in accordance with procedures listed in Chapter 17.20.

17.18.90 REAPPLICATION FOLLOWING DENIAL

Upon final denial of a development proposal or a denial of an annexation request by the City Council or the voters, a new application for the same development or any portion thereof or the same annexation or any portion thereof may not be heard for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original of a similar proposal, the Director may waive the one-year waiting period.

17.18.100 LEGISLATIVE ENACTMENTS NOT RESTRICTED

Nothing in Chapter 17 shall limit the authority of the City Council to make changes in zoning districts or requirements as part of some more extensive revision of the Comprehensive Plan or the implementing ordinances. Nothing in this article shall relieve a use or development from compliance with other applicable laws.

17.18.110 EXPEDITED LAND DIVISION

A land division shall be processed pursuant to the expedited land division procedures set forth in ORS Chapter 197 if (a) the land division qualifies as an expedited land division as that term is defined in ORS Chapter 197 and (b) the applicant requests the land division to be processed as an expedited land division.

17.18.120 120-DAY RULE; TIME COMPUTATION

Final Decision. Except as allowed for Type IV decisions and applications subject to Section 17.18.110, a land use decision on a “permit” as that term is defined in state law must be finalized, including resolution of any local appeal by the City Council, no later than 120 days from the date the application is deemed complete, unless the applicant requests an extension in writing.

Time Computation. In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the specified period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, including a holiday falling on Sunday, in which event, the period runs until close of business the next day which is not a Saturday, Sunday, or legal holiday.
CHAPTER 17.20 - PUBLIC HEARINGS

17.20.00 BACKGROUND

The following procedures are established for the conduct of legislative and quasi-judicial public hearings where such hearings are required by the provisions of this Code. In the event that this Code and a specific provision of State law address the same subject, then the requirement of State law shall be fulfilled in lieu of the procedure provided by this Code.

17.20.10 PURPOSE

A. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and

B. Provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.

17.20.20 DETERMINATION OF HEARING TYPE

Within 7 days from the date of the Director’s request, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. Such decision shall be based upon a construction of applicable State regulations and relevant court decisions.

When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications (Type II and Type III) may be heard by the Planning Commission at the same meeting.

17.20.30 RESPONSIBILITY OF DIRECTOR FOR HEARINGS

A. Schedule and assign the matter for review and hearing;

B. Conduct the correspondence of the hearing body;

C. Give notice;

D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body;

E. Prepare minutes to include the decision on the matter heard and the reasons for the decision;

F. Reduce the decisions of the hearings body to writing within a reasonable time;

G. Mail a copy of the decision to the party requesting the same upon payment of a reasonable fee, if a fee has been established.

17.20.40 APPLICANT’S RESPONSIBILITY
A. **Documents and Evidence.** All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. All documents and evidence should be submitted at least 20 days in advance of the public hearing. If the applicant submits additional information, any party with standing may request that the scheduled public hearing be postponed to allow opportunity for noticed persons to review and comment.

B. **Burden and Nature of Proof.** Except for legislative determinations, the burden of proof is upon the applicant. The proposal must be supported by proof that it conforms to any applicable elements of the Comprehensive Plan and to provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

C. **Neighborhood Meetings.** Applicants intending to develop a major project within the City are strongly urged to conduct their own informational meetings in the neighborhood affected prior to submitting their application to the City.

**17.20.50 PUBLIC HEARING ORDER OF PROCEEDINGS**

A. The presiding officer shall state the case and call the public hearing to order. The presiding officer may establish the time allowed for presentation of information;

B. Any objections on jurisdictional grounds shall be noted in the record. If there is objection, the person presiding has the discretion to proceed or terminate;

C. Disqualification shall be determined. Members shall announce all potential conflicts of interest;

D. Declaration of Ex Parte Contacts. Members of the hearing body may view the area in dispute with or without notification to the parties, shall place the time, manner and circumstances of such view in the record;

E. At the commencement of a hearing under a Comprehensive Plan or land use regulation, a statement shall be made to those in attendance that:
   1. Lists the applicable substantive criteria;
   2. States that testimony and evidence must be directed toward the criteria in the Plan or land use regulations which the person believes to apply to the decision; and
   3. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Council based on that issue.

F. Staff reports shall be presented. City staff may also present additional information whenever allowed by the presiding officer during the proceedings;

E. Presentation of information or inquiries by the applicant or applicant’s representative(s);

F. Presentation of information or inquiries by those persons who support the proposed action;

G. Presentation of information or inquiries by those persons who oppose the proposed action;
H. Presentation of information or inquiries by those persons who do not necessarily support or oppose the proposed action;

I. Persons who have testified supporting or opposing the proposed change may present rebuttal testimony. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant’s representative followed by those opposed to the proposed change shall first present rebuttal. The presiding officer shall limit rebuttal to avoid repetition and redundancy;

J. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission or City Council, as applicable, shall grant such request by either continuing the public hearing or leaving the record open for additional written evidence or testimony. A continuance or extension granted pursuant to this subsection shall be subject to the limitations of ORS 227.178 unless the continuance or extension is requested or agreed to by the applicant. A party other than the applicant has the right to request only one extension and this right is waived if it is not raised at the initial evidentiary hearing;

K. If the Planning Commission or City Council grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence;

L. If requested by any participant in the initial hearing, when the public hearing is not to be continued, the record shall remain open for submittal of additional written testimony for a period of 7 days after the close of the hearing and may be permitted for a longer period at the discretion of the hearing authority. If the Planning Commission or City Council leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period that the record is left open. If such a request is filed, the Planning Commission or City Council shall reopen the record pursuant to this section;

M. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided;

N. Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence.

O. If the hearing is closed, it shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:
   1. There is evidence that was not reasonably available at the time of the hearing;
   2. Evidence is now available to the person seeking to reopen the hearing; and
   3. The evidence is factual, substantial, and material.
P. When the Planning Commission or City Council reopens a record to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or criteria for decision-making, which apply to the matter at issue.

Q. The above requirements generally refer to quasi-judicial hearings. Except as may be necessary under state law, these requirements do not apply to legislative hearings.

17.20.60 ACTION BY HEARING AUTHORITY

A. Following the hearing procedure, the hearing body shall approve or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal. If the applicant requests or assents to an extension, the 120-day rule is tolled for the duration of the extension. Processing of a matter under consideration may be extended for a reasonable period of time by the applicant but the total of all extensions may not exceed 245 days.

B. If a quorum of the hearing authority does not appear for a hearing, the hearing shall automatically be continued to the date and time of the next regularly scheduled meeting;

C. The hearing body or its designee shall approve findings of fact to include:

1. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards;
2. Findings and conclusions individually numbered. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved;
3. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards;
4. The decision to deny or approve the proposed change with or without conditions;

All parties shall be encouraged to prepare and submit written findings for the consideration of the hearing authority. The authority may direct staff to prepare proposed findings or, in the event that the authority does not follow staff’s recommendation, the prevailing party may be directed to prepare findings.

17.20.70 NOTICE OF DECISION

Following the signing of the Final Order and Findings of Fact, the Director shall issue a Notice of Decision that describes the decision of the hearing authority, a reference to findings leading to it, any conditions of approval, and application appeal period deadline. Subject to any requirements of state law, the notice of decision will be issued to persons who submitted written testimony and were not in attendance at the hearing, in addition to those persons who are entitled to receive a notice of decision by other provisions of this Code.

17.20.80 PUBLIC INFORMATION

 Revised by Ordinance 2008-05 effective 04/02/08
A. A copy of these provisions shall be made available to any interested person requesting such a copy.

B. Copies of the Rules of Procedure shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this chapter.

17.20.90 RULES OF PROCEDURE

A. Formal rules of evidence shall not apply;

B. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other city agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered;

C. All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 17.28-Appeals. True copies of original information may be substituted for original documents;

D. All evidence and argument shall be as brief as possible, consistent with full presentation;

E. Redundancy shall be avoided;

F. Each person presenting information or argument shall be permitted to complete the presentation without interruption except by the presiding officer to enforce this Code;

G. Discussion of personalities shall be avoided to the extent possible in making a complete presentation;

H. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing;

I. The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

17.20.100 FAILURE TO RECEIVE NOTICE

The failure of an affected property owner to receive notice as provided in this section shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

17.20.110 RIGHTS AND RESPONSIBILITY OF HEARING BODY AND CITY EMPLOYEES

Revised by Ordinance 2008-05 effective 04/02/08
A. **Impartiality.** Except for Type IV legislative hearings conducted by the governing body, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner.

B. **Disqualification.** Except for Type IV legislative hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
1. The hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
2. The member has a direct private interest in the proposal;
3. For any other valid reason, the member has determined that participation in the hearing and decision cannot be done in an impartial manner.

C. **Ex Parte Contacts.** Except for Type IV legislative hearings conducted by the governing body, the general public has a right to have hearing body members free from pre-hearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, hearing body members shall reveal any significant pre-hearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with Chapter 17.20.120.

Ex parte contacts with a member of the decision making body shall not invalidate a final decision or action of the decision making body, provided that the member receiving the contact places the substance of the content of the ex parte communication in the record of the hearing and makes a public announcement of the content of the communication and of the right of the parties to rebut the content at the first hearing where action will be considered or taken.

D. **Abstention or Disqualification.** Except for Type IV hearings conducted by the governing body, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

E. **Rights of Disqualified Member of the Hearing Body.**
1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by physically joining the audience and vacating the seat on the hearing body. He shall make full disclosure of his status and position at the time of addressing the hearing body and shall not vote;
2. If all members of a hearing body disqualify themselves all members present after stating their reasons for abstention or disqualification shall by so doing be re-qualified and proceed to resolve the issues;

Revised by Ordinance 2008-05 effective 04/02/08
3. Except for Type IV legislative hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

F. Voting Eligibility. When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed audio or video tape recording of the portion of the hearing missed. The member shall then announce to the hearing authority that the tapes have been listened to, thus reviving voter eligibility.

17.20.120 RECORD OF PROCEEDINGS

The secretary to the hearing body shall be present at each hearing and shall cause the proceedings to be recorded stenographically or electronically.

A. Testimony shall only be transcribed if required for judicial review or if ordered by the hearing body;

B. The hearing body shall, where practicable, retain as part of the hearing record each item of physical or documentary evidence presented and shall have the items marked to show the identity of the person offering the same and whether presented on behalf of a proponent or opponent. Exhibits received into evidence shall be retained in the hearing file until after the applicable appeal period has expired, at which time the exhibits may be released to the person identified thereon, or otherwise disposed of;

C. The findings and order shall be included in the record;

D. A person shall have access to the record of the proceeding at reasonable times.
CHAPTER 17.22 - NOTICES

17.22.00 INTENT

The requirement for notice to affected property owners, governmental agencies, public utility providers, etc., is intended to provide those persons and entities an opportunity to comment on a proposed development and to afford interested parties the opportunity to participate in the land use decision making process.

17.22.10 TYPE II QUASI-JUDICIAL NOTICE

A. The applicant or authorized agent;

B. Any person who owns property within 300 ft., excluding street right-of-way, of the development site;

C. Any other person, agency, or organization that may be designated by the Code;

D. Interested parties, such as counties, state agencies, public utilities, etc., that may be affected by the specific development proposal shall receive notice of the scheduled public hearing.

E. Additional notices may also be mailed to other property owners or posted as determined appropriate by the Director and based on the impact of the proposed development.

17.22.20 TYPE III QUASI-JUDICIAL NOTICE

Where a quasi-judicial hearing is required by this Code notice shall be mailed to the following:

A. The applicant or authorized agent;

B. Any person who owns property within 500 ft., excluding street right-of-way, of the development site, except as otherwise authorized by this Code;

C. Tenants of any existing manufactured-dwelling park for which a zoning district change is proposed;

D. Any other person, agency, or organization that has filed with the Director a request to receive notices of hearings and has paid a reasonable fee to cover the cost of providing notice;

E. Any other person, agency, or organization that may be designated by the Code;

F. Any other person, agency, or organization that may be designated by the City Council or its agencies;

G. Any other resident owner of property whom the Director determines is affected by the application;

H. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site;
I. Interested parties, such as counties, state agencies, public utilities, etc., that may be affected by the specific development proposal shall receive notice of the scheduled public hearing;

J. Additional notices may also be mailed to other property owners or posted as determined appropriate by the Director and based on the impact of the proposed development.

17.22.30 TYPE IV LEGISLATIVE HEARING NOTICE

A. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan amendments and Development Code amendments before the first evidentiary hearing in accordance with OAR 660-018-0020. The notice to DLCD shall include an affidavit of transmittal.

B. Notice shall be sent by mail at least 20 days, but not more than 40 days, prior to the first evidentiary hearing to owners of property if the proposed action would “rezone” the property according to ORS 227.186.

C. Additional notices may be mailed to other property owners or posted as determined appropriate by the Director based on the impact of the proposed development.

17.22.40 CONTENTS OF NOTICE

The notice provided by the City shall:

A. Explain the nature of the application and the proposed use or uses which could be authorized;

B. List the applicable criteria from the ordinance and the Plan that apply to the application at issue:
   1. Nature of the proposed development and the proposed uses that could be authorized;
   2. Legal description, address, or tax map designations;
   3. Map showing the location of a zoning change, subdivision, or proposed development;
   4. Name and telephone number of a staff member from whom additional information can be obtained;
   5. Where a zone change or subdivision is proposed, the notice shall include the statement that the hearing body may consider modifications to what was requested by the applicant.

C. Set forth the street address or other easily understood geographical reference to the subject property;

D. State the date, time and location of the hearing or the date by which written comments may be submitted, as applicable to the type of land use action;

E. For quasi-judicial notices, state that failure to raise an issue, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, prior to the closing of the record of the proceeding, precludes an appeal based on that issue;

F. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;
G. For quasi-judicial notices, state that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at a reasonable cost; and

H. Include a general explanation of the requirements for submission of testimony and the procedures for conducting the hearing.

17.22.50 MAILING OF NOTICES

A. Type III and Type IV notices must be mailed at least:
   1. Twenty days before the evidentiary hearing; or
   2. If two or more evidentiary hearings are allowed, ten days before the first evidentiary hearing.

B. Type II Limited Land Use Decision notices must be mailed at least:
   1. Fourteen days in advance of a pending Type II decision.

17.22.60 PUBLICATION OF NOTICES

Notice of public hearings shall be published in a newspaper of general circulation at least 10 days in advance of the hearing.

17.22.70 CONTINUED HEARINGS

Where a hearing is continued to a date certain, no additional notice need be given.

17.22.80 LIST OF PROPERTY OWNERS

The applicant shall provide a certified list of property owners and mailing labels as required by notice provisions of this Code. Unless otherwise provided, addresses for a mailed notice shall be obtained from the County's real property tax records. Unless the address is on file with the Director, a person whose name is not in the tax records at the time of filing of an application, or of initiating other action not based on an application, need not be furnished mailed notice.
CHAPTER 17.24 - COMPREHENSIVE PLAN AMENDMENT PROCEDURES

17.24.00 BACKGROUND

The adopted Comprehensive Plan is the official statement of the City that sets forth major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City, and as such land development regulations and related actions are required to conform to the plan.

This chapter pertains to lands within the City limits. Those portions of the Comprehensive Plan that apply to areas outside the City limits but within the urban growth boundary shall be amended in accordance with the provisions of Clackamas County and the Sandy Urban Growth Management Agreement.

17.24.10 INTENT

This chapter sets forth review criteria and procedural requirements in order to:

A. Respond to changing conditions and community attitudes;

B. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and

C. Establish procedures by which the Plan text and map may be amended.

17.24.20 INITIATION

Comprehensive Plan amendments may be initiated by one of the following:

A. An application submitted by a property’s owners or their authorized agents for a specific property; or

B. A majority vote of the City Council.

17.24.30 FREQUENCY OF PLAN AMENDMENTS

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September unless otherwise authorized by the City Council. The City Council may initiate amendments to the Comprehensive Plan at any time. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in State law for development review processes and shall be exempt from time restrictions set in this Code.

17.24.40 APPLICATION REQUIREMENTS

An application may be filed jointly by any or all of the property owners of record or their authorized agents within the area of the proposed Comprehensive Plan amendment. Applications shall be on forms provided by the Director and include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and other information as may be necessary for an adequate review of the application. Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new

Revised by Ordinance 2013-04 effective 07/03/13
regulation as provided by State law. In addition, notice of any proposed amendment that may affect private access to state roads, or that may impact a state transportation facility, shall be provided to the Oregon Department of Transportation (ODOT).

17.24.50 ACCEPTANCE OF APPLICATION

A. The Director shall review the application in accordance with Chapter 17.20-Public Hearings;

B. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 17.22 Public Notices.

17.24.60 STAFF EVALUATION

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria in Chapter 17.24.70. The report should include a recommendation for approval or denial.

17.24.70 REVIEW CRITERIA

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. Amendments shall be approved only when the following findings are made:

A. The change being proposed is the best means of meeting the identified public need; and

B. The change conforms to all applicable Statewide Planning Goals.

17.24.80 ACTION BY THE HEARING BODY

A. Planning Commission. The Planning Commission shall conduct a public hearing in accordance with Chapter 17.20-Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission’s recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

B. City Council. Upon receipt of the Planning Commission’s recommendation the matter shall be set for a de novo public hearing before the City Council. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance approving the proposed Comprehensive Plan map amendment or a modification thereof. The City Council’s decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

C. Notwithstanding any contrary code provision and in the City Council’s sole discretion, it may allow an amendment to proceed directly to a public hearing before the City Council without a hearing or recommendation from the Planning Commission.
17.24.90 NOTICE OF DECISION

The Director shall provide the applicant with a notice of decision that includes a written statement of the City Council’s decision, a reference to findings leading to it, and appeal period deadline. A notice of the decision shall also be mailed to persons who participated orally or in writing at the public hearing and who in writing requested notice of the decision.
CHAPTER 17.26 - ZONING DISTRICT AMENDMENTS

17.26.00 INTENT

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:
A. Maintain sound, stable, and desirable development within the City;
B. Permit changes in zoning district boundaries where appropriate;
C. Ensure zoning changes are consistent with the community’s land use policies and goals; and
D. Lessen the influence of private economic interests in the land use decision-making process.

17.26.10 BACKGROUND

The Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City’s land use planning goals. The Zoning Map has been adopted as part of the Development Code. Frequent and piecemeal amendments to the Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances.

When a zoning district is amended there often must be a corresponding change to the Comprehensive Plan map. There are, however, instances where more than one zoning district matches the Comprehensive Plan designation. In these situations, the zoning district can be amended without a Plan map change. The table below illustrates the relationship between the Comprehensive Plan and the Zoning Map designations in the City.

Zoning district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. Changes to the Zoning Map are reviewed initially by the Planning Commission with a recommendation forwarded to the City Council. The City Council conducts a public hearing and considers adoption of changes. A Zoning Map application may be reviewed in conjunction with a Comprehensive Plan map amendment or other land use application.

17.26.20 COMPREHENSIVE PLAN & CORRESPONDING ZONING MAP DESIGNATIONS

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<thead>
<tr>
<th>PLAN MAP DESIGNATION</th>
<th>ZONING MAP DESIGNATION</th>
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<tbody>
<tr>
<td>RESIDENTIAL</td>
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<tr>
<td>LDR – Low Density Residential</td>
<td>SFR Single Family (3-5.8 units/net acre)</td>
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<td>R-1 Low Density (5-8 units/net acre)</td>
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<td>MDR – Medium Density</td>
<td>R-2 Medium Density (8-14 units/net acre)</td>
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<td>HDR – High Density</td>
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<td>C-1 Central Business District</td>
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<td>I-2 Light Industrial</td>
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<td>I-3 Heavy Industrial</td>
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17.26.30 LEGISLATIVE AMENDMENT PROCEDURES

Revised by Ordinance 2008-05 effective 04/02/08
A zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

A. Initiation-Legislative. A zoning district change that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate a change.

B. Review Criteria. Legislative amendments shall be reviewed to:
   1. Determine the effects on City facilities and services;
   2. To assure consistency with the purposes and intent of this chapter;
   3. To assure consistency with the policies of the Comprehensive Plan;
   4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

17.26.40 QUASI-JUDICIAL AMENDMENT PROCEDURES

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

A. Initiation-Quasi-Judicial. Initiation of a zoning district change that is quasi-judicial in nature may be accomplished by one of the following ways:
   1. Filing of an application by the owner(s) of the subject property(ies); or
   2. A majority vote of the City Council or Planning Commission following the same procedures used for legislative amendments discussed above.

   Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion need not include a conceptual or detailed development plan.

B. Review Criteria. Quasi-judicial zoning district changes shall be reviewed to:
   1. Determine the effects on City facilities and services;
   2. To assure consistency with the purposes of this chapter;
   3. To assure consistency with the policies of the Comprehensive Plan;
   4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

C. Application Requirements. An application for quasi-judicial zoning district change shall be made on forms provided by the Director and shall include the following where applicable:
   1. Description of the land (address, lot, block, or similar description);
   2. Narrative addressing how the application meets the review criteria;
   3. Maps, drawings, and such other information as may be needed for an adequate review of the application;
   4. List of affected property owners, from current Clackamas County Assessor’s Office records, within 300 feet of the boundaries of the parcel(s) proposed for a zoning district change; and
   5. If a proposed zoning district change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents.

D. Acceptance of Application
   1. The Director shall review the application in accordance with Chapter 17.18;
   2. After accepting a complete application, the Director shall schedule a public hearing.

Revised by Ordinance 2008-05 effective 04/02/08
17.26.50  **STAFF EVALUATION**

A report shall be prepared by staff that evaluates whether the proposal complies with the applicable review criteria. The report should include a recommendation for approval or denial.

17.26.60  **ACTION BY THE HEARING BODY**

A. **Planning Commission.** The Planning Commission shall conduct a public hearing in accordance with Chapter 17.20-Public Hearings. Following the close of the public hearing the Commission shall make a recommendation to the City Council concerning the proposed Zoning Map amendment. The Commission’s recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria;

B. **City Council.** Upon receipt of the Planning Commission’s recommendation the matter shall be set for a public hearing before the City Council. Following the close of the public hearing the City Council shall either deny the application or adopt an ordinance approving the proposed Zoning Map amendment or a modification thereof. The City Council’s decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

C. Notwithstanding any contrary code provision and in the City Council’s sole discretion, it may allow an amendment to the zoning map or to the development code to proceed directly to a public hearing before the City Council without a hearing or recommendation from the Planning Commission.

17.26.70  **NOTICE OF DECISION**

The Director shall provide the applicant with a notice of decision that includes a written statement of the City Council’s decision, a reference to findings leading to it, and appeal period deadline. A notice of the decision shall also be mailed to persons who participated orally or in writing at the public hearing and, for legislative zone amendments, who in writing requested notice of the decision.

17.26.80  **APPEALS**

The decision of the hearing authority may be appealed in accordance with Chapter 17.28-Appeals.

17.26.90  **EFFECTIVE DATE**

The decision of the City Council made in conjunction with a Zoning Map amendment shall become effective 30 days after passage of the ordinance. No zoning district changes will take effect, however, until and unless the necessary Comprehensive Plan amendment has been implemented by the City Council, if needed.
CHAPTER 17.28 - APPEALS

17.28.00 INTENT

This chapter sets forth procedures for processing an appeal of a decision made by staff, the Planning Commission or the City Council.

17.28.10 REQUEST FOR REVIEW-APPEAL OF DECISION

A. Type I or Type II Procedure. An affected party may appeal a Type I or Type II decision to the Planning Commission. The party must file an appeal with the Director within 12 calendar days of the date the city mails notice of the decision. The notice of appeal shall indicate the nature of the decision that is being appealed. The Director may create and periodically amend an appeal form and require affected parties to use this form to appeal Type I and II decisions.

B. Type III Procedure. An affected party may appeal a decision of the Planning Commission to the City Council. The party must file an appeal within 12 calendar days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed. The Director may create and periodically amend an appeal form and require affected parties to use this form to appeal Type III decisions. The City Council’s decision regarding an appeal of a Planning Commission decision is final for the purposes of an appeal to the Land Use Board of Appeals.

C. Type IV Procedure. A Type IV decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.

17.28.20 REQUIREMENTS OF APPEAL APPLICATION

A. An application for an appeal shall contain at least the following:
   1. An identification of the decision sought to be reviewed, including the date of the decision;
   2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
   3. The specific grounds relied upon for review;
   4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and
   5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed.
   6. The name and mailing address of the person or entity appealing the decision.

17.28.30 SCOPE OF REVIEW

A. Except where a de novo hearing is required for review of Type II (Limited Land Use) decisions, an appeal is limited to a review of the record and a hearing for receipt of oral arguments regarding the record. At its discretion and if good cause has been demonstrated by the appellant or City staff, the hearing body may allow an appeal to include new evidence based upon circumscribed issues relevant to the appeal, or it may allow a de novo hearing.

17.28.40 REVIEW ON THE RECORD

Revised by Ordinance 2018-29 effective 12/05/18
Unless otherwise provided under subsection 17.28.50, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

A. A factual report prepared by the Director;

B. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review;

C. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.

The reviewing body shall make its decision based upon the record after first granting the right of argument but not the introduction of additional evidence to any party who has filed a notice of appeal.

17.28.50 REVIEW CONSISTING OF ADDITIONAL EVIDENCE OR DE NOVO REVIEW

A. Except where a de novo hearing is required for review of Type II (Limited Land Use) decisions, the reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision:
   1. Prejudice to the parties;
   2. Convenience or availability of evidence at the time of the initial hearing;
   3. Surprise to opposing parties;
   4. The competency, relevancy and materiality of the proposed testimony or other evidence.

B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

17.28.60 REVIEW BODY DECISION

Upon review, the review body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body, in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it.
CHAPTER 17.30 - ZONING DISTRICTS

17.30.00 ZONING DISTRICT DESIGNATIONS

For the purposes of this title, the city is divided into districts designated as follows:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>SYMBOL</th>
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<tbody>
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<tr>
<td>Specific Area Plan Overlay</td>
<td>SAP</td>
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</table>

17.30.10 ZONING MAP

The Zoning Map is incorporated herein and is deemed as much a part of this Code as if fully set forth. If a conflict appears between the Zoning Map and the written portion of this Code, the written portion shall control. The map and each amendment shall remain on file in the Planning Director’s Office.

The boundaries of all districts are established as shown on the Zoning Map, which is made a part of this Code. All notations and references and other matters shown shall be and are hereby made part of this Code.

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.
A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas

The allowable range of housing units on a piece of property is calculated by multiplying the net site area (NSA) in acres by the minimum and maximum number of dwelling units allowed in that zone.

For example: A site (NSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 30 units and allows a maximum of 58 units. (NSA x 3 units/acre = 30 units minimum) (NSA x 5.8 units/acre = 58 units maximum)

B. Minimum and Maximum Dwelling Units for Sites with Restricted Areas

1. Unrestricted Site Area: To calculate unrestricted site area (USA): subtract all restricted development areas (RDA) as defined by Section 17.60.20(A) from the net site area (NSA), if applicable.
   
   NSA - RDA = USA

2. Minimum Required Dwelling Units: The minimum number of dwelling units required for the site is calculated using the following formula:

   USA (in acres) x Minimum Density (Units per Acre) of Zoning District = Minimum Number of Dwelling Units Required.

3. Maximum Allowed Dwelling Units: The maximum number of dwelling units allowed on a site is the lesser of the results of these two formulas:

   a. NSA (in acres) x Maximum Density of Zoning District (units/acre)

   b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)

   For example: suppose a site in a zone with a maximum density of eight (8) units per acre has 6 acres of unrestricted site area (USA= 6) and two acres of restricted development area (RDA=2), for a total net site area of 8 acres (NSA= 8). Then NSA (8) x 8 units/acre = 64 and USA (6) x 8 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 64 (the lesser of the two results).

C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying zoning district.

D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

   For example: A calculation of 3.7 units is rounded down to 3 units. A calculation of 4.2 units is rounded down to 4 units and a calculation of 4.5 units is rounded up to 5 units.

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Revised by Ordinance 2013-04 effective 07/03/13
CHAPTER 17.32 - PARKS & OPEN SPACE (POS)

17.32.00  INTENT

This district is intended to recognize those publicly-owned lands designated or proposed for parks and open spaces. Parks include publicly developed parks and undeveloped park land where typical uses include active and passive outdoor recreation activities, trails, open space, cultural activities, park buildings and structures, concessions, general park operations and maintenance, and storm drainage facilities. Open space includes publicly developed and undeveloped lands and sensitive areas such as wetlands, steep slopes, forested areas, and stream corridors.

17.32.10  PERMITTED USES

A. **Primary Uses Permitted Outright:**
   1. Park improvements identified in the Parks Master Plan or Park Specific Master Plans adopted by the City Council.
   2. Trails in otherwise undeveloped open space.
   3. Other uses similar in nature.

B. **Accessory Uses Permitted Outright:**
   1. Accessory structures, detached or attached;
   2. Educational activities in accordance with the primary purposes of the zone;
   3. Interpretive displays;
   4. Park furnishings, including arbors, barbeques, benches, bicycle racks, drinking fountains, gazebos, kiosks, picnic tables, play equipment and signage.
   5. Public driveways and parking areas for uses permitted in this zone.
   6. Public restroom facilities.

17.32.20  MINOR CONDITIONAL USES AND CONDITIONAL USES

A. **Minor Conditional Uses:**
   None

B. **Conditional Uses:**
   1. Campgrounds;
   2. Swimming pools;
   3. Other uses similar in nature.

17.32.30  SANDY RIVER PARK

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

17.32.40  DEVELOPMENT STANDARDS

Revised by Ordinance 2013-11 effective 12/18/13
A.

<table>
<thead>
<tr>
<th>Parks &amp; Open Space</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
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</tr>
<tr>
<td>Lot Dimension</td>
<td>No minimum</td>
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<tr>
<td>Setbacks</td>
<td>No minimum or maximum</td>
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<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Structure Height</td>
<td>35 ft. maximum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Design Review Standards</td>
<td>See Section 17.90.120</td>
</tr>
</tbody>
</table>

17.32.50 ADDITIONAL REQUIREMENTS

A. Where applicable, park improvements shall comply with city design standards.
B. Provisions for pedestrian and vehicular off-street access to adjoining properties shall be included in park master plans.
CHAPTER 17.34 - SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.00 INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

17.34.10 PERMITTED USES

A. **Primary Uses Permitted Outright:**
   1. Single detached dwelling subject to design standards in Chapter 17.90;
   2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;

B. **Accessory Uses Permitted Outright:**
   1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
   2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
   3. Family day care, as defined in Chapter 17.10 subject to any conditions imposed on the residential dwellings in the zone;
   4. Home business subject to the provisions in Chapter 17.74;
   5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
   6. Minor utility facility;
   7. Other development customarily incidental to the primary use.

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. **Minor Conditional Uses:**
   1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
   2. Single detached or attached zero lot line dwelling;
   3. Duplex;
   4. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
   5. Other uses similar in nature.

B. **Conditional Uses:**
   1. Community services;
   2. Funeral and interment services, cemetery, mausoleum or crematorium;
   3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

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Revised by Ordinance 2013-11 effective 12/18/13
4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Minimum Lot Area - Single detached dwelling</td>
<td>7,500 square ft.</td>
</tr>
<tr>
<td>B. Minimum Average Lot Width</td>
<td></td>
</tr>
<tr>
<td>C. Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
<tr>
<td>D. Minimum Average Lot Depth</td>
<td>No minimum</td>
</tr>
<tr>
<td>E. Setbacks (Main Building)</td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>10 ft. minimum</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20 ft. minimum</td>
</tr>
<tr>
<td>Side yard (interior)</td>
<td>7.5 ft. minimum</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>10 ft. minimum on side abutting the street</td>
</tr>
<tr>
<td>F. Setbacks (Garage/Carport)</td>
<td>22 ft. minimum for front vehicle access</td>
</tr>
<tr>
<td></td>
<td>15 ft. minimum if entrance is perpendicular</td>
</tr>
<tr>
<td></td>
<td>to street (subject to Section 17.90.220)</td>
</tr>
<tr>
<td></td>
<td>5 ft. minimum for alley or rear access</td>
</tr>
<tr>
<td>G. Projections into Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>H. Accessory Structures in Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>I. Structure Height</td>
<td>35 ft. maximum</td>
</tr>
<tr>
<td>J. Building Site Coverage</td>
<td>No minimum</td>
</tr>
<tr>
<td>K. Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

17.34.40 MINIMUM REQUIREMENTS

A. Must connect to municipal water.
B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
   1. A county septic permit is secured and a copy is provided to the city;
   2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

1 Must comply with clear vision requirements of Chapter 17.74.
3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
C. The location of any real improvements to the property must provide for a future street network to be developed.
D. Must have frontage or approved access to public streets.

17.34.50 ADDITIONAL REQUIREMENTS

A. Design review as specified in Chapter 17.90 is required for all uses.
B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.
D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.
CHAPTER 17.36 - LOW DENSITY RESIDENTIAL (R-1)

17.36.00 INTENT

This district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for an urban level of low-density residential development. It is to be used as a transition between the Single Family Residential zone and the higher densities of a village. The uses are to be fully serviced by public facilities. This zone is intended to provide walkable neighborhoods with excellent linkage between residential areas, schools, parks, and village commercial. This zone is one of four zones included in a village area and is designed as a mixed-use neighborhood with a range of housing types and accessible commercial areas. Density shall not be less than 5 or more than 8 units per net acre.

17.36.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Single detached dwelling (subject to design standards in Chapter 17.90);
   2. Single detached manufactured dwelling (subject to design standards in Chapter 17.90);
   3. Single detached or attached zero lot line dwelling;
   4. Duplex;
   5. Row houses;
   6. Manufactured home parks (see Chapter 17.96).

B. Accessory Uses Permitted Outright:
   1. Accessory dwelling unit;
   2. Accessory structure, detached or attached in accordance with specified size limitations (see Chapter 17.74);
   3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
   4. Home business (see Chapter 17.74);
   5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
   6. Minor utility facility;
   7. Other development customarily incidental to the primary use.

17.36.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
   2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
   3. Other uses similar in nature.
B. Conditional Uses:
1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.36.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Minimum Lot Area</td>
<td></td>
</tr>
<tr>
<td>– single detached dwelling</td>
<td>5,500 square ft.</td>
</tr>
<tr>
<td>- single detached zero lot line</td>
<td>5,000 square ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>B. Minimum Average Lot Width</td>
<td></td>
</tr>
<tr>
<td>- Single detached dwelling</td>
<td>50 ft.</td>
</tr>
<tr>
<td>- Single detached zero lot line dwelling</td>
<td>40 ft.</td>
</tr>
<tr>
<td>- Single attached zero lot line dwelling</td>
<td>30 ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>C. Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
<tr>
<td>D. Minimum Average Lot Depth</td>
<td>No minimum</td>
</tr>
<tr>
<td>E. Setbacks</td>
<td></td>
</tr>
<tr>
<td>- Front yard</td>
<td>10 ft. minimum</td>
</tr>
<tr>
<td>- Rear yard</td>
<td>15 ft. minimum</td>
</tr>
<tr>
<td>- Side yard (interior)</td>
<td>5 ft. minimum</td>
</tr>
<tr>
<td>- Corner Lot</td>
<td>10 ft. minimum on side abutting the street 2</td>
</tr>
<tr>
<td>- Garage</td>
<td>22 ft. minimum for front vehicle access</td>
</tr>
<tr>
<td></td>
<td>15 ft. minimum if entrance is perpendicular</td>
</tr>
<tr>
<td></td>
<td>to the street (subject to Section 17.90.220)</td>
</tr>
<tr>
<td></td>
<td>5 ft. minimum for alley or rear access</td>
</tr>
<tr>
<td>Projections into Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Accessory Structures in Required Setbacks</td>
<td>See Chapter 17.74</td>
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<tr>
<td>Structure Height</td>
<td>35 ft. maximum</td>
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<tr>
<td>Building Site Coverage</td>
<td>No minimum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

17.36.40 MINIMUM REQUIREMENTS

1 Excluding zero-lot line development
2 Must comply with clear vision requirements of Chapter 17.74

Revised by Ordinance 2013-11 effective 12/18/13
A. Must connect to municipal water.
B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
   1. A county septic permit is secured and a copy is provided to the city;
   2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
   3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
   4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
C. The location of any real improvements to the property must provide for a future street network to be developed.
D. Must have frontage or approved access to public streets.

17.36.50 ADDITIONAL REQUIREMENTS

A. Design review as specified in Chapter 17.90 is required for all uses.
B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.
D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.
CHAPTER 17.38 - MEDIUM DENSITY RESIDENTIAL (R-2)

1738.00 INTENT

This district intended to implement the Medium Density Residential Comprehensive Plan designation by providing for medium density single-family and multiple-family uses in suitable locations, where public sewer, water and other services are readily accessible. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, and parks. Density shall not be less than 8 or more than 14 units per net acre.

17.38.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Single detached dwelling (subject to design standards in Chapter 17.90);
   2. Single detached manufactured dwelling (subject to design standards in Chapter 17.90);
   3. Single detached or attached zero lot line dwelling (subject to design standards in Chapter 17.90);
   4. Row house;
   5. Duplex;
   6. Multi-family dwelling;
   7. Manufactured home parks (see Chapter 17.96).

B. Accessory Uses Permitted Outright:
   1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
   2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
   3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone (see Chapter 17.74);
   4. Home business (see Chapter 17.74);
   5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
   6. Minor utility facility;
   7. Other development customarily incidental to the primary use.

17.38.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
   2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
   3. Other uses similar in nature.

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Revised by Ordinance 2013-11 effective 12/18/13
B. Conditional Uses:
   1. Community services;
   2. Congregate housing;
   3. Funeral and interment services, cemetery, mausoleum or crematorium;
   4. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
   5. Hospital or home for the aged, retirement, rest or convalescent home;
   6. Lodges, fraternal and civic assembly;
   7. Major utility facility;
   8. Preschool, orphanage, kindergarten or commercial day care;
   9. Residential care facility [ORS 443.000 to 443.825];
   10. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
   11. Other uses similar in nature.

17.38.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
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<tr>
<td>Minimum Average Lot Width</td>
<td></td>
</tr>
<tr>
<td>- Single detached dwelling</td>
<td>50 ft.</td>
</tr>
<tr>
<td>- Single detached zero lot line dwelling</td>
<td>40 ft.</td>
</tr>
<tr>
<td>- Single attached zero lot line dwelling</td>
<td>30 ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
<tr>
<td>Minimum Average Lot Depth</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>- Front yard</td>
<td>10 ft. minimum</td>
</tr>
<tr>
<td>- Rear yard</td>
<td>15 ft. minimum</td>
</tr>
<tr>
<td>- Side yard (interior)</td>
<td>5 ft. minimum ¹</td>
</tr>
<tr>
<td>- Corner Lot</td>
<td>10 ft. minimum on side abutting the street ²</td>
</tr>
<tr>
<td>- Garage</td>
<td>20 ft. minimum for front vehicle access</td>
</tr>
<tr>
<td></td>
<td>15 ft. minimum if entrance is perpendicular to the street (subject to Section 17.90.220)</td>
</tr>
<tr>
<td></td>
<td>5 ft. minimum for alley or rear access</td>
</tr>
<tr>
<td>Projections into Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Accessory Structures in Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Multi-family - Landscaping</td>
<td>25% minimum</td>
</tr>
<tr>
<td>- Setbacks</td>
<td>See Section 17.90.230</td>
</tr>
<tr>
<td>Structure Height</td>
<td>35 feet maximum</td>
</tr>
<tr>
<td>Building Site Coverage</td>
<td>No minimum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

17.38.40 MINIMUM REQUIREMENTS

1 Excluding zero lot line development
2 Must comply with clear vision requirements of Chapter 17.74

Revised by Ordinance 2013-11 effective 12/18/13
A. Must connect to municipal water  
B. Must connect to municipal sewer if service is currently within 200 hundred feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
   1. A county septic permit is to be secured and a copy is provided to the city;
   2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements
   3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city.
   4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
C. The location of any real improvements to the property must provide for a future street network to be developed.
D. Must have frontage or approved access to public streets.

17.38.50 ADDITIONAL REQUIREMENTS

A. Design review as specified in Chapter 17.90 is required for all uses.

B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

C. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.
CHAPTER 17.40 - HIGH DENSITY RESIDENTIAL (R-3)

17.40.00 INTENT

This district is intended to implement the High Density Residential Comprehensive Plan designation by providing for housing in close proximity to retail, public amenities; major transportation routes and transit services where public sewer, water and other services are readily accessible. R-3 uses are designed to be a transition area between commercial and industrial uses and low density single family uses. Pedestrian connections are required to ensure a direct walking route to retail shops. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, parks, and commercial. Density shall not be less than 10 or more than 20 units per net acre.

17.40.10 PERMITTED USES

A. **Primary Uses Permitted Outright:**
   1. Single Detached, if located on an existing lot of record or in conjunction with a planned development;
   2. Single Detached (Zero Lot Line), if located in conjunction with a planned development;
   3. Single Attached Zero Lot Line;
   4. Duplex;
   5. Row houses;
   6. Multi-family dwellings;
   7. Manufactured home parks;
   8. Boarding houses and rooming houses;

B. **Accessory Uses Permitted Outright:**
   1. Accessory dwelling unit (see Chapter 17.74);
   2. Accessory structure, detached or attached (see Chapter 17.74);
   3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
   4. Home business (see Chapter 17.74);
   5. Livestock: The keeping, but not the propagating, of one horse, or one cow, or two sheep for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
   6. Minor utility facility;
   7. Other development customarily incidental to the primary use.

17.40.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. **Minor Conditional Uses:**
   1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
   2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;

Revised by Ordinance 2013-11 effective 12/18/13
3. Other uses similar in nature.

B. Conditional Uses:
   1. Community services;
   2. Congregate housing;
   3. Funeral and interment services, cemetery, mausoleum or crematorium;
   4. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
   5. Hospital or home for the aged, retirement, rest or convalescent home;
   6. Lodges, fraternal and civic assembly;
   7. Major utility facility;
   8. Preschool, orphanage, kindergarten or commercial day care;
   9. Residential care facility [ORS 443.000 to 443.825];
   10. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
   11. Other uses similar in nature.

17.40.30 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Average Lot Width</td>
<td></td>
</tr>
<tr>
<td>- Single detached dwelling</td>
<td>40 ft.</td>
</tr>
<tr>
<td>- Single detached zero lot line dwelling</td>
<td>30 ft.</td>
</tr>
<tr>
<td>- Single attached zero lot line dwelling</td>
<td>20 ft.</td>
</tr>
<tr>
<td>- Other permitted uses</td>
<td>No minimum</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20 ft. except as allowed by Section 17.100.160</td>
</tr>
<tr>
<td>Minimum Average Lot Depth</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>- Front yard</td>
<td>10 ft. minimum</td>
</tr>
<tr>
<td>- Rear yard</td>
<td>15 ft. minimum</td>
</tr>
<tr>
<td>- Side yard (interior)</td>
<td>5 ft. minimum</td>
</tr>
<tr>
<td>- Corner Lot</td>
<td>10 ft. minimum on side abutting the street</td>
</tr>
<tr>
<td></td>
<td>20 ft. minimum for front vehicle access</td>
</tr>
<tr>
<td></td>
<td>15 ft. minimum if entrance is perpendicular to the street (subject to Section 1.79.220)</td>
</tr>
<tr>
<td></td>
<td>5 ft. minimum for alley or rear access</td>
</tr>
<tr>
<td>Projections into Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Accessory Structures in Required Setbacks</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Multi-family – Landscaping Setbacks</td>
<td>25% minimum</td>
</tr>
<tr>
<td></td>
<td>See Section 17.90.230</td>
</tr>
<tr>
<td>Structure Height</td>
<td>35 ft. maximum</td>
</tr>
<tr>
<td>Building Site Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>See Chapter 17.92</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

1 Excluding zero lot line development
3 Must comply with clear vision requirements of Chapter 17.74
17.40.40 MINIMUM REQUIREMENTS

A. Must connect to municipal water.
B. Must connect to municipal sewer.
C. The location of any real improvements to the property must provide for a future street network to be developed.
D. Must have frontage or approved access to public streets.

17.40.50 ADDITIONAL REQUIREMENTS

A. Design review as specified in Chapter 17.90 is required for all uses.

B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

C. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 feet in width.
CHAPTER 17.42 - CENTRAL BUSINESS DISTRICT (C-1)

17.42.00 INTENT

This district is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core. This district is not intended for intensive automobile or industrial uses. This district is intended to provide the principal focus for civil and social functions within the community.

This commercial district is intended for civic uses and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the district does not permit new low density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. All development and uses shall be consistent with the intent of the district, as well as compatible with the space, access and exposure constraints and opportunities of the central city.

17.42.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:
   1. Attached row houses existing prior to adoption of this Code;
   2. Duplexes existing prior to adoption of this Code;
   3. Residential Care Facility;
   4. Residential dwellings attached to a commercial business;
   5. Single Attached (Zero Lot Line, 2 Units) existing prior to adoption of this Code;
   6. Single Detached existing prior to adoption of this Code;
   7. Single Detached (Zero Lot Line) existing prior to adoption of this Code.

B. Primary Uses Permitted Outright – Commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities:
   1. Retail uses, including but not limited to:
      a. Automotive trailer, recreational vehicle, motorcycle sales and rental;
      b. Convenience market/store;
      c. Eating and drinking establishment including fast-food and high-turnover sit down restaurants but excluding drive-up/drive-through uses;
      d. Grocery store or supermarket;
   2. Service and professional businesses and organizations, including but not limited to:
      a. Athletic club, indoor recreation, or entertainment;
      b. Automotive repair and service;
      c. Commercial day care facility;
      d. Community services;
      e. Education facility (e.g., pre-school, school, college);
      f. Financial institution;
      g. Medical facility (e.g., clinic, hospital, laboratory);
      h. Professional or general business office;
      i. Self-service storage;
      j. Social organization;
   3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
      a. Brewery, distillery, or winery with pub/tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Nursery/greenhouse;
8. Outdoor recreation;
9. Overnight lodging;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreational area, and buildings;
13. Warehousing and distribution facilities for wholesale merchandise;
14. Other uses similar in nature.

C. Accessory Uses Permitted Outright:
7. A use customarily incidental and subordinate to a principal use permitted outright;
8. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
9. Accessory dwelling unit;
10. Accessory structures, detached or attached;
11. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
12. Home businesses;
13. Parking lot or garage (when associated with development).

17.42.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
1. Brewery, distillery, or winery without pub/tasting room;
2. Congregate housing;
3. Outdoor product display or storage of merchandise covering greater than 10% of the total retail sales area;
4. Other uses similar in nature.

B. Conditional Uses:
A. Automotive fueling station;
B. Buildings designed for one or more occupants with more than 30,000 square ft. of gross floor area;
C. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
D. Major public facility;
E. Multi-family dwellings not contained within a commercial building;
F. Wholesale lumber or building materials;
G. Other uses similar in nature.

17.42.30 DEVELOPMENT STANDARDS

A.

<table>
<thead>
<tr>
<th>Residential - Not Above Commercial Building</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Standard</td>
</tr>
<tr>
<td>Density/Lot Dimension</td>
<td>In conformance with Chapter 17.40 (R-3)</td>
</tr>
</tbody>
</table>

Revised by Ordinance 2013-11 effective 12/18/13
<table>
<thead>
<tr>
<th>Setbacks</th>
<th>In conformance with Chapter 17.40 (R-3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft. maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>20% minimum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

### Commercial

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>No minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimension</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td>No minimum (^4); maximum 10 ft.</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>10% minimum (includes required civic space in Section 17.90.110.)</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft. maximum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Design Review Standards</td>
<td>See Section 17.90.110</td>
</tr>
</tbody>
</table>

#### B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.

1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.

2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district.

3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was freestanding.

4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

\(^4\) Unless abutting a more restrictive zoning district or as required to maintain vision clearance.
CHAPTER 17.44 - GENERAL COMMERCIAL (C-2)

17.44.00 INTENT

This district is intended to provide for a wide range of commercial activities in a community scale shopping center and for commercial uses and related services and businesses, which require large land areas for structures and parking facilities and direct automobile access. This district is not intended for exclusively residential uses, although mixed-use developments are encouraged.

17.44.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:
   1. Multi-family dwellings above a commercial business.

B. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:
   1. Retail businesses, including but not limited to:
      a. Automotive fueling station;
      b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
      c. Convenience market/store;
      d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
      e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
      f. Grocery store or supermarket;
   2. Service and professional businesses and organizations, including but not limited to:
      a. Athletic club, indoor recreation, or entertainment;
      b. Automotive repair and service;
      c. Commercial day care facility;
      d. Community services;
      e. Education facility (e.g., pre-school, school, college);
      f. Financial institution;
      g. Medical facility (e.g., clinic, hospital, laboratory);
      h. Professional or general business office;
      i. Self-service storage;
      j. Social organization;
   3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
      a. Brewery, distillery, or winery, with or without pub or tasting room;
   4. Bus station or terminal;
   5. Group care and assisted living;
   6. Minor public facility;
   7. Nursery/greenhouse;
   8. Outdoor recreation;
   9. Overnight lodging;
  10. Park and ride station;
  11. Parking lot or garage (when not an accessory use);
  12. Public park, plaza, playground or recreation area, and buildings;
  13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

C. Accessory Uses Permitted Outright:
   1. A use customarily incidental and subordinate to a use permitted outright;
   2. Outdoor product display or storage of merchandise covering no more than 20% of the total lot area;
   3. Parking lot or garage (when associated with development).

17.44.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   1. Outdoor product display or storage of merchandise covering greater than 20% of the total lot area;
   2. Other uses similar in nature.

B. Conditional Uses:
   1. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
   2. Major public facility;
   3. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or supportive commercial facilities. Residential uses are limited to a maximum of 50% of the total gross acreage;
   4. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
   5. Other uses similar in nature.

17.44.30 DEVELOPMENT REQUIREMENTS

A.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Dimension</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 ft. minimum; 50 ft. maximum</td>
</tr>
<tr>
<td>Side</td>
<td>None</td>
</tr>
<tr>
<td>Rear</td>
<td>None</td>
</tr>
<tr>
<td>Corner</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Outside Display/Sales Lot Area</td>
<td>80% maximum</td>
</tr>
<tr>
<td>Lot Coverage - Impervious Area</td>
<td>No maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>20% (includes required civic space in Section 17.90.120)</td>
</tr>
<tr>
<td>Structure Height</td>
<td>55 ft.</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Design Review Standards</td>
<td>See Section 17.90.120</td>
</tr>
</tbody>
</table>

5 Unless abutting a more restrictive zoning district, or as required under Section 17.90.120 Design Standards for C-2.

Revised by Ordinance 2019-21 effective 11/20/19
B. **Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.**

1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft;

2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;

3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.
CHAPTER 17.46 - VILLAGE COMMERCIAL (C-3)

17.46.00 INTENT

The intent of the village commercial district is primarily oriented to serve residents of the village and the immediately surrounding residential area. The Village Commercial area is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

17.46.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:
   1. Single family dwelling above, beside or behind a commercial business;
   2. Multi-family dwellings above, beside or behind a commercial business.

B. Primary Uses Permitted Outright – Commercial (in buildings with up to 7,500 square ft. of gross floor area):
   1. Retail uses, including but not limited to:
      a. Automotive, trailer, recreational vehicle, motorcycle sales and rental;
      b. Convenience market/store;
      c. Eating and drinking establishment including fast-food and high-turnover sit down restaurant but excluding drive-through;
      d. Grocery store or supermarket;
   2. Service and professional businesses and organizations, including but not limited to:
      a. Athletic club, indoor recreation, or entertainment;
      b. Automotive repair and service;
      c. Commercial day care facility;
      d. Community services;
      e. Education facility (e.g., pre-school, school, college);
      f. Financial institution excluding drive-through;
      g. Medical facility (e.g., clinic, hospital, laboratory);
      h. Professional or general business office;
      i. Social organization;
   3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
      a. Brewery, distillery, or winery with pub/tasting room;
   4. Bus station or terminal;
   5. Group care and assisted living;
   6. Minor public facility;
   7. Overnight lodging;
   8. Park and ride station;
   9. Parking lot or garage (when not an accessory use);
   10. Other uses similar in nature.

C. Accessory Uses Permitted Outright:
   1. A use customarily incidental and subordinate to a principal use permitted outright;
2. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
3. Accessory dwelling units, detached or attached;
4. Accessory structures;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses;
7. Parking lot or garage (when associated with development).

**17.46.20 MINOR CONDITIONAL USES AND CONDITIONAL USES**

A. **Minor Conditional Uses:**
   1. Congregate housing;
   2. Multi-family dwellings not located above a commercial business and occupying no more than 30% of the C-3 district area in a village;
   3. Nursery/greenhouse;
   4. Outdoor product display or storage of merchandise covering greater than 10% of the total retail sales area;
   5. Outdoor recreation;
   6. Public park, plaza, playground or recreational area, and associated buildings;
   7. Other uses similar in nature.

B. **Conditional Uses:**
   1. Automotive fueling stations;
   2. Buildings designed for one or more occupants with more than 7,500 square feet of gross floor area;
   3. Drive-through facilities in conjunction with a bank, savings and loan, credit union, or an eating and drinking establishment on a site abutting a state highway, subject to all other applicable provisions of the Sandy Development Code and the following special conditions:
      a. No drive-through facility will be permitted unless the development site is at least 2 acres in size and only one drive-through facility shall be allowed on each development site.
      b. Each drive-through facility shall be oriented to the adjacent public street and shall be otherwise designed to prioritize pedestrian access and circulation over vehicular access and circulation. Pedestrians shall not have to cross drive-through lanes to access entry doors.
      c. A drive-through facility may be conditioned to operate during hours that do not negatively impact adjacent residential uses in terms of noise and lighting.
      d. Each drive-through facility may have only one (1) drive-through lane, which shall not be positioned between the primary building and a local residential street.
   4. Major public facility;
   5. Other uses similar in nature.

**17.46.30 DEVELOPMENT STANDARDS**

A. **Residential - Not in Conjunction with a Commercial Business**

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimension</td>
<td>In conformance with Chapter 17.40 (R-3)</td>
</tr>
</tbody>
</table>

Revised by Ordinance 2013-11 effective 12/18/13
### Setbacks

<table>
<thead>
<tr>
<th>Land use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Coverage</td>
<td>No minimum</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft. maximum</td>
</tr>
<tr>
<td>Landscaping</td>
<td>20%</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

### Commercial

<table>
<thead>
<tr>
<th>Land use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>No minimum or maximum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>Maximum 100 ft. recommended;</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Setbacks 6</td>
<td>No minimum; maximum 20 ft.</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>10% (includes required civic space per 17.90.110.)</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Design Review Standards</td>
<td>See Section 17.90.110</td>
</tr>
</tbody>
</table>

#### B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District

1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.;

2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be free-standing. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

3. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

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6 Unless abutting a more restrictive zoning district or as required to maintain vision clearance.
17.48.00 INTENT

It is the intent of this district to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites, which will blend harmoniously with their surroundings, and adjacent land uses.

This district is intended primarily for light manufacturing, select warehousing and wholesaling, storage and office uses, with limited provisions for limited commercial uses which, due to their activity and space requirements, are compatible in industrial areas without causing use or other activity conflicts with the primary uses. Commercial uses located in this district are those whose activities are compatible with industrial uses, those which supplement and support surrounding industrial activity and the needs of the employees of nearby firms and those which have extensive space and land area requirements.

17.48.10 PERMITTED USES

A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:
   1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:
      a. Brewery, distillery, or winery, with or without pub or tasting room;
   2. Service and professional businesses and organizations, including but not limited to:
      a. Athletic club, indoor recreation, or entertainment;
      b. Automotive repair and service;
      c. Commercial day care facility;
      d. Community services;
      e. Education facility (e.g., pre-school, school, college);
      f. Financial institution;
      g. Medical facility (e.g., clinic, hospital, laboratory);
      h. Professional or general business office;
      i. Self-service storage;
      j. Social organization;
   3. Retail businesses, including but not limited to:
      a. Automotive fueling station;
      b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental;
      c. Convenience market/store;
      d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
      e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
      f. Grocery store or supermarket;
   4. Bus station or terminal;
   5. Group care and assisted living;
   6. Overnight lodging;
   7. Minor public facility;
   8. Nursery/greenhouse;
   9. Outdoor recreation;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreation area, and buildings;
13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

B. Accessory Uses Permitted Outright:
   1. Use customarily incidental and subordinate to a use permitted outright;
   2. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area;
   3. Parking lot or garage (when associated with development).

17.48.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   1. Outdoor product display or storage of merchandise covering greater than 15% of the total lot area;
   2. Other uses similar in nature.

B. Conditional Uses:
   1. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
   2. Major public facility;
   3. Medical marijuana grow site;
   4. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or supportive commercial facilities. Residential uses are limited to a maximum of 50% of the total gross acreage;
   5. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
   6. Other uses similar in nature.

17.48.30 DEVELOPMENT REQUIREMENTS

A. Lot Area

<table>
<thead>
<tr>
<th>Lot Area – Park</th>
<th>No minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area - Individual Lot</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Dimension</td>
<td>No minimum</td>
</tr>
</tbody>
</table>

Setbacks

| Front .......................... | 10 ft. minimum; 50 ft. maximum |
| Side ............................ | None - Unless abutting a more restrictive district; if abutting, the min. setback is 30 ft. |
| Rear ........................... | None |
| Corner .......................... | 15 ft. |

Lot Coverage 80% maximum

Landscaping Requirement 20% minimum (includes required civic space per Section 17.90.120)
<table>
<thead>
<tr>
<th>Structure Height</th>
<th>45 ft. maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Design Review Standards</td>
<td>See Section 17.90.120</td>
</tr>
</tbody>
</table>

**B. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District**

1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

**C. Special Requirements for Medical Marijuana Grow Sites.** A medical marijuana grow site shall be further restricted as follows:

1. In addition to requiring compliance with all State requirements, medical marijuana grow sites shall be located at least 250 feet from all of the following uses: K-12 school, preschool, after school program, or day care facility;
2. For purposes of this subsection, distances are measured by a straight line between any point on the boundary line of the real property containing the medical marijuana grow site and the boundary line of the property containing the K-12 school, preschool, after school program, or day care facility;
3. In addition to the requirements of Chapter 17.22, Notices, notice shall be provided to property owners within 1,000 feet, excluding street right-of-way, from the property containing the proposed medical marijuana grow site.
CHAPTER 17.50 - LIGHT INDUSTRIAL (I-2)

17.50.00 INTENT

It is the intent of this district to provide locations in suitable areas for manufacturing and warehousing business, or other commercial uses that do not depend on high visibility. Commercial or retail uses must be compatible with an environment that includes heavy truck traffic and outdoor storage of industrial materials. Because building design standards are less restrictive in this zone than in other zones, buildings (regardless of use) shall be screened from view from arterial streets and highways.

17.50.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
      a. Brewery, distillery, or winery, with or without tasting room or tap room;
   2. Service and professional businesses and organizations, including but not limited to:
      a. Automotive repair and service;
      b. Commercial day care facility in conjunction with a permitted use;
      c. Community services;
      d. Indoor recreation/sports arena, excluding athletic club/gym;
      e. Laboratory;
      f. Professional or general business office;
      g. Self-service storage;
      h. Social organization;
   3. Retail businesses, limited to the following:
      a. Any retail use that is incidental to, and associated with, the primary (permitted) use of the building. The retail use shall occupy less than 35% of the gross floor area of the building;
      b. Automotive, trailer, recreation vehicle, and motorcycle, sales and rental;
      c. Eating/drinking establishment, excluding fast-food restaurant, high-turnover sit down restaurant, and drive-up/drive-through uses, and limited to no more than 40 seats;
      d. Meat market, produce market, excluding grocery stores and convenience stores;
   4. Bus station or terminal;
   5. Group care and assisted living;
   6. Minor public facility;
   7. Nursery/greenhouse;
   8. Outdoor recreation;
   9. Park and ride station;
   10. Parking lot or garage (when not an accessory use);
   11. Public park, plaza, playground or recreation area, and buildings;
   12. Salvage yards, including processing, storage or sales;
   13. Trucking terminal, distribution center, or transit center;
   14. Warehousing and distribution facilities for wholesale merchandise;
   15. Wholesale lumber or building materials yard;
   16. Other uses similar in nature.
17.50.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   None

B. Conditional Uses:
   1. Automotive fueling station;
   2. Concrete or asphalt batch plant;
   3. Convenience market/store of less than 2,500 gross square feet
   4. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
   5. Major public facility;
   6. Medical marijuana grow site;
   7. Stand-alone retail uses of less than 5,000 gross square feet;
   8. Other uses similar in nature.

17.50.30 DEVELOPMENT REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Dimension</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 ft. minimum; 70 ft. maximum from a transit street</td>
</tr>
<tr>
<td>Side or Rear</td>
<td>None, unless abutting a more restrictive district; if abutting, the minimum setback is 50 ft.</td>
</tr>
<tr>
<td>Corner</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Outdoor Display/Sales Lot Area</td>
<td>40% maximum</td>
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<tr>
<td>Lot Coverage</td>
<td>80% maximum</td>
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<tr>
<td>Landscaping Requirement</td>
<td>15% minimum</td>
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<tr>
<td>Structure Height</td>
<td>45 ft. maximum</td>
</tr>
<tr>
<td>Transit Street Setback</td>
<td>See Chapter 17.82</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

A. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District
   1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
   2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
   3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
   4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may
be located within the height transition area but not any areas designated as buffering and screening area.

B. Off-Street Parking. Parking shall not be located in a required standard 30’ setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, a shared driveway may be required.

C. Screening. All buildings (regardless of use) that are visible from an arterial street or highway shall be screened from view by a vegetative buffer as specified below:
   1. Minimum depth of the buffer shall be 20 feet measured from the property line and run the entire length of the property.
   2. Existing trees shall be preserved to the greatest extent possible.
   3. Evergreen trees at least 8 feet in height and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years.
   4. If the property does not abut a highway or arterial street, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from arterial streets and highways.

D. Special Requirements for Medical Marijuana Grow Sites. A medical marijuana grow site shall be further restricted as follows:
   1. In addition to requiring compliance with all State requirements, medical marijuana grow sites shall be located at least 250 feet from all of the following uses: K-12 school, preschool, after school program, or day care facility;
   2. For purposes of this subsection, distances are measured by a straight line between any point on the boundary line of the real property containing the medical marijuana grow site and the boundary line of the property containing the K-12 school, preschool, after school program, or day care facility;
   3. In addition to the requirements of Chapter 17.22, Notices, notice shall be provided to property owners within 1,000 feet, excluding street right-of-way, from the property containing the proposed medical marijuana grow site.

17.50.40 ADDITIONAL REQUIREMENTS

A. Design review is required for all buildings and external building modifications.
B. All processes and storage shall be entirely enclosed within a building. However, outdoor storage of materials may be approved by the Director upon a finding that the proposed storage is screened from view from public rights-of-way by buildings, landscaping, fences, etc. All manufacturing operations shall be conducted wholly within an enclosed building.
C. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process.

17.50 - 3

Revised by Ordinance 2016-06 effective 11/08/16
CHAPTER 17.52 - GENERAL INDUSTRIAL (I-3)

17.52.00 INTENT

It is the intent of this district to provide locations in suitable areas for general manufacturing and warehousing businesses which because of potential land use conflicts require large, isolated sites removed from neighboring residential uses.

17.52.10 PERMITTED USES

A. Primary Uses Permitted Outright:
   1. Any industrial use excluding uses with a primary function of storing, utilizing, or manufacturing toxic or hazardous materials;
   2. Administrative, educational or other related activities subordinate to a permitted use on the same premises;
   3. Carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses when enclosed in a building;
   4. Minor utility facility;
   5. Truck, trailer and heavy equipment sales, rental or repair;
   6. Vehicle repair shop, entirely within an enclosed building;
   7. Warehousing and distribution facilities for wholesale merchandise, with indoor or outdoor storage (not including mini-storage facilities);
   8. Wholesale lumber or building materials yard with no retail sales;
   9. Other uses similar in nature.

B. Accessory Uses Permitted Outright:
   1. A use customarily incidental and subordinate to a principal use permitted outright.

17.52.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:
   None

B. Conditional Uses:
   1. Commercial uses which the Planning Commission finds meet the following criteria:
      a. The use is supportive and complementary to the principal industrial uses in the district;
      b. The scale, activity and design of the use proposed is appropriate to the location and trade area;
      c. The use is designed and landscaped so as to blend harmoniously with the surrounding area; and,
      d. Access to the commercial use is provided by a signal-controlled intersection.
   2. Any principal use involving storing, utilizing or manufacturing toxic or hazardous materials, including but not limited to, cement; chemicals; explosives; fertilizers, organic or inorganic; gas (all kinds (artificial, natural, liquefied or compressed); paint, lacquer or varnish; paper; petroleum products of all kinds; rubber; and soap;
   3. Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as beer, wine, sauerkraut, vinegar or yeast;

Revised by Ordinance 2013-11 effective 12/18/13
4. Brewery, distillery or winery;
5. Concrete or asphalt batch plant;
6. Incineration or burning of industrial wastes or by-products;
7. Junkyards, including processing, storage or sales;
8. Meat or poultry slaughter or packing;
9. Night watchman or caretaker facility;
10. Transfer station or recycling facility;
11. Trucking terminal and distribution center;
12. Other uses similar in nature.

17.52.30 DEVELOPMENT REQUIREMENTS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
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<td>Lot Dimension</td>
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<td></td>
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<td>Front</td>
<td>30’ minimum; 70’ maximum from a transit street</td>
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<tr>
<td>Side or Rear</td>
<td>None, unless abutting another more restrictive district; if abutting, the minimum setback is 50’</td>
</tr>
<tr>
<td>Corner</td>
<td>15’</td>
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<tr>
<td>Outdoor Display/Sales Lot Area</td>
<td>60% maximum</td>
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<tr>
<td>Lot Coverage</td>
<td>85% maximum</td>
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<td>Landscaping Requirement</td>
<td>10% minimum</td>
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<tr>
<td>Structure Height</td>
<td>45 ft. maximum</td>
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A. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District
1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

B. Off-Street Parking, Parking shall not be located in a required standard 30’ front setback area.
Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.

17.52.40 ADDITIONAL REQUIREMENTS

A. Design review is required for all uses.
B. Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process.
CHAPTER 17.54 - SPECIFIC AREA PLAN OVERLAY

17.54.00 SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS

A. **Purpose.** The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan coordinating and directing development in terms of transportation, utilities, open space and land use, however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development.

B. **Initiation.** The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan.

C. **Advisory Committee.** The City Council may appoint an advisory committee to guide development of the plan. The advisory committee may include persons representing affected property owners, neighbors, city staff, agencies, special districts and the community at large. The role of the committee is advisory to the Planning Commission and the City Council.

D. **Adoption.** A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.

E. **Map identification.** A specific area plan overlay zone is identified on the City of Sandy Zoning Map with a specific border around the perimeter of the plan area and a letter “S” depicted approximately in the center of the plan area. A report that includes the specific area plan and relevant development standards shall be adopted as an exhibit to the ordinance approving the overlay zone district.

F. **Comprehensive Plan Amendment.** A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.

G. **Compliance with Specific Area Plan Standards and Procedures.** New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.

H. **Specific Area Plan Standards.** Specific standards for adopted specific area plans are defined below.

17.54.10 SPECIFIC AREA PLAN CONTENT

At a minimum, a specific area plan shall include the following text and diagrams:

A. **Plan Objectives.** A narrative shall set forth the goals and objectives of the plan.

B. **Site and Context.** A map of the site and existing context shall identify the project area.
C. **Land Use Diagram.** The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.

D. **Density.** If residential uses are proposed, a narrative shall describe planned residential densities.

E. **Facilities Analysis.** The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.

F. **Circulation/Transportation Diagram.** The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.

G. **Market Analysis.** Specific area plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation.

H. **Design and Development Standards.** If standards differ from normal City standards, design and development standards shall be included in the plan.

### 17.54.20 LAND USE REVIEW

The review procedures outlined in Chapter 17.12, Procedures for Decision Making, shall apply for all development subject to a specific area plan overlay zone, unless modified below.

A. **Type I.** The Director, at his or her discretion, may refer a Type I application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.10, the following activities shall be reviewed administratively.

1. Administrative amendments to a specific area plan, as defined by Section 17.54.30 (A).

B. **Type II.** The Director, at his or her discretion, may refer a Type II application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.20, the following activities shall be reviewed administratively with notices to neighboring property owners.

1. Minor amendments to a specific area plan, as defined by Section 17.54.30 (B).

C. **Type III.** In addition to the procedures detailed in Section 17.12.30, the following activities shall be reviewed by the Planning Commission as either a quasi-judicial or legislative amendment.

1. Major amendments to the specific area plan, as defined by Section 17.54.30 (C).

### 17.54.30 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC AREA PLAN
Amendments to an approved specific area plan are classified as administrative, minor, or major amendments.

A. **Administrative Amendments.** The City Planning Director may approve administrative amendments pursuant to the Type I procedures of the Sandy Development Code. Administrative amendments include:

1. Street, easement, sidewalk, and trail relocations that result in a location change of less than 50 feet from what is depicted on specific area plan diagrams.
2. Public park relocations that result in a location change of less than 100 feet from what is depicted on specific area plan diagrams.
3. Increases in the size of public neighborhood parks, provided that transportation connections remain consistent with the specific area plan.
4. Reductions in the size of public neighborhood parks, provided the reductions are less than 10% of park area depicted on specific area plan diagrams.
5. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific area plan.
6. A change in the utility plan other than what would be necessary for other authorized adjustments.

B. **Minor Amendments.** A minor amendment to a specific area plan shall be processed as a Type II land use decision. The decision shall include findings demonstrating that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and
2. The functioning of the specific area plan, and
3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Minor amendments are those that result in any of the following:

a. A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the specific area plan circulation/transportation diagram.

b. A change in the land use diagram that reduces the size of a public park or facility more than 10%, or moves the location more than 100 feet from the location depicted on the land use diagram.

C. **Major Amendment.** A major amendment to a specific area plan shall be processed as a Type III Procedure affecting the existing specific area plan. The amendment shall follow either quasi-judicial or legislative procedures and meet plan amendment and zone change criteria. Findings must demonstrate that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and
2. The functioning of the specific area plan, and

3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Major amendments are those that result in any of the following:

a. A change in a land use plan boundary or density, unless as part of the original approvals an alternative design was approved outlining acceptable plan designation options (e.g. a residential use may be approved on a park site).

b. A change in the circulation/transportation plan that causes a required transportation element, including a trail, to be added, eliminated or moved more than 100 feet from the location depicted on the specific area plan circulation/transportation diagram.

c. A change in the Parks Plan that adds or eliminates a designated public park or facility.

d. A change in development standards, except those set forth as minor or administrative amendments.

e. Increase or decrease in density, as much as 20% over or under density permitted by an underlying zoning district.

f. Other amendments to the specific area plan not defined as administrative or minor amendments.

17.54.40 BORNSTEDT VILLAGE OVERLAY (BVO) DISTRICT

The City of Sandy developed a specific area plan for Bornstedt Village, a mixed-use neighborhood located south of downtown Sandy surrounding the intersection of Hwy 211 and Bornstedt Road, as depicted on the City of Sandy Zoning Map. The Bornstedt Village Specific Area Plan Report, the background document that includes Figures referenced in this Chapter, is available for review in the City of Sandy Planning Department.

17.54.50 BVO INTENT

The Bornstedt Village Overlay (BVO) district is intended to guide the development of a new, pedestrian-oriented neighborhood in Sandy, and, implement the Comprehensive Plan’s village policies. The district is intended to integrate land use, transportation, natural resource and infrastructure planning in a way that recognizes and enhances the unique qualities of Bornstedt Village. The district references other chapters within the Sandy Development Code in combination with provisions that apply solely within Bornstedt Village. Where there is a conflict between a referenced section of the Code and this chapter, the BVO district provisions supercede.

The planning objectives for Bornstedt Village are to:

A. Create a Livable Village – Create a neighborhood-oriented village that fulfills the village definition in the Sandy Comprehensive Plan, and, responds to the unique opportunities and site conditions of Bornstedt Village.

Revised by Ordinance No. 2003-09 effective 10/15/03
B. **Provide Transportation Options and a Local Street Network** – Provide for transportation improvements and a village setting that is conducive to walking, bicycling and transit, while accommodating automobile traffic. Integrate planned land uses with existing and future transportation modes.

C. **Plan for a New, Village-Oriented Character for Hwy 211, Bornstedt and Jacoby Roads** – Evaluate ways to calm traffic, improve safety, create an attractive character, protect natural resources and generally minimize adverse impacts from traffic on these high-speed roads.

D. **Protect, Restore, and Enhance Natural Resources in Balance with Creating an Urban Village** – Plan for integration for land use, transportation, and natural resources in the village. This objective seeks to protect, restore and enhance key resources and implement appropriate green and sustainable development practices, all in balance with creating an urban village.

E. **Plan for a Parks and Open Space** – Provide parks that implement the City of Sandy Parks Master Plan, and other open space opportunities that enhance the livability of the village.

F. **Provide Housing Choices** – Provide a variety of housing choices that meet the needs of a broad spectrum of Sandy residents.

G. **Ensure Attractive and Village-Oriented Design** – Identify zoning and design guidelines that will result in attractive design that supports the creation of a walkable village.

### 17.54.60 BVO APPLICABILITY

Development and land use within the Bornstedt Village Overlay district, as shown on the City of Sandy Zoning Map (reflecting Figure 5 in the Bornstedt Village Specific Area Plan), shall be in conformance with the provisions outlined in this chapter. Cascadia Village Subdivisions #1 through #6 are exempt from Sections 17.54.70-17.54.110.

### 17.54.70 BVO PERMITTED USES

Within the Bornstedt Village Overlay district, all uses shall be consistent with the underlying zoning district, as referenced below. Uses are determined through the referenced zone district unless specifically modified or exempted herein.

A. **Single Family Residential (SFR)** – see SDC 17.34. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.34.10 and 17.34.20.

B. **Low Density Residential (R1)** – see SDC 17.36. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.36.10 and 17.36.20.

C. **Medium Density Residential (R2)** – see SDC 17.38

D. **High Density Residential (R3)** – see SDC 17.40
E. Village Commercial (C-3) – see SDC 17.46. Multi-family dwellings above, beside or behind a commercial business are permitted except as modified as follows: residential dwellings shall only be permitted to be located above, beside or behind the commercial use(s) if a minimum of 80% of the ground floor of each building footprint is occupied by the commercial use(s). In such cases where the 80% standard is met, a maximum of 20% of the ground floor of each building footprint may be used for residential purposes and to provide access to residential dwellings located above, beside or behind the commercial use(s).

17.54.80 BVO DEVELOPMENT STANDARDS

Residential Development Standards

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<tr>
<th>Type</th>
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<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
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<td>Minimum Average Lot Width</td>
<td>50 ft. single family detached; 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house</td>
<td>40 ft. single family detached; 30 ft. zero lot line and duplex; 20 ft. row house</td>
<td>40 ft. single family detached; 20 ft. zero lot line, duplex and row house</td>
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<tr>
<td>Lot Width at Building Line</td>
<td>40 ft. single family detached</td>
<td>40 ft. single family detached; 50 ft. duplex; 20 ft. zero lot line; 20 ft. row house</td>
<td>40 ft. single family detached; 30 ft. duplex; 20 ft. zero lot line and row house</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
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<td>20 ft.</td>
<td>20 ft.</td>
</tr>
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<td>Minimum Ave. Lot Depth</td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
<td>No minimum</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
<td>10 ft. min.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20 ft. min.</td>
<td>15 ft. min.</td>
<td>15 ft. min.</td>
<td>15 ft. min.</td>
</tr>
<tr>
<td>Side Yard (interior)</td>
<td>7.5 ft. min.</td>
<td>5 ft. min.</td>
<td>5 ft. min.</td>
<td>5 ft. min.</td>
</tr>
<tr>
<td>Corner Lot Setback</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
<td>10 ft. on side abutting the street</td>
</tr>
<tr>
<td>Garage Setback</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
<td>20 ft. min.</td>
</tr>
<tr>
<td>Projection into Required</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
<td>See Chapter 17.74</td>
</tr>
<tr>
<td>Structure Height</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
<td>35 ft. max.</td>
</tr>
<tr>
<td>Building Site Coverage</td>
<td>No maximum</td>
<td>Maximum - 80 percent maximum for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
<td>Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks</td>
</tr>
</tbody>
</table>

17.54 - 9

Revised by Ordinance No. 2003-09 effective 10/15/03
<table>
<thead>
<tr>
<th>Type</th>
<th>SFR</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

### 17.54.90 BVO Village Commercial Development Standards

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>No minimum or maximum</td>
</tr>
<tr>
<td>Lot Width</td>
<td>No minimum</td>
</tr>
<tr>
<td>Lot Depth</td>
<td>Maximum 100'</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Setbacks*</td>
<td>No minimum front, side or corner setback; 10 ft. maximum. Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>10%</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

*Unless abutting a more restrictive zoning district, then match abutting district’s setback

### 17.54.100 BVO Village Commercial - Residential in Conjunction with a Commercial Business

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Dimension</td>
<td>In conformance with Chapter 17.40 (R3)</td>
</tr>
<tr>
<td>Setbacks</td>
<td>In conformance with Chapter 17.40 (R3)</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>No minimum</td>
</tr>
<tr>
<td>Structure Height</td>
<td>45 ft. max.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>20%</td>
</tr>
</tbody>
</table>

### 17.54.110 BVO DESIGN STANDARDS

A. **Design Review** – Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.

B. **Single Family Residential Design Standards** – All single family dwellings and manufactured dwellings on individual lots of record shall utilize at least six of the following design features to provide visual relief along the front of the home:

1. Dormers
2. Gables
3. Recessed entries
4. Covered front porches
5. Pillars or posts
6. Bay or bow windows
7. Eaves of 12 inches or greater
8. Off-set of 16 inches or greater on building face or roof
9. Window trim (minimum 4-inches-wide nominal) or shutters (minimum 8-inches-wide nominal)

Revised by Ordinance No. 2003-09 effective 10/15/03
10. Balconies or porch rail
11. Shakes, shingles, brick or other similar decorative materials occupy at least 100 square feet of the street façade

C. Variety of Housing Standard for Subdivisions and Planned Developments – In order to reduce repetition of the same building type and promote housing choices, all subdivisions and planned unit developments exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third (33.3%) of the dwellings, by one or more of the following:

1. A mix of attached and detached dwellings.
2. A variety of lot sizes for detached dwellings where the “varied” lot sizes are at least 20% larger or smaller than the average lot size for the remaining lots.
3. A mix of one and two story dwellings.
4. A mix of multi-family housing and detached dwellings, where allowed by the underlying zoning district.
5. Other techniques as approved by the Planning Commission through a Type III review process.

D. Garage Standards – The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:

1. Ensure that there is a physical and visual connection between the living area and entrance of the dwelling and the street.
2. Enhance public safety for residents and visitors and provide opportunities for community interaction.
3. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk.

Garages that are accessed from the front lot area of the dwelling must meet one of the four options listed below, unless the garage is placed behind the dwelling.

a. The length of the garage wall may be up to 60% of the length of the street-facing building façade when the garage does not extend closer to the front lot line than the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).

b. The length of the garage may be up to 70% of the length of the street-facing building façade when the garage is recessed at a minimum of 2 feet from the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).

c. The garage may extend up to 6 feet in front of the longest street-facing wall when its width does not exceed 50% of the total street-facing façade, and, the garage is not closer to the street lot line than the front of the porch. As referenced here, the porch must be at least 48 square feet in area, have a solid roof that is not more than 12 feet above the porch (Figure 10b in the Bornstedt Village SAP).

d. A garage door that is oriented at least 90 degrees to the street lot line is not subject to standards a-c above. Such side-oriented garages must have at least 15% of their street-facing wall (measured in square feet) in windows (Figure 10b in the Bornstedt Village SAP).
E. **Access to Narrow Lots** – In order to minimize the extent of curb cuts on each block, to de-emphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway may serve: 1) as many as 6 dwelling units, none of which takes direct access on the public street; or 2) two dwelling units, where both dwelling units share a common driveway approach on a public street (where permitted). The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

F. **Landscaping Standards Adjacent to Highway 211** – The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum 2”) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

### 17.54.120 BVO CIRCULATION

New streets and vehicle access shall be developed consistent with the Bornstedt Village Circulation Plan (Figure 7 of the Bornstedt Village Specific Area Plan). Through-roads shown on the circulation plan are considered “required” street connections, however, there is flexibility regarding the specific alignment of the streets. Proposed road “arrows” (shown on Circulation Plan) are considered suggested locations for additional connections between the through streets, recognizing that flexibility is needed for the specific number and location of additional streets. The combination of development of the through streets and additional connections shall provide circulation resulting in a logical and connected network of local neighborhood streets. Figure 8 of the Bornstedt Village Specific Area Plan is an illustrative, non-binding, plan of how this standard could be implemented. Within the Bornstedt Village Overlay District, changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be added or moved more than 100 feet from the location depicted on the specific area plan Circulation diagram, shall be subject to the amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be eliminated, shall be subject to the amendment procedures of 17.54.30 (C).

A. **Highway 211 Parkway Section.** Development shall be consistent with the design of the Highway 211 Parkway cross-section (Figure 6 of the Bornstedt Village Specific Area Plan), subject to ODOT approval. The parkway cross-section may be modified, as needed, to adjust to topographic and other constraints. Modifications as part of the review of any land use application or development permit shall be approved by City Engineer and are subject to ODOT approval.

B. **Traffic Calming on Bornstedt Road.** The intersection of Bornstedt Road and Cascadia Village Drive shall be stop controlled. Other traffic calming methods such as striping, reflectors, narrowing of the pavement section, regrading, landscaping and other traffic calming techniques shall be considered during land use reviews and public improvement projects.

C. **Boulevards.**
1. The concept for the Barlow Road Boulevard is to build a neighborhood street that:
   
a. Follows the general alignment of the historic Barlow Road, as shown on Figures 7 and 11 of the Bornstedt Village Specific Area Plan; and

b. Includes a landscaped park-block section that is a minimum of 20 feet wide and includes interpretive signage and a trail within the median. The conceptual design recognizes that the historic road is no longer visible, but is still valuable and important to incorporate into the design of the neighborhood; and

c. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

d. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

2. The concept for the Village Boulevard is to build a neighborhood street that:
   
a. Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and

b. This street should include a landscaped park-block median that is a minimum of 20 feet wide; and

   c. The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and

   d. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

   e. Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

3. The concept for Cascadia Village Drive, west of Bornstedt Road, is to build a neighborhood street that:
   
a. Features a landscaped park-block median that is a minimum of 20 feet wide, except where the street must avoid areas regulated by Chapter 17.60, the FSH Overlay District; and

b. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and

   c. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard
street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.

D. Green Streets – Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.

17.54.130 BVO PARKS

The Open Space, Parks and Trails Map (Figure 9 of the Bornstedt Village Specific Area Plan) illustrates both existing parks and the location of new neighborhood parks. The proposed parks are conceptually located. The parks are an important element of the BVO district, however, they do not bind the subject properties to use as only parkland. Rather, the exact location and size of the parks shall be established through acquisition by the City, parkland dedication during development reviews as required by Chapter 17.86, development agreements, or other means that involve property owner participation. Within the Bornstedt Village Overlay District, changes in the parks plan that cause a required park, path or trail to be added or moved more than 100 feet from the location depicted on the specific area plan parks diagram, shall be subject to the Amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the parks plan that cause a required park, path or trail to be eliminated, shall be subject to the Amendment procedures of 17.54.30 (C).

17.54.140 BVO ENVIRONMENTAL STANDARDS

The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:

1. Flood Slope and Hazard (FSH) Overlay – see Chapter 17.60

2. Hillside Development – see Chapter 17.56

3. Urban Forestry – see Chapter 17.102, except where modified by this Chapter

   A. Tree Retention – The landowner is responsible for retention and protection of retained trees as specified below:

      1. Within Bornstedt Village at least 9 trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and 6 trees per acre in other areas of the village.

   All other standards of Chapter 17.102 shall remain in effect.
CHAPTER 17.56 - HILLSIDE DEVELOPMENT

17.56.00 INTENT

The intent of this chapter is to comply with Statewide Planning Goal 7 (Natural Hazards) by minimizing seismic and landslide hazards, and soil erosion associated with development on steep or unstable slopes. Development may be permitted on potentially hazardous areas, provided that the recommendations of approved studies are implemented as conditions of building permit or land use approval.

17.56.10 APPLICABILITY

These regulations shall apply to any parcel with slopes greater than twenty-five percent (25%) as shown on the Hillside Development Overlay District Map or with slope hazards mapped by the Department of Geology and Mineral Industries (DOGAMI). This chapter shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit.

A. General. No person shall develop property in areas designated by SDC 17.56.10, without first demonstrating compliance with this chapter.
   1. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
   2. Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

B. Exemptions:
   1. An activity or use that avoids slopes of 25% or greater, DOGAMI slope hazard areas, natural drainageways and potentially hazardous analysis areas as defined in Section 17.56.30.A.
   2. The following activities, regardless of location:
      a. An excavation that is less than three feet in depth, or which involves less than fifty cubic yards of volume;
      b. A fill that does not exceed three feet in depth or 50 cubic yards of volume;
      c. New construction or expansion of a structure resulting in a net increase in ground floor area of less than 1,000 square feet that does not involve grading;
      d. Emergency actions required to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property, as determined by the Director; or
      e. Any land use or activity that does not require a building, grading permit, or land use approval.

17.56.20 APPROVAL PROCEDURES

A. Land Use Reviews. All applications for land use approval under the Sandy Development Code shall be reviewed under the highest numbered procedure required for the development proposal. For example, a Type II design review combined with hillside development review would be considered under Type II procedure; similarly, a Type III conditional use permit combined with hillside development review would be considered under Type III procedure.
B. Building Permits. The Building Official will process requests for building or grading permit applications that do not require land use review under the Sandy Development Code.

17.56.30 REQUIRED MAP AND STUDIES

A. Topographic Map Required. To determine the location of potentially hazardous areas, the applicant shall submit a scaled topographic map at two-foot contour intervals for the subject property (site) and for land within 25 feet of the site perimeter. In addition to DOGAMI slide hazard areas and slopes of 25% or greater, potentially hazardous “analysis areas” include land within 25 feet of the top or toe of slopes of 25% or greater and the area 25 feet on either side of drainageways that drain 20 acres or more. This map shall be prepared by a registered engineer or land surveyor and shall show:

1. Slopes of 25-34%;
2. Slopes of 35% and greater;
3. The analysis that is within 25’ of slopes that are 25% or greater parallel to and within 25 feet of the top of the 25% slope break;
4. Mapped DOGAMI slide hazard areas;
5. The analysis area within 25 feet of the centerline of drainageways that drain at least 20 acres; and
6. The area (in square feet) for each category listed above for the subject property.

B. Types of Required Studies. There are three types of geological and engineering studies that may be required by this chapter. See Table 1 under Section 17.56.40, below.

1. Geological Assessments are prepared and stamped by a Certified Engineering Geologist and describe the surface and subsurface conditions of a site, delineate areas of a property that may be subject to specific geologic hazards, and assess the suitability of the site for development. Geotechnical Reports shall be conducted according to the requirements of Appendix A (Geological Assessments), shall make recommendations as to whether further studies are required, and may be incorporated into or included as an appendix to the geotechnical report.

2. Engineering Geology Reports are prepared and stamped by a Certified Engineering Geologist and provide detailed descriptions of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. Engineering Geology Reports shall be prepared in accordance with the requirements of Appendix B (Guidelines for Preparing Engineering Geology Reports in Oregon adopted by the Oregon State Board of Geologist Examiners) and may be incorporated into or included as an appendix to the geotechnical report.

3. Geotechnical Reports are prepared and stamped by a Geotechnical Engineer, evaluate site conditions, and recommend design measures necessary to reduce the development risks and facilitate safe and stable development. Geotechnical Reports shall be conducted according to the requirements of Appendix C (Geotechnical Reports), and may be incorporated into or included as an appendix to the Engineering Geology Report.

17.56.40 WHERE STUDIES REQUIRED

Additional geological or engineering studies shall be required, or not required, under the following circumstances:
TABLE 1: WHERE STUDIES ARE REQUIRED OR NOT REQUIRED

<table>
<thead>
<tr>
<th>Situation</th>
<th>Type I Development Applications; Single Family Homes, Duplexes and Accessory Uses</th>
<th>NON-EXEMPT Grading; Type II or III Development Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Proposed development avoids slopes of 25% or greater, drainageways, DOGAMI slope hazard areas and all analysis areas:</td>
<td>1. No further requirements</td>
<td>2. No further requirements</td>
</tr>
<tr>
<td>B. Development proposed on slopes of 25-35% or analysis areas, but avoids drainageways, DOGAMI hazard areas and slopes of 35% or greater:</td>
<td>1. Geological Assessment required; Engineering Geology or Geotechnical Reports may be required*</td>
<td>2. Engineering Geology Report required; Geotechnical Report may be required*</td>
</tr>
<tr>
<td>C. Development proposed on DOGAMI hazard areas, slopes of 35% or greater, or drainageway areas:</td>
<td>1. Engineering Geology Report required; Geotechnical Report may be required*</td>
<td>2. Engineering Geology Report and Geotechnical Report required</td>
</tr>
</tbody>
</table>

* Whether additional studies are necessary depends on recommendations of base required study.

17.56.50 COMPLIANCE WITH STUDY CONCLUSIONS AND RECOMMENDATIONS REQUIRED

A. Professional Standards. The director shall determine whether Geological Assessments, Engineering Geology Reports, or Geotechnical Reports have been prepared in accordance with Section 17.56.30. The director may require additional information or analysis necessary to meet study requirements.

B. Peer Review. The director may require peer review of any required report, in which case regulated activities and uses shall be reviewed and accepted through the peer review process before any regulated activity will be allowed.
   1. A professional or professional firm of the city’s choice that meets the qualifications listed in this chapter shall perform the review.
   2. The review shall be at the applicant’s expense.
   3. Review of report submittals shall determine whether required elements are completed, geologic report procedures and assumptions are accepted, and all conclusions and recommendations are supported and reasonable.

C. Review Criteria. The approval authority shall rely on the conclusions and recommendations of required reports, as modified by peer review, to determine compliance with this chapter.

D. Conditions of Approval. Conclusions and recommendations stated in approved reports shall be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.
E. **Expiration.** Where an approved assessment or report as defined and required by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall submit an amendment to the required assessment or report, which may be reviewed and approved through the peer review process.

**APPENDIX A**

**GEOLOGICAL ASSESSMENT REQUIREMENTS**

The geological assessment is intended as an overview of site conditions. Its purpose is to identify geologic hazards and considerations, and to provide an assessment of the suitability of the site for the proposed project. It is the City’s policy to evaluate not only the development site and its effect on adjacent properties, but also adjacent properties that may affect the site. The report should include the items listed below in sufficient detail so that the City may determine whether a more thorough engineering geology report or geotechnical report may be needed to complete the evaluation of the suitability of the site for the proposed use.

**The geologic assessment shall include the following:**

**GENERAL**
- Name, address, and phone number.
- Client for whom the report was prepared.
- A description of the proposed project and its location.
- A review of the geologic history and the history of prior excavations and fills.
- A field reconnaissance of the site and vicinity.
- A discussion of geologic hazards, if any.

**SITE INVESTIGATION**
A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A geologic profile showing any referenced subsurface conditions. A copy of published geologic maps shall also be provided.

- Suitability of the site for proposed development from a geologic standpoint.
- A description of the magnitude and extent of proposed grading or soil disturbance.
- If deemed necessary, subsurface exploration shall be conducted to assess unclear geologic conditions.
- A description of all field mapping and exploration procedures.
- Additional information or analyses as necessary to evaluate the site.
- A bibliography of all references used.

**GEOLOGIC PROCESSES**
- A discussion of any unusual or extreme geologic processes at work on the site, for example: rapid erosion, landslide hazard, flood hazard, rockfall, subsidence, or other features.
- A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation.
• An identification of any areas of the site that you recommend be avoided for human occupied structures.
• The effects of the geologic conditions on the proposed land use.
• The effects of the proposed land use on future geologic processes.
• The effects of the geologic conditions and proposed land use on surrounding properties.

RECOMMENDATIONS
• Discuss mitigation measures to address any anticipated geologic problems.
• Discuss potential future follow-up studies that should be recommended, such as engineering geology reports, geotechnical reports, additional subsurface exploration or more extensive soil reports.
• Geologic feasibility of the site for the proposed development.

CERTIFICATION
A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705.

APPENDIX B
GUIDELINES FOR PREPARING ENGINEERING GEOLOGIC REPORTS IN OREGON

Adopted by The Oregon State Board of Geologist Examiners
This is a suggested guide for the preparation of an engineering geologic report in Oregon. The engineering geologic report should include sufficient facts and interpretation regarding geologic materials, processes, and history to allow evaluation of the suitability of the site for the proposed use. Because of the wide variation in size and complexity of projects and scope of work, the guidelines are intended to be flexible and should be tailored to the specific project. The guidelines are intended to be fairly complete; however, not all items would be applicable to small projects or low-risk sites. In addition, some items may be addressed in separate reports prepared by a geotechnical engineer, geophysicist, structural engineer, or hydrologist.

The guidelines are based on a publication developed by the Guidelines Committee of the Utah Section of the Association of Engineering Geologists, a series of guidelines published by the California Division of Mines and Geology in the CDMG Note series, and the Bulletin of the Association of Engineering Geologists (Slosson, 1984).

GENERAL INFORMATION
The following items should be addressed:
• Client or party that commissioned the report.
• Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done.
• Location and size of area, and its general setting with respect to major or regional geographic and geologic features.
• Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify level of the study, i.e., feasibility, preliminary, final, etc.
• Topography and drainage within or affecting the area.
• General nature, distribution, and abundance of exposures of earth materials within the area.
• Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions.

• Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as buildings or utilities) in the immediate vicinity.

• Location of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections and described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.

• All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results.

• Disclosure statement of geologist's financial interest, if any, in the project or the client's organization.

• The signature and seal of the certified engineering geologist who prepared the report.

GEOLOGIC MAPPING AND INVESTIGATION
• Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present. For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed. If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication. It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.

• Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.

• The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationships.

• The report should include one or more appropriately positioned and scaled cross sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

GEOLOGIC DESCRIPTIONS
The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, etc.)

The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

Bedrock
• Identification of rock types.
• Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units.
- Surface and subsurface expression, areal distribution, and thickness.
- Pertinent physical characteristics (e.g., color, grain size, nature of stratification, strength, variability).
- Distribution and extent of zones of weathering; significant differences between fresh and weathered rock.
- Special engineering geologic characteristics or concerns (e.g., factors affecting proposed grading, construction, and land use).

Structural features - stratification, faults, discontinuities, foliation, schistosity, folds
- Occurrence, distribution, dimensions, orientation and variability; both within and projecting into the area.
- Relative ages, where pertinent.
- Special features of faults (e.g., topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit and oldest unfaulted unit).
- Other significant structural characteristics or concerns.

Surficial deposits - alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as cinders and ash), and fill.
- Identification of material, grain size, relative age, degree of activity of originating process.
- Distribution, dimensional characteristics, variations in thickness, degree of soil development, surface expression.
- Pertinent physical and engineering characteristics (e.g., color, grain size, lithology, compactness, cementation, strength, thickness, variability).
- Special physical or chemical features (e.g., indications of volume change or instability, such as expansive clays or peat).
- Other significant engineering geologic characteristics or concerns.

Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on the site. Indicate how conditions may be affected by variations in precipitation, temperature, etc.
- Distribution, occurrence, and variations (e.g., drainage courses, ponds, swamps, springs, seeps, aquifers).
- Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge and discharge areas.
- Relationships to topographic and geologic features.
- Evidence for earlier occurrence of water at localities now dry (e.g., vegetation, mineral deposits, historic records).
- Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects of proposed modifications on future hydrologic processes.

Seismic considerations.
- Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk.
- Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone).
- Probable response of site to likely earthquakes (estimated ground motion).
- Potential for area to be affected by earthquake-induced landslides or liquefaction.
- Potential for area to be affected by regional tectonic deformation (subsidence or uplift).
ASSESSMENT OF GEOLOGIC FACTORS

Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves 1) the effects of the geologic features upon the proposed grading, construction, and land use, and 2) the effects of these proposed modifications upon future geologic conditions and processes in the area.

The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

General suitability of proposed land use to geologic conditions.

- Areas to be avoided, if any, and mitigation alternatives.
- Topography and slope.
- Stability of geologic units.
- Flood and tidal inundation, erosion, and deposition.
- Problems caused by geologic features or conditions in adjacent properties.
- Other general problems.

Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, volcanic eruption).

Recommendations for site grading.

- Protection of what materials and structural features will be encountered in proposed cuts.
- Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses.
- Excavation considerations (hard or massive rock, groundwater flows).
- General considerations of proposed fill masses in canyons or on sidehills.
- Suitability of on-site material for use as compacted fill.
- Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes.
- Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall and/or erosion protection on cut slopes.

Drainage considerations.

- Protection from inundation or wave erosion along shorelines.
- Soil permeability, suitability for septic systems.
- Protection from sheet flood or gulley erosion, and debris flows or mud flows.

Limitations of study, and recommendations for additional investigations. Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.

- Borings, test pits, and/or trenches needed for additional geologic information.
- Percolation tests needed for design.
• Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer.
• Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, etc.).

RECOMMENDED TECHNIQUES/SYSTEMS TO CONSIDER
• Engineering geology mapping can be done using the Genesis-Lithology-Qualifier (GLQ) system (Keaton, 1984), rather than the conventional Time-Rock system commonly used in geologic mapping. The GLQ system promotes communication of geology information to non-geologists. The Unified Soil Classification System (U.S. Army Corps of Engineers, 1960 - Tech. Memo 3-357, and American Society for Testing and Materials, 1984) has been used in engineering for many years and has been incorporated into the GLQ system.

• The Unified Rock Classification System (Williamson, 1984) provides a systematic and reproducible method of describing rock weathering, strength, discontinuities, and density in a manner directly usable by engineers.

• Systems for mapping landslide deposits are described by Wieczorek (1984) and by McCalpin (1984).

• Commonly accepted grading requirements are described in Chapter 70 of the Uniform Building Code.

Direct your questions and comments regarding these guidelines to:
Oregon Board of Geologist Examiners
707 13th Street SE, Suite 275
Salem, OR 97301
(503) 566-2837
Fax: (503) 362-6393

REFERENCES


APPENDIX C
GEOTECHNICAL REPORT REQUIREMENTS

The geotechnical report is intended to define the subsurface conditions and provide geotechnical conclusions and recommendations for design and construction of the project. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report for the purpose of providing geologic information for the geotechnical engineer, explaining the implications of the subsurface conditions for appropriate project design and construction. The investigation should include the following:

GENERAL
- Name, address, and phone number.
- Client for whom the report was prepared.
- A description of the proposed project and its location.
- A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A copy of published geologic maps shall also be provided.
- A review of the geologic history and history of prior excavation and fills.
- A field reconnaissance of the site and vicinity.
- Discussion of geologic hazards.
- A discussion of the engineering aspects of the site and proposed project. The discussion should address foundation types for proposed structures, retaining systems, grading considerations, stability of cut-slopes and constructed embankments, settlement of the site and adjacent sites due to existing conditions, proposed construction, and proposed surface and subsurface drainage facilities.
- A bibliography of all references used.

FIELD INVESTIGATIONS
- Planned construction (type of structure and use, type of construction and foundation/ floor system, number of stories, estimated structural loads).
- Scope (date of work done, investigative methods, sampling methods, logs of borings/ test pits, elevations of borings/test pits for reference of materials and samples to finished grade or footing elevations, identify real or assume elevations.
- Location of all samples taken, surface and subsurface.
- Groundwater conditions and potential (future natural and artificial seepage effects).
- Structural cross-sections (one or more appropriately positioned and referenced on map; especially through critical areas, slopes and slides) of suitable size and engineering scale; with labeled units, features and structures; and a legend. These sections should correlate with surface and subsurface data showing representative dip components, projections and stratigraphic/structural relationships.
ENGINEERING/MATERIAL CHARACTERISTICS AND TESTING
- Test methods used, type or condition of samples, applicable engineering graphics and calculations, results of all tests, and sample locations of all test samples.
- Unified Soil Classifications of materials.
- Material competency and strength of existing soils/profile:
  - Pertinent engineering geologic attributes (clayey, weak, loose; alignments, fissility, planar boundaries; pervious or water-bearing parts; susceptibility to mass wasting, erosion, piping, or compressibility).
  - Effects and extent of weathering (existing and relationship to project design and future site stability, material strength).
  - Field densities of unconsolidated field areas and moisture content.
  - Bearing capacity and/or shear strength of areas affected by future foundation placement (drained or undrained conditions, effective stress or total stress analysis, in-situ or remolded samples must be identified).
  - Consolidation or settlement potential.
  - Expansion potential.
- Maximum density-optimum moisture parameters of proposed fill material.

STABILITY FEATURES AND CONDITIONS
- Adequate mapping, sections and description dimensions and type of existing downslope movement, soil/rock creep, flows, falls, slumps, slides, if any.
- Activity, cause or contributing factors of downslope movement features.
- Recent erosion, deposition, or flooding features.
- Subsidence/settlement, piping, solution or other void features or conditions.
- Groundwater and surface drainage characteristics or features:
  - Surface expression (past and present); permeability/porosity of near surface materials.
  - Actual or potential aquifers or conduits, perching situations, barriers or other controls to percolation and groundwater movement and fluctuations of groundwater levels at the site.

FOUNDATION DESIGN CRITERIA
- Footing depth and width.
- Criteria for foundation material preparation.
- Allowable bearing values based on testing.
- Lateral pressures (active, passive, or at-rest conditions) and coefficient of friction.
- Settlement - total, differential, and rate of settlement.

REFERENCE
In supplemental or grading plan review reports referencing earlier reports, supply copies of those referenced reports or applicable portions as required by the Director.

CONCLUSIONS AND RECOMMENDATIONS
- Ground preparation (clearing, unsuitable material removal, scarification and moisturization).
- Fill support:
  - Suitability and precompaction of in-situ materials (describe test results and other pertinent data to be used to determine suitability).
  - Densification and moisturization or dewatering measures (equipment, surcharge, settlement monitoring, if applicable).
- Placement of fill:
  - Material approval (on site, imported).
o Methods and standards (ASTM standards or approved equivalent).
  - Testing (ASTM standards (D1556, D1557, D2167, D2922, D2937, D3017) or equivalent) and frequency of field density testing by vertical intervals and/or volume of fill.
  - Elimination of cut/fill or other different transitions beneath improvements.
  - Opinion as to adequacy of site for the proposed development (this opinion should also be summarized in the first part of the report).
  - Other pertinent geotechnical information for the safe development of the site.

CERTIFICATION
  - A signature, certification number, and stamp of a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
  - A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705 if a geological assessment or engineering geology report is incorporated into or included as an appendix to the geotechnical report.
CHAPTER 17.60 - FLOOD & SLOPE HAZARD (FSH) OVERLAY DISTRICT

17.60.00 INTENT

This chapter is intended to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP). This chapter is also intended to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

A. Protect human life and health;
B. Minimize expenditure of public money for costly flood control projects;
C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. Minimize prolonged business interruptions;
E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood hazard areas;
F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
G. Notify potential buyers that the property is in a Special Flood Hazard Area;
H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.60.10 INTERPRETATION AND MAPPING

The Director has the ultimate responsibility for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department and areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, “Flood Insurance Study (FIS) for Clackamas County, Oregon and Incorporated Areas,” dated January 18, 2019, with...
accompanying Flood Insurance Rate Maps (FIRMs). This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

1. The FIS and FIRMs are hereby adopted by reference and declared to be a part of Section 17.60 and are on file at the City of Sandy.

B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

C. Interpretation
   All provisions of the FSH overlay code shall be:
   1. Considered as minimum requirements;
   2. Liberally construed in favor of the governing body; and
   3. Deemed neither to limit nor repeal any other powers granted under state statutes.

D. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site-specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:
   1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
   2. Area of Special Flood Hazard boundaries and elevations as determined by the January 18, 2019 FIS for Clackamas County and Incorporated Areas.
   3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
   4. The water quality and slope setback area(s) as defined in Section 17.60.30.
   5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency’s administrative rules.
   6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
   7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
   8. Existing public rights-of-way, structures, roads and utilities.
   9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
   10. Existing and proposed contours at 2-foot intervals.
17.60.20 PERMITTED USES AND ACTIVITIES

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:
   1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
   2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
   3. Required setback areas as defined in Section 17.60.30.

B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:
   1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
   2. Removal of refuse and permitted fill.
   3. Planting of native vegetation species included on a list maintained by the Director.
   4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
   5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
   6. Construction or expansion of public facilities or private roads necessary to support permitted development.
   7. Construction or expansion of a single-family residence on a lot-of-record, under the following prescribed conditions:
      a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
      b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.
      c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.
      d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20%; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20%.
      e) The option of an adjustment under Section 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.
f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.

8. Replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling.

9. Repair or stabilization of unstable slopes.

10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:
   a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.
   b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
   c) Reduce the steepness of the bank along reaches that have been highly eroded.
   d) Reduce the velocity of water carried by the stream.
   e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.

11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.

12. Appurtenant structures as permitted under Section 17.60.70(J).

C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

17.60.30 REQUIRED SETBACK AREAS

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

A. Required Setbacks. The required special setback(s) shall be:
   1. 80 feet from the top of bank of Tickle Creek;
   2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
   3. 25 feet around the edge of any mapped locally significant wetland; and
   4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.
B. **Minimize Impacts.** Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.

C. **Exceptions, Intent.** Exception 1 below recognizes that existing hillside, stormwater detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public streets in existing rights-of-way. Exception 2 recognizes that “No Name Creek” east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.

1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.
   a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.

2. The required setback for “No Name Creek” east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a “stream bank restoration plan” that meets the standards of Section 17.60.20.B.10.

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Revised by Ordinance No. 2019-01 effective 1/07/19
17.60.40 REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed by the Director to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

A. **Type I Procedure.** The following uses shall be reviewed under a Type I procedure:
   1. Planting of native plant species identified on the Native Plant list on file with the Director.
   2. Removal of permitted fill.
   3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.
   4. Appurtenant structures as permitted under Section 17.60.70(J).

B. **Type II Procedure.** The following uses shall be reviewed under a Type II review procedure:
   1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.
   2. Construction or expansion of trails.
   3. Construction, expansion or replacement of a new single-family residence within a restricted development area or floodway on a lot of record.
   4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
   5. Stream bank restoration plans.
   6. Exemption of Type II development applications from one or more required reports.
   7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
   8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.

C. **Type III Procedure.** The Planning Commission shall review all other public and private development requests under a Type III procedure.

D. **Establishment of Development Permit.** A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage

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Revised by Ordinance No. 2019-01 effective 1/07/19
of materials, drainage facilities and the location of the aforementioned. Specifically the following information is required:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement of all structures).
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria detailed in Section 17.60.70(F) below.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.60.50 SPECIAL REPORTS

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one of more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development’s impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.

B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the
provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

C. **Native Vegetation Report.** This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

**17.60.60 APPROVAL STANDARDS AND CONDITIONS**

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

A. **Approval Standards.** The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.

1. **Cumulative Impacts.** Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.

2. **Impervious Surface Area.** Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.

3. **Construction Materials and Methods.** Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.

4. **Cuts and Fills.** Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.

5. **Minimize Wetland and Stream Impacts.** Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.

6. **Minimize Loss of Native Vegetation.** Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:
   1. The permit requirements of Chapter 17.60 have been satisfied;
   2. All other required state and federal permits have been obtained; and,
   3. The site is reasonably safe from flooding.

C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.

D. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the Area of Special Flood Hazard.

A. Residential and Non-residential Structures. No new residential structures (including manufactured dwellings) with the exception of 17.60.40(B)(3), non-residential structures or critical facilities shall be permitted in the Area of Special Flood Hazard.

B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.

C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.
   1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Facilities and roads located within a floodway may be permitted only where a registered professional engineer certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Utilities necessary to serve permitted development, or a single family home on a legally-approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
   2. Water supply and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to floodwaters, streams and wetlands.
3. On-site septic systems, waste disposal systems, and private wells shall be prohibited within the FSH overlay district.

D. **Structural Elevation Report.** An application for any substantially improved structure, nonresidential structure or manufactured dwelling within the area of special flood hazard shall include the elevation, referenced to mean sea level, of the lowest floor, of the bottom of the lowest horizontal structural member (for manufactured dwellings), or the elevation to which the structure will be flood-proofed. The elevation of the lowest floor, and any basement area and the elevation of the service facilities/mechanical equipment shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation certificate.

E. **Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)).** Improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
   1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   2. Materials used shall be resistant to flood damage;
   3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
   4. The lowest floor (including basement) shall be elevated at least one foot above the base flood level;
   5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
      a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

F. **Existing Non-Residential Structures.** Improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
   1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a) above;
   2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in
accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Director for verification.

G. **Recreational Vehicles.** Recreational Vehicles within the floodplain shall comply with one of the following:
   1. Be located on the site for fewer than 180 consecutive days; and
   2. Be fully licensed and ready for highway use; or
   3. Meet the elevation and anchoring requirements for manufactured homes dwellings and permit requirements of NFIP Regulations.

H. **Anchoring.** All new construction and substantial improvements (including manufactured dwellings) shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

I. **Construction materials and methods.**
   1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
   2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
   3. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. **Appurtenant Structures (Detached Garages and Storage Structures).**
Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:
   1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
   2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
   3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
   4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
   5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated.
through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;

6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);

7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and

8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards of Chapter 17.60.

17.60.80 NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

A. Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

D. Obtain and maintain the following for public inspection and make available as needed:
   1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.
   2. For all new or substantially improved floodproofed structures:
      a. Verify and record the actual elevation (in relation to mean sea level), and
      b. Maintain the floodproofing certifications required in Section 17.60.70(F).
   3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

17.60.90 WATER QUALITY TREATMENT FACILITIES

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Revised by Ordinance No. 2019-01 effective 1/07/19
Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site.

B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

17.60.100 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.

B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.

C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.

D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.110 ADJUSTMENTS

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

A. Adjustment Option. One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.

B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type

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Revised by Ordinance No. 2019-01 effective 1/07/19
applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:

1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of restricted development area except for a private drive that reduces the disturbance to restricted development areas.
5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.
6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate identified impacts resulting from development on otherwise restricted development areas.

17.60.110 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.
CHAPTER 17.62 - CULTURAL AND HISTORIC RESOURCES

17.62.00 INTENT

This chapter is intended to provide procedures to protect and preserve structures, sites and objects that represent a historical or cultural resource to the community and to provide appropriate means for their protection and preservation. Any use, renovation, maintenance or other alteration proposal shall be reviewed as required depending upon the required program for preservation. The regulations are intended to:

A. Preserve, enhance and perpetuate landmarks and districts, which represent or reflect elements of the city’s cultural, social, economic, political and architectural history.

B. Safeguard the city’s historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts.

C. Complement any National Register properties or historic districts.

D. Stabilize and improve property values in such districts.

E. Foster civic pride in the beauty and accomplishments of the past.

F. Protect and enhance the city’s attraction to tourists and visitors and the support and stimulus to business and industry thereby provided.

G. Strengthen the economy of the city.

H. Promote the preservation of cultural and historic resources and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city’s current and future citizens.

17.62.10 AREA OF APPLICATION

A Cultural or Historic Resource (CHR) designation may be applied to any site, structure or place in any zone. The application of the CHR designation shall be considered on a case-by-case basis based upon the criteria set forth in this chapter. Any use, renovation, maintenance, or other alteration proposal shall be reviewed as required depending upon the requested program for preservation.

The property owner may offer evidence on the effect of a CHR designation on the use of the property including the economic impact, loss of revenue or valuation, costs of renovation and maintenance, ease of marketing, and so on. The Planning Commission and City Council must weigh any individual inconvenience against the importance to the community of maintaining the resource in whole or in part.

17.62.20 DESIGNATION PROCEDURE

A. The property owner or the City may request designation as a CHR for any specific site, structure or object. That person shall be considered the applicant and shall be required to pay all the fees, including costs of any studies or special reports associated with the application.
Applications shall be considered a zone change and shall be reviewed as a Type IV procedure. In addition to any other notice required, the property owner shall be notified by certified mail of any pending action when the property owner is not the applicant.

B. No building, alteration, demolition or removal permits for any structure or site shall be issued while an application or any appeal is pending.

17.62.30 CRITERIA FOR DESIGNATION

The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular object, site, structure or place merits a CHR designation. In order to designate a CHR, the Planning Commission and City Council must find, through an Economic, Social, Environmental and Energy (ESEE) analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.

A. Association with historic or famous events; or

B. Unique architectural design or mode of construction because of:
   1. Representative character of a period or a particular architectural style, building type or method of construction.
   2. Extraordinary or unusual architectural merit by reason of design, detail, use of materials or craftsmanship or
   3. Identification as the work of an architect, designer or master builder whose individual work has influenced development in the nation, state or community; or
   4. Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material or method of construction.
   5. Age of resource, or

C. Inclusion in an official Register of Historic Places; or

D. Relationship to the broad cultural history of the nation, state or community; or

E. Identification with a person or persons who have significantly contributed to the history of the city; or

F. Identification as a unique object representing an aesthetic or educational feature of the community.

G. Archaeological site designation.

H. Environmental Significance.
   1. Significance as a visual landmark.
   2. Integrity of surrounding land-use of the historic period represented.
   3. Significance because the resource contributes to the continuity of historical character of the street, neighborhood and/or community.

17.62.40 PROGRAM TO PRESERVE A SPECIFIC RESOURCE
The Planning Commission and City Council shall determine the most appropriate means to preserve and protect the feature or features of the resource determined to be significant. The program may include any of the following or any other program determined to be appropriate:

A. Site or Structure Preservation. The City Council, upon a recommendation from Planning Commission, may determine that site or structure is so important as a community resource that it should be preserved as nearly as possible in its original condition.
   1. Permitted Uses
      a) In any site or structure designated CHR, all uses permitted outright in the underlying district shall be permitted.
      b) In addition, Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the site or structure, subject to the criteria of Chapter 17.68 Conditional use.
      c) Any proposal for construction, alteration or renovation for any site or structure designated CHR shall be referred to the Planning Commission and reviewed using the standards of the Secretary of the Interior of Rehabilitation of Historic Structures as a guideline. The State Historic Preservation Office shall also be consulted.

B. Facade Easements. The City may accept facade easements for all or part of a structure as a method for retaining the original appearance of the structure, which has been determined to the architecturally significant or other methods, deemed appropriate by the Planning Commission.

C. Identification. Require that a sign be placed by the property owner or with the property owner’s permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.

D. Archival Record. The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

17.62.50 DESIGNATION OF A HISTORIC DISTRICT

In order to designate a geographic area as a historic district, the Planning Commission and City Council shall find that:

A. The area includes a significant concentration or linkage of sites, building, structures or objects, which are unified visually by style, plan or physical development and distinguished by association with historic periods, events, people or cultural trends.

B. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate or commemorate the significant historic period, event, people or trend.

17.62.60 EXTERIOR ALTERATIONS

The Director may approve any application for building permit for interior remodeling or ordinary maintenance and repair of any exterior architectural feature that does not involve a change in
design, material or appearance. If the proposed work involves a change in design, material or appearance or is beyond the normal scope of maintenance and repair, the Director may refer the application to the Planning Commission for additional review.

Alterations, maintenance and repair, which may be approved without a Type III or Type IV hearing include, but are not limited to:

A. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.

B. Repairing or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.

C. Replacement of siding, when required due to deterioration of material, with material that is in character with the original siding.

D. Repair and/or replacement of roof materials with the same kind of roof material existing, or with materials which are in character with those of the original roof.

E. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames, which complement or match the color detail and proportion of the building.

F. Replacement of existing sashes with new sashes, when using material, which is consistent with the original historic material and appearance.

G. Painting and related preparation.

H. Site maintenance such as pruning landscaping maintenance, brush clearing and removal of debris.

17.62.70  **EMERGENCY REPAIRS**

The Director may authorize emergency repairs or any construction, reconstruction, demolition or removal of any architectural features identified by the Building Official as necessary to protect the public from unsafe or dangerous conditions.

17.62.80  **PROCEDURE FOR DEMOLITION**

A. If an application for a permit to demolish a designated landmark or any building within a designated historic district is received the Building Official shall transmit a copy of the application within 7 days to the Director.

B. Prior to the issuance of permit for demolition the Director shall first determine that the applicant has met the following conditions:
   1. Applicant has advertised said building for sale and/or removal from the site with an advertisement running twice over two consecutive weeks in a newspaper of general circulation.
   2. Applicant has not refused the highest bona fide offer.
3. Applicant has posted a sign indicating that the property is for sale pending demolition through a continuous period of ninety days from the date of application. The sign must be posted in a prominent and conspicuous place within 10 feet of a public street abutting the premises.

C. If after ninety days no party is interested in purchasing or moving the property, the Director shall refer any request for demolition of a site or structure designated CHR to the Planning Commission as a Type IV quasi-judicial procedure.

D. The Planning Commission shall make a recommendation based upon the criteria in this chapter.

E. The decision of the Planning Commission shall be forwarded to the City Council for action. The City Council shall hold a public hearing to consider the record from the Planning Commission meeting and any additional evidence not available at the Planning Commission hearing at a public hearing.

F. The City Council shall make written findings to support any decision. If City Council determines that the public need is best served by granting a demolition permit, it may require that:

1) A sign must be placed by the property owner or with the property owner’s permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.

2) The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

3) Preservation of certain features for reuse.

G. When a request for demolition is approved, an ordinance removing the CHR designation shall be passed, and the CHR designation removed and so noted in the Comprehensive Plan and inventory.

17.62.90 CRITERIA FOR DEMOLITION OR REMOVAL OF CHR DESIGNATION

The importance to the public of retaining the object, site or structure shall be weighed against the hardship to the owner and any potential hazard to the public if the site or structure is to be retained.

The demolition of a historic building is an irrecoverable loss to the community, therefore special criteria are established and shall be considered before issuing a permit for demolition.

The Planning Commission and City Council shall make findings based on, but not limited to, the following:

A. The historic or architectural significance of the landmark.
B. The physical condition of the building.

C. The economic use of the building and economic reuse of the property.

D. The proposed new use.

E. The economic, social, environmental and energy consequences of allowing the demolition as opposed to preserving the historic building.

F. If within a historic district, its contribution to the district and the subsequent integrity of the district once the structure is demolished.
CHAPTER 17.64 - PLANNED DEVELOPMENT

17.64.00 INTENT

The Planned Development regulations are intended to:

A. Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.
B. Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.
C. Allow a mixture of densities between base zones within the planned development.
D. Promote flexibility in site planning and architectural design, placement, and clustering of structures.
E. Provide for efficient use of public facilities and energy.
F. Encourage the conservation of natural features.
G. Provide usable and suitable recreation facilities and public or common facilities.
H. Allow coordination of architectural styles, building forms and relationships.
I. Promote attractive and functional business environments in non-residential zones, which are compatibility with surrounding development.

17.64.10 GENERAL PROVISIONS

A. Combined Review. The procedures of this chapter require review of both a Conceptual Development Plan and a Detailed Development Plan. Requests may be made sequentially or for a combined review. In the event of a combined review, the Planning Commission shall forward a recommendation regarding the plans to the City Council, and the City Council shall make a final decision approving, approving with conditions or denying the application.
B. Development Permit Issuance. Development permits are only issued following approval of a Detailed Development Plan.
C. Planned Development Required if relocating Village zones. Areas designated “V” on the Comprehensive Plan Map require a planned development application if any zone relocation is requested. Development consistent with the “V” base zoning may proceed under the base zone provisions, subject to design review, without application for a planned development.

17.64.20 AREAS OF APPLICATION

Planned developments are allowed in all zones.

17.64.30 DEVELOPMENT STANDARDS

A. Variation from Development Code Standards Generally. The development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review. The Planned Development and Specific Area Plan review processes allow modification of development code standards that are dimensional and/or quantitative, however a base zone’s minimum density is not eligible for modification under any circumstances, including a modification under Chapter 17.66.
B. **Minimum Site Area.** A planned development may be established on any parcel of land, or on more than one parcel of land if those parcels are abutting.

### 17.64.40 DENSITY CALCULATION

The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.

A. **Residential Zones.** The calculation is based on a determination of gross site area and the acreage of any restricted development areas (as defined by Chapter 17.60). A specific determination of density shall be made pursuant to Chapter 17.30. When a PD is located in more than one “R” zone, the total allowed number of units is the sum of the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

B. **Commercial and Industrial Zones.** The allowed density is only restricted by the provisions of the base zone with respect to parking, setbacks, landscaping, etc., or as modified during Detailed Development Plan review.

C. **Increase in Density.** An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.

D. **Density Transfer.** A transfer of density may be allowed by the Planning Commission when consistent with the review criteria of Chapter 17.64.100 C. Density may be transferred across zone district boundaries.

E. **Reconfiguration of Village Zones.** Reconfiguration of the base zones within a Village may be modified through the Conceptual Development review process, provided that no more than a 20% change in acreage results between existing and proposed residential and non-residential zones. The intent of this provision is to allow flexibility and potential for improved Village design through the planned development process.

### 17.64.50 OPEN SPACE AND PARKLAND

All Planned Developments shall provide a minimum percentage of the total area in open space as specified below. In addition to required open space, all Planned Developments that include residential housing shall also provide a required parkland dedication as specified in Chapter 17.86.

A. **Residential Zones.** A minimum of 25% of the total site area.

B. **Commercial or Industrial Zones.** A minimum of 15% of the total tract area.

C. **Payment in Lieu of Dedication.** At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The amount of the fee in lieu of land dedication (in dollars per acre) shall set by City Council Resolution or determined by a current land appraisal. The City may also allow open space land donation requirements to be fulfilled on another parcel.

D. The following factors shall be used in the choice of whether to accept land or cash in lieu:
   a. The topography, geology, access to, parcel size, and location of land to be dedicated;
   b. Potential adverse/beneficial effects on environmentally sensitive areas;
c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
d. Availability of previously acquired property; and
e. The feasibility of dedication.

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

a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

F. Dedication Procedures. Open space as part of Planned Development application shall be dedicated according to the requirements of Section 17.86.50.

17.64.60 ALLOWED USES

A. Residential Districts:
  1. Uses permitted in the underlying district
  2. Housing types may include, but are not limited to, single family dwellings, duplexes, row houses, clustered dwelling units, multiple family dwellings, or manufactured dwellings.
  3. Related commercial uses as part of the development
  4. Related community service uses as part of the development
  5. Accessory buildings and uses
B. Commercial Districts:
  1. Uses permitted in the underlying district
  2. Community service uses
  3. Other uses approved as part of the Detailed Development Plan
  4. Accessory buildings and uses

17.64.70 OFFICIAL ZONING MAP

When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new “PD” Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.

17.64.80 CONCEPTUAL DEVELOPMENT PLAN PROCEDURE

A. The Planning Commission shall review the Conceptual Development Plan at a public hearing and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.
B. The City Council shall review the recommendation at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application. Approval of the Conceptual Development Plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise locations of uses nor engineering feasibility.

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C. If an affirmative decision is made, the City Council shall adopt findings that specify how the application has or has not complied with this chapter’s standards, as well as any other relevant standards, and approve the request by an ordinance that amends the Zoning Map.
D. Within 12 months of approval of the Conceptual Development Plan, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan.

17.64.90 CONCEPTUAL DEVELOPMENT PLAN APPLICATION

A Conceptual Development Plan is intended as a general guide to land use, transportation and utility placement within a planned development. A Conceptual Development Plan application requires significantly less detail than a Detailed Development Plan.

A. Application Requirements. An application for Conceptual Development Plan review shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the Planned Development. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:
- 20 copies of the required narrative.
- 20 sets of full-scaled black line drawings of the conceptual development plan graphic(s) drawn at a typical engineering scale.
- One set of plans reduced to 8 ½” by 11” sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
- List and mailing labels of all affected property owners within 300 feet.
- List of all proposed deviations from City development standards.

B. Additional Submittals. A Conceptual Development Plan shall include the following information where applicable:
1. Existing land use map (typically a topographic map that extends at least 300 feet beyond the site). The map shall include building footprints and make a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools.
2. Site plan(s) and other graphics drawn to scale. The site plan(s) shall contain the following:
   a) Title sheet, date, north arrow, and legend
   b) Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
   c) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.
   d) General location of existing and proposed land uses, including residential densities and non-residential building types. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
   e) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.

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f) Existing and proposed general circulation system including collector and arterial streets and major points of access to public rights-of-way and adjacent property. Notations of proposed ownership (public or private) should be included where appropriate.

g) General pedestrian and bicycle circulation system, including its interrelationship with the motor vehicular system and indicating proposed treatments at existing or potential points of conflict.

h) Existing and proposed utility systems including sanitary sewer, water, storm sewer, and drainage ways.

i) Sufficient information on land areas within at least 300 ft. of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.

The Director may waive any of the above requirements or require additional information when deemed necessary to properly evaluate the proposed Planned Development.

C. Narrative Requirements for a Conceptual Development Plan. A written statement shall be provided, including the following information:

1. Statement of objectives to be achieved by the Planned Development. This statement should indicate:
   - A description of the character of the proposed development.
   - The rationale behind the design assumptions and choices made.
   - The rationale behind any design change to an existing Village and reasons why the proposal is superior.
   - A discussion indicating how the application meets the review criteria in 17.64.100 below.

2. Statement of intentions with regard to future sale or lease of all or portions of the Planned Development.

3. Quantitative data for the following, where appropriate:
   - Total number and type of dwelling units
   - Parcel size(s)
   - Proposed lot coverage of buildings and structures where known
   - Gross densities per acre
   - Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas)
   - Total amount of nonresidential construction

4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as parks, open space improvements, pedestrian connections, irrigation, private roads and drives, landscape, and maintenance.

5. Description of how the Planned Development contributes to the completion and connectivity of the pedestrian and vehicular circulation system.

17.64.100 CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCESS

A. Acceptance of Application. The Director shall review the application in accordance with Chapter 17.18 – Processing Applications.
B. **Staff Evaluation.** The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

C. **Review Criteria for Conceptual Development Plan.** Requests for approval of a Conceptual Development Plan shall be reviewed to:
   1. Assure consistency with the Intent of this chapter;
   2. Assure compliance with the General Provisions, Development Standards and Application provisions of this chapter; and
   3. When located in a Village, assure consistency with the appropriate Comprehensive Plan policies for Village designations.

D. **Major Modification(s) of a Conceptual Development Plan.** A major modification to an approved Conceptual Development Plan must be processed as a new CDP application. Major Modifications include:
   1. Changes in proposed land use
   2. More than a 5 percent increase in dwelling unit density
   3. Substantial change in building elevation or materials
   4. Substantial changes in type and location of access ways and parking areas where off-site traffic would be negatively affected
   5. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified
   6. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified
   7. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified
   8. Reduction of specific setback requirements by more than 20 percent from what was previously specified
   9. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
   10. Any other modification to specific requirements established at the time of Conceptual Development Plan approval

E. **Minor Modification(s) of a Conceptual Development Plan.** Minor Modifications may include any of the changes listed in Section 17.64.100 D above, provided that the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.

F. **Application for Major Modification(s) of a Conceptual Development Plan**
   1. An applicant may petition for review of an approved PD for purposes of modification(s), stating reasons for the change.
   2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in 17.64.100 D, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 17.20-Public Hearings.
   3. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Conceptual Development Plan submittal and review. The

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Commission shall consider the review criteria in 17.64.100 C to determine whether to authorize a Major Modification.

4. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Conceptual Development Plan and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.

5. The City Council shall consider the petition for modification at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application.

6. If an affirmative decision is made, the City Council shall approve the modification by an ordinance.

7. Within 12 months of approval of a Major Modification, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan as modified.

17.64.110 DETAILED DEVELOPMENT PLAN PROCEDURE

A. If the Detailed Development Plan will involve the subdivision of land, the applicant shall prepare and submit a tentative subdivision plat along with the Detailed Development Plan to be considered at the same time.

B. The Planning Commission shall review the Detailed Development Plan at a public hearing and may approve, approve with modifications or deny the application.

17.64.120 DETAILED DEVELOPMENT PLAN APPLICATION

A Detailed Development Plan is intended as a master plan for land use, transportation and utility placement within a planned development. A Detailed Development Plan application follows an approved Conceptual Development Plan or both applications may be submitted simultaneously. Where land divisions are proposed, the Detailed Development Plan shall be combined with a Tentative Subdivision Plat application according the requirements of Chapter 17.100. An application for a Detailed Development Plan shall be reviewed in accordance with the following procedures:

A. Application Requirements. An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan as listed above and shall also include the following:

1. Graphic Requirements
   a) Topographic contours at two-foot intervals for slopes under 15 percent and at five-foot intervals for slopes at or greater than 15 percent. A grading plan is required to show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters.
   b) Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, gross density per acre (for residential developments).
   c) Detailed utility plan indicating how sanitary sewer, water, storm sewer, and drainage systems will function.
   d) Location of existing utilities, including existing fire hydrants, overhead utility lines in the abutting right of way, easements and walkways.

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e) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.

f) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, location and design of proposed landscaped areas, quantities, varieties, quantities, and sizes of trees and plant materials to be planted, other landscape features including walks and fences, and irrigation systems required to maintain plant materials.

g) Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way and bikeway improvements, their dimensions and connectivity to surrounding parcels, existing and proposed streets.

h) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas.

i) Exterior lighting plan indicating the location, size, height, typical design, material, and method and direction of illumination.

j) Concurrent Design Review graphic elements

B. Narrative Requirements for a Detailed Development Plan. In addition to the narrative requirements specified for a Conceptual Development Plan, the Detailed Development Plan narrative shall also include:

1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (in ratio to gross floor area or number of units).

2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.

3. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

4. Statement describing project phasing, if proposed. Phases shall be:
   a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
   b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
   c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.

5. Statement of “substantial compliance” with the Conceptual Development Plan.

C. Minor Modification(s) of a Detailed Development Plan. Minor Modifications to a Detailed Development Plan may include any of the changes listed in Section 17.64.100(D), provided the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.
D. **Major Modification(s) of a Detailed Development Plan.** Major Modifications to a Detailed Development Plan shall not be permitted. A new application must be submitted in order to make Major Modifications to a Detailed Development Plan.

**17.64.130 APPEALS**

A. The decision of the Director or Planning Commission may be appealed in accordance with the provisions of Chapter 17.28-Appeals.

B. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall only be heard by the City Council for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

**17.64.140 EFFECTIVE PERIOD OF APPROVAL**

A. **Conceptual Development Plan.** Approval of a Conceptual Development Plan shall be valid for a 12-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.

B. **Detailed Development Plan.**
   1. Approval of a Detailed Development Plan shall be valid for a 24-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
   2. When a Detailed Development Plan is submitted and approved for a single phase, 24-month periods are allowed for submission of each subsequent phase. If the applicant has not begun construction within this time frame, all approvals shall expire.
   3. When shown that conditions have not changed, the Commission may extend the approval for two additional years at its discretion and without a public hearing.
   4. Total elapsed time for submission of Detailed Plans for all phases of a Planned Development shall not exceed ten years from the date of Conceptual Development Plan approval (or the initial Detailed Development Plan approval in the case of a concurrent application), including extensions.

**17.64.150 NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN**

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer in writing. Thereafter, the city may issue orders to the developer within the range of discretion available, and upon continued noncompliance may withhold building permits for further construction or revoke those permits previously issued until compliance is achieved, or pursue any other remedies available to the City.

**17.64.160 PLANNED DEVELOPMENT NULLIFICATION**

If no development has occurred for an approved Planned development, and development plan approval has expired under 17.64.140, an applicant may seek to have the PD zoning overlay designation removed from the subject property.
A. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application on a form provided by the Director.
   1. The City Council shall conduct a public hearing and provide notice of the hearing and the decision in accordance with Chapter 17.20-Public Hearings.

B. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
   1. Developing the property under conventional district standards and regulations will not create nonconforming development.
   2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
   3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.
   4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the city, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

C. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning District Map after the appeal period has expired. The removal of the designation from the map shall be a ministerial act and shall not implicate Chapter 17.26, Zoning District Amendments.
CHAPTER 17.66 - ADJUSTMENTS & VARIANCES

17.66.00 INTENT

Adjustments and variances are procedures to vary development standards normally applied to a particular district.

17.66.10 ADJUSTMENTS

Adjustments are a Type I or Type II procedure that provide a means to vary the development standards normally applied in a particular district. This option exists for those circumstances where uniform; unvarying rules would prevent a more efficient use of a lot. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zoning district regulations.

Adjustments apply only to individual lots and therefore cannot be used by applicants seeking to vary development standards for lots to be created through a subdivision process. Modifications to land divisions standards should be sought through the Type II or Type III Variance process or where appropriate, the Planned Development process.

An adjustment is intended to:

A. Allow more efficient use of land.

B. Provide flexibility and innovation in site planning and architectural design on individual lots.

C. Permit building location and/or construction techniques that conserve energy.

D. Minimize procedural delays and ensure due process in the review of unique development situations.

E. Provide relief from the strict adherence of land division development standards where site-specific physical or functional land development conditions warrant a variance.

17.66.20 TYPE I ADJUSTMENTS

In issuing a permit the Director may grant or deny an adjustment under the Type I procedure if the request involves only the expansion or reduction by not more than 10% of one or more quantifiable provisions of this code.

17.66.30 TYPE II ADJUSTMENTS

Except in the case of a nonconforming development or use, the Director may grant or deny an adjustment under the Type II procedure if the request involves only the expansion or reduction by not more than 20% of one or more quantifiable provisions of this code.

17.66.40 TYPE I AND II ADJUSTMENT CRITERIA

A. The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;
B. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code;

C. The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks; and

D. Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.

17.66.50 ADJUSTMENT LIMITATIONS

Adjustments may not be utilized to:

A. Reduce width of accessways required for flag lots created through the land partition or minor replat process

B. Reduce the area reserved for private outdoor space and/or usable open space by more than 10%

C. Reduce project site amenities such as screening and/or landscaping provisions by more than 10%

D. Increase fence height inside clear-vision areas

17.66.60 VARIANCES

Variances are a means of requesting a complete waiver or major adjustment to certain development standards. They may be requested for a specific lot or as part of a land division application. The Type II variance process is generally reserved for major adjustments on individual lots, while variances to development standards proposed as part of a land division are processed as a Type III application (requiring a public hearing).

17.66.70 TYPE II AND TYPE III VARIANCE CRITERIA

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approvable in the location. The criteria are as follows:

A. The circumstances necessitating the variance are not of the applicant’s making.

B. The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.

C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.
E. The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

F. Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

17.66.80 TYPE III SPECIAL VARIANCES

The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:
   1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
   2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

17.66.90 APPLICATION

An application for an adjustment or variance shall be made on forms provided by the Director and include the following, where applicable:

A. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place.

B. Narrative addressing how the application meets the specified review criteria.

C. Site plan no larger than 11 in. by 17 in. (include a reduced copy if drawn larger) suitable for photocopy reproduction. The site plan shall be drawn to scale and show:
   1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
   2. Lot line dimensions;
3. Existing and proposed structures;
4. Structures on adjacent property(ies) affected by the request;
5. Vehicle and pedestrian access points and accessways;
6. Drainageways and any other prominent features;
7. Location of trees and shrubs over 3 ft. in height;
8. Fences and walls;
9. Off-street parking facilities;
10. Any other information relevant to the proposal.

The Director may modify the submission requirements as necessary.

17.66.100 ELEVATION OF APPLICATION TYPE

Prior to the decision date, the review of a Type I or II adjustment or variance, and any comments received, may cause the Director to elevate the request to a Type III Variance. In this case the Director shall notify the Applicant and any parties in writing, giving the reason(s) that the application is found to qualify as a Type III Variance, requesting any additional information required by this Chapter, and requesting any additional fees applicable under the redefined application type. Upon receipt of new application materials and payment of the revised application fee, the Director shall schedule a public hearing and serve public notice as required in this Chapter.

17.66.190 EFFECTIVE PERIOD OF APPROVAL

Approval of an adjustment or variance shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Director (Type I and Type II) or Planning Commission (Type III) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.
CHAPTER 17.68 - CONDITIONAL USES

17.68.00 INTENT

Certain uses listed in each zoning district require special review to determine what their effects may be to the surrounding properties, neighborhood, and community as a whole. The Minor Conditional Use Permit (Type II) and Conditional Use Permit (Type III) processes provide an opportunity to allow a use when potential adverse effects can be mitigated or deny a use if concerns cannot be resolved.

It is the intent of this chapter to permit minor conditional uses or conditional uses that are consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts.

Procedures and review criteria for conditional development are established for the following purpose:

A. Permit certain types of public and private development that provides a community service in locations related to their service areas.

B. Permit commercial development in locations related to its service area.

C. Ensure that a conditional use is compatible with its immediate area and the affected part of the community

17.68.10 PROCEDURES

An application filed for a Minor Conditional Use Permit and/or a Conditional Use Permit shall be on forms provided by the Director and include application materials listed in 17.18.30 and the following, unless waived by the Director pursuant to subsection (M):

A. Site plan drawn to scale and showing existing and proposed:
   1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage way with sufficient information on land areas within at least 300 ft. of the subject property specifically addressing land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.
   2. Boundary of the proposed conditional use and any interior boundaries related to proposed development phases.
   2. Lot line dimensions
   3. Location of structures
   4. Vehicle and pedestrian access points and accessways
   5. General location of vegetated areas
   6. Fences and walls
   7. Parking, maneuvering and loading areas
   8. Trash and recycling areas
   9. Direction of traffic flow on the property
   10. Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
11. Proposed modifications to existing grades

B. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.

C. Architectural elevations of all buildings and structures including heights, entrances and exits, and floor plans, in sufficient detail to permit computation of other requirements.

D. Landscape plan drawn to scale showing:
   1. Location of existing trees and vegetation proposed to be removed or retained on the site.
   2. Location and design of landscape areas
   3. Proposed varieties, quantities, and sizes of trees and plant materials
   4. Other pertinent landscape features and details of irrigation system required to maintain plant materials.

E. Narrative relating to applicable Comprehensive Land Use Plan policies

F. Narrative relating to applicable Sandy Development Code standards

G. Flood, Slope and Hazard Analysis, if portions of the site have slopes in excess of 15%, floodplains, floodways, wetlands, etc.

H. Sign Details

I. Traffic impact report

J. Utility Plan

K. Additional data sheet indicating:
   1. Square footage of site and structure
   2. Building coverage
   3. Amount of site to be landscaped
   4. Number of parking spaces to be provided
   5. Building materials to be used
   6. Specifications as to type, color, and texture of exterior surfaces of proposed structures.

L. Any additional information that may be required by the Director to properly evaluate the proposed site plan. Such additional information shall only be required where its need can be justified on the basis of special and/or unforeseen circumstances.

M. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.68.20 REVIEW CRITERIA

The Planning Director (Minor Conditional Use Permit) through a Type II process or the Planning Commission (Conditional Use Permit) through a Type III process may approve an application, approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all

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requirements of this code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The following criteria and compatibility factors shall be considered:

A. The use is listed as either a minor conditional use or conditional use in the underlying zoning district or has been interpreted to be similar in use to other listed conditional uses.

B. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, and natural features.

C. The proposed use is timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use.

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district.

E. The proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare.

F. The proposed use will be reasonably compatible with existing or planned neighboring uses based on review of the following:
   1. Basic site design (organization of uses on the site)
   2. Visual elements (scale, structural design and form, materials, and so forth)
   3. Noise
   4. Noxious odors
   5. Lighting
   6. Signage
   7. Landscaping for buffering and screening
   8. Traffic
   9. Effects on off-street parking
   10. Effects on air quality and water quality

17.68.30 MODIFICATION TO AN APPROVED CONDITIONAL USE

A. Major Modification. A major modification to an approved Minor Conditional Use Permit or Conditional Use Permit must be processed as a new application. Major Modifications include:
   1. Changes in proposed land use
   2. Substantial change in building elevation, color or materials
   3. Changes in type and location of access ways and parking areas where off-site traffic would be affected
   4. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified
5. Increase in the total ground area proposed to be covered by structures by more than 10 percent from what was previously specified
6. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
7. Any other modification to specific requirements established at the time of conditional use permit approval

B. **Minor Modification.** Minor Modifications may include any of the changes listed above provided that the change is quantified below the thresholds for a Major Modification.

Uses customarily subordinate to a principal use permitted outright may be approved by the Director, as determined through Chapter 17.14 Request for Interpretation, as minor modifications. Minor modifications are processed as a Type II decision.

**17.68.40 REASONABLE CONDITIONS**

Reasonable conditions, restrictions, or safeguards that would uphold the purpose and intent of this section and mitigate any adverse impact upon adjoining properties which may result by reason of the approved conditional use may be attached. A list of conditions may include, but is not limited to, the following:

A. Controlling the location and number of vehicular ingress and egress points.

B. Improving public facilities such as:
   1. Sanitary sewer
   2. Sidewalks, curbs, and other street improvements
   3. Storm drainage
   4. Water supply

C. Increasing street width

D. Increasing the number of off-street parking or loading spaces or areas.

E. Increasing the required lot size or yard dimensions

F. Limiting lot coverage or height of buildings because of obstruction of view and reduction of light and air to adjacent property

G. Limiting the number, size and location of signs

H. Requiring additional landscaping, berming, screening or fencing where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area

I. Requiring additional public safety and crime prevention measures

J. Requiring land dedication or money in lieu of dedication for public purposes

K. Submission of bonds or other suitable security to ensure that requirements are met

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L. Submittal of final detailed plan indicating conformance with conditions

M. Undergrounding of utilities

17.68.50 EXPIRATION OF PERMIT

Approval of a Minor Conditional Use Permit or Conditional Use Permit shall be void after 2 years, or such lesser time as specified in the approval, unless substantial construction has taken place or building occupancy obtained. The Planning Director may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.

17.68.60 BUILDING PERMIT ISSUANCE

A building permit for all or any portion of a Minor Conditional Use Permit or Conditional Use Permit shall be issued only on the basis of the plan as approved. Any major modification shall be submitted as a new application.

17.68.70 REVOCATION

A. A Minor Conditional Use Permit or Conditional Use Permit shall be subject to revocation if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

B. The Planning Commission shall hold a public hearing to allow the applicant an opportunity to show cause why the permit should not be revoked.

C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made within the time specified, revocation of the conditional use permit shall be effective 10 days after the time specified.

D. Reapplication for a conditional use, which has been denied or revoked, cannot be made within 1 year after the date of the Planning Commission’s action, except that the Director may schedule a new hearing if there is new evidence or a change in circumstances.
CHAPTER 17.70 - HARDSHIP PERMIT
MANUFACTURED HOME AND TRAILER OCCUPANCY PERMITS

17.70.00 INTENT

These regulations are intended to allow issuance of special permits to alleviate a significant hardship or emergency arising out of a need or desire to provide health care or maintenance to a handicapped or elderly person.

17.70.10 APPLICATION REQUIREMENTS

An application shall be made on forms provided by the Director. The application shall be accompanied by the following:

A. Written letter from physician verifying that the health care or maintenance is required

B. One copy of the application

C. If on a septic system, a copy of letter of approval from Clackamas County indicating capacity of septic system and any required improvements

D. A site plan, 8 ½” x 11”, showing:
   1. Property boundaries
   2. Required setbacks of underlying zoning district
   3. Location of existing dwelling
   4. Location of proposed manufactured dwelling
   5. Location of septic system
   6. Existing Driveway

E. List of affected property owners

17.70.20 NOTICE REQUIREMENTS

Notice of the public hearing shall be mailed not less than 20 days prior to the date of the hearing to owners of property within one hundred feet of the exterior boundaries of the property involved, not including public right-of-way.

17.70.30 CRITERIA FOR APPROVAL

A. Must be necessary for health care or maintenance of the person.

B. Must be connected to an approved water and sewer system; or

C. Be completely self-contained for water and sewage;

17.70.40 ACTION BY PLANNING COMMISSION

Upon receipt of a completed application for such a special permit, the Director shall schedule a public hearing. The public hearing shall be conducted in accordance with Chapter 17.20-Public
Hearings. The Planning Commission shall approve, conditionally approve, or deny the application.

17.70.50 NOTICE OF DECISION

The Director shall provide the applicant with a notice of decision, that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline.

17.70.60 APPROVAL PERIOD

A hardship permit is valid for a period of not more than 24 months or until the termination of the condition of hardship or emergency for which the permit was issued whichever occurs first.

17.70.70 RENEWAL

An application for renewal, with a renewal fee, shall be filed at least 90 days prior to expiration of the hardship permit. The renewal shall be a Type II procedure. A renewal application must be accompanied by an updated written statement from a physician that the need for health care or maintenance still exists.

17.70.80 TERMINATION OF PERMIT

A. The hardship permit becomes null and void upon the vacation or demise of the person requiring health care or maintenance.

B. The dwelling unit must be removed within 90 days of termination of the permit.

C. If the dwelling unit is not removed within 90 days, the City Council may order removal of the dwelling and place a lien on the property to recover the costs of removal.
CHAPTER 17.72 - CONGREGATE HOUSING

17.72.00 PURPOSE

The purpose of a CH district is to provide housing alternatives for elderly or handicapped persons. The standards set forth in this section are intended to insure that congregate housing developments provide a minimum of services and facilities to accommodate the needs of the residents and to relieve any possible detrimental effects of the development on surrounding properties.

17.72.10 JUSTIFICATION

This chapter recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multi-family developments providing the same number, or fewer units, and therefore, deserves special consideration.

17.72.20 ESTABLISHMENT OF CONGREGATE HOUSING

Congregate housing facilities may be permitted as conditional uses in the R-2, R-3 and C-1 zoning districts.

17.72.30 DENSITY STANDARDS

The Planning Commission may increase the underlying density of the zoning district through the conditional use permit process if warranted based on the size of the dwelling units, number of proposed occupants, lesser impact on surrounding properties, and other relevant factors. Density is limited to the increase in the following chart:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Percentage of Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2</td>
<td>25%</td>
</tr>
<tr>
<td>R-3</td>
<td>50%</td>
</tr>
<tr>
<td>C-1</td>
<td>50%</td>
</tr>
</tbody>
</table>

17.72.40 DIMENSIONAL STANDARDS

The setbacks and height limitations shall be in compliance with the standards of the underlying zoning district.

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width, Depth, Frontage, Setbacks, Projections, &amp; Accessory Structures, and Height</td>
<td>Same as underlying district</td>
</tr>
<tr>
<td>Landscaping</td>
<td>20%</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
</tbody>
</table>

17.72.50 ADDITIONAL REQUIREMENTS

A. Age Restriction. Congregate housing is intended for persons fifty-five (55) years of age and older or handicapped persons.
B. Any principal or accessory use allowed in the zoning district may be provided. These uses shall be primarily for residents and guests.

C. Community Space. All complexes shall have a minimum of 15 square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include, but is not limited to:
   1. Game room, meeting rooms, music or craft rooms.
   2. Congregate Dining Facilities. Complexes with or without kitchen facilities in each unit may include congregate dining facilities providing regular daily meals for residents. Areas used as congregate dining areas may be applied to the minimum community space requirements.

D. Laundry and Storage. A minimum of 10 square feet of general storage area (80 cu. Ft.) other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes, which do not include laundry facilities in the units, shall have adequate laundry facilities accessible to all tenants.

E. Design Standards. The design of the building and the site and landscaping plans shall be subject to review. Special considerations for this use may include, but are not limited to:
   1. Compatibility in style, colors, materials, and scale with the general character of the neighborhood.
   3. Minimizing barriers to handicapped or elderly persons.
   4. Security and protection for residents.
17.74.00  INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director’s determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10  RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

<table>
<thead>
<tr>
<th>Accessory Structure Size</th>
<th>Interior Side Yard Setback</th>
<th>Rear Yard Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 120 sq. ft., Up to 10 ft. tall</td>
<td>1 foot</td>
<td>1 foot</td>
</tr>
<tr>
<td>Up to 120 sq. ft., Up to 12 ft. tall</td>
<td>3 feet</td>
<td>3 feet</td>
</tr>
<tr>
<td>Larger than 120 sq. ft. up to 200 sq. ft. and up to 12 ft. in height</td>
<td>3 feet</td>
<td>3 feet</td>
</tr>
<tr>
<td>Larger than 200 sq. ft. or taller than 12 ft. in height</td>
<td>5 feet minimum or same as primary structure whichever is greater</td>
<td>15 feet minimum or same as primary structure whichever is greater</td>
</tr>
</tbody>
</table>
Figure 17.74.10-A: Interior Lot

Figure 17.74.10-B: Corner Lot

Revised by Ordinance 2014-05 effective 06/02/14
B. General Standards.
1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
   a. Both lots are under the exact same ownership; and
   b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
   c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.
The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

<table>
<thead>
<tr>
<th>Feature</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Appendages</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Awnings</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Chimneys</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Decks (unroofed) - ground level 30” in height or less</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>Footnote 2</td>
</tr>
<tr>
<td>Decks (unroofed) - ground level more than 30” in height or second story (building permit required)</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>Footnote 3</td>
</tr>
<tr>
<td>Eaves</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Fire Escapes, Landings (unroofed) and Stairs</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Planters</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Porches (roofed)</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>Footnote 3</td>
</tr>
<tr>
<td>Windows (bow or bay)</td>
<td>5 ft.</td>
<td>2 ½ ft.</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

1 Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.
2 Must maintain a minimum rear yard setback from rear property line of 5 ft.
3 Must maintain a minimum rear yard setback from rear property line of 10 ft.
B. Vertical Projections. Height limitations shall not apply to the following:
1. Fire and parapet walls.
2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
4. Steeples.
5. Windmills.
6. Other similar structures.

17.74.30 VISION CLEARANCE AREA

A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the “vision clearance area” between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.

B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

<table>
<thead>
<tr>
<th>Functional Street Classification</th>
<th>Measurement along curb line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intersection of a street and an alley</td>
<td>20 feet</td>
</tr>
<tr>
<td>Intersection of a street and another street</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

Figure 17.74.20 – Vision Clearance Measurement

C. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenance.
2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.
3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.

4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.

5. An official warning sign or signal.

6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.

8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential
   1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
   2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
   3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
   4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
   5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
   6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
   7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners’ responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial
   1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
   2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
   3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
   4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
   5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

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Revised by Ordinance 2014-05 effective 06/02/14
C. **Fence Regulations for Recreation Areas.** Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

D. **Fence Regulations for Swimming Pool/Hot Tub Areas.** A swimming pool, hot tub or other man-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

**Exception:** This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. **Wire Fences**
   1. Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.
   2. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

F. Fences in excess of 6 ft. in height require a building permit.

**17.74.50 DECKS**

A. Decks may encroach into required yard areas as specified in 17.74.20 above.

B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

**17.74.60 TEMPORARY USES OR STRUCTURES**

A. **Temporary Uses.** Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

B. **Temporary Structures.** Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

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Revised by Ordinance 2014-05 effective 06/02/14
C. **Portable Outdoor Storage Unit.** Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

**17.74.70 ACCESSORY DWELLING UNITS**

Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and the disabled.
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- Foster better housing maintenance and neighborhood stability.
- Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. **Permitted Zoning Districts.** Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. **Dimensional Standards.**

<table>
<thead>
<tr>
<th>Type</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Average Lot Width, Frontage, Depth</td>
<td>Same as underlying zoning district</td>
</tr>
<tr>
<td>Maximum square footage</td>
<td>600 sq. ft.</td>
</tr>
<tr>
<td>Maximum number of occupants</td>
<td>3</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Same as underlying zoning district</td>
</tr>
<tr>
<td>Structure Height</td>
<td>Same as underlying zoning district</td>
</tr>
<tr>
<td>Building Site Coverage</td>
<td>No maximum</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>See Chapter 17.98</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Same as underlying zoning district</td>
</tr>
</tbody>
</table>

C. **Occupancy Limitations.**
1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.
2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit.

D. **Design Standards.**
1. The accessory dwelling unit shall remain subordinate to the principal residence.
2. There shall be adequate provisions for ingress and egress but separation is not required.
3. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal residence.

Revised by Ordinance 2014-05 effective 06/02/14
4. An ADU may be either stick-built or a modular dwelling unit, but may not be a single wide manufactured dwelling unit.
5. Detached ADUs shall be architecturally consistent with the principal dwelling unit.
6. Attached ADUs shall have the appearance of a single-family dwelling.
7. Primary entrances shall not be in front of the principal unit.

E. **Permit Issuance.**
   1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
   2. Required permit information shall be limited to that for single-family dwellings.
   3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
   4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

F. **Additional Requirements.**
   1. Adequate provision shall be made for drainage, water and sewage waste.
   2. The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.
   3. ADUs may not be developed for sale and may only be rented.
   4. Illegal ADUs may be legalized if they conform, or are brought into conformance with basic zoning, building, plumbing, mechanical and electrical codes.
   5. ADU requirements shall be recorded as a deed restriction against the property.
   6. Periodic review of ADUs shall be conducted by the city to evaluate and reconsider existing densities.

**17.74.80 HOME BUSINESSES**

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. **Home Business Regulations**
   1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
   2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
   3. There is no outside storage of materials other than plant materials.
   4. The home occupation is licensed by the city.
   5. There is no more than one non-resident employee working on the site.
   6. The building retains the characteristics of a residence.
   7. The use does not destroy the residential character of the neighborhood.

B. **Complaint Procedures.**
   1. Complaints on Items 1 through 5 will be handled routinely by the Director.
   2. Complaints on Items 6 and 7 will be dealt with as follows:
a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
   1) Investigate the complaints;
   2) Prepare a report to the Planning Commission; and,
   3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
   a) Generation of excessive traffic;
   b) Monopoly of on-street parking spaces;
   c) Frequent deliveries and pickups by motor freight;
   d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
   e) Smoke, fumes, or odors in excess of those created by normal residential use;
   f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
   a) Approve the use as it exists;
   b) Require the use to be terminated;
   c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS
A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.

2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.

3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

Revised by Ordinance 2014-05 effective 06/02/14
D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
   a. Site dimensions.
   b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
   c. Number and location of food carts on the site.
   d. Individual square footage of all food carts.
   e. Accessible pedestrian route clearances.
   f. Size, location, and clearances of customer seating areas.
   g. Vehicular circulation and access points.
   h. Parking, maneuvering and loading areas.
   i. Location and design elevation of all structures.
   j. Location and specification of landscaped areas.
   k. Location and specifications of food cart pads.
   l. Location and design of fences and walls.
   m. Number and location of trash and recycling areas.
   n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.
10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

**Location and Design**

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.
3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.

Revised by Ordinance 2014-05 effective 06/02/14
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

**Fire Safety**

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

**Health and Sanitation**

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle
for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.

25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart’s hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

26. Sites containing more than one food cart shall provide a restroom facility on-site.

27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.

28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
   a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
   b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
   c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.

2. Requirements for properties containing one or more food carts:
   a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.

3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

Revised by Ordinance 2014-05 effective 06/02/14
G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

2. Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

3. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.

4. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director’s action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.
CHAPTER 17.76 - MAJOR UTILITY SITING STANDARDS

17.76.00 INTENT

These regulations are intended to provide specific siting criteria for major utility facilities to reduce the potential negative impacts on surrounding development.

17.76.10 SITING STANDARDS

Major Utilities (as defined in Chapter 17.10-Definitions) require Conditional Use approval. In addition to complying with the review criteria for conditional uses, major utilities shall meet the following siting standards:

A. The setback from the base of a major utility structure to any lot in an adjoining residential district shall be at least 20 percent of the structure height.

B. In any residential district, commercial communication transmission facilities shall have a minimum 500-ft. separation from each other. Emergency and public communication facilities are exempt from this requirement.

C. In any nonresidential district, the owner of a commercial communication facility shall agree to permit other businesses to attach communication facilities that do not interfere with the primary purpose of the facility, provided that an agreement is negotiated for reasonable compensation and indemnification from any liability that may result from such attachment.

D. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the major utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the major utility after conducting a public hearing in accordance with Chapter 17.20-Public Hearings.
CHAPTER 17.78 - ANNEXATION

17.78.00 INTENT

The procedures and standards established in this chapter are required for review of proposed annexations in order to:

A. Maximize citizen involvement in the annexation review process by holding a public hearing;

B. Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations; and,

C. Where possible and practical, avoid the creation of irregular boundaries or annexations that create “island,” “cherry stem” or “shoestring” annexations.

17.78.10 PROCEDURAL CONSIDERATIONS

A. The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or are modified as provided herein unless mandated by State Law.

B. The City may annex an island if it is less than 100 acres and has at least 80 percent of its boundary contiguous to the City; or the land is of any size and has at least 80 percent of its boundary contiguous to the City if the area to be annexed existed as an island before October 20, 1997.

C. The City may annex land for public facilities. Public facilities include but are not limited to schools, senior centers, roads, police and fire stations, parks or open space, and public water, sewer and storm drainage facilities.

17.78.15 TYPES OF ANNEXATION

A. Type A: Annexation in conformance with conceptual zoning designation

B. Type B: Annexation + zone change

C. Type C: Annexation + plan map change + zone change

17.78.20 CONDITIONS FOR ANNEXATION

The following conditions must be met prior to beginning an annexation request:

A. The requirement of Oregon Revised Statutes, Chapters 199 and 222 for initiation of the annexation process are met;

B. The site must be within the City of Sandy Urban Growth Boundary (UGB);

C. The site must be contiguous to the city or separated from it only by a public right-of-way or a stream, bay, lake or other body of water.
D. The site has not violated Section 17.78.25.

17.78.25 TREE RETENTION

The intent of this section is to treat property with annexation potential (in the UGB) as if it had been subject, prior to annexation, to the tree retention provisions of the City's Urban Forestry Ordinance (Chapter 17.102) and Flood and Slope Hazard (FSH) Overlay District (Chapter 17.60), to discourage property owners from removing trees prior to annexation as a way of avoiding Urban Forestry Ordinance provisions, and to prevent unnecessary tree removal for future subdivision layout. In accordance with ORS 527.722, the State Forester shall provide the City with a copy of the notice or written plan when a forest operation is proposed within the UGB. The City shall review and comment on an individual forest operation and inform the landowner or operator of all other regulations that apply but that do not pertain to activities regulated under the Oregon Forest Practices Act.

A. Properties shall not be considered for annexation for a minimum of five (5) years if any of the following apply:

1. Where any trees six (6) inches or greater diameter at breast height (DBH) have been removed within 25 feet of the high water level along a perennial stream in the five years prior to the annexation application.

2. Where more than two (2) trees (six (6) inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 80 feet of the high water level of Tickle Creek in the five years prior to the annexation application.

3. Where more than two (2) trees (six (6) inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 50 feet of the high water level along other perennial streams in the five years prior to the annexation application.

4. Where any trees six (6) inches or greater DBH have been removed on 25 percent or greater slopes in the five years prior to the annexation application.

5. Where more than ten (10) trees (11 inches or greater DBH) per gross acre have been removed in the five years prior to the annexation application, except as provided below:
   a. Sites under one (1) acre in area shall not remove more than five (5) trees in the five years prior to the annexation application.
   b. Sites where removal of ten (10) or fewer trees will result in fewer than three (3) trees per gross acre remaining on the site. Tree removal may not result in fewer than three (3) trees per gross acre remaining on the site. At least three (3) healthy, non-nuisance trees 11 inches DBH or greater must be retained for every one-acre of contiguous ownership.
   c. For properties in or adjacent to the Bornstedt Village Overlay (BVO), tree removal must not result in fewer than six (6) healthy 11 inch DBH or greater trees per acre.
For properties in or adjacent to the BVO and within 300 feet of the FSH Overlay District, tree removal must not result in fewer than nine (9) healthy 11 inch DBH or greater trees per acre.

Rounding: Site area shall be rounded to the nearest half acre and allowed tree removal shall be calculated accordingly. For example, a 1.5 acre site will not be allowed to remove more than fifteen (15) trees in the five years prior to the annexation application. A calculation of 1.2 acres is rounded down to one (1) acre and a calculation of 1.8 is rounded up to two (2) acres.

Cumulative Calculation: Total gross acreage includes riparian areas and other sensitive habitat. Trees removed under Sections 17.78.25(A) 2. and 3. shall count towards tree removal under Section 17.78.25(A) 5.

B. Exceptions. The City Council may grant exceptions to this section where:

1. The property owner can demonstrate that Douglas Fir, Western Red Cedar, or other appropriate native trees were planted at a ratio of at least two trees for every one tree removed no less than five years prior to the submission of the annexation application, and at least 50 percent of these trees have remained healthy; or

2. The Council finds that tree removal was necessary due to hazards, or utility easements or access; or

3. The trees were removed because they were dead, dying, or diseased and their condition as such resulted from an accident or non-human cause, as determined by a certified arborist or other qualified professional; or

4. The trees removed were nuisance trees; or

5. The trees were removed as part of a stream restoration and enhancement program approved by the Oregon Department of Fish and Wildlife as improving riparian function; or

6. The trees removed were orchard trees, Christmas trees, or commercial nursery trees grown for commercial purposes; or

7. The application of this section will create an island of unincorporated area.

17.78.30 ZONING OF ANNEXED AREAS

A. All lands within the urban growth boundary of Sandy have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The zoning classification shall reflect the city land use classification as illustrated in Table 17.26.20.

B. Where only a single city zoning designation corresponds to the comprehensive plan designation (Type A) and the rezoning decision does not require the exercise of legal or
policy judgment on the part of the City Council, amendment of the zoning map shall be a ministerial decision of the Director made without notice or any opportunity for a hearing.

17.78.40 EXISTING USE, ACTIVITY OR STRUCTURE

A. As of the effective date of annexation, no use or activity shall be considered non-conforming if the use or activity: (1) violates or conflicts with county zoning regulations and (2) is not classified as non-conforming under county zoning regulations. Any such use or activity shall constitute a violation of this ordinance.

B. Any use, activity or structure that is existing at the effective date of annexation, under a Clackamas County use permit with a time limit imposed, shall not be a non-conforming use, but may continue for the extent of the time limit. Such use permits may not be extended without City approval.

C. Any lot or parcel of land duly recorded in the Clackamas County Recorder's Office prior to the effective date of this Ordinance and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the Zoning District shall apply.

17.78.50 ANNEXATION CRITERIA

Requests for annexation shall not have an adverse impact on the citizens of Sandy, either financially or in relation to the livability of the city or any neighborhoods within the annexation area. Generally, it is desirable for the city to annex an area if the annexation meets any of the following criteria:

A. A necessary control for development form and standards of an area adjacent to the city; or

B. A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or

C. Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or

D. Needed routes for utility and transportation networks.

17.78.60 APPLICATION SUBMISSION REQUIREMENTS

Requests for annexation shall be made on forms provided by the city for such purposes and shall be accompanied by the following:

A. Written consent form to the annexation signed by the owners of all land to be annexed;

B. A legal description certified by a registered surveyor or engineer;

C. The application fee established by the city;
D. A list of property owners within three hundred (300) feet of the subject property on mailing labels;

E. Vicinity map showing the area to be annexed including adjacent city territory;

F. Site Plan (Type A=15 copies; Type B or C = 25 copies) drawn to scale (not greater than one inch = fifty feet), indicating:
   1. The location of existing structures (if any);
   2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
   3. Approximate location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District.

G. Narrative Statement explaining the proposal and addressing:
   1. Availability, capacity and status of existing water, sewer, drainage, transportation, fire, park and school facilities;
   2. Additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand; and,
   3. Method and source of financing required to provide additional facilities, if any.

17.78.70 REVIEW PROCEDURE

Type A, B & C
   1. Pre-application conference;
   2. Submission of completed application;
   3. Review by Planning Commission with recommendation to City Council;
   4. Review by City Council.

17.78.80 EXCEPTIONS

Exceptions may be granted for identified health hazards and for those matters which the City Council determines that the public interest would not be served by undertaking the entire annexation process. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception.

17.78.90 ANNEXATION CONDITIONS

A. All properties annexed are subject to inclusion within applicable advance financing districts and urban renewal districts.

B. These conditions apply to all annexed properties regardless of transfers of the ownership of such properties.
CHAPTER 17.80 - ADDITIONAL SETBACKS ON COLLECTOR & ARTERIAL STREETS

17.80.00 INTENT

The requirement of additional special setbacks for development on arterial or collector is intended to provide better light, air and vision on more heavily traveled streets. The additional setback, on substandard streets, will protect collector and arterial streets and permit the eventual widening of streets.

17.80.10 APPLICABILITY

These regulations apply to all collector and arterial streets as identified in the latest adopted Sandy Transportation System Plan (TSP). The Central Business District (C-1) is exempt from Chapter 17.80 regulations.

17.80.20 SPECIFIC SETBACKS

Any structure located on streets listed above or identified in the Transportation System Plan as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.
CHAPTER 17.82 - SPECIAL SETBACKS ON TRANSIT STREETS

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.

B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.

C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.

D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.
CHAPTER 17.84 - IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.00  INTENT

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

17.84.10  EXCEPTIONS

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

17.84.20  TIMING OF IMPROVEMENTS

A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
   1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
   2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30  PEDESTRIAN AND BICYCLIST REQUIREMENTS

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

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

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with
development. Dedication of the trail to the City shall be provided in accordance with 17.84.80.

D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

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

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.

B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:
   1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
   2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of 17.84.30 B.

17.84.50 STREET REQUIREMENTS

A. Traffic evaluations may be required of all development proposals in accordance with the following:
   1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.
   2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

B. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:
   1. Arterial streets should generally be spaced in one-mile intervals.
   2. Traffic signals should generally not be spaced closer than 1500 ft. for reasonable traffic progression.
C. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, “through traffic” means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and “T” intersections while maintaining pedestrian connectivity.

2. Local streets should typically intersect in “T” configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent “T” intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2 rights-of-way.

3. Cul-de-sacs should generally not exceed 400 ft. in length nor serve more than 20 dwelling units, except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area. Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

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

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.

2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

4. Reimbursement agreements for ¾ street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.

5. A ½ street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A ¾ street improvement includes curbs on both sides of the side and full pavement between curb faces.
E. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
   1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.
   2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

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

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

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

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

17.84.60 PUBLIC FACILITY EXTENSIONS

A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.

B. Where necessary to serve property as specified in “A” above, required public facility installations shall be constructed concurrent with development.

C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

E. All public facility installations required with development shall conform to the City’s facilities master plans.

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

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

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

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

**17.84.80 FRANCHISE UTILITY INSTALLATIONS**

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

A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.

B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
   1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
   2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and
   3. The development is non-residential.

D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.

E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
   1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
   2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation
impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

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

B. Public utility easements with a minimum width of 5 feet shall be provided adjacent to all street rights-of-way for franchise utility installations.

C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.

D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.
G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed 1 year.

H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

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

17.84.100 MAIL DELIVERY FACILITIES

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

B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.

C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform with the City’s standard construction specifications. Actual mailbox units shall conform with the Post Office standards for mail delivery facilities.

D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.
CHAPTER 17.86 - PARKLAND & OPEN SPACE

17.86.00 INTENT

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

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for the following:
   a. Tentative plat for a subdivision or partition;
   b. Planned Development conceptual or detailed development plan;
   c. Design review for a multi-family development or manufactured home park; and
   d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre:

\[
\text{Required parkland dedication (acres)} = (\text{proposed units}) \times (\text{persons/unit}) \times 0.0043 \ (\text{per person park land dedication factor})
\]

   a. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:
<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Total Persons Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family residential</td>
<td>3.0</td>
</tr>
<tr>
<td>Standard multi-family unit</td>
<td>2.0</td>
</tr>
<tr>
<td>Manufactured dwelling park</td>
<td>2.0</td>
</tr>
<tr>
<td>Congregate multi-family unit</td>
<td>1.5</td>
</tr>
</tbody>
</table>

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan\(^1\). This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

**17.86.20  MINIMUM PARKLAND STANDARDS**

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

1. Homes must front on the parkland as shown in the example below:

   ![Example Diagram](image)

2. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.

3. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.

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\(^1\) Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person.
4. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.

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

17.86.30 DEDICATION PROCEDURES

Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,

2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.

B. Additional Requirements

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

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

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

C. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by 17.86.30 (A.1.) shall be made prior to approval of the final plat for the phase that includes the park land.
17.86.40 CASH IN LIEU OF DEDICATION

At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
   a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
   b. Potential adverse/beneficial effects on environmentally sensitive areas;
   c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
   d. Availability of previously acquired property; and
   e. The feasibility of dedication.

2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
   a. 50 percent of the payment shall be paid prior to final plat approval, and
   b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge as determined by the City Council through a resolution, will constitute a lien against the property payable at the time of sale.

17.86.50 MINIMUM STANDARDS FOR OPEN SPACE DEDICATION

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
   a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
   b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.
2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
   
a. Designate the boundaries of all open space areas; and
   
b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
   
c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.
   
3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
   
4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
   
a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
   
b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
   
c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
   
d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.
   
5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.
CHAPTER 17.90 - DESIGN STANDARDS

17.90.00 INTENT

Chapter 17.90 is intended to implement the following design standards. In addition to these standards, several appendices are included to aid in the implementation of these standards. Applicable appendices are referenced in this chapter and kept on file by the Planning Director at City Hall. In implementing these standards, the reviewing body shall refer to the following objectives in evaluating Design Review requests:

A. Protect and enhance the city’s quality of life and community image.

B. Encourage functional, safe, and aesthetically pleasing development, while maintaining compatibility with the surrounding built and natural environment.

C. Implement the Sandy Style, as described by this chapter. The Sandy Style is based on the following guiding principles:

   1. Celebrate Sandy as the Gateway to Mount Hood through contextually appropriate landscaping and building designs.

   2. Protect and enhance Sandy’s tree canopy, particularly along the Highway 26 Landscape Management Corridor.

   3. Emphasize a “village” scale and character in new development. Village scale means development is compact and walkable, building entrances are oriented to the street sidewalk or a plaza, and large building masses are broken down through a combination of design elements such as articulation, combinations of complementary building materials and detailing.

   4. Express elements of or reflect Cascadian architecture by adapting appropriate elements of English Arts and Crafts Style (1900-1920) and Oregon Rustic Style (1915-1940), and/or similar elements, into new buildings and exterior remodels, except in locations where this code allows or requires a different architectural style (e.g., C-1 Historic Roadside Commercial District).

   5. Encourage green building practices in new construction, such as the use of renewable energy (e.g., solar and wind), use of recycled materials, integration of water quality facilities in landscapes, capture of rainwater for irrigation, and similar practices.

D. The city considers the following elements to be incompatible with the Sandy Style. The reviewing body may deny, or require modifications to, a project with any of the following:

   1. Excessive tree removal and/or grading that may harm existing vegetation within a designated landscape conservation area.

   2. Commercial development where buildings are setback from the street behind surface parking lots.

   3. Excessive surface parking lot paving and redundant driveways.

   4. Drive-up facilities adjacent to a street that interrupt pedestrian circulation patterns or create potential safety hazards.

   5. Disjointed parking areas, confusing or unsafe circulation patterns.

   6. Box-like structures with large, blank, unarticulated wall surfaces.
7. Building materials or colors that do not conform to this code.
8. Highly reflective surfaces or heavily tinted glass storefronts.
9. Strongly thematic architectural styles, forms, colors, materials, and/or detailing, that do not conform to the Sandy Style, including some forms of franchise architectural styles associated with some chain commercial establishments.
10. Inadequate landscape buffers adjacent to parking lots, walkways and streets.
11. Visible outdoor storage, loading, and equipment areas.

17.90.10 APPLICABILITY

The provisions of this chapter apply to all zones and uses as follows except as specified in Sections 17.90.10(B), (C), (D), (E), and (F) below:

A. All construction within a Commercial or Industrial Zoning District or a non-residential use in a Residential Zoning District including the following:
   1. New construction;
   2. Replacement of a building that is destroyed as specified in Section 17.08.30;
   3. Addition to an existing building;
   4. Exterior alterations other than general maintenance on an existing building;
   5. Site improvements including changes to landscaping, parking, civic spaces, etc.

B. General Maintenance Exception: General maintenance activities including but not limited to the replacement of awnings, entryway covers, doors, windows, siding and roofing materials with like materials, and repainting with the same colors are exempt from these standards.

C. Residential Dwelling Exception: Single family dwellings, duplexes, manufactured dwellings on individual lots of record, and manufactured dwellings in parks are exempt from all requirements of this chapter except for Section 17.90.150.

D. Specific Building Exception: Certain buildings contain architectural characteristics that contribute to the unique character of Sandy’s business community. However, these buildings are not necessarily designed in conformance with the applicable design standards described in this chapter. This section allows these buildings to be maintained, repaired, painted or added on to, in a way that is consistent with the existing architectural design of these buildings. Additionally, in the event a portion or the entire building is damaged by any means, this section allows these buildings to be rebuilt as currently designed. This exemption does not allow the architectural design of these buildings to be changed or altered from the current design without compliance with the provisions of this code. (as of February 1, 2008, see Appendix A) All other provisions in this chapter related to site design, landscaping, lighting, and external storage and screening are still applicable. This exception is applicable to the following buildings:
   - Tollgate Inn Restaurant and Bakery (38050 and 38100 Highway 26)
   - Joe’s Donut Shop (39230 Pioneer Blvd.)

F. Downtown Area Exceptions: Two areas within downtown Sandy contain several existing buildings or groupings of buildings that contribute to the unique character of Sandy’s downtown (Appendix B). As such, new building construction within these areas may either

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comply with the Sandy Style design standards of this chapter, or with the details specified below as shown in Figures 17.90.110-A and 178.90.110-B. All other provisions of this chapter related to site design, landscaping, lighting, and external storage and screening still apply.

a. Area A - South side of Pioneer Boulevard between Bruns Avenue and Meinig Avenue, including the lot at the southeast corner of Pioneer and Meinig (Figure 17.90.110-F):

   (1) Use of flat roofs (See Section 17.90.110(C)(8)) with detailed stepped parapet and regularly spaced picture windows (divided or undivided) framed by pilasters, transoms, and sills.

   (2) Use of masonry block, brick or fluted concrete, consistent with the existing historic roadside commercial structures is allowed.

   (3) Buildings may contain symmetrical forms based on a rectangular building plan and simple massing.

   (4) Building articulation and detailing should express the physical structure of buildings in this area.

\textbf{Figure 17.90.110-A: Typical Building Elements in Historic Roadside Commercial (Roadside Building Style)}

b. Area B - South side of Pioneer Boulevard between Scales Avenue and Bruns Avenue, and for the Odd Fellows Hall on the north side of Pioneer Boulevard:

   (1) The preferred siding material for building remodels is wood lap siding, consistent with the farm-style structures in that area.

   (2) Building forms and detailing should express a farmhouse vernacular; buildings should incorporate front-facing gables, covered porches, and divided or double hung sash windows.

   (3) Paint color should not contrast with the white-washed buildings on this block.

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17.90.30 POWERS AND DUTIES

Staff shall review plans for compliance with the Development Code and other applicable regulations. The Planning Director may tailor the extent of the review by deleting or combining steps when not warranted by the scale of the development.

17.90.40 TYPE OF REVIEW

A. Type I – Administrative

Type I review applies to single family dwellings, duplex dwellings, manufactured homes on individual lots, manufactured homes within MH parks, and permitted residential accessory dwellings and structures.

Type I review also applies to exterior building alterations or additions on existing commercial or industrial buildings, multi-family dwellings, and non-residential uses on residentially zoned lots where the proposed alteration or addition meets the following criteria:

1. Exterior alterations other than general maintenance as defined in Section 17.90.10(B).
2. Modifications to the number of parking spaces by not more than 10 percent;
3. Modifications to the area devoted to landscaping or civic space by not more than 10 percent;
4. Building additions in the C-1 and C-3 zones containing less than 1,000 square feet.

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5. Building additions in the C-2, I-1, and I-2 zones containing less than 3,000 square feet.

B. Type II – Director’s Review

Type II review includes floor area expansions greater than the thresholds for a Type I review and all other multi-family, commercial, industrial development and non-residential development on residentially zoned land that is in compliance with code standards, except where a Type III procedure is requested or required.

C. Type III – Quasi-Judicial

Type III review includes development where the applicant has requested Type III Design Review or the Director has determined the review will involve more than a nominal amount of discretion in applying this chapter’s standards to the application. The more a request seeks to deviate from a standard, the greater the burden on the applicant to demonstrate the request complies with the standard’s intent.

17.90.70 EXPIRATION OF APPROVAL

Design Review approval shall be void after two (2) years from the date of the Final Order, or lesser time as the Planning Commission may specify, unless the applicant has submitted plans for building permit approval or demolition approval, as applicable, within this timeframe. The Director may grant one extension through a Type I procedure, not to exceed one (1) year, upon a written request from the applicant prior to the expiration date of the approval and a finding that the applicant has made a good faith effort to implement the approved plan.

17.90.80 MODIFYING APPROVALS

A. Major Modification. A major modification to a Design Review approval shall be processed as a new application. Major Modifications include but are not limited to:

1. Changes in proposed land use;
2. Substantial change in building elevation and materials;
3. Changes in type and location of access ways and parking areas where off-site traffic would be affected;
4. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified;
5. Increase in the total ground area proposed to be covered by structures or parking by more than 10 percent from what was previously specified;
6. Reduction of project amenities provided, such as civic space, recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified, and;
7. Any other modification to a requirement established at the time of Design Review approval.

B. Minor Modification. Minor Modifications may include any of the changes listed above provided the change is below the quantifiable thresholds for a Major Modification, per
Section 17.90.80(A). Minor modifications shall be processed as a Type I or Type II decision at the Director’s discretion; a Type II procedure shall be used where the modification requires interpretation of a discretionary standard.

17.90.90 SUBMISSION REQUIREMENTS - TYPE I

A. Number of Copies: 2

B. Site Plan. As determined by the Planning Director, the site plan shall be drawn at an approved engineering scale (e.g., 1”=100’, 1”=50’, 1”=20’, or 1”=10’) and shall include the applicant’s entire property including:
   1. Dimensions of the property;
   2. Proposed building location;
   3. Easements of record;
   4. Parcel boundaries;
   5. Driveway location;
   6. Contour lines at the following minimum intervals;
      a. 2’ intervals for slopes 0%-14.9%
      b. 5’ or 10’ intervals for slopes between 15%-25%
      c. Identification of areas exceeding 25%
   7. Flood and Slope Hazard Overlay District boundaries;
   8. Drainage, including adjacent lands;
   9. Natural hazard areas, including potential flood or high ground water, landslides, erosion, drainage ways, and weak foundation soils;
   10. Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas, and surface features such as earth mounds and large rock outcroppings;
   11. Streams and stream corridors;
   12. Location of trees over 11-inches or greater DBH (6-inches or greater in FSH Overlay District);
   13. Additional information as required by the Director such as soils, geology, hydrologic study, photometric analysis, etc.

C. Building elevations showing the required design standards.

17.90.100 SUBMISSION REQUIREMENTS - TYPE II AND TYPE III

A. Number of Copies: Type II – 8 copies, Type III – 15 copies

B. Digital Version – A compact disc containing a digital version of the required narrative in Microsoft Word format and a plan set in PDF format.

C. Project Narrative documenting compliance with applicable code criteria. If the application involves any deviations from the Code standards (i.e., Type III Design Review), the narrative

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shall describe how the proposal meets or exceeds the intent of the standard(s) for which a deviation is requested.

D. Site Analysis Map. An analysis of the site showing the relationship between the site and adjacent properties to contain the following:

1. Property boundaries, dimensions, and gross area;
2. Topographic contour lines at two-foot intervals for slopes 0-10 percent and five foot intervals for slopes greater than 10 percent;
3. Location of approved Flood and Slope Hazard Overlay District boundaries and restricted development areas per Chapter 17.60;
4. Site features including existing structures, pavement, large surface features such as earth mounds and large rock outcroppings;
5. Contour lines at the following intervals:
   a. 2’ intervals for slopes 0-14.9%
   b. 5’ or 10’ intervals for slopes between 15%-25%
   c. Identification of areas exceeding 25%;
6. Location and width of public and private streets, drives, sidewalks, rights-of-ways, and easements;
7. Location, size, and species of trees 11-inches and greater DBH (6-inches or greater DBH in FSH Overlay District);
8. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
9. Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
10. Other information as required by the Director such as soils, geology, hydrologic study, etc.

E. Proposed site plan. The site plan shall contain the following information:

1. The proposed development site, including boundaries, dimensions, and gross area;
2. Features identified on the existing site analysis maps that are proposed to remain on the site;
3. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
4. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
6. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
7. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
8. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
9. Loading and service areas for waste disposal, loading and delivery;
10. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
11. Location, type, and height of outdoor lighting;
12. Location of mail boxes, if known;
13. Name and address of project designer, if applicable;
14. Locations of bus stops and other public or private transportation facilities;
15. Locations, sizes, and types of signs;
16. Location of retaining walls.

F. Preliminary Utility Plan. (Including the location of all electrical transformers and utility meters)

G. Traffic Impact Study or Traffic Letter (as determined by the Planning Director) in compliance with City standards.

H. Photometric Analysis and cut sheets of proposed lighting demonstrating compliance with Chapter 15.30, Dark Sky Ordinance.

I. Preliminary Grading Plan. A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals consistent with the provisions of this code.

J. Architectural Drawings. Architectural drawings shall contain the following:
   1. Building elevations;
   2. Building materials: colors and type (including color board);
   3. Retaining walls including type and height;
   4. Other drawings or studies (e.g., line-of-sight analysis, perspective, model, visual simulation, etc.) as deemed necessary for evaluating the application as determined necessary by the Planning Director.

K. Landscape Plan. Landscape plans shall contain the following:
   1. Property and lot boundaries and rights-of-way;
   2. Structures and impervious surfaces including parking lots;
   3. General landscape development plan, including plant specifications keyed to plan map and including botanical names, common names, sizes, numbers, and methods of planting and maintenance, location of existing plants and groups of plants proposed;
   4. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements, relating to soil conditions;
   5. Details of irrigation method;

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6. Landscape-related structures such as fences, decks, terraces, patios, shelters, play areas, etc.;
7. Boundaries of open space, recreation or reserved areas;
8. Location of pedestrian or bicycle circulation.

L. Signs. Proposed sign details and dimensions in conformance with Chapter 15.32.

M. Other Information or studies determined to be necessary by the Director prepared by qualified professionals to address specific site features or project impacts (e.g. arborist report, natural hazards, Geotechnical, etc.).

17.90.110 DOWNTOWN AND VILLAGE COMMERCIAL (C-1 AND C-3) DESIGN STANDARDS

Development in the C-1 and C-3 districts shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

A. Site Layout and Vehicle Access

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.110-C and 17.90.110-D)

1. All lots shall abut or have cross access to a dedicated public street.
2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.
3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10-feet of the public right-of-way, as shown in Figure 17.90.110(C). When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.
4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.
5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.
6. Where openings occur between buildings facing Proctor Boulevard or Pioneer Boulevard, pedestrian ways shall connect the street sidewalk to any internal parking areas. Development shall avoid creating barriers to pedestrian circulation.
7. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.
8. Raised walkways or painted crossings from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or be painted (e.g., colored concrete inlay in asphalt).
9. Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.

10. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary.

11. Through lots and corner lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.

12. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and civic spaces.

Figure 17.90.110-C: Downtown Block Elements
B. Building Facades, Materials, and Colors

Intent: To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, Color Palettes (Appendices C and D), and photos (Appendix E)

1. **Articulation.** The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations of a structure visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as viewed from the street as follows:

   a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes no more than 30 lineal feet long to include the following:

      1) Wall planes meeting this standard shall include a feature or variation in the wall plane that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four (4) feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.

      2) Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.

      3) The lower and upper floors of multi-story buildings shall be clearly delineated by using pedestrian shelters, change in siding materials, heavy timber or natural wood accents (e.g., brackets, paneling or other detailing).
2. **Pedestrian Shelters.** Buildings must incorporate pedestrian shelters, as follows:
   
a. Pedestrian shelters shall be provided over the building’s primary entrance(s) and pedestrian areas (i.e., sidewalks and civic spaces) abutting the subject building.
   
b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required.
   
c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.
   
d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.110(C). Dome or bubble shaped awnings are not permitted.

3. **Building Materials.** Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:
   
a. Buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions, and remodeling such that buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.
   
b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, or brick are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building’s base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from the abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.
   
c. Foundations shall be designed to match the scale of the building being supported. Examples include sheathing the foundation structure with base materials and wall siding.
   
d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, or a combination of these materials. Stucco, synthetic stucco, and metal are permitted only as specified below. Vinyl, plastic or similar siding is not permitted.
   
   1) Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.
   
   2) Where board-and-batten siding is used, battens shall be a minimum of 2-inches wide x 1-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.
   
   3) Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every elevation where it is used. Examples of decorative patterns include multi-toned masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate rusticated stone-
type construction. Changes in pattern should be used to accentuate breaks in
building stories, corners, windows, structural bays, and building tops (e.g.,
parapets where flat roofs are allowed).

4) Where metal siding is used, it shall be used as an accent only, comprising not
more than 20 percent of the surface area of the building elevation (e.g.,
wainscoting or other accent paneling). Metal must be architectural grade and have
a non-reflective (burnished or painted) finish conforming to the approved Color
Palette. Metal may also be used for flashing, gutters, downspouts, brackets,
lighting, and signage and similar functional elements.

5) Where stucco or synthetic stucco is used, it shall be used as an accent only,
comprising not more than 20 percent of the surface area of the building elevation.

e. Building elevations facing a public right-of-way or civic space shall incorporate at
least three (3) of the following features: Using these features may also address other
code requirements, such as those related to building articulation, change in relief,
pedestrian shelters, and storefront elements.

1) Exposed, heavy timbers;

2) Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim
around windows);

3) Natural wood color shingles (e.g., used as siding or to accent gable ends);

4) Metal canopies;

5) Heavy metal brackets (e.g., cast iron or similar appearance), which may be
structural brackets or applied as cosmetic detailing; and,

6) Similar features, consistent with the Sandy Style.

f. Materials required on elevations visible from an abutting public street must turn the
building corner and incorporate appropriate transitions onto elevations not requiring
these materials for a distance of not less than two (2) feet.

4. **Colors.** Building exteriors shall comply with the following standards:

a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens)
conforming to the Color Palette provided in Appendix C.

b. High-intensity primary colors, metallic colors and black, may be utilized as trim and
detail colors only, not to exceed one (1) percent of the surface area of any elevation.
Such color shall not be used as primary wall colors.

c. Day-glow colors, highly reflective colors, and similar colors are not permitted.
Figure 17.90.110-E: Typical Building Elements in Sandy Style (Mixed Use Example)

- Asymmetrical composition
- Top defined by sheds, gables, change in materials
- Changes in materials (e.g., shingles & lap siding) define building stories; use of multi-paned windows
- Heavy base: stone or masonry block
- Vent and shingle accent on upper gable
- Scale of upper floor windows and panes
- Build-to line (0'-5') to sidewalk or civic space
- Articulation: columns, canopies, and window bays
- Civic space with covered seating and planter at street corner, public art opportunity
- Weather protection over primary entry

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Figure 17.90.110-F: Typical Building Elements in Sandy Style (Mixed Use Example)

- Tower serves as a landmark on corner, expressing Sandy Style (allowed vertical projection)
- Pitched roof: use cross gables or shed dormers to break up large elevations
- Change in materials (shingle/board siding) defines building stories
- Asymmetrical composition
  - Top defined by sheds, roof forms, change in materials
  - Board or shingle siding with groupings of multi-pane windows; changes in materials define building stories and break up large elevations
  - Heavy base
- Size and scale of upper floor windows
- Metal fixtures and wood trim and detailing
- Build-to-line (0'–5') to sidewalk or civic space
- Articulation: offsets, projecting upper-story, changes in material, gables, tower, canopies, etc.
- Weather protection over primary entry and along full frontage

Figure 17.90.110-G: Typical Building Elements in Sandy Style (Commercial Building)

- Vent and shingle accent on upper gable
- Pitched roof
- Asymmetrical composition
  - Top defined by trim, change in materials, eave/overhang
  - Board or shingle siding with groupings of multi-pane windows
  - Heavy base
- Metal or composition roofing
- Wood/timber columns and brackets
- Stone, masonry or rusticated concrete base
- Weather protection over primary entry
C. Roof Pitch, Materials, and Parapets

Intent: To provide roof forms and detailing consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)

1. Except as provided in subsections 17.90.110(C)(8), below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Primary Roof Forms (minimum)</th>
<th>Secondary Roof Forms (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1, C-3</td>
<td>6:12</td>
<td>4:12</td>
</tr>
</tbody>
</table>

2. As provided above, “Primary Roof Forms” are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.

3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.

4. Pitched roof surfaces visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

<table>
<thead>
<tr>
<th>Roof Length</th>
<th>Number of Secondary Roof Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 – 40 feet</td>
<td>1</td>
</tr>
<tr>
<td>41 – 80 feet</td>
<td>2</td>
</tr>
<tr>
<td>81 feet and greater</td>
<td>4</td>
</tr>
</tbody>
</table>

5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.

7. A-frame buildings and Mansard-style roofs are not permitted.

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Revised by Ordinance 2013-04 effective 07/03/13
8. Exception to Pitched Roof: When a building requires a roof span greater than 50-feet, or the internal function of the building or a portion of the building makes construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an “applied pitched roof” or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.

a. Applied Pitched Roof: An “applied pitched roof” is the preferred alternative roof form and shall be considered first. An “applied pitched roof” is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An “applied pitched roof” shall be constructed according to the following:

1) For buildings with a span of less than 50 feet, the “applied pitched roof” shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;

2) For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.

3) The reviewing body may require buildings with a span of 50 feet or greater to include an “applied pitched roof” in lieu of a flat roof along street facing elevations.

b. Flat Roof: Flat roofs shall comply with the following standards:

1) Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from an abutting public street. Parapets shall be varied so that the length of a parapet does not exceed 30 feet without a change in the parapet height of at least 2 feet or as necessary to hide rooftop equipment.

2) Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed one-third (1/3) of the height of the supporting wall;

3) A cornice projecting at least six (6) inches from the building face shall be provided at the roofline of all elevations visible from abutting public rights-of-ways and pedestrian ways;

4) Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

D. Building Orientation and Entrances

Intent: To maintain and enhance downtown and village commercial streetscapes as public spaces, emphasizing a pedestrian-scale and character in new development, consistent with the Sandy Style; and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)
1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site’s street frontage is comprised of building(s) placed within 10 feet of a sidewalk or an approved civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building’s front façade and the adjacent street(s).

2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk. The partial screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building’s primary entrance.

3. Ground floor spaces shall face a public street and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel). Where the reviewing authority determines that facing the building to a street is not practical, it may require the building to face a civic space.

4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within 40 feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style. Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.

5. Upper story residential units shall have an entrance separate from the ground floor (commercial) space and conform to applicable building codes.

6. Buildings shall provide at least two elevations where the pedestrian environment is “activated”. An elevation is “activated” when it meets the window transparency requirements in subsection 17.90.110(E), below, and contains a customer entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. Where providing a customer entrance on two (2) elevations is not practical, the reviewing body may allow a single entrance.

7. Primary entries shall face a public street or a civic space and shall be spaced not more than 30 feet apart on average. Ancillary shops shall provide entries every 30 feet, on average.

8. Primary entrances shall be architecturally emphasized and visible from the abutting public right-of-way or civic space and shall be sheltered with a canopy, overhang, or portico with a depth of at least five (5) feet. Architectural emphasis should be provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

**E. Windows**

Intent: To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, and 17.90.110-I, and representative photos in Appendix E.)
1. **Unified Design.** Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.

2. **Ground Floor Windows.** The ground floor elevation of all new buildings shall contain display areas, windows, and doorways along street frontages and where the building abuts a civic space as follows: Lots with multiple street frontages are required to meet this standard on only two frontages.

<table>
<thead>
<tr>
<th>Building Size</th>
<th>Percentage Windows Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 10,000 sq. ft.</td>
<td>40 percent of ground floor elevation</td>
</tr>
<tr>
<td>Greater than 10,000 sq. ft.</td>
<td>25 percent of ground floor elevation</td>
</tr>
</tbody>
</table>

   a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may approve locating windows above or below this height. Display boxes affixed to a building’s exterior are not counted in meeting the above standard.

   b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.

   c. Windows with any dimension exceeding six (6) feet shall be divided into smaller panes (e.g., 2 foot by 2 foot grid) with real divided panes, vinyl inserts or applied dividers.

   d. Windows shall have trim or moldings at least three (3) inches in width around them, or have reveals of at least three (3) inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.

3. **Upper Floor Window Standards.**

   a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along “activated” frontages. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.110(B)(1).

   b. Windows shall be square or vertically oriented. Individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes.

   c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet, unless approved by variance or adjustment. Upper story windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged.

   d. Window trim and moldings shall be compatible with those used on the ground floor.

4. **Prohibited Windows.** The following window types are prohibited:

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Revised by Ordinance 2013-04 effective 07/03/13
a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces and walkways.

b. Glass curtain windows are not permitted facing public right-of-ways, except where the reviewing body finds that such windows are consistent with the Sandy Style.

F. Landscaping and Streetscape Design

Intent: To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style; and to provide for a pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, and Downtown Sandy Streetscape Design)

1. The provisions of Chapter 17.92, Landscaping and Screening General Standards shall apply except in the C-1 Zoning District where conformance with the Downtown Sandy Streetscape Design, as illustrated in Appendix F is required.

2. Where any conflict arises between provisions of the Sandy Streetscape Design and other city standards (e.g., sidewalk width, materials, or similar specifications), the Streetscape Design shall prevail. All applicable provisions of Chapter 17.92 Landscaping and Screening General Standards must be met, except as modified by the Downtown Sandy Streetscape Design.

G. Civic Space

Intent: To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for the public, consistent with Sandy’s Downtown Streetscape Design. (See Figures 17.90.110-H and 17.90.110-I).

1. Not less than three (3) percent of the ground floor area of every development shall be improved as civic space.

2. All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.

3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.

4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.

5. Unless impractical, civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.
6. **Exceptions:** Building additions and remodels subject to Type I Design Review are not required to set aside or improve civic space, though they are encouraged to do so.

**Figure 17.90.110-H: Civic Space Example 1**

![Civic Space Example 1](image1.png)

**Figure 17.90.110-I: Civic Space Example 2**

![Civic Space Example 2](image2.png)

<table>
<thead>
<tr>
<th>Street</th>
<th>Furnishing Zone</th>
<th>Pedestrian Through Zone (width may vary)</th>
<th>Building and/or Outdoor Seating and Civic Space/Plaza Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extra wide Sidewalk</td>
<td>Street Trees in Sidewalk Cut-Outs</td>
<td>Bus Stop Seating or Shelters (where applicable)</td>
<td>Pedestrian Scale Lighting</td>
</tr>
<tr>
<td>Sitting Space</td>
<td>Weather Protection</td>
<td>Display Windows</td>
<td>Main Entry</td>
</tr>
</tbody>
</table>

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Revised by Ordinance 2013-04 effective 07/03/13
H. Lighting
Intent: To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style.

1. Streetscape lighting shall conform to the Downtown Sandy Streetscape Design and the requirements of Chapter 15.30, Dark Sky Ordinance.

2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. On-site light fixtures conforming to the Sandy Style are encouraged.

3. Lighting must be adequate for safety purposes. Walkways, parking lots, and building entrances should be illuminated at 1.5 – 2.0 foot candles.

I. Safety and Security
Intent: To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.

2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.

3. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates buildings and their entries for patrons and emergency services.

4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas. (See also, subsection H Lighting.)

J. External Storage and Screening
Intent: To promote land use compatibility and aesthetics, particularly where development abuts public spaces.

1. Exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

2. Where such storage is allowed, it must be screened from view from public rights of way and civic spaces.

3. Mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas shall be screened from view from public rights-of-way and civic spaces.

4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from public rights-of-way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.

5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to
the proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

17.90.120 GENERAL COMMERCIAL AND INDUSTRIAL (C-2 and I-1) AND NON-RESIDENTIAL USES IN RESIDENTIAL ZONES DESIGN STANDARDS

Development in the C-2 and I-1 districts and non-residential uses in a residential zone shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

A. Site Layout and Access.

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.120-A and 17.90.120-B)

1. All lots shall abut or have cross access to a dedicated public street.

2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.

3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10-feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.

4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.

5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.

6. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.

7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).

8. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary. Where openings occur between buildings adjacent to Highway 26, pedestrian ways should connect the street sidewalk to any internal parking areas and building entrances. Development should avoid creating barriers to pedestrian circulation.

9. Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and

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interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.

10. Through lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.

11. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.

12. Minimum parking requirements are contained in Chapter 17.98. For developments containing more than 150 parking spaces, at least 20 percent of all parking spaces shall be constructed of permeable materials such as permeable asphalt, permeable concrete, pavers, and/or similar materials as approved by the City.

Figure 17.90.120-A: Typical Block Layout
B. Building Facades, Materials, and Colors

Intent: To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-C, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I; and the Color Palette and representative photos provided in the Appendix E.)

1. Articulation. The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as follows:

a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes of no more than 40 lineal feet long to include the following:

1) Wall planes meeting this standard shall include a feature or variation in the wall plane that are those that are entirely separated from other wall planes by a recessed or projecting section of the structure that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four (4) feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.

2) Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.
3) The lower and upper floors of multi-storied buildings shall be delineated by using pedestrian shelters, changes in siding materials, heavy timbers, or natural wood accents (e.g. brackets, paneling, or other detailing).

Figure 17.90.120-C: Articulation Example – Bays

2. **Pedestrian Shelters.** Buildings must incorporate pedestrian shelters, as follows:
   a. Pedestrian shelters shall be provided over the building’s primary entrance(s) and all pedestrian areas (i.e., sidewalks, and civic spaces) abutting the subject building, where pedestrians are likely to use these facilities.
   b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required to protect pedestrians from the rain and sun.
   c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.
   d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.120(C). Dome or bubble shaped awnings are not permitted.

3. **Building Materials.** Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:
   a. Buildings on the same site shall be architecturally unified. Architectural unity means buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.
   b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building’s base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from an abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.
   c. Foundations shall be designed to match the scale of the building being supported. Sheathing the foundation structure with base materials and wall siding are examples of methods which accomplish this purpose.
   d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or

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a combination of these materials. Stucco, synthetic stucco, or metal are only permitted as specified below. Vinyl, plastic or similar siding is not permitted.

1) Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.

2) Where board-and-batten siding is used, battens shall be a minimum of 2-inches wide x 1-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.

3) Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every elevation where it is used. Examples of decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction. Changes in pattern should be used to accentuate breaks in building stories, corners, windows, and building tops (e.g., parapets where flat roofs are allowed).

4) Where metal siding is used, it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements.

5) Where stucco or synthetic stucco is used, it shall only be used as an accent comprising not more than 30 percent of the surface of the building elevation.

6) Where concrete form liner is used, it shall be limited to patterns replicating horizontal wood siding, stone, or brick as shown in Appendix H and shall not include ribbed, fluted, or similar patterns.

e. Building elevations facing a public street shall incorporate at least three (3) of the following features: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, storefront elements.

1) Exposed, heavy timbers;

2) Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);

3) Natural wood color shingles (e.g., used as siding or to accent gable ends);

4) Metal canopies;

5) Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing, and/or;

6) Similar features, consistent with the Sandy Style.

f. Materials required on elevations visible from an abutting public street must turn the building corner and incorporate appropriate transitions onto elevations not requiring these materials for a distance of not less than four (4) feet.
4. **Colors.** Building exteriors shall comply with the following standards:
   
a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to Color Palette in Appendix C.
   
b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent (1%) of the surface area of any elevation. Such color shall not be used as primary wall colors.
   
c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

**Figure 17.90.120-D: Large-Scale Building with Sandy Style Elements**

![Diagram](image)

**Figure 17.90.120-E: Large-Scale Building with Sandy Style Elements**

![Diagram](image)
Figure 17.90.120-F: Large-Scale Building without Sandy Style Elements

- Visible mechanical equipment (lack of cornicing/parapet)
- Undesirable building bulk/mass. Lack of vertical and horizontal building offsets/relief
- Minimal detailing (e.g., paint, texture, cornice, wainscoting, pilasters)
- No base detailing
- No landscaping or pedestrian sheltering
- Exposed/unprotected cart storage with no relation to primary architecture
- Undesirable entrance treatment (e.g., lack of canopy, pitched roof, awning, ornamental devices)
- Lack of ground floor windows, additional entrances and pedestrian sheltering
- No change in siding materials
- No base detailing

Figure 17.90.120-G: Small Building with Sandy Style Elements

- Metal, shake, or composition roof
- Metal fixtures (lighting, brackets)
- Integrated signage band or individually applied letters (pedestrian height and scale)
- Window trim
- Timber/wood columns and brackets
- Stone, masonry or rusticated concrete base
- Transparency of building, note window molding and detail
- Gable accent on otherwise flat roof
- Prominent covered entrance
- Top defined by trim, change in materials, gable
- Board and batten siding with groupings of small-pane divided windows
- Heavy base

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C. Roof Pitch, Materials, and Parapets

Intent: To provide roof forms and detailing consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I and representative photos in Appendix E)

1. Except as provided in subsections 17.90.120(C)(8), below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Primary Roof Forms (minimum)</th>
<th>Secondary Roof Forms (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-2 and I-1</td>
<td>6:12</td>
<td>4:12</td>
</tr>
</tbody>
</table>

2. As provided above, “Primary Roof Forms” are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.

3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.

4. Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.
5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.

6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from all adjacent public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.

7. A-frame buildings and Mansard-style roofs are not permitted.

8. Exception to Pitched Roof: When a building requires a roof span greater than 50-feet, or the internal function of the building or a portion of the building make construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an “applied pitched roof” or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.

a. **Applied Pitched Roof:** An “applied pitched roof” is the preferred alternative roof form and shall be considered first. An “applied pitched roof” is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An “applied pitched roof” shall be constructed according to the following:

   1) For buildings with a span of less than 50 feet, the “applied pitched roof” shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;

   2) For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.

   3) The reviewing body may require buildings with a span of 50 feet or greater to include an “applied pitched roof” in lieu of a flat roof along street facing elevations.

b. **Flat Roof:** Flat roofs shall comply with the following standards:

   1) Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from a public street. Parapets shall be varied so that the length

---

<table>
<thead>
<tr>
<th>Roof Length</th>
<th>Number of Secondary Roof Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 – 40 feet</td>
<td>1</td>
</tr>
<tr>
<td>41 – 80 feet</td>
<td>2</td>
</tr>
<tr>
<td>81 feet and greater</td>
<td>4</td>
</tr>
</tbody>
</table>
of a parapet does not exceed 40 feet without a change in the parapet height of at least 2 feet or as necessary to hide rooftop equipment.

2) Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed one-third (1/3) of the height of the supporting wall;

3) A cornice projecting at least six (6) inches from the building face shall be provided at the roofline of all elevations visible from public rights-of-way;

4) Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building;

Figure 17.90.120-I: Parapet Detailing

D. Building Orientation and Entrances

Intent: To maintain and enhance General Commercial and Industrial streetscapes as public spaces, emphasizing pedestrian-scale and character in new development, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H) and representative photos in Appendix E.

1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site’s street frontage is comprised of building(s) placed within 20 feet of a sidewalk, walkway or civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building’s front façade and the adjacent street(s).

2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk.
The partial screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building’s primary entrance.

3. Ground floor spaces shall face a public street or civic space and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel).

4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within forty feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style. Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.

5. For structures greater than 40,000 gross square feet, there shall be at least two (2) clearly articulated public entrances on the structure; at least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk or walkway.

6. Retail buildings shall provide at least one customer entrance for every 200 lineal feet of anchor store space along at least one of the building’s street-facing elevation(s). Such entrances may be oriented to a public street or designated civic space. Where ancillary stores or offices are provided, entrances to those spaces must be placed not more than 40 feet apart on average. For example, a 300 foot long building with one anchor store and four ancillary stores would provide no fewer than two anchor space entrances spaced not more than 200 feet apart and four ancillary entrances placed not more than 40 feet apart on average.

7. Buildings shall provide at least one (1) elevation where the pedestrian environment is “activated”. An elevation is “activated” when it meets the window transparency requirements in subsection 17.90.120(E), below, and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space.

8. Primary entrances must be architecturally emphasized and visible from the public right-of-way and shall be sheltered with a canopy, overhang, or portico with a depth of at least five (5) feet. Architectural emphasis should be provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

E. Windows

Intent: To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H)

1. Unified Design. Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.

2. Ground Floor Windows. The ground floor elevation of all new buildings shall contain ground floor display areas, windows, and doorways on the “activated” frontage. as follows:

<table>
<thead>
<tr>
<th>Building Size</th>
<th>Percentage Windows Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.90-33</td>
<td>50%</td>
</tr>
<tr>
<td>Square Footage</td>
<td>Elevation Percentage</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>0 - 10,000 sq. ft.</td>
<td>30 percent of elevation</td>
</tr>
<tr>
<td>10,000 sq. ft. - 30,000 sq. ft.</td>
<td>25 percent of elevation</td>
</tr>
<tr>
<td>Greater than 30,000 sq. ft.</td>
<td>20 percent of elevation</td>
</tr>
</tbody>
</table>

a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may allow windows above or below this height. Display boxes affixed to a building’s exterior are not counted in meeting the above standard.

b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.

c. Windows with any dimension exceeding six (6) feet shall be divided to contain two or more smaller panes with real divided panes, vinyl inserts, or applied dividers.

d. Windows shall have trim or moldings at least three (3) inches in width around them, or have reveals of at least three (3) inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.

3. **Upper Floor Window Standards.**

   a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along the “activated” frontage. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.120(B)(1).

   b. Windows shall be square or vertically oriented. Individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes.

   c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet, unless approved by variance or adjustment. Upper story windows that have one (1) foot by one (1) foot grid inside double pane glass are appropriate and are encouraged.

   d. Window trim and moldings shall be compatible with those used on the ground floor.

4. **Prohibited Windows.**

   a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces and walkways.

   b. Glass curtain windows are not permitted facing public right-of-ways, except where the reviewing body finds that such windows are consistent with the Sandy Style.

**F. Landscaping and Streetscape Design**

Intent: To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style, and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides
materials and detailing consistent with the Sandy Style. (See Figures 17.90.120-J and 17.90.120-K and Appendix G)

1. The provisions of Chapter 17.92 Landscaping and Screening General Standards shall apply.

2. Parcels abutting Highway 26 shall provide a landscape buffer comprising not less than 30 percent of the highway frontage, to a depth of not less than 20 feet. Within the buffer, existing trees shall be preserved to the extent practicable. New trees, shrubs, and groundcover shall be planted to create a landscape buffer and partial visual screen along the highway as specified below or as approved by the reviewing authority. If approved in writing by the Oregon Department of Transportation, this buffer may be located within the public right-of-way. Any new or modified access must fall outside the designated buffer. Landscape plans shall indicate proposed landscaping, signage and other proposed development.

3. Landscape buffer plantings shall contain a mixture of both deciduous and evergreen species selected from the list below and shall be of a sufficient quantity to provide a partial buffer within two years from the date they are planted:

   - Trees – Deciduous (minimum 1 1/2-inch caliper) - Autumn Blaze Maple, Red Sunset Maple, Scarlet Oak. Evergreen (minimum 8-10 feet) - Hogan Cedar, Incense Cedar, Western Red Cedar, Douglas fir.

4. All service and storage areas must be screened from view from all adjacent rights-of-way. (See Figure 17.90.120-K below.)
Figure 17.90.120-J: Landscape Management Area Detail – Plantings with Planned Openings

Figure 17.90.120-K: Landscape Management Area Detail – Screening of Parking and Loading Areas
G. Civic Space

Intent: To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public, consistent with Sandy’s Downtown Streetscape Design. (See Figures 17.90.120-L and 17.90.120-M)

1. Not less than three (3) percent of the building area of every development shall be improved as civic space.

2. All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.

3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.

4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.

5. Civic spaces should abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or approved pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.

6. The reviewing authority may consider the voluntary provision of civic space or pedestrian amenities in quantities exceeding the minimum standards of this code in approving an adjustment or variance.

7. Exceptions:
   a. Building additions and remodels subject to Type I Design Review are not required to set aside or improve civic space, though they are encouraged to do so.
Figure 17.90.120-L: Civic Space Example 1

Figure 17.90.120-M: Civic Space Example 2
H. Lighting

Intent: To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style. (Figures 17.90.120-G, 17.90.120-H, and 17.90.120-M)

1. Streetscape lighting shall conform to Chapter 15.30 Dark Sky Ordinance.
2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. On-site light fixtures conforming to the Sandy Style are encouraged.
3. Lighting must be adequate for safety purposes. Walkways and parking lots should be illuminated at 1.5 – 2.0 foot candles.

I. Safety and Security

Intent: To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.
2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.
3. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates buildings and their entries for patrons and emergency services.
4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas.

J. External Storage

Intent: To promote land use compatibility and aesthetics, particularly where development abuts public spaces. (Figure 17.90.120-K)

1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.
2. Where such storage is allowed, it must be screened from view from public rights of way and civic spaces at least eight (8) feet and not more than 10 feet unless the screen is a continuation of the building wall.
3. Mechanical, electrical, and communications equipment including meters and transformers, service and delivery entrances, and garbage storage areas shall be screened from view from all public rights-of-way and civic spaces.
4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from all public rights of way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.
5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to...
the proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

17.90.130 LIGHT INDUSTRIAL (I-2) DESIGN STANDARDS

A. ACCESS
1. All lots shall abut or have access to a dedicated public street.
2. All lots which have access to a public alley shall provide for all personal and service access for vehicles from that alley.
3. Parking lots may include public alley accessed garages at the rear property line.
4. Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer.
5. Each lot shall be permitted one access point, except lots with street frontage of one hundred fifty feet or more may be permitted one or more additional access point, if approved by the City Engineer.
6. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties.

B. PEDESTRIAN ACCESSIBILITY
1. Special attention shall be given to designing a primary building entrance, which is both attractive and functional.
2. Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.
3. Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building.
4. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

C. BUILDING FACADES, MATERIALS AND COLORS
1. Facades. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
2. Building Materials. Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts, but it may be used for accents including awnings.
3. **Siding.** Lap or horizontal siding or walls of brick, masonry or stone shall be required. Vertical grooved (i.e., T1-11) sheet siding is prohibited.

4. **Masonry Finishes.** Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction.

5. **Change in Relief.** Buildings must include changes in relief on 10% of the facades facing public streets or residential development. Relief changes include cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.

6. **Colors.** Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.

7. **Ornamental Devices.** Ornamental devices, such as molding, entablature and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 8 inches wide.

8. **Alcoves, Porches, Arcades, etc.** Building must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.

9. **Continuous Outdoor Arcades.** Continuous outdoor arcades are strongly encouraged.

10. **Traditional Storefront Elements.** For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
    a. Clearly delineated upper and lower facades;
    b. A lower facade dominated by large display windows and a recessed entry or entries;
    c. Smaller, regularly spaced windows in the upper floor;
    d. Decorative trim, such as window hoods, surrounding upper floor windows;
    e. A decorative cornice near the top of the facade.

**D. ROOF PITCH, MATERIALS, AND PARAPETS**

1. **Pitch**

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Pitch</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-2</td>
<td>3:12</td>
</tr>
</tbody>
</table>

2. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing.

3. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.

17.90-41

Revised by Ordinance 2013-04 effective 07/03/13
4. Visible roof materials must be wood or architectural grade composition shingle, slate, tile or sheet metal with standing or batten seam.

5. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls or by other approved means.

E. BUILDING ORIENTATION AND ENTRANCE STANDARDS

1. Primary entries shall face a public street or designated pedestrian way

2. Primary entrances must be architecturally emphasized and visible from the public right-of-way.

3. Buildings must have an entrance connecting directly between the right-of-way and the building interior.

4. Secondary entries may face parking lots or loading areas. Buildings must have an entrance connecting directly between the street and the building interior.

5. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.

6. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel.

F. WINDOWS

1. Windows, which allow views to the interior activity or display areas, are encouraged. Windows shall include sills at bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

2. Ground Floor Windows. All new buildings must provide ground floor windows along street frontages.
   a. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
   b. Required windows must have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
   c. Darkly tinted windows and mirrored windows that block two way visibility are prohibited for ground floor windows along street facades.
   d. Any wall that faces a public right-of-way must contain at least 10% of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.
   e. Glass curtain windows are not permitted fronting public right-of-ways.

3. Upper Floor Window Standards.
   a. Glass area dimensions shall not exceed 5 feet by 7 feet. (The longest dimension may be taken either horizontally or vertically.)
   b. Windows must have trim or molding at least two inches wide around their perimeters.
c. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2 feet by 3 feet. Windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged.

G. LANDSCAPING/STREETScape
1. Benches, outdoor seating, and trash receptacles must complement the existing ornamental street lighting and be in keeping with the overall architectural character of the area.

2. Benches and other streetscape items may be placed within the public right-of-way but must not block free movement of pedestrians. A minimum pedestrian walkway width of 5 feet must be maintained at all times.

H. LIGHTING
1. All building entrances and exits must be well lighted.

2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district.

3. Lighting must be adequate for safety purposes.

4. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare.

I. SAFETY AND SECURITY
1. Locate windows in a manner, which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

2. In commercial, public and semipublic development and where possible in industrial development, locate windows in a manner which enables surveillance of interior activity from the public right-of-way.

3. Provide an identification system, which clearly locates buildings and their entries for patrons and emergency services.

4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.

J. EXTERNAL STORAGE
1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

K. TRASH COLLECTION / RECYCLING AREAS.
1. All trash collection areas must be located within the structure or behind the building in an enclosure in accordance with the provisions of the City of Sandy Design Standards, Appendix A.
17.90.140 MANUFACTURED DWELLINGS NOT IN A MANUFACTURED HOME PARK REQUIREMENTS

A. Manufactured homes that are not located in a manufactured home park shall comply with the following requirements:

1. Be multi-sectional (doublewide or wider) and enclose a floor area of not less than 1,000 sq. ft., excluding garages.

2. Have a backfill style foundation or skirting of pressure treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918.

3. Have a pitched roof with a minimum 3 ft. in height for each 12 ft. in width.

4. Have siding or roofing that is non-reflective.

5. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards specified by State law for single-family dwelling constructed under the State one- and two-family dwelling code.

6. In addition to these requirements manufactured homes shall comply with the design standards in Section 17.90.150.

17.90.150 RESIDENTIAL DESIGN STANDARDS

A. Intent: These design standards are intended to:

- Enhance the appearance of Sandy through the creation of attractively designed houses and streetscapes;
- Ensure there is a physical and visual connection between the living area and entrance of the dwelling and the street;
- Improve public safety for residents and visitors and provide opportunities for community interaction;
- Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

B. Applicability: These standards apply to the street facing facades of all new single family dwellings and each half of duplexes with or without a garage including additions or alterations.

Exemptions: The following are exempt from the design standards of this section:

1. Additions and alterations adding less than 50 percent to the existing floor area of the structure.

2. Additions or alterations not facing a public street.

C. Garage Width Formula: The width of the garage relative to the total width of the street facing facade is used to determine the required number of design elements from the list specified in Section (F) below:
1. Formula: width of garage divided by width of primary street facing façade multiplied by 100. For example: A 40 foot wide home with a 20 foot width garage would result in 50 percent (20/40 = 0.5 x 100 = 50 percent) garage to home ratio.

2. The width of the garage is measured from the outside garage walls. The width of the primary street facing façade is the entire width of the structure including the garage facing the front lot line.

3. A garage-under home design where the garage is on the lower level and the entrance to the home is above, is permitted in compliance with the design feature requirements as specified below.

Figure 17.90.150 – A: Measuring Garage Width

D. General Provisions.
   1. In no case shall the width of the garage exceed 70 percent of the primary street facing façade except for a garage-under home design as specified above.

2. The primary building entrance of each structure shall:
   a. Face the street; or
   b. Be at an angle up to 45 degrees from the street; or
   c. Open onto a covered porch that is at least 30 square feet with a minimum depth of five feet on the front or, in the case of a corner lot, the side of the residence.

3. All windows and doors on the primary street facing façade shall be provided with trim (4 inch minimum nominal width).

4. Corner Lots: Dwellings on corner lots shall provide windows and doors with trim (4 inch minimum nominal width) occupying a minimum of ten percent on all secondary street facing facades.

5. A detached garage may not be located closer to the front lot line than the dwelling.

E. Number of Required Design Elements.
   1. Primary Street Facing Façade: The number of design elements required on the primary street facing façade is specified in the table below.

17.90-45

Revised by Ordinance 2013-04 effective 07/03/13
Table 17.90.150 – A: Number of Required Design Elements

<table>
<thead>
<tr>
<th>Garage Width Percent (Street Facing Attached Garage)</th>
<th>Number of Required Design Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 50 percent</td>
<td>5 elements</td>
</tr>
<tr>
<td>Greater than 50 percent and up to 60 percent</td>
<td>6 elements</td>
</tr>
<tr>
<td>Greater than 60 percent and up to 70 percent or a garage under home design</td>
<td>7 elements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Garage Types</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage door 90 degrees to street</td>
<td>3 elements plus windows occupying 10 percent of garage wall facing the street</td>
</tr>
<tr>
<td>Detached Garage (An independent, self-supporting structure separated from the dwelling by at least 6 feet)</td>
<td>4 elements plus 4 elements on the garage</td>
</tr>
<tr>
<td>Rear-Loaded Garage or no Garage</td>
<td>4 elements</td>
</tr>
</tbody>
</table>

2. Additional Street Facing Façades: All additional street facing façades shall provide a minimum of three (3) design elements.

F. Required Design Elements.
   1. Dormers at least three (3) feet wide.
   2. Covered porch entry – minimum 40 square foot covered front porch, minimum five (5) feet deep.
   3. Front porch railing around at least two (2) sides of the porch.
   4. Front facing second story balcony – projecting from the wall of the building a minimum of four (4) feet and enclosed by a railing or parapet wall.
   5. Building face containing two (2) or more off-sets of 16 inches or greater.
   6. Roof overhang of 16 inches or greater.
   7. Columns, pillars or posts at least four (4) inches wide and containing larger base materials.
   8. Decorative gables – cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets (does not include a garage gable if garage projects beyond dwelling unit portion of street façade).
   9. Decorative “belly-band” between building floors or gables (minimum nominal width of band is six (6) inches).
   10. Decorative molding above windows and doors.
   11. Decorative pilaster or chimneys.
   12. Shakes, shingles, brick, stone or other similar decorative materials occupying at least 60 square feet of the street façade.
   13. Bay or bow windows – extending a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building.
   14. Windows and front door – occupying a minimum of 10 percent of the primary street facing façade (not including the roof and excluding any windows in a garage door).
   15. Sidelight and/or transom windows associated with the front door or windows in the front door.
   16. Window grids on all façade windows (excluding any windows in the garage door or front door).
17. Maximum nine (9) foot wide garage doors or a garage door designed to resemble two (2) smaller garage doors and/or windows in the garage door (only applicable to street facing garages).

18. Decorative base materials such as natural stone, cultured stone, or brick extending at least 36 inches above adjacent finished grade occupying a minimum of 10% of the overall primary street facing façade.

19. A front facing garage projecting out from the longest street facing facade not more than six (6) feet. A front facing garage that is recessed or flush with the longest street facing façade may count as two of the required design elements.

20. Other items meeting the intent of this section as determined by the Director.

G. Dwellings within Designated Villages Adjacent to an Arterial or Collector Street:
The building elevation(s) of dwellings adjacent to an arterial or collector street within a designated Village (as identified on the City of Sandy Comprehensive Plan Map) shall comply with the requirements of this section and include all of the following:
1. A primary building entrance and covered porch oriented toward the arterial or collector street.
2. A sidewalk connecting directly between the arterial or collector street and the covered porch.
3. A building with frontage on more than one arterial or collector street shall provide a front entrance oriented to one street or to a corner where two streets intersect.

17.90.160 ADDITIONAL REQUIREMENTS - MULTI-FAMILY DEVELOPMENTS

Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

A. Roofs. Roofs shall meet the following additional requirements:
1. Roofs shall be gabled or hip type roofs (minimum pitch 3:12) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed.
2. Offsets or breaks in roof elevation shall be at least 3 or more feet in height.

B. Entries.
1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
4. Secondary entries may face parking lots or loading areas.

C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.

D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.

   ![Diagram of Recesses](image1)

2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet, with maximum length of an overhang not to exceed 25 feet.

   ![Diagram of Extensions](image2)

3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 feet deep and at least 125 sq. ft. in area.

E. **Private Outdoor Areas.**
   1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.
   2. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces or porches shall be provided for each dwelling unit located above the ground level.

   ![Diagram of Private Outdoor Areas](image3)
F. Parking Lots. Parking lots in multi-family developments shall not occupy more than 50% of the frontage of any public street abutting the lot or building.

G. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

<table>
<thead>
<tr>
<th>Size of Dwelling</th>
<th>Minimum Square Feet</th>
<th>Minimum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>24</td>
<td>6</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>24</td>
<td>6</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>36</td>
<td>6</td>
</tr>
<tr>
<td>3+ Bedroom</td>
<td>48</td>
<td>6</td>
</tr>
</tbody>
</table>

H. Carports and Garages. If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

I. Shared Outdoor Recreation Areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least 50% of the recreation area must located outside the boundaries of such areas and slopes may not exceed 15% in the 50% usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:
1. Provides approximately the same accessibility to the maximum number of dwelling units possible.
2. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included).
3. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide;
4. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
5. Provides a usable surface material such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

J. Safety and Security.
1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
2. Establish a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.
K. **Service, Delivery and Screening.**
1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.
3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:
   a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.
   b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

L. **Electrical and Mechanical Equipment.** On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

**17.90.170 MAINTENANCE**

A. All approved on-site improvements shall be the on-going responsibility of the property owner or occupant. The owner, occupant or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free of refuse and debris. All on-site improvements shall be controlled by maintaining, pruning, trimming or otherwise, so that:

1. It will not interfere with the maintenance or repair of any public facility;
2. It will not restrict pedestrian or vehicular access; and
3. It will not constitute a traffic hazard because of reduced visibility.

**17.90.180 COMPLIANCE**

A. The development site shall be checked by staff to ensure compliance with final approved plans prior to issuance of a Certificate of Occupancy.

B. The development must be completed as per the approved final plans including landscaping and recreation areas before the certificate is issued.

C. It shall be the duty of the Director to enforce these regulations and to assure that conditions of final development approval are carried out.

Revised by Ordinance 2013-04 effective 07/03/13
CHAPTER 17.92 - LANDSCAPING & SCREENING
GENERAL STANDARDS - ALL ZONES

17.92.00 INTENT

The City of Sandy recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering, and screening. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

17.92.10 GENERAL PROVISIONS

A. Where landscaping is required by this Code, detailed planting plans shall be submitted for review with development applications. No development may commence until the Director or Planning Commission has determined the plans comply with the purposes clause and specific standards in this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.

B. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.

C. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 25-inches or greater circumference measured at a height of 4-½ ft. above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5-ft. outside the tree’s drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 ft. outside the dripline.

D. Planter and boundary areas used for required plantings shall have a minimum diameter of 5-ft. (2-½ ft. radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7-½ ft.

E. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

F. Landscaped planters and other landscaping features shall be used to define, soften or screen the appearance of off-street parking areas and other activity from the public street. Up to 35 percent of the total required landscaped area may be developed into pedestrian amenities,
including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the Director or Planning Commission.

G. Required landscaping/open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

H. Balconies required for entrances and exits shall not be considered as open space except where such exits and entrances are for the sole use of the unit.

I. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

J. Driveways and parking areas shall not be included as open space.

K. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

L. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.

17.92.20 MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING

The minimum landscaping area of a site to be retained in landscaping shall be as follows:

<table>
<thead>
<tr>
<th>ZONING DISTRICT OR USE</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-3</td>
<td>25%</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>20%</td>
</tr>
<tr>
<td>C -1 Central Business District</td>
<td>10%</td>
</tr>
<tr>
<td>C - 2 General Commercial</td>
<td>20%</td>
</tr>
<tr>
<td>C - 3 Village Commercial</td>
<td>10%</td>
</tr>
<tr>
<td>I - 1 Industrial Park</td>
<td>20%</td>
</tr>
<tr>
<td>I - 2 Light Industrial</td>
<td>15%</td>
</tr>
<tr>
<td>I - 3 Heavy Industrial</td>
<td>10%</td>
</tr>
</tbody>
</table>

17.92.30 REQUIRED TREE PLANTINGS

Planting of trees is required for all parking lots with 4 or more parking spaces, public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

The City maintains a list of appropriate trees for street tree and parking lot planting situations. Selection of species should be made from the city-approved list. Alternate selections may be approved by the Director following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.
<table>
<thead>
<tr>
<th>Area/Type of Planting</th>
<th>Canopy</th>
<th>Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Tree</td>
<td>Medium</td>
<td>30 ft. on center</td>
</tr>
<tr>
<td>Street Tree</td>
<td>Large</td>
<td>50 ft. on center</td>
</tr>
<tr>
<td>Parking Lot Tree</td>
<td>Medium</td>
<td>1 per 8 cars</td>
</tr>
<tr>
<td>Parking Lot Tree</td>
<td>Large</td>
<td>1 per 12 cars</td>
</tr>
</tbody>
</table>

Trees may not be planted:

- Within 5 ft. of permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Director are used.
- Unless approved otherwise by the City Engineer:
  * Within 10 ft. of fire hydrants and utility poles
  * Within 20 ft. of street light standards
  * Within 5 ft. from an existing curb face
  * Within 10 ft. of a public sanitary sewer, storm drainage or water line
- Where the Director determines the trees may be a hazard to the public interest or general welfare.
- Trees shall be pruned to provide a minimum clearance of 8 ft. above sidewalks and 12 ft. above street and roadway surfaces.

17.92.40  IRRIGATION

Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

17.92.50  TYPES AND SIZES OF PLANT MATERIALS

A. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover except as otherwise authorized by Chapter 17.92.10 F.

B. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.

C. Trees shall be species having an average mature spread of crown greater than 15 feet and having trunks which can be maintained in a clear condition with over 5 feet of clear wood (without branches). Trees having a mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread.

D. Deciduous trees shall be balled and burlapped, be a minimum of 7 feet in overall height or 1 ½ inches in caliper measured 6 inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

E. Coniferous trees shall be a minimum five feet in height above ground at time of planting.

F. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after planting.
G. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within 2 years after planting.

H. Vines for screening purposes shall be a minimum of 1 gallon in size or 30 inches in height immediate after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

I. Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.

J. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryes and fescues used within the local landscape industry.

K. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscape area.

17.92.60 REVEGETATION IN UNLANDSCAPED OR NATURAL LANDSCAPED AREAS

A. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted.

B. Plant material shall be watered at intervals sufficient to assure survival and growth.

C. The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

17.92.70 LANDSCAPING BETWEEN PUBLIC RIGHT-OF-WAY AND PROPERTY LINES

Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

17.92.80 BUFFER PLANTING - PARKING, LOADING AND MANEUVERING AREAS

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.
Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements. Exception: truck parking lots are exempt from parking bay buffer planting requirements.

17.92.90 SCREENING (HEDGES, FENCES, WALLS, BERMS)

Screening is uses where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

A. Height and Opacity. Where landscaping is used for required screening, it shall be at least 6 ft. in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site.

B. Chain Link Fencing. A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with Section 17.92.00 above.

C. Height Measurement. The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.
D. Berms. Earthen berms up to 6 ft. in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs, and trees.

A. Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

17.92.100 SCREENING OF SERVICE FACILITIES

Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas such as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.
17.92.110 OUTDOOR STORAGE

All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Director. Exceptions to the preceding requirements include: new or used cars, cycles and trucks (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales; florists and plants nurseries.

17.92.130 PERFORMANCE BOND

If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible prior to desired occupancy, an extension of up to 6 months may be applied for by posting “security” equal to 120% of the cost of the landscaping, assuring installation within 6 months. “Security” may consist of a performance bond payable to the city, cash, certified check, time certificates of deposit, assignment of a saving account, letter of credit, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the security, the developer or owner may be allowed occupancy for a period of up to 180 days. If the installation of the landscaping improvement is not completed within 180 days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation by the city, any portion of the remaining security minus administrative charges of 30% shall be returned to the owner. Costs in excess of the posted security shall be assessed against the property and the City shall thereupon have a valid lien against the property, which will come due, and payable.

17.92.140 GUARANTEE

All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.
CHAPTER 17.94 - DRIVE-UP USES

17.94.00 INTENT

These provisions are established to ensure safe, functional drive-up uses while not impeding flow of traffic. For purposes of this section, a vehicle shall be considered no less than twenty feet in length.

The width and turning radius of drive-up aisles shall be approved through the Type I design review process.

17.94.10 APPLICABILITY

These regulations govern all drive-up uses in all zoning districts.

17.94.20 MINIMUM REQUIREMENTS

A. Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the site or adjacent properties.

B. Drive-up aisles and windows must be located a minimum of fifty feet from residential zones to avoid adverse impacts.

C. All restaurant facilities, except short term food service, providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.

D. The grade of the stacking area to the drive-up shall not exceed a slope of twelve percent.

E. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gasses.

F. The sound level of communications systems shall not exceed fifty-five decibels at the property line and shall otherwise comply with provisions of the Sandy Municipal Code regarding sound levels.

17.94.30 STACKING DISTANCE

Drive-up window uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

A. Banks. Each lane shall provide a minimum capacity for 5 vehicles.

B. Restaurants. Each lane shall provide a minimum capacity for 8 vehicles.

C. Short-Term Food Service. Each lane shall provide a minimum capacity for 3 vehicles. Short Term Food Service is defined as a facility serving espresso, ice cream, or other single-service product. A maximum of one designated parking space located at the end of the stacking area may be substituted for one required stacking space for small convenience food stops only.
D. Other Drive-up Uses:
1. Automotive Fueling Stations. Each lane shall provide a minimum capacity for 4 vehicles.
2. Other Uses. Each lane shall provide a minimum capacity for 2 to 8 vehicles, as determined through the design review process.
CHAPTER 17.96 - MANUFACTURED DWELLING PARK STANDARDS

17.96.00 INTENT

These provisions are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide affordable quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development.

17.96.10 AREA REQUIREMENTS

A. Minimum Size for Manufactured Dwelling Park = 1 acre.

B. Minimum Size for Manufactured Home Space = 2,000 sq. ft.

Note: ORS 446.100(x) requires that the space be at least 30 ft. wide and 40 ft. long.

17.96.20 PERMITTED STRUCTURES

A. Manufactured Homes and Mobile Homes (as defined in Chapter 17.10-Definitions)

B. Accessory Structures. Structures customarily incidental to the primary use in accordance with Chapter 17.74.

17.96.30 SETBACK AND SEPARATION FOR THE PARK PERIMETER

A. Setback Between Park Structures and Abutting Properties. Between abutting property and any dwelling or accessory park structure or a park road there shall be a minimum setback equal to the rear yard setback specified by the district of the abutting property but in no case shall the setback be less than 5 ft.

B. Setback Between Park Structures and a Public Street Right-of-Way. Between the public right-of-way and any dwelling or accessory structure there shall be an average setback along the public street of 20 feet with a minimum setback equal to the front yard setback of the district.

17.96.40 PARK PERIMETER TREATMENT

A. Perimeter Treatment. An applicant can choose one of two options for perimeter treatment.

1. Option I - Abutting Public Streets. On lands adjacent to public streets a 6-ft. high site-obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.
   a. Fencing. Any fence shall have an average 15-ft. setback from the public right-of-way and shall meet vision clearance requirements. Fencing closer than 15 ft. to the public right-of-way shall be subject to the district’s restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
   b. Earth Sculpting. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 ft. in 2 years. This combination is subject to the following standards:
1) The earth sculpting, as a minimum, shall include a berm whose form does not have a slope over 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

2) At least one row of deciduous and/or evergreen shrubs spaced not more than 5 ft. apart shall be placed on this berm.

3) Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

2. **Option II - Perimeters Abutting other Zoning Districts:**
   a. A manufactured home space that abuts the perimeter setback shall be a minimum of 4,000 sq. ft.

   ![Diagram of setback and separation for structures within the park]

   b. Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street, or

   c. An alternative to the above is to utilize a uniform setback but provide a substantial acute or obtuse angle from the street, such as indicated below, or

   ![Diagram of setback and separation for structures within the park]

   d. A third alternative is to establish an 8-ft. minimum building offset by utilizing attached garages or triple wide expansions.

B. Driveway access on local public streets may occur at the maximum frequency of one access for every two dwellings. Access from individual dwellings shall not be permitted on arterial streets. Access to collector streets shall be subject to review and approval of the City Engineer.

**17.96.50 SETBACK AND SEPARATION FOR STRUCTURES WITHIN THE PARK**

Setbacks and separation for structures within a manufactured home park shall comply with applicable ORS statutes.
A. Parking and Accessways
   1. Parking. Off-street parking facilities shall be provided on-site in accordance with Chapter 17.98.
   2. Street Widths. The minimum width for manufactured home park streets shall be 20 ft. Streets serving more than 12 dwelling spaces shall be a minimum of 24 ft. in width. Streets serving more than 30 dwelling spaces shall be a minimum of 28 ft. in width. If on-street parking is permitted, ORS 446.095(1) requires a minimum width of 30 feet.
   3. Private Street Standards. Streets shall be paved to standards adopted by the City Engineer.
   4. Dead End Streets. Cul-de-sacs over 400 ft. in length shall have a standard cul-de-sac bulb with a 38-ft. curbside radius. Shorter dead end streets shall have a turn-around approved by the City Engineer.
   5. Walks. Paved walks, at least 5 ft. wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units with the public sidewalk system.
   6. Lighting. Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
   7. Street Signs. Street identification signs shall be provided according to applicable City requirements.
   8. Fire Access. Access for fire protection services shall permit fire apparatus to approach within 100 ft. of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 ft. wide.

B. Siting of Dwellings Within the Park
   1. Dwellings shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street.

2. An alternative to the above is to utilize a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the park street.
3. Each dwelling should include, at a minimum, 2 of the following design features:
   a. Dormers
   b. Gables
   c. Recessed entries
   d. Covered porch entries
   e. Pillars or posts
   f. Bay or bow windows
   g. Eaves of 12 inches or greater
   h. Off-set of 16 inches or greater on building face or roof

4. No more than 3 identical units may be placed side by side.

C. Public and Private Facilities
1. Each manufactured dwelling park space shall be provided with water, sanitary sewer, storm drainage and street facilities, natural gas services and underground electrical power, telecommunication, and cable television in accordance with the requirements of Chapter 15.20.
2. Applications for manufactured dwelling parks that would adjoin an open, natural drainageway or would be located in a floodplain shall be reviewed in accordance with Chapter 17.60-Flood, Slope and Hazard provisions.

D. Play Areas. Separate play areas shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each manufactured dwelling space has a minimum size of 4,000 sq. ft. Any required play area shall not be less than 2,500 sq. ft. in area with no dimension less than 30 ft. There shall be at least 100-sq. ft. of play area provided for each manufactured dwelling space occupied by children. In the case of a large development, two or more play areas may be developed, provided that no individual play area is less than 2,500 sq. ft.

E. Space Coverage. A dwelling and any other attached or detached structures shall not occupy more than 60 percent of a manufactured dwelling space used in conjunction with such dwelling.
F. **Decks.** Each manufactured dwelling stand shall be provided with one or more, at least semi-private or private, outdoor living area adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material totaling at least 120 sq. ft. of area and not less than 8 ft. wide in any dimension.

G. **Skirting.** Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.

17.96.70 **LANDSCAPE PLAN**

A landscape plan is required prior to issuance of the building permit for the manufactured home park. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed for removal or retention on the site, the location and design of landscaped areas, the varieties, quantities, and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information.

A. **Plant Coverage and Maintenance.** Required landscape areas shall be covered by living plant material capable of attaining 90 percent ground coverage within 3 years and shall be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.

B. **Plantings in Perimeter Area.** In addition to the requirements specified in perimeter treatments above and in Chapter 17.92-Landscaping and Screening, landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce negative visual effects of roads and vehicle storage areas located within the park.

C. **Plantings Along Park Street**
   1. **Street Trees.** Street trees shall be provided in accordance with Chapter 17.92-Landscaping, Buffering, and Screening.
   2. **Planting Continuity.** Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.
   3. **Street Focal Points.** The real or apparent end of a street provides a focused view, which shall be heavily vegetated either with foreground plants or (as below) with background plants.
   4. **Planting for Energy Efficiency.** Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter.
CHAPTER 17.98 - PARKING, LOADING, & ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations are to provide adequate capacity and appropriate location and design of on-site parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

A. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.

B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.

C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.

D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.

E. Increased Intensity. When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.

F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.

G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.
H. **Inoperative Motor Vehicles.** In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.

I. **Truck Parking.** In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted.

J. **Mixed Uses.** In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.

K. **Conflicting Parking Requirements.** When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

L. **Availability of Parking Spaces.** Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

M. **Residential Parking Analysis Plan.** A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
   1. Location and dimension of required parking spaces as specified in Section 17.98.200.
   2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
   3. Location and design of parking courts (if applicable).

N. **Location of Required Parking.**
   1. Off-street vehicle parking required for residential uses, except for residential uses in the Central Business District, shall be provided on the development site of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.
   2. May be utilized in the C-1 Zoning District to meet the minimum parking requirements as specified in Section 17.98.30 (B).
   3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.

O. **Unassigned Parking in Residential Districts.**
   1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.
   2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.
P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. Off Street Parking Requirements. Off street parking shall conform to the following standards:
   1. All square footage measurements are gross square feet of total floor area.
   2. 18 lineal inches of bench shall be considered 1 seat.
   3. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections A6-A9 below.
   4. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 5-9 below.
   5. In addition to requirements for residential off street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.

6.

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Number of Parking Spaces</th>
<th>Number of Bicycle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Detached</td>
<td>2 per dwelling</td>
<td>0</td>
</tr>
<tr>
<td>Single Family Attached</td>
<td>2 per dwelling</td>
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</tr>
<tr>
<td>Duplexes</td>
<td>2 per dwelling</td>
<td>0</td>
</tr>
<tr>
<td>Accessory Dwelling Units</td>
<td>1 per dwelling</td>
<td>0</td>
</tr>
<tr>
<td>Manufactured Home Park</td>
<td>2 per dwelling, plus 1 visitor space for each 10 vehicle spaces</td>
<td>0</td>
</tr>
<tr>
<td>Multi-Family Dwellings</td>
<td>1.5 per studio unit or 1 bedroom 2.0 per 2 bedroom 2.25 per 3 bedroom or greater</td>
<td>1 per dwelling unit</td>
</tr>
<tr>
<td>Congregate Housing, Retirement Homes, Intermediate Care Facilities, and Halfway Houses</td>
<td>1 per each 3 residents, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>Group Care Facilities</td>
<td>1 per 1000 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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7.

<table>
<thead>
<tr>
<th>Community Service, Institutional and Semi-Public Uses</th>
<th>Number of Parking Spaces</th>
<th>Number of Bicycle Spaces</th>
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<tbody>
<tr>
<td>Administrative Services</td>
<td>1 per 400 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Community Recreation Buildings</td>
<td>1 per 200 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>Commercial Uses</td>
<td>Number of Parking Spaces</td>
<td>Number of Bicycle Spaces</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------</td>
</tr>
<tr>
<td>Church, Chapel, or Auditorium</td>
<td>1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Library or Museums</td>
<td>1 per 300 sq. ft., plus 1 per 2 employees</td>
<td>30%</td>
</tr>
<tr>
<td>Lodge, Fraternal and Civic Assembly with/or without eating and drinking facilities</td>
<td>1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 per 1000 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Day Care/Preschool/Kindergarten</td>
<td>2 per classroom, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>School – Elementary</td>
<td>2 per classroom, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>School – Middle School/Junior High</td>
<td>3 per classroom, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>School – Senior High</td>
<td>6 per classroom, plus 1 per each employee</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>School – Vocational or College</td>
<td>6 per classroom, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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8.

<table>
<thead>
<tr>
<th>Commercial Uses</th>
<th>Number of Parking Spaces</th>
<th>Number of Bicycle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales, general or personal services</td>
<td>1 per 200 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>Shopping centers</td>
<td>1 per 300 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<td>Retail Sales, Bulky Merchandise (examples: furniture or motor vehicles)</td>
<td>1 per 800 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>General, professional or banking offices and services</td>
<td>1 per 300 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
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<tr>
<td>Eating or Drinking Establishments</td>
<td>1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Grocery Store; Food and Beverage Retail Sales, Convenience Store</td>
<td>1 per 400 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Funerals and Interment Services: Crematory and Undertaking</td>
<td>1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Interring and Cemeteries are exempt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel Sales</td>
<td>1 per 400 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Medical or dental office or clinic</td>
<td>1 per 300 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
</tbody>
</table>

Revised by Ordinance No. 2013-04 (effective 07/03/13)
Participant Sports or Recreation: Indoor or Outdoor; Spectator Sports; Theater or similar use
1 per 4 fixed seats or 1 space per 4 participants based on projected participant capacity, plus 1 per 2 employees
5% or 2 whichever is greater

Transient Habitation: Campground or RV Park
1 per designated space, plus 1 visitor space for each 8 spaces, plus 1 per 2 employees
Exempt

Hotel or Motel
1 per guest room or suite, plus 1 per 2 employees
Exempt

9.

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th>Number of Parking Spaces</th>
<th>Number of Bicycle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales, Storage, Rental, Services and Repairs of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural and Animals</td>
<td>1 per 400 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Automotive/Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fleet Storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-operating vehicles, boats and recreational vehicles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales, Storage, Rental, and Repairs of: Heavy Equipment, Farm Equipment</td>
<td>1 per 800 sq. ft., plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>Storage, distribution, warehousing, or manufacturing establishment; air, rail,</td>
<td>1 per employee on the largest shift, plus 1 per 2 employees</td>
<td>5% or 2 whichever is greater</td>
</tr>
<tr>
<td>trucking freight terminal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.
   1. Any existing or proposed use in C-1 and C-3 Zoning Districts subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10% by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping provided such landscaping does not exceed 25% of the total area dedicated for transit oriented purposes.
   2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.
   3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Central Business District and Village Commercial District. Required off-street parking for non-residential uses in the C-1 and C-3 Zoning District may be reduced by 25 percent.
17.98.40 SHARED USE OF PARKING FACILITIES

A. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.

B. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.

C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.

17.98.50 SETBACKS

A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and two-family dwellings, required off-street parking may be located in a driveway.

C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.

B. Size of Space.
   1. A standard parking space shall be 9 feet by 18 feet.
   2. A compact parking space shall be 8 feet by 16 feet.
   3. Handicapped parking spaces shall be 13 feet by 18 feet. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
   4. Parallel parking spaces shall be a length of 22 feet.
   5. No more than 35 percent of the parking stalls shall be compact spaces.
C. Aisle Width.

<table>
<thead>
<tr>
<th>Parking Aisle</th>
<th>Single Sided One-Way</th>
<th>Single Sided Two-Way</th>
<th>Double Sided One-Way</th>
<th>Double Sided Two-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degree</td>
<td>20 feet</td>
<td>22 feet</td>
<td>25 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>60 degree</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>45 degree</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Parallel</td>
<td>12 feet</td>
<td>12 feet</td>
<td>16 feet</td>
<td>16 feet</td>
</tr>
</tbody>
</table>

17.98.70 ON-SITE CIRCULATION

A. Groups of more than three (3) parking spaces shall be permanently striped.

B. Backing and Maneuvering. Except for a single family dwelling or two family dwelling, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

Revised by Ordinance No. 2013-04 (effective 07/03/13)
B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. Development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner sign an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder’s Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

D. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.

E. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.
F. The location and design of the driveway shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

17.98.110 VISION CLEARANCE

A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in Chapter 17.74 and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

17.98.120 LANDSCAPING AND SCREENING

A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and Chapter 17.98. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way.

B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80% opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.

C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10% of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.

D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.

E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.

F. Wheel stops, bumper guards, or other methods to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for safe pedestrian circulation is required.
17.98.130 PAVING

A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to city standards for off-street vehicle areas.

B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

17.98.150 LIGHTING

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building’s primary entrance and convenient to bicyclists.

A. Location.
   1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
   2. Bicycle parking areas shall be visible from building interiors where possible.
   3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
   4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
   5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.
   1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If covered, vertical clearance of 7 feet must be provided.
   2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.
C. Security.
1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a “rack”) upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.
3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.
4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.

D. Signing. Where bicycle facilities are not directly visible and obvious from the public right-of-way, entry or directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

E. Exemptions. Temporary street side sales and temporary uses such as fireworks stands, Christmas tree sales lots, single-family and two-family residences are exempt from the standards.

17.98.170 CARPOOL AND VANPOOL PARKING

New industrial, commercial, and community service uses with more than 50 employees shall meet the following minimum requirements for carpool and vanpool parking.

A. Number and Marking. At least 10% but not less than 1 of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked “Reserved - Carpool/Vanpool Only”.

B. Location. Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.180 SCHOOL DESIGN REQUIREMENTS

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 25 students.

17.98.190 OFF-STREET LOADING FACILITIES

A. The minimum area required for commercial and industrial loading spaces is as follows:
   1. 250 square feet for buildings of 5,000 to 19,999 square feet of gross floor area.
   2. 500 square feet for buildings of 20,000 to 49,999 square feet of gross floor area
   3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
C. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots.

D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

E. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.

F. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential planned developments, subdivisions and partitions shall provide one (1) on-street parking space within 200 feet of each dwelling except as provided in Section 17.98.200(A)(6) below.

2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).

3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.

4. Parallel residential on-street parking spaces shall be 22 feet minimum in length.

5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces must be set back a minimum of 15 feet from an intersection and may not be located within 10 feet of a fire hydrant.

6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:
   a. No more than eight (8) parking spaces shall be provided in a parking court;
   b. Parking spaces within a parking court shall be nine (9) feet wide and 18 feet in depth;
   c. Notwithstanding Section 17.98.70, vehicles parked in a parking court are permitted to back onto the public right-of-way from the parking court;
   d. A parking court shall be located within 200 feet of the dwellings requiring parking in accordance with the requirements of Section 17.98.10(M);
   e. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block face;
   f. A parking court shall be paved in compliance with the standards of this chapter and the latest adopted grading and drainage standards;

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g. If a parking court is adjacent to a public right-of-way, it shall be publicly owned and maintained;

h. If a parking court is adjacent to a private drive, it shall be privately owned and maintained. For each parking court there shall be a legal recorded document which includes:
   i. A legal description of the parking court;
   ii. Ownership of the parking court;
   iii. Use rights; and
   iv. A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;

i. A parking court shall be used solely for the parking of operable passenger vehicles.
CHAPTER 17.100 - LAND DIVISION

17.100.00 INTENT

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

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

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

17.100.10 GENERAL PROVISIONS

A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.

B. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.

C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to approval final plats and maps for land divisions through a Type I procedure.

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

A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.

B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.

C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/ lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:
   1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

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

E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/ lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:
1. The land division does not link streets that are stubbed to the boundaries of the property.
2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or officially adopted City street plan.

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

17.100.30 PROPERTY LINE ADJUSTMENT

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

A. Application Requirements. Property line adjustment applications shall be made on forms provided by the city and shall be accompanied by:
1. Eight copies of the property line adjustment map;
2. The required fee;
3. Any data or narrative necessary to explain the application.

B. Map Information. The property line adjustment map and narrative shall include the following:
1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative;
2. Scale of the drawing using an engineer's scale;
3. North arrow and date;
4. Legal description of the property;
5. Dimensions and size of the parcels involved in the property line adjustment;
6. Approximate locations of structures, utilities, rights-of-way and easements;
7. Points of access, existing and proposed;
8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
9. Approximate topography, particularly noting any area of steep slope.

C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:
   1. No additional parcels are created.
   2. All parcels meet the density requirements and dimensional standards of the base zoning district.
   3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.

D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

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

A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with city staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. A preapplication conference is required.

B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:
   1. Eight copies of the tentative plan for the minor or major partition;
   2. The required fee;
   3. Any data or narrative necessary to explain the application;
   4. List of affected property owners.

C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:
   1. The date, north point, engineering scale, and legal description;
   2. Name and address of the owner of record and of the person who prepared the partition plan;
   3. Zoning, size and dimensions of the tract to be partitioned;
   4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3);
   5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries;
   6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries.
7. Location, width and purpose of existing and proposed easements on the tract to be partitioned;
8. Location and size of sewer, water and drainage facilities proposed to serve the tract to be partitioned;
9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings;
10. Approximate topography, particularly noting any area of steep slope;
11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation.

D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:
1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
2. The proposed partition is consistent with the design standards set forth in this chapter.
3. Adequate public facilities are available or can be provided to serve the proposed partition.
4. All proposed improvements meet City standards.
5. The plan preserves the potential for future redivision of the parcels, if applicable.

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

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

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

H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

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Revised by Ordinance No. 2013-04 (effective 07/03/13)
I. **Improvements.** The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may except specific improvements.

J. **Exceptions to Improvements.** Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the city. In lieu of excepting an improvement, the Planning Commission may recommend to the city council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

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

A. **Principles and Standards.** In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:

1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
3. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the city with respect to the installation of public utilities, including but not limited to water, sewer, and stormwater drainage facilities.
5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.

17.100.60 SUBDIVISIONS

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

A. **Preapplication Conference.** The applicant for a subdivision shall participate in a preapplication conference with city staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.
B. **Application Requirements for a Tentative Plat.** Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:
1. 20 copies of the tentative plat;
2. Required fee and technical service deposit;
3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision;
4. Preliminary title search;
5. List of affected property owners.

C. **Format.** The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.

D. **Data Requirements for Tentative Plat.**
1. Scale of drawing, north arrow, and date.
2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
7. Utilities: location of storm drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, location of wooded areas.
10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
11. Location, width, and direction of flow of all water courses.
12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
13. Identification of any associated wetland and boundary of mandatory setback.
15. Location of at least one temporary bench mark within the tract boundaries.
16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
18. Existing zoning and proposed land use.
19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
20. Proposed development phases, if applicable.
21. Any other information determined necessary by the Director at the preapplication conference, such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.

E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Section 17.12 and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
2. The proposed subdivision is consistent with the design standards set forth in this chapter.
3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
4. Adequate public facilities are available or can be provided to serve the proposed subdivision.
5. All proposed improvements meet City standards.
6. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.

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

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

H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request of the subdivider, grant an extension of the tentative plat approval for up to one additional year.

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

J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:
1. Tract boundary lines, right-of-way lines of streets and property line with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.
2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.

3. Any building setback lines if more restrictive than the city zoning ordinance.

4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.

5. Easements and any other areas for public use dedicated without any reservation or restriction.

6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.

7. The following certificates that may be combined where appropriate:
   a) A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
   b) A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
   c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
   d) Other certificates now or hereafter required by law.

8. Supplemental Information with Plat. The following data shall accompany the final plat:
   a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
   b) Sheets and drawings showing the following:
      1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
      2) The computation of distances, angles and courses shown on the plat.
      3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
   c) A copy of any deed restrictions applicable to the subdivision.
   d) A copy of any dedication requiring separate documents.
   e) A list of all taxes and assessments on the tract which have become a lien on the tract.
   f) A certificate by the engineer that the subdivider has complied with the improvement requirements.

9. Certification by the city engineer or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.

K. Technical Plat Review. Upon receipt by the city, the plat and supplemental information shall be reviewed by the city engineer and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.

1. The city engineer may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and city representatives may enter the subdivision property for this purpose.

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Revised by Ordinance No. 2013-04 (effective 07/03/13)
2. If the city engineer or Director determines that full conformance has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.

L. **Approval of Final Plat.** The signatures of the Director and the city engineer shall indicate approval of the final plat. After the plat has been approved by all city and county officials, two prints of all data (plat face, dedications, certificates, approvals and one copy of recorded restrictive and protective covenants) shall be returned to the city engineer within 20 working days of recording.

M. **Recording of Final Plat.** Approval of the plat by the city shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within thirty days after the date the last required approving signature has been obtained.

17.100.70 **LAND DIVISION DESIGN STANDARDS**

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

17.100.80 **CHARACTER OF THE LAND**

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

17.100.90 **ACCESS CONTROL GUIDELINES AND COORDINATION**

A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.

B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.

Revised by Ordinance No. 2013-04 (effective 07/03/13)
C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY

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

A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.

B. Transportation Impact Studies. Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:

1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic engineer registered in the State of Oregon shall prepare such studies.

2. If the study identifies level-of-service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered as part of the land use decision for the proposal.

C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.

D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.

E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.
F. **Connections.** Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.

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

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

### 17.100.110 STREET STANDARDS AND CLASSIFICATION

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

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

B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1/2-mile intervals.

C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.

D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.

E. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended.
F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.

G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.

H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.

B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.

C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.

D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

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

17.100.140 PUBLIC ALLEYS

A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.

B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.

D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

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

A. Criteria for Approval

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

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

B. Design

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

17.100.160 PUBLIC ACCESS LANES

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

A. Criteria for Approval

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

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

B. General Provisions

Revised by Ordinance No. 2013-04 (effective 07/03/13)
1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.

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

   Figure 17.100 – A: Public Access Lane ‘A’

   2. Public Access Lane Option ‘B’ (Figure 17.100 - B).
      a) Public access lane ‘B’ is designed to be double loaded and provide access to lots located on both sides of the lane.
b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.

d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.

e) Parking is permitted on both sides of a public access lane ‘B’ as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

![Figure 17.100 – B: Public Access Lane ‘B’](image)

17.100.170 FLAG LOTS

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

A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.

B. The access strip (pole) may not be counted toward the lot size requirements.

C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be
acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.

B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET SIGNS

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

17.100.200 STREET SURFACING

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

17.100.210 STREET LIGHTING

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

17.100.220 LOT DESIGN

A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.

B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.

C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20
feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.

D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

E. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

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

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

17.100.240 SANITARY SEWERS

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

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

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to
investigate the location of drain tile and its relation to public improvements and building construction.

C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100.260 UNDERGROUND UTILITIES

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

17.100.270 SIDEWALKS

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

17.100.280 BICYCLE ROUTES

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

17.100.290 STREET TREES

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

17.100.300 EROSION CONTROL

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

17.100.310 REQUIRED IMPROVEMENTS

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

A. Drainage facilities
B. Lot, street and perimeter monumentation
C. Mailbox delivery units
D. Sanitary sewers
E. Sidewalks
F. Street lights
G. Street name signs

Revised by Ordinance No. 2013-04 (effective 07/03/13)
H. Street trees
I. Streets
J. Traffic signs
K. Underground communication lines, including broadband (fiber), telephone, and cable.
   Franchise agreements will dictate whether telephone and cable lines are required.
L. Underground power lines
M. Water distribution lines and fire hydrants

**17.100.320 IMPROVEMENT PROCEDURES**

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

A. Improvement work shall not start until plans have been checked for adequacy and approved by the city engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.

B. Improvement work shall not start until after the city is notified. If work is discontinued for any reason it shall not resume until the city is notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer.

D. All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer.

E. A map showing public improvements as built shall be filed with the city engineer upon completion of the improvements.

**17.100.330 OPTIONS FOR IMPROVEMENTS**

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

A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor and the Board of County Commissioners. The City shall keep the subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final subdivision plat for certification by the Board of County Commissioners and then to the County Clerk for recording; or
B. **Agree to Install Improvement.** The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance guarantee shall be required. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or

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

**17.100.340 PERFORMANCE GUARANTEE**

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

A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

B. In lieu of the surety bond, the applicant may:
   1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
   2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;
   3. Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer; or
   4. Provide bonds in a form approved by the City Attorney.

C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.
CHAPTER 17.102 - URBAN FORESTRY

17.102.00 INTENT

A. This chapter is intended to conserve and replenish the ecological, aesthetic and economic benefits of urban forests, by regulating tree removal on properties greater than one acre within the Sandy Urban Growth Boundary.

B. This chapter is intended to facilitate planned urban development as prescribed by the Sandy Comprehensive Plan, through the appropriate location of harvest areas, landing and yarding areas, roads and drainage facilities.

C. This chapter shall be construed in a manner consistent with Chapter 17.60 Flood and Slope Hazard Overlay District. In cases of conflict, Chapter 17.60 shall prevail.

17.102.10 DEFINITIONS

Technical terms used in this chapter are defined below. See also Chapter 17.10, Definitions.

Urban Forestry Related Definitions:

- **Diameter at Breast Height (DBH):** The diameter of a tree inclusive of the bark measured 4½ feet above the ground on the uphill side of a tree.
- **Hazard Tree:** A tree located within required setback areas or a tree required to be retained as defined in 17.102.50 that is cracked, split, leaning, or physically damaged to the degree that it is likely to fall and injure persons or property. Hazard trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazard trees.
- **Protected Setback Areas:** Setback areas regulated by the Flood and Slope Hazard Ordinance (FSH), Chapter 17.60 and 70 feet from top of bank of Tickle Creek and 50 feet from top of bank of other perennial streams outside the city limits, within the urban growth boundary.
- **Tree:** For the purposes of this chapter, tree means any living, standing, woody plant having a trunk 11 inches DBH or greater.
- **Tree Protection Area:** The area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur.
- **Tree Removal:** Tree removal means to cut down a tree, 11 inches DBH or greater, or remove 50 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Tree removal includes topping but does not include normal trimming or pruning of trees.

17.102.20 APPLICABILITY

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

A. General: No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.
1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.

2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

B. Exceptions: The following tree removals are exempt from the requirements of this chapter.

1. Tree removal as required by the city or public utility for the installation or maintenance or repair of roads, utilities, or other structures.

2. Tree removal to prevent an imminent threat to public health or safety, or prevent imminent threat to public or private property, or prevent an imminent threat of serious environmental degradation. In these circumstances, a Type I tree removal permit shall be applied for within seven days following the date of tree removal.

17.102.30 PROCEDURES AND APPLICATION REQUIREMENTS

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

A. Type I Permit. The following applications shall be reviewed under a Type I procedure:

1. Tree removal on sites within the city limits under contiguous ownership where 50 or fewer trees are requested to be removed.
2. Removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property.
3. Removal of up to two trees per year, six inches DBH or greater within the FSH Overlay District as shown on the City Zoning Map and described in Chapter 17.60.
4. Tree removal on sites outside the city limits and within the urban growth boundary and outside protected setback areas.
5. Removal of up to two trees per year outside the city limits within the UGB and within protected setback areas.

B. An application for a Type I Tree Removal permit shall be made upon forms prescribed by the City to contain the following information:

1. Two copies of a scaled site plan to contain the following information:
   a. Dimensions of the property and parcel boundaries.
   b. Location and species of trees 11” DBH or greater to be retained.
   c. Location and type of tree protection measures to be installed.
2. A brief narrative describing the project.
3. Estimated starting and ending dates.
4. A scaled re-planting plan indicating ground cover type, species of trees to be planted, and general location of re-planting.

5. An application for removal of a hazard tree within a protected setback area or a tree required to be retained as defined in Chapter 17.102.50 shall also contain a report from a certified arborist or professional forester indicating that the condition or location of the tree presents a hazard or danger to persons or property and that such hazard or danger cannot reasonably be alleviated by treatment or pruning.

C. Type II Permit. The following applications shall be reviewed under a Type II procedure:
   1. Tree removal on sites under contiguous ownership where greater than 50 trees are requested to be removed as further described below:
      a. Within City Limits: outside of FSH Restricted Development Areas as defined in Chapter 17.60.

D. An application for a Type II Permit shall contain the same information as required for a Type I permit above in addition to the following:
   a. A list of property owners on mailing labels within 200 feet of the subject property.
   b. A written narrative addressing permit review criteria in 17.102.40.

E. Type III Permit. The following applications shall be reviewed under a Type III procedure:
   1. Request for a variance to tree retention requirements as specified in Section 17.102.50 may be permitted subject to the provisions of 17.102.70.

F. An application for a Type III Permit shall contain the same information as required for a Type I permit in addition to the following:
   a. A list of property owners on mailing labels within 300 feet of the subject property.
   b. A written narrative addressing applicable code sections 17.102.50, 17.102.60, and 17.102.70.

17.102.40 PERMIT REVIEW

An application for a Type II or III tree removal permit shall demonstrate that the provisions of Chapter 17.102.50 are satisfied. The Planning Director may require a report from a certified arborist or professional forester to substantiate the criteria for a permit.

A. The Director shall be responsible for interpreting the provisions of this chapter. The Director may consult with the Oregon Department of Forestry in interpreting applicable provisions of the Oregon Forest Practices Act (OAR Chapter 629). Copies of all forestry operation permit applications will be sent to the Oregon Department of Forestry and Department of Revenue. The City may request comments from the Oregon Department of Forestry, the Oregon Department of Fish & Wildlife or other affected state agencies.

Adopted November 18, 2002 Ordinance 2002-10
B. Expiration of Tree Removal Permits. Tree removal permits shall remain valid for a period of one year from the date of issuance or date of final decision by a hearing body, if applicable. A 30-day extension shall be automatically granted by the Planning Director if requested in writing before the expiration of the permit. Permits that have lapsed are void.

17.102.50 TREE RETENTION AND PROTECTION REQUIREMENTS

A. Tree Retention: The landowner is responsible for retention and protection of trees required to be retained as specified below:

1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.
2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.
4. If possible, at least two of the required trees per acre must be of conifer species.
5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.

B. Tree Protection Area: Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.

1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.
2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.

C. Inspection. The applicant shall not proceed with any tree removal or construction activity, except erosion control measures, until the City has inspected and approved the installation of tree protection measures. Within 15 days of the date of accepting an application for a Type I permit, the city shall complete an onsite inspection of proposed activities and issue or deny the permit. Within 15 days of issuing a Type II or Type III permit, the city shall complete an onsite inspection of proposed activities.

For ongoing forest operations, the permit holder shall notify the city by phone or in writing 24 hours prior to subsequent tree removal. The city may conduct an onsite re-inspection of permit conditions at this time.
17.102.60 TREE REPLANTING REQUIREMENTS

1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.
2. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.
4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.
5. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060.

17.102.70 VARIANCES

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and
2. The substitution more nearly meets the intent of this ordinance due to:
   a. The location of the existing and proposed new trees, or
   b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
   c. An undue hardship is caused by the requirement for retention of existing trees.
   d. Tree removal is necessary to protect a scenic view corridor.

17.102.80 ENFORCEMENT

The provisions of Chapter 17.06, Enforcement, shall apply to tree removal that is not in conformance with this chapter. Each unauthorized tree removal shall be considered a separate offense for purposes of assigning penalties under Section 17.06.80. Funds generated as a result of enforcement of this ordinance shall be dedicated to the Urban Forestry Fund established under Section 17.102.100 below.

17.102.90 APPLICABILITY OF THE OREGON FOREST PRACTICES ACT

The following provisions of the Oregon Forest Practices Act (OAR Chapter 629) are adopted by reference for consideration by the City in the review of Forest Operations Plans. Although the Director may seek advice from the Department of Forestry, the Director shall be responsible for interpreting the following provisions.

Division 610 - Reforestation Stocking Standards. Where reforestation is required, the provisions of OAR Chapter 629, Division 610, Section 020-060 shall be considered by the Director, in addition to the requirements of Section 17.102.60.

Division 615 - Treatment of Slash. Slash shall not be placed within the protected setback areas. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 615 in determining how to dispose of slash.

Adopted November 18, 2002 Ordinance 2002-10
Division 620 - Chemical and Other Petroleum Products Rules. The storage, transferring, cleaning of tanks and mixing of chemicals and petroleum products shall occur outside the protected setback areas. Aerial spraying shall not be permitted within the Urban Growth Boundary. Otherwise, the provisions of Chapter 629, Division 620 shall apply.

Division 625 - Road Construction and Maintenance. Forest roads, bridges and culverts shall not be constructed within the protected setback areas, except where permitted within the FSH overlay area as part of an approved urban development. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 625 in the review of road, bridge and culvert construction.

Division 630 - Harvesting. Forest harvesting operations, including but not limited to skidding and yarding practices, construction of landings, construction of drainage systems, treatment of waste materials, storage and removal of slash, yarding and stream crossings, shall not be permitted within protected setback areas. Otherwise, the provisions of Chapter 629, Division 630 shall apply.

17.102.100 URBAN FORESTRY FUND CREATED

In order to encourage planting of trees, the City will create a fund or account to be used for tree planting in rights-of-way, city parks, riparian areas, and other public property. The source of funds will be donations, grants, and any other funds the City Council may designate.
# ORDINANCES MODIFYING DEVELOPMENT CODE

<table>
<thead>
<tr>
<th>Ordinance No.</th>
<th>Adoption Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>2002-03</td>
<td>02/19/02</td>
<td>Amended Section 17.78 relating to voter-approved annexations</td>
</tr>
<tr>
<td>2002-10</td>
<td>11/19/02</td>
<td>Added Chapter 17.102 regulating tree removal on certain properties within the UGB</td>
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<td>2002-13</td>
<td>09/03/02</td>
<td>Amended Sections 17.34.30, 17.36.30, 17.38.30, 17.40.30, 17.64.30, 17.84.30, 17.100.100 and 17.100.10 related to neighborhood street standards and block lengths</td>
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<tr>
<td>2002-14</td>
<td>08/19/02</td>
<td>Amended Section 17.74.10.F. related to projecting building features</td>
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<tr>
<td>2002-15</td>
<td>10/07/02</td>
<td>Added Chapter 17.56 related to development on hillsides within the City of Sandy</td>
</tr>
<tr>
<td>2002-18</td>
<td>10/21/02</td>
<td>Replaced Chapters 17.10 and 17.60 relating to Flood Hazards and Water Quality within the City of Sandy</td>
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<tr>
<td>2003-05</td>
<td>02/18/03</td>
<td>Repealed Section 17.100.240(B) relating to Stormwater Detention Requirements and Declaring an Emergency</td>
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<td>2003-09</td>
<td>09/15/03</td>
<td>Added Chapter 17.54 providing for conceptual zoning designations for Specific Area Plans</td>
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<tr>
<td>2003-12</td>
<td>01/20/04</td>
<td>Amended annexation ordinance requiring tree retention</td>
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<tr>
<td>2004-06</td>
<td>12/20/04</td>
<td>Amended Chapter 17.86, Parkland dedication requirements</td>
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<tr>
<td>2005-03</td>
<td>02/22/05</td>
<td>Amended SFR and R-1 Zoning Districts</td>
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<tr>
<td>2006-04</td>
<td>09/05/06</td>
<td>Amended Chapter 17.78 by adding Section 17.78.120, Annexation Conditions</td>
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<tr>
<td>2006-12</td>
<td>12/04/06</td>
<td>Amended Chapter 17.78 by adding Section 17.78.65, Annexation Waiver</td>
</tr>
<tr>
<td>2007-01</td>
<td>03/19/07</td>
<td>Amended Chapters 17.24 and 17.26</td>
</tr>
<tr>
<td>2007-03</td>
<td>04/02/07</td>
<td>Amended Chapter 17.36, related to density ranges</td>
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<tr>
<td>2007-07</td>
<td>06/04/07</td>
<td>Rescinded Ordinance 2005-03 changes related to the minimum lot sizes in the R-1 zone</td>
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<tr>
<td>2008-03</td>
<td>03/03/08</td>
<td>Amended Chapter 17.10 and 17.90</td>
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<tr>
<td>2008-05</td>
<td>03/03/08</td>
<td>Amended Chapter 17.12-17.48 excluding Chapter 17.16</td>
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<tr>
<td>2008-07</td>
<td>05/19/08</td>
<td>Amended Chapters 17.10 and 17.60 related to flood plain regulation</td>
</tr>
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<td>2008-04</td>
<td>10/15/08</td>
<td>Amended Chapter 17.46 to allow drive-thru as a conditional use in the C-3 Zone.</td>
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<td>2008-12</td>
<td>02/18/09</td>
<td>Amended Chapters 17.34, 17.36, 17.38, and 17.40 to base density requirements on net acres. Deleted Chapter 17.32 entirely.</td>
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<tr>
<td>2008-13</td>
<td>02/18/09</td>
<td>Amended Chapter 17.34 to establish a minimum lot size in the R-1 zoning district.</td>
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<tr>
<td>2011-05</td>
<td>06/20/11</td>
<td>Amended Chapters 17.84 and 17.100 requiring broadband fiber installation.</td>
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<td>2012-01</td>
<td>03/05/12</td>
<td>Added Chapter 17.32, Parks and Open Space (POS) Zoning District and amended Chapter 17.30 to add the new zoning district.</td>
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<td>2012-05</td>
<td>11/19/12</td>
<td>Amended Chapters 17.10 and Chapter 17.42 – 17.50 related to permitted and conditional uses in these zones.</td>
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Adopted November 18, 2002 Ordinance 2002-10
<table>
<thead>
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<tbody>
<tr>
<td>2013-03</td>
<td>06/03/13</td>
<td>Amended Section 17.86.40 (2) related to parks fee in lieu payments.</td>
</tr>
<tr>
<td>2013-04</td>
<td>06/03/13</td>
<td>Amended Chapters 17.10 (Definitions), 17.24 (Comp. Plan), 17.30 (Zoning Districts), 17.74 (Accessory Development), 17.90.140 (Manufactured Design Standards), 17.90.150 (Residential Design Standards), 17.98 (Parking), and 17.100.110 through 17.100.340 (Land Division).</td>
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<td>2013-11</td>
<td>11/18/13</td>
<td>Amended Chapters 17.12 (Procedures), 17.18 (Processing Applications), 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, and 17.68 (Conditional Uses) to add a minor conditional use permit process.</td>
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<td>2014-01</td>
<td>02/18/14</td>
<td>Amended Chapter 17.10 (Definitions) to include a definition for ‘medical facility’.</td>
</tr>
<tr>
<td>2014-05</td>
<td>06/02/14</td>
<td>Added Chapter 17.74.90, Food and Beverage Carts</td>
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<tr>
<td>2015-04</td>
<td>06/15/15</td>
<td>Amended Chapter 17.78 (Annexation) to include annexations of islands as allowed by state law.</td>
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<tr>
<td>2017-05</td>
<td>08/07/17</td>
<td>Amended Chapter 17.78 (Annexation) to remove voter annexations, Measure 37 waiver text, and improved tree retention standards.</td>
</tr>
<tr>
<td>2018-029</td>
<td>11/05/18</td>
<td>Amended Chapters 17.22 (Notices), 17.28 (Appeals), 17.80 (Additional Setbacks on Collector and Arterial Streets), and 17.82 (Special Setbacks on Transit Streets)</td>
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<tr>
<td>2019-01</td>
<td>01/07/19</td>
<td>Amended Chapters 17.02, 17.10, and 17.60 to be in compliance with National Flood Insurance Program (NFIP) requirements and FEMA floodplain requirements</td>
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</tbody>
</table>
Appendix A Specific Building Exceptions, Joe's Donut Shop, 39230 Pioneer Blvd.
Appendix A Specific Building Exceptions Tollgate Inn Restaurant and Bakery
38050 and 38100 Highway 26

North Façade Tollgate Inn Restaurant and Saloon

North Façade Tollgate Inn Mercantile

West Façade Bakery
Appendix B
Downtown Exception Areas

- Exception Area A - South side of Pioneer Boulevard between Bruns Avenue and Meinig Avenue.
- Exception Area B - South side of Pioneer Boulevard between Scales Avenue and
Appendix C
Building Color Palette

Per Chapter 17.90, the City of Sandy requires the exterior of commercial and industrial buildings to be painted warm earth tone colors (tans, browns, reds, grays, and greens) conforming to the approved color palette. The City has adopted Miller Paint Company’s Historic Colour Collection as the approved Building Color Palette, except for those colors listed below. The palette can be viewed by clicking here.

The following colors listed on the Miller Historic Colour Collection are not permitted:
- Clementine
- Lady Banksia
- Goldenrod
- York Bisque
- Lyman Camellia
- Emily
- Robin’s Egg
- Glacier Bay
- Biloxi Blue
- Bowen Blue
- Coral Springs
- Veranda Blue
- Blue Winged Teal
- Phillips Green
- Brattle Spruce
- Winter Balsam
- Sayward Pine

Proposed paint colors are required to match colors on the approved palette but do not need to be Miller brand. The Director will review all proposed exterior paint colors to ensure compliance with the approved palette.
Appendix D
Metal Roof Color Palette

Per Chapter 17.90, the City of Sandy requires only specific colors of metal roofing to be used on commercial and industrial buildings. The City has adopted Metallion Industries metal roof colors as the approved Metal Roof Color Palette, except for those colors listed below. The palette can by viewed by clicking here.

The following colors listed on the Metallion Industries palette are not permitted for 29 & 26 gauge:
White
Ivory
Black
Copper Penny
Galvalume

The following colors listed on the Metallion Industries palette are not permitted for 24 gauge:
Regal White
Matte Black

Proposed metal roof colors are required to match colors on the palette but do not need to be Metallion Industries brand. The Director will review all proposed roof colors to ensure compliance with the approved palette.
Appendix E-1
Design Elements Consistent with the Sandy Style
Appendix E-2
Design Elements Inconsistent with the Sandy Style

New Seasons (Lake Oswego, OR)

Sandy Marketplace (Sandy, OR)

Whole Foods (Omaha, NE)

Market of Choice (West Linn, OR)

Whole Foods (Denver, CO)
Appendix F
Streetscape Design Details

Typical Single Ramp Bulb-out Surfacing Detail

Typical Mid-block Surfacing Detail

Typical 2-ramp Bulb-out Surfacing Detail

Sidewalk Tree Grate Detail
(Grate design under copyright)

Streetlight Detail
Techtra Decorative ‘Shepard’s Crook’ (green)
Appendix H
Concrete Form Examples

Wooden Plank

Wooden Plank

Split-faced Running Bond Block

Ashlar Stone

Ship Lap

Split cedar shingle (from Spec Formliners)

(all examples from Fitzgerald Formliners except as shown)