



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

06/17/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment  
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 27, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Tracy Brown, City of Sandy  
Gordon Howard, DLCD Urban Planning Specialist  
Jennifer Donnelly, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

<input type="checkbox"/> In person	<input type="checkbox"/> electronic	<input type="checkbox"/> mailed
<b>DEPT OF</b> <b>JUN 10 2013</b> <b>LAND CONSERVATION AND DEVELOPMENT</b> For Office Use Only		

Jurisdiction: **City of Sandy**

Local file number: **13-005 DCA**

Date of Adoption: **6/3/13**

Date Mailed: **6/5/13**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 03/18/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**Ordinance 2013-04 amends various code sections including: 17.10.30 (definitions for vision clearance and public facility minor); 17.24 (comprehensive plan notification to ODOT); 17.30.20 (residential density calculation clarification); 17.74 (vision clearance and accessory development provisions); 17.90.140 and 150 (residential design standards); 17.98 (residential parking standards); and 17.100 (private drive and alley access).**

Does the Adoption differ from proposal? **Changes to Chapter 17.84 were not adopted. The adopted language is similar to that proposed for all other sections.**

Plan Map Changed from: **n/a**

to: **n/a**

Zone Map Changed from: **n/a**

to: **n/a**

Location: **n/a**

Acres Involved: **n/a**

Specify Density: Previous: **n/a**

New: **n/a**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 002-13 (19746) [17484]

## ORDINANCE NO. 2013-04

### AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 17 OF THE SANDY MUNICIPAL CODE.

**WHEREAS**, the provisions contained in Chapter 17.74 particularly standards for accessory structures and the clear vision area at the corner of street intersections, require clarification to allow for a more efficient administration and enforcement of these standards; and

**WHEREAS**, the City Council strives to improve the quality of design for single family dwellings, manufactured dwellings, and duplexes as was done through code amendments that created the "Sandy Style" for commercial development; and

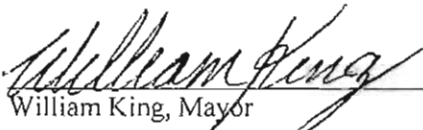
**WHEREAS**, City Council wants to address parking issues common in higher density residential development including multi-family development by increasing parking requirements for these development types and through the modification of the private drive standards; and

**WHEREAS**, in addition, the Council wants to make other minor code changes as contained below.

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

- Section 1. Sandy Municipal Code Chapter 17.74 is amended as detailed in Exhibit A, attached and incorporated by reference. Pursuant to ORS 92.040(3), the amendments contained in Exhibit A will govern construction on recorded subdivision plats on and after the effective date of this ordinance.
- Section 2. Sandy Municipal Code Sections 17.90.140 and 17.90.150 are amended as detailed in Exhibit B, attached and incorporated by reference.
- Section 3. Sandy Municipal Code Chapter 17.98 is amended as detailed in Exhibit C, attached and incorporated by reference.
- Section 4. Sandy Municipal Code Sections 17.100.110 through 17.100.340 are amended as detailed in Exhibit D, attached and incorporated by reference. Pursuant to ORS 92.040(3), the amendments contained in Exhibit D will govern construction on recorded subdivision plats on and after the effective date of this ordinance.
- Section 5. Sandy Municipal Code Chapter 17.30 is amended as detailed in Exhibit E, attached and incorporated by reference.
- Section 6. Sandy Municipal Code Sections 17.24.40 and 17.10.30 are amended as detailed in Exhibit F, attached and incorporated by reference.
- Section 7. These amendments are supported by findings, attached as Exhibit G and incorporated by reference.

**THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 3<sup>rd</sup> DAY OF JUNE, 2013.**

  
William King, Mayor

ATTEST:

  
Karen Evatt, City Recorder

**EXHIBIT A**  
**CHAPTER 17.74**

**ACCESSORY DEVELOPMENT**  
**~~ADDITIONAL PROVISIONS AND PROCEDURES~~**

**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~~DEVELOPMENTS~~ SUBJECT TO CONTROLS**

~~A~~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.

~~Accessory~~ developments shall be subject to the same requirements as the principal uses within each district, except as otherwise provided below:

~~Accessory development involving nonconforming uses and structures is subject to the requirements of Chapter 17.08 Nonconforming Development~~

~~Subject to the restrictions and limitations specified, the following types of accessory structures shall be permitted in districts where residential uses are permitted:~~

~~Accessory Dwelling Units~~

~~Accessory Structures (sheds)~~

~~Children's playhouses~~

~~Gazebos~~

~~Kennels for dog and cat keeping~~

~~Private garages~~

~~Radio and television receiving antennas (personal use)~~

~~Sheds~~

~~Shops (nonbusiness purposes)~~

~~Solar and wind energy systems. Includes solar collectors, storage facilities, distribution components, and wind generation devices.~~

~~10. Other necessary and customary developments as determined by the Director as noted above and Chapter 17.14 Request for Interpretation.~~

## A. C. Detached Accessory Structure Setbacks.

1. Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached aAccessory 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. shall comply with the setback requirements for the main building except where specifically modified by this sectionchapter. Accessory Dwelling Units are subject to the requirements of Section 17.74.70.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

<u>Accessory Structure Size</u>	<u>Interior Side Yard Setback</u>	<u>Rear Yard Setback</u>
<u>Up to 120 sq. ft., Up to 10 ft. tall</u>	<u>1 foot</u>	<u>1 foot</u>
<u>Up to 120 sq. ft., Up to 12 ft. tall</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Larger than 120 sq. ft up to 200 sq. ft. and up to 12ft. in height</u>	<u>3 feet</u>	<u>3 feet</u>
<u>Larger than 200 sq. ft. or taller than 12 ft. in height</u>	<u>5 feet minimum or same as primary structure whichever is greater</u>	<u>15 feet minimum or same as primary structure whichever is greater</u>

Figure 17.74.10-A: Interior Lot

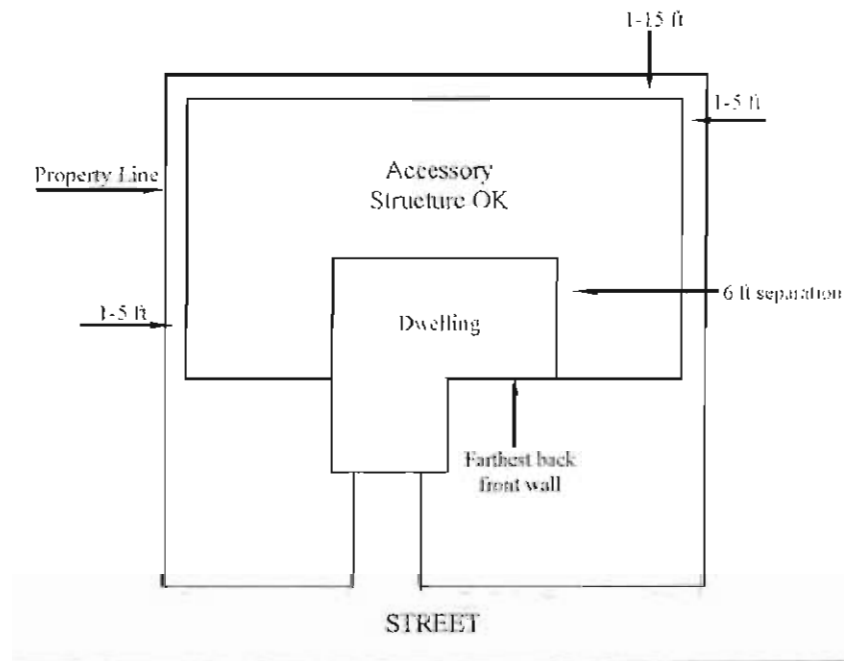
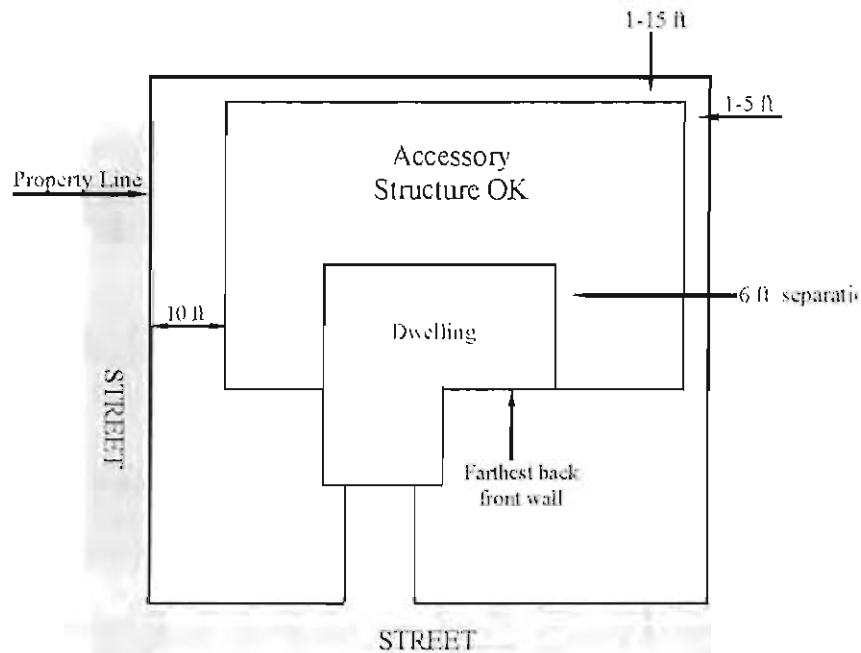


Figure 17.74.10-B: Corner Lot



#### B. General Standards.

1. No accessory structure shall be located in front of the principal building. ~~a required front yard or side yard setback, except where specifically modified by this section. 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. ~~An accessory structure on a corner lot shall meet a minimum street side yard setback except for private vehicle storage.~~
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 **18-20 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.

~~5. Established building Line. If a previous building line has been established, the minimum front yard setback for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus 1/2 of the remaining distance to the required setback. Corner lots shall not be considered in the averaging.~~

D. Maximum Size for Residential Uses

~~Accessory Dwelling Units are subject to the maximum size provisions of Section 17.74.70.~~

~~11. No detached accessory structure shall exceed a maximum height of 16 ft.~~

**17.74.20 PROJECTING BUILDING FEATURES**

E. A. Projecting Building Features Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below; ~~or an easement recorded on a subdivision or partition plat.~~

Table 17.74.20: Setbacks for Projecting Building Features

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages <sup>1</sup>	5 ft.	2 ½ ft.	5 ft.
Awnings	5 ft.	2 ½ ft.	5 ft.
Chimneys	5 ft.	2 ½ ft.	5 ft.
Decks –(unroofed) - ground level 30" in height or less	5 ft.	2 ½ ft.	Footnote <sup>2</sup>
Decks (unroofed) - ground level more than 30" in height or second story (building permit required)	5 ft.	2 ½ ft.	Footnote <sup>3</sup>
Eaves	5 ft.	2 ½ ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2 ½ ft.	5 ft.
Planters	5 ft.	2 ½ ft.	5 ft.
Porches (roofed)	5 ft.	2 ½ ft.	Footnote <sup>4</sup>
Windows (bow or bay)	5 ft.	2 ½ ft.	5 ft.

~~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.~~

**17.74.20 VERTICAL PROJECTIONS**

B. Vertical Projections. Height limitations shall not apply to the following:

A.1. Fire and parapet walls

<sup>1</sup> 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.

<sup>2</sup> Must maintain a minimum rear yard setback from rear property line of 5 ft.

<sup>3</sup> Must maintain a minimum rear yard setback from rear property line of 10 ft.

<sup>4</sup> Must maintain a minimum setback from rear property line of 10 ft.

B.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.

C.3. Smokestacks

D.4. Steeples

E.5. Windmills

F.6. Other similar structures

### 17.74.30 CLEAR-VISION CLEARANCE AREA

B.A. A clear-vision clearance area shall be maintained on each corner of property at adjacent to the intersection of two streets, a street and a railroad, and on driveways providing vehicular access to a public way, excluding alleys. On all corner lots, no visual obstruction (e.g., sign, structure, solid fence, or vegetation) ehicle, fence, wall, hedge, or other planting or structure (temporary or permanent) shall be placed or located in the "vision clearance area" parked, erected, planted, placed, located or maintained 30-between the height of 36 inches (3 feet) inches 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. in height measured from the top of the curb or, where no curb exists, from the established street center line grade of the intersecting streets, so as to impede visibility within the sight triangle (see figure below).

C. Driveways providing vehicular access to a public way shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line, and a straight line joining said lines through points 20 ft. from their intersection. No obstruction over 30 inches 3 feet in height that has a cross section over twelve inches shall be permitted in such areas.

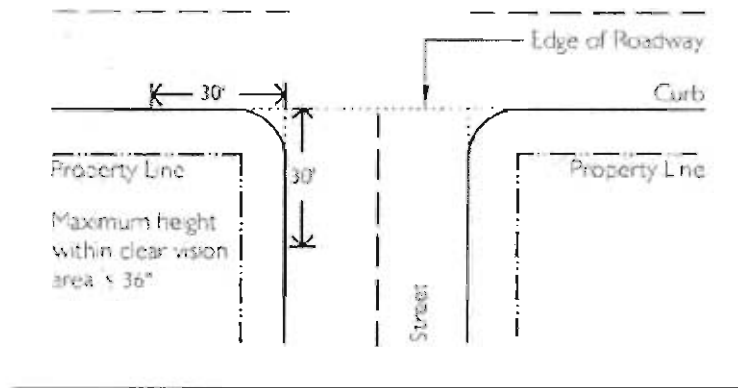
D. A clear vision area shall consist of a triangular area two sides of which are lot lines for a distance specified in this regulation of 30 feet, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measure, and the third side of which is a line across the corner of the lot joining the non intersecting ends of the other two sides (see figure below).

B.D. 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

<u>Functional Street Classification</u>	<u>Measurement along curb line</u>
<u>Intersection of a street and an alley</u>	<u>20 feet</u>
<u>Intersection of a street and another street</u>	<u>30 feet</u>

Figure 17.74.30 – Vision Clearance Measurement



~~E.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 ½ ft. above the level of the intersection.
3. ~~A plant species~~ Vegetation of open-growth habit 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.

~~F. Buildings and uses in existence at time of passage of this code are considered nonconforming and may continue as specified in Chapter 17.08 – Nonconforming Development.~~

~~G. Any obstruction maintained in violation of this section shall be abated pursuant to Chapter 17.06 – Enforcement.~~

#### **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 required front yard. The height of a fence or retaining wall in a ~~required~~ 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 ~~required~~ 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 ~~required~~ 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 ~~required~~ 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.<sup>a</sup>
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 ~~required~~ front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a ~~required~~ 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.

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~~ three-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

E.

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 above 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.
- B.-
- 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.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600 sq. ft.

Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98
Landscaping	Same as underlying zoning district

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.
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.
- 8.

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.
- 5.

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.

**EXHIBIT B**  
**SECTIONS 17.90.140 AND 17.90.150**

**17.90.140 MANUFACTURED DWELLINGS NOT IN A MANUFACTURED HOME PARK ON INDIVIDUAL LOT OF RECORD MANDATORY REQUIREMENTS**

- A. Manufactured homes that are not located in a manufactured home park on individual lots of record 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.

**5-17.90.150 RESIDENTIAL DESIGN STANDARDS**

**SINGLE FAMILY / MANUFACTURED DWELLING ON INDIVIDUAL LOT OF RECORD MANDATORY DESIGN STANDARDS**

~~All single family dwellings and manufactured dwellings on individual lots of record shall utilize at least two of the following design features to provide visual relief along the front of the home:~~

- ~~1. Dormers~~
- ~~2. Gables~~
- ~~3. Recessed entries~~
- ~~4. Covered porch entries~~
- ~~Pillars or posts~~
- ~~Bay or bow windows~~
- ~~Eaves of 12 inches or greater~~
- ~~Off set of 16 inches or greater on building face or roof~~

**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:

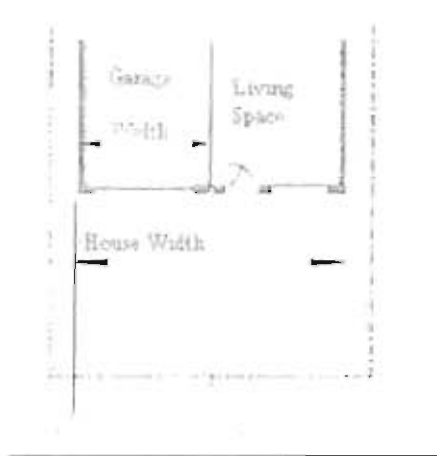
1. Formula: width of garage divided by width of primary street facing facade multiplied by 100. For example: A 40 foot wide home with a 20 foot width garage would result in 50 percent ( $20/40 = 0.5 \times 100 = 50$  percent) garage to home ratio.

2. The width of the garage is measured from the outside garage walls.

The width of the primary street facing facade 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 facade 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.

**Table 17.90.150 – A: Number of Required Design Elements**

<b><u>Garage Width Percent (Street Facing Attached Garage)</u></b>	<b><u>Number of Required Design Elements</u></b>
<u>Up to 50 percent</u>	<u>5 elements</u>
<u>Greater than 50 percent and up to 60 percent</u>	<u>6 elements</u>
<u>Greater than 60 percent and up to 70 percent or a garage under home design</u>	<u>7 elements</u>
<b><u>Other Garage Types</u></b>	
<u>Garage door 90 degrees to street</u>	<u>3 elements plus windows occupying 10 percent of garage wall facing the street</u>
<u>Detached Garage (An independent, self- supporting structure separated from the dwelling by at least 6 feet)</u>	<u>4 elements plus 4 elements on the garage</u>
<u>Rear-Loaded Garage or no Garage</u>	<u>4 elements</u>

2. Additional Street Facing Façades: All additional street facing facades 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.

**EXHIBIT C**  
**CHAPTER 17.98**  
**PARKING, LOADING AND 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 ~~stored in a completely~~ screened from public view, screened space, garage, or carport.
- 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).

**M.N. Location of Required Parking.**

- 1. Off-street ~~V~~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. On-street parking shall ~~not~~ may be utilized in the C-1 Zoning District to meet the minimum parking requirements as specified in Section 17.98.30 (B)., ~~except where otherwise modified in another section. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is no controlled intersection within 100 ft. of the subject property.~~
- ~~1-3.~~ 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.

**ON. 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.

~~PΘ.~~ 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.

~~P.~~ Assessment District Exemption. Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements for vehicles or bicycles, and/or shall be allowed a reduction in required parking spaces commensurate with the amount of assessment and current availability of public parking.

~~QQP.~~ Maximum Parking Allowed. Commercial or Industrial zoned properties ~~No site shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by provide 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:

- A.1. All square footage measurements are gross square feet of total floor area.
- B.2. 18 lineal inches of bench shall be considered 1 seat.
- C.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 A65-A98 below.
4. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections E5-98 below.
5. In addition to requirements for residential off street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.2040.

~~E6.~~

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached	2 per dwelling	0
Single Family Attached	2 per dwelling	0
Duplexes	2 per dwelling	0
<u>Accessory Dwelling Units</u>	<u>1 per dwelling</u>	<u>0</u>
Manufactured Home Park	2 per dwelling, plus 1 visitor space for each 10 <u>vehicle dwelling</u> spaces	0
Multi-Family Dwellings	<u>1.5 per dwelling + 1 visitor space for each 10 dwelling spaces</u> <u>Studio unit or 1 bedroom unit – 1.5 space/unit; 2 bedroom units – 2.00 spaces/unit; 3 bedroom or greater units – 2.25 spaces/unit</u>	1 per dwelling unit

<del>Multi Family Dwellings in Commercial Zoning Districts</del>	<del>1.5 per dwelling, plus 1 visitor space for each 10 dwelling spaces</del>	1 per dwelling unit
Congregate Housing, Retirement Homes, Intermediate Care Facilities, and Halfway Houses	1 per each 3 residents, <u>plus 1 per 2 employees</u>	<del>5</del> 10% or 2 whichever is greater
Group Care Facilities	1 per 1000 sq. ft., <u>plus 1 per 2 employees</u>	<del>5</del> 10% or 2 whichever is greater

~~F7.~~

<b>Community Service, Institutional and Semi-Public Uses</b>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
Administrative Services	1 per 400 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Community Recreation Buildings	1 per 200 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Church, Chapel, or Auditorium	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Library or Museums	1 per 300 sq. ft., <u>plus 1 per 2 employees</u>	30%
Lodge, Fraternal and Civic Assembly with/or without eating and drinking facilities	1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Hospitals	1 per 1000 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
<u>Day Care/Preschool/Kindergarten</u>	<u>2 per classroom, plus 1 per 2 employees</u>	<del>5</del> 10% or 2 whichever is greater
School – Elementary	<u>2 per classroom, plus 1 per 2 employees</u>	<del>5</del> or 2 whichever is greater <u>8</u> per classroom
School – Middle School/Junior High	<u>3 per classroom, plus 1 per 2 employees</u>	<del>5</del> or 2 whichever is greater <u>8</u> per classroom
School – Senior High	<u>6 per classroom, plus 1 per each employee</u>	<del>5</del> or 2 whichever is greater <u>8</u> per classroom
School – Vocational or College	<u>6 per classroom, plus 1 per 2 employees</u>	<del>5</del> or 2 whichever is greater <u>8</u> per classroom

~~G8.~~

<b>Commercial Uses</b>	<b>Number of Parking Spaces</b>	<b>Number of Bicycle Spaces</b>
Retail Sales, general or personal services	1 per 200 sq. ft., <u>plus 1 per 2</u>	5% or 2 whichever is

	<u>employees</u>	greater
Shopping centers	1 per 300 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Retail Sales, Bulky Merchandise (examples: furniture or motor vehicles)	1 per 800 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
General, professional or banking offices and services	1 per 300 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Grocery Store; Food and Beverage Retail Sales, Convenience Store	1 per 400 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Funerals and Interment Services; Crematory and Undertaking Interring and Cemeteries are exempt	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Fuel Sales	1 per 400 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Medical or dental office or clinic	1 per 300 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
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, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Transient Habitation: Campground or RV Park	1 per designated space, plus 1 visitor space for each 8 spaces, <u>plus 1 per 2 employees</u>	Exempt
Hotel or Motel	1 per guest room or suite, <u>plus 1 per 2 employees</u>	Exempt

#### H9.

Industrial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Sales, Storage, Rental, Services and Repairs of: Agricultural and Animals Automotive/Equipment Fleet Storage Light Equipment Non-operating vehicles, boats and recreational vehicles Building Equipment	1 per 400 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Sales, Storage, Rental, and Repairs of: Heavy Equipment, Farm Equipment	1 per 800 sq. ft., <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater
Storage, distribution, warehousing, or manufacturing establishment; air, rail,	1 per employee on the largest shift, <u>plus 1 per 2 employees</u>	5% or 2 whichever is greater

### 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 to 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 ~~commercial uses may be reduced by 25% percent in recognition of available on-street parking.~~

#### C. Group Care Facilities. ~~The number of spaces required may be modified for uses such as group care facilities where it can be demonstrated that automobile use or ownership is significantly lower than for other dwelling or lodging facilities.~~

#### D. Village Commercial District. ~~Required off street parking for commercial uses may be reduced by 25% in recognition of available on street parking or as otherwise approved in the Specific Area Development Plan.~~

### 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.

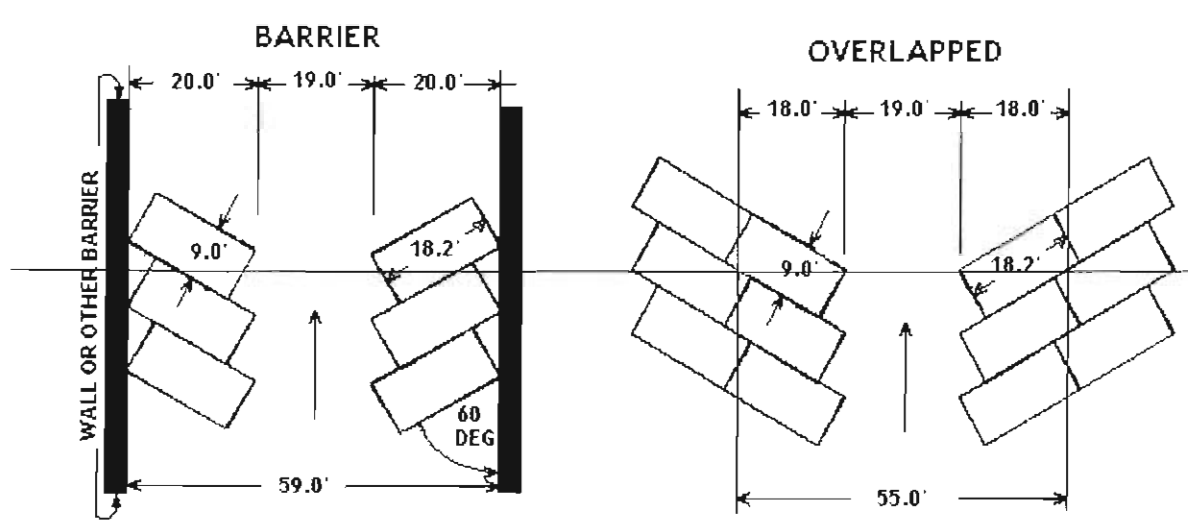
- B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and two-family dwellings, required off-street parking may be located in ~~front of a garage~~ driveway.
- C. Parking areas shall be setback 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. comply with Section 17.98.160.
  4. ~~For parallel parking the length of the space shall be increased to~~ 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.
1. ~~25 feet' in width for 90 degree° parking~~  
~~feet in width for 90 degree parking with parking on only one side.~~
  2. ~~20 feet in width for 60° degree parking~~
  3. ~~20 feet in width for 45° degree parking~~
  4. ~~12 feet for parallel parking on one side~~
  5. ~~16 feet for parallel parking on both sides~~

Parking Aisle	Single Sided One-Way	Single Sided Two-Way	Double Sided One-Way	Double Sided Two-Way
90 degree	20 feet	22 feet	25 feet	25 feet
60 degree	20 feet	20 feet	20 feet	20 feet
45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



### 17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently ~~marked~~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.
- 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 ~~within the lot frontage~~ 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 method 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~~ ACCESSIBLE (HC) PARKING FACILITIES.**

~~Disabled person Accessible parking shall be provided for all uses consistent with the requirements of the Oregon State Structural Specialty Code and/or Federal requirements, whichever is more restrictive.~~

#### **~~17.98.1780~~ 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.

#### **~~17.98.1890~~ 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.

#### **~~17.98.190200~~ 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;
  - 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.

**EXHIBIT D**  
**SECTIONS 17.100.110 – 17.100.340**  
**LAND DIVISION**

***NO CHANGES TO PREVIOUS SECTIONS IN THIS CHAPTER.***

**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-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 neighborhood access-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 ~~ould generally~~ 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 ~~generally~~ 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) five-foot~~ public utility easement shall be required along ~~the front, side and rear 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. ~~New Public~~ alleys shall have a minimum width of ~~20~~16 feet. ~~Installation of an overlay of asphalt concrete or material approved by the City Engineer shall be required at time of development of the alleys~~ 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. The private drive does A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.

2. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive. 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. Public utility easements shall be provided where necessary in accordance with Section 17.100.130. Any utilities or facilities shared by two or more property owners shall meet established City standards.
3. Shared Private drives serving two or more dwellings shall be fully improved with an all weather hard surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be of 20 feet.:
  3. 20 feet when accommodating two-way traffic, or
  4. 15 feet when accommodating one-way traffic.
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**

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.

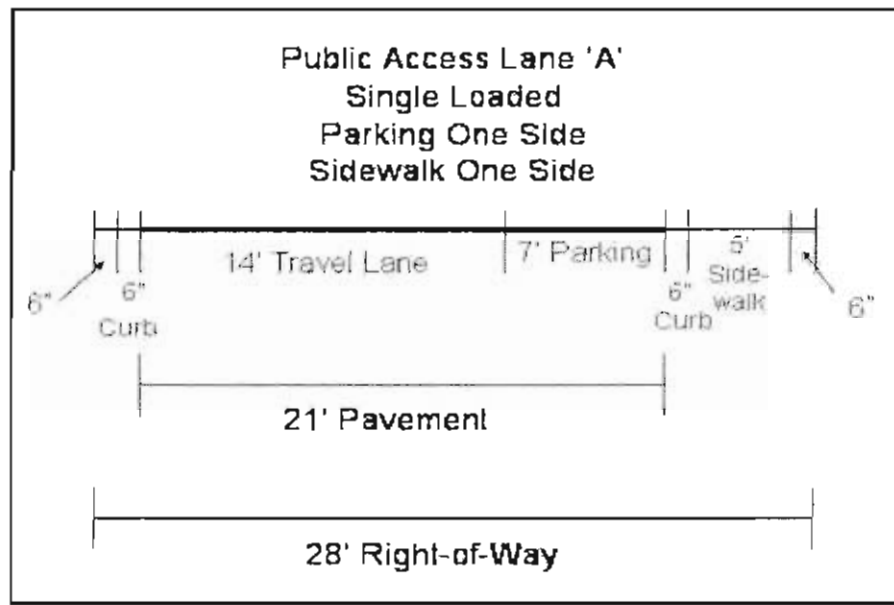
#### **C. Public Access Lane Design**

##### **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.

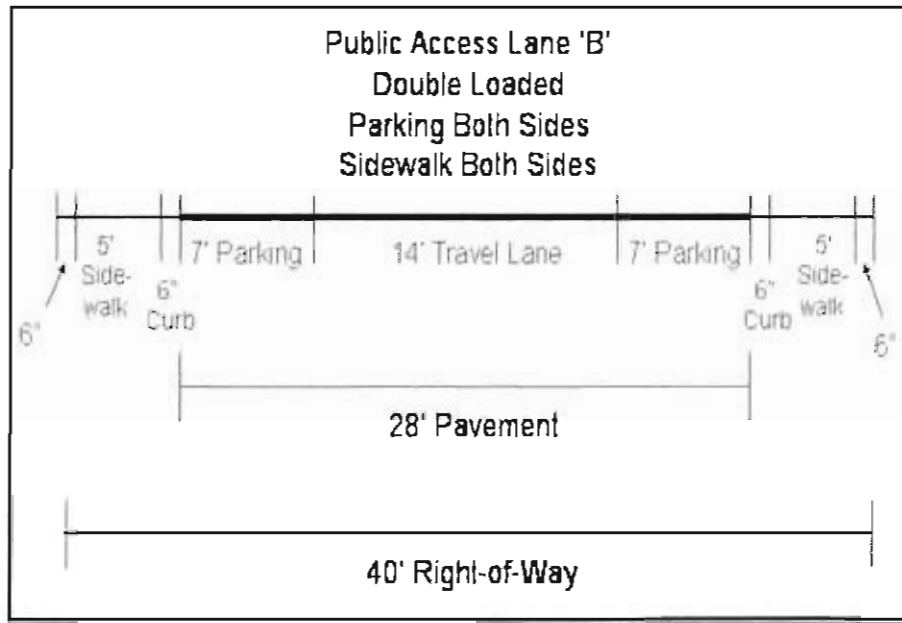
**Figure 17.100 – A: Public Access Lane 'A'**



**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’**



**17.100.160170 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.

**17.100.170180 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.

#### **17.100.180190 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.

#### **17.100.190200 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.

#### **17.100.200210 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.

#### **17.100.240220 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.

#### **17.100.220230 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.

#### **17.100.230240 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.

#### **17.100.240250 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.

#### **17.100.250260 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.

#### **17.100.260270 SIDEWALKS**

Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision.

#### **17.100.270280 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.

#### **17.100.280290 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.

#### **17.100.290300 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.

#### **17.100.300310 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
- 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

#### **17.100.310320 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.

#### **17.100.320330 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.

#### **17.100.330340            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.

**EXHIBIT E**  
**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:

<b>DISTRICT</b>	<b>SYMBOL</b>
<b>Parks and Open Space</b>	<b>POS</b>
<b>Residential</b>	
Single Family Residential	<b>SFR</b>
Low Density Residential	<b>R-1</b>
Medium Density Residential	<b>R-2</b>
High Density Residential	<b>R-3</b>
<b>Commercial</b>	
Central Business District	<b>C-1</b>
General Commercial	<b>C-2</b>
Village Commercial	<b>C-3</b>
<b>Industrial</b>	
Industrial Park	<b>I-1</b>
Light Industrial	<b>I-2</b>
General Industrial	<b>I-3</b>
<b>Overlay Districts</b>	
Planned Development	<b>PD</b>
Cultural & Historic Resource	<b>CHR</b>
Flood Slope Hazard	<b>FSH</b>
Specific Area Plan Overlay	<b>SAP</b>

**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 gross~~ 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 Gross-Site Area (NGSA): ~~Net Gross-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 gross-site area (NGSA) in acres by the minimum and maximum number of dwelling units ~~per acre-allowed~~ in that zone.

For example: A site (NGSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 320 units and allows a maximum of 5860 units. (NGSA x 32 units/acre = 320 units minimum) (NGSA x 5.86 units/~~per~~-acre = 5860 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 netgross site area (NGSA), if applicable.

$$\underline{\text{NGSA}} - \text{RDA} = \text{USA}$$

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. NGSA (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 ~~eightsix~~ (86) units per acre has 68 acres of unrestricted site area (USA=68) and two acres of restricted development area (RDA=2), for a total ~~gross net~~ site area of 840 acres (NGSA=840).

Then NGSA (840) x 86 units/acre = 6460 and USA (68) x 86 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 640 (the lesser of the two results).

~~If a site has a gross area of 10 acres (GSA=10) and an unrestricted site area of 5 acres (USA=5), then GSA (10) x 6 = 60 and USA (5) x 6 x 1.5 = 45, so the maximum permitted number of dwelling units is 45 (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.

## *EXHIBIT F*

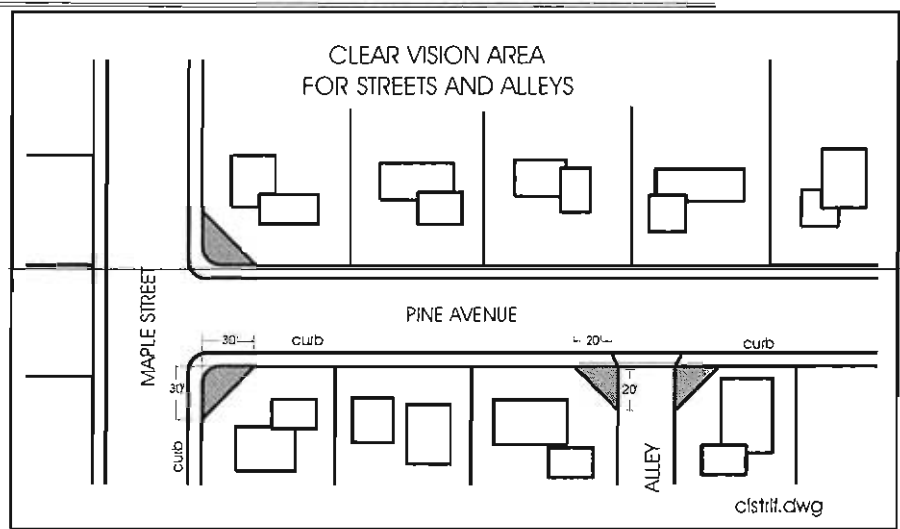
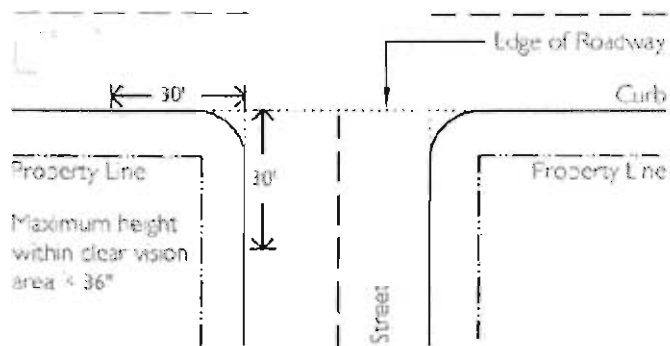
### *AMEND SECTION 17.24.40*

#### **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 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).

### *AMEND SECTION 17.10.30 DEFINITIONS*

- **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.
- **Vision Clearance Area:** A triangular area located at the intersection of two streets or a street and an alley, a street and a railroad, or a street and a driveway; two sides of which are measured from the curb line, or when curbs are absent from the edge of asphalt ~~in corner intersection for a distance specified in this title.~~ 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. ~~Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.~~



Vision Clearance Example

**EXHIBIT G**  
**ORDINANCE NO. 2013-04**

**FINDINGS**

1. Goal 1. Goal 1 in Sandy's Comprehensive Plan ("Plan") mirrors Oregon Statewide Planning Goal 1 and generally requires citizen involvement in all phases of the planning process. Citizens were involved in shaping these code amendments through several public hearings before the Sandy Planning Commission ("Commission" or "PC") and the Sandy City Council ("Council"). The Commission held a public hearing on the amendments in April 2013. The Council held a public hearing on the amendments in May 2013. Both the PC and the Council received testimony on the amendments and made some changes to them based on that testimony. For these reasons, Goal 1 is satisfied.
2. Goal 2. Sandy's Plan implements Goal 2 by requiring an adequate factual base to accompany amendments to the development code. An "adequate factual base" requires substantial evidence to exist in the entire record to support the decision – that is, evidence that reasonable persons would rely on in making day-to-day decisions. Staff advised the PC and Council of the amendments' benefits to the city, including more flexibility for homeowners who construct accessory structures on their property, refined and expanded design standards for residential uses, ensuring clear vision standards adequately protect the traveling public and requiring residential developments to provide adequate on-street parking for future residents and visitors. The PC and Council were presented with visual depictions of how the changes would appear "on the ground." For these reasons, Goal 2 is satisfied.
3. Goal 3. Sandy's Plan recognizes that Goal 3 is inapplicable to the city, and by extension, these amendments.
4. Goal 4. Sandy's Plan recognizes that Goal 4 is inapplicable to the city, and by extension, these amendments.
5. Goal 5. The city has a number of development controls (including setbacks to streams and wetlands, open space requirements and exceptions to design standards for certain buildings of a historic nature) intended to comply with the Plan's Goal 5 provisions. These amendments do not weaken, alter or otherwise affect those controls. Therefore, the amendments comply with the city's Plan provisions implementing Goal 5.

A state administrative rule implementing Goal 5 states that the rule is applicable to post-acknowledgement amendments such as this one. However, the rule also states that local governments are not required to apply Goal 5 to such amendments if they do not "affect a Goal 5 resource." The rule specifies when an amendment affects a Goal 5 resource at OAR 660-023-0250(3)(a)-(c). In consideration of those criteria, the city finds that these amendments do not: (a) amend a Goal 5 resource list or a land

use regulation intended to protect a Goal 5 resource; (b) permit new uses that could conflict with “a particular significant Goal 5 resource site on an acknowledged resource list;” or (c) amend the city’s UGB. Therefore, the city finds that the amendments do not affect a Goal 5 resource based on OAR 660-023-0250(3)(a)-(c)’s plain language. The amendments satisfy Goal 5.

6. Goal 6. The city’s Plan provisions implementing Goal 6 seek to “[r]educe air pollution by decreasing the need for vehicle trips” through a variety of measures. These measures include: “(a) [p]romoting pedestrian, bike, and transit friendly land uses, including mixed use developments that are compatible with existing neighborhoods; (b) [i]mplementing the Oregon Transportation Planning Rule; (c) [p]roviding opportunities to utilize alternative transportation modes; and (d) [e]ncourage employers, including the City of Sandy, to implement programs to reduce single occupant trips to and from work.”

The amendments comply with these provisions primarily through the changes to the way the city measures clear vision standards and the requirement for certain residential developments to analyze and, if necessary, provide adequate on-street parking. Both of these amendments will promote pedestrian-friendly land uses by reducing conflicts between vehicles and pedestrians on and near city streets. Goal 6 is satisfied.

7. Goal 7. The amendments do not relate to or involve the Plan’s standards implementing Goal 7. Therefore, Goal 7 is not applicable.
8. Goal 8. The amendments do not relate to or involve the Plan’s standards implementing Goal 8. Therefore, Goal 8 is not applicable.
9. Goal 9. The amendments do not relate to or involve the Plan’s standards implementing Goal 9. Therefore, Goal 9 is not applicable.
10. Goal 10. The city’s Plan provisions implementing Goal 10 instruct policy makers to: “[a]ssure an adequate supply of developable land for low, medium and high density housing to meet the 20-year population projections” and “[e]ncourage innovations in construction, funding, regulation and siting of housing in order to provide well designed and energy efficient housing.” The amendments do not rezone any properties within the city nor do they reduce or otherwise alter the densities in the city’s residential zones. In rare instances, a developer of residential property may lose a buildable lot in order to accommodate a parking court if the results of a parking study demonstrate the development will not have sufficient on-street parking to serve future inhabitants and their visitors.

However, the evidence in the record demonstrates that such instances will be the exception, if they happen at all. In the vast majority of cases, the city anticipates that well-studied and efficiently planned residential developments will provide adequate on-street parking and obviate the need for a parking court. Moreover, evidence in the

record demonstrates that even in those rare cases where a developer may need to provide a parking court, the loss of a lot to accommodate the court is not foregone conclusion. If the development otherwise complies with all relevant code criteria, nothing would prohibit a parking court to occupy a portion of a lot while still accommodating a residence on that lot. Therefore, the amendments will not affect developable land for low, medium and high-density housing in order to meet the city's 20-year population projections.

The amendments "encourage innovations" by requiring a parking plan and through additions to required design elements for single-family, manufactured home and duplex dwellings. The parking plan will assist in ensuring that neighborhoods are well designed by ensuring there are sufficient places for residents and guest to park on the street as well as off the street. Additionally, the revised residential design standards will ensure that modern aesthetic standards are incorporated into new homes in Sandy without being burdensome to the developer and builder communities. Therefore, Goal 10 is satisfied.

11. Goal 11. The amendments do not relate to or involve the Plan's standards implementing Goal 11 and do not trigger compliance with any Goal 11-related statute or rule. Therefore, Goal 11 is not applicable.
12. Goal 12. The city's Plan provisions implementing Goal 12 "encourage the provision of on-street parking on both sides of streets." They also generally "[e]ncourage shared parking arrangements." The amendments will further these policies by requiring all new residential developments to analyze whether sufficient on-street parking will exist. To the extent the development will result in insufficient on-street parking under the code, the amendments require the developer to provide a parking court, a form of a shared parking arrangement that the Plan encourages.

In addition, the amendments comply with the transportation planning rule ("TPR").

The TPR states that "[i]f an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility" a city must take additional steps to mitigate such effects. OAR 660-012-0060(1). According to the rule, an amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand

management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The city finds that the amendments do not implicate OAR 660-012-0060(1)(a) or (b). The amendments do not change the functional classification of a facility (e.g. change a local street to a collector or a collector to an arterial). Likewise, they do not change standards implementing those classifications (e.g. amend the TSP's roadway standards to increase or decrease ROW width or design standards that relate to a particular classification).

The record does not reveal any existing or planned facilities that are projected to not meet performance standards identified in the city's TSP. Therefore, the amendments do not implicate OAR 660-012-0060(1)(c)(C). Similarly, the record does not reveal that the amendments will: (1) result in levels of travel or access that are inconsistent with functional classifications of existing or planned facilities; or (2) degrade the performance of an existing or planned facility such that it would not meet the performance standards identified in the TSP. Thus, the amendments do not implicate OAR 660-012-0060(1)(c)(A) and (B). Therefore, the city finds the amendments will not significantly affect any transportation facilities under the TPR.

For all of these reasons, the amendments comply with Goal 12.

13. Goal 13. The amendments do not relate to or involve the Plan's standards implementing Goal 13. Therefore, Goal 13 is not applicable.

14. Goal 14. The amendments do not expand or amend Sandy's UGB. Therefore, the amendments do not implicate the Plan's provisions regarding Goal 14 or any Goal 14-related statute or administrative rule. Therefore, Goal 14 is not applicable.

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ATTN: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION &  
DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540

DEPT OF

JUN 10 2013

LAND CONSERVATION  
AND DEVELOPMENT

