



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>



### NOTICE OF ADOPTED AMENDMENT

March 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist *MJU*

SUBJECT: City of Sandy Plan Amendment  
DLCD File Number 006-07

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: March 25, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Meg Fernekees, DLCD Regional Representative  
Steve Oulman, DLCD Transportation Growth and Management Planner  
Tracy A. Brown, City of Sandy Planning Director

<paa> ya/



# NOTICE OF ADOPTION

DEPT OF

MAR 05 2008

This form must be mailed to DLCD not later than 5 working days after adoption  
ORS 197.615 and OAR Chapter 660, Division 18

LAND CONSERVATION  
AND DEVELOPMENT

See reverse side for submittal requirements

Jurisdiction City of Sandy Local File # 07-021 DCA

Date of Adoption March 3, 2008 Date Mailed March 4, 2008

Date the Proposed Notice was Mailed to DLCD July 12, 2007

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation

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

Ordinance No. 2008-03 and 2008-05 amending the Development Code chapters related to processing applications, notices, definitions, and design standards in commercial and industrial zoning districts.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice of the proposed amendment, write "N/A."

The adopted ordinance does not include revisions to parking standards as proposed. These will be included at a later date.

Plan Map Change From no change to \_\_\_\_\_

Zone Map Change From no change to \_\_\_\_\_

Location: properties within city limits Acres Involved: \_\_\_\_\_

Specify Density: Previous Density \_\_\_\_\_ New Density \_\_\_\_\_

Applicable Goals: 1,2,and 9 Was an Exception adopted?  Yes  No

DLCD File # 006-07(16239) DLCD Appeal Deadline \_\_\_\_\_



Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes     No     The Statewide Planning Goals do not apply  
 Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_  
\_\_\_\_\_

Local Contact: Tracy A. Brown, Director of Planning Phone: 503-668-4886

Address: City of Sandy, 39250 Pioneer Blvd., Sandy OR 97055

### SUBMITTAL REQUIREMENTS

ORS 197.615 and OAR Chapter 660, Division 18

1. Send this Form and **One (1)** Copy of the Adopted Amendment to:

**Department of Land Conservation and Development**  
**1175 Court Street, N.E.**  
**Salem, Oregon 97310-0590**

2. Submit **three (3)** copies of bound documents and maps larger than 8 1/2 by 11 inches.

3. Adopted materials must be sent to DLCD not later than **five (5)** working days following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption **must** include the text of the amendment plus **adopted** findings and supplementary information.

5. The deadline to appeal will be extended if you do not submit this Notice of Adoption within five working days of the final decision. Appeals to LUBA may be filed within 21 days of the date Notice of Adoption is sent to DLCD.

6. In addition to sending Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

If you need more copies of this form, please call the DLCD at 503-373-0050 or this form may be duplicated on green paper.



**ORDINANCE NO. 2008-03**

**AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTERS 17.10 AND 17.90 AND CLARIFYING THE CONTINUING APPLICABILITY OF 17.82.**

**WHEREAS**, the look and function of commercial, industrial, public and quasi-public buildings and developments is of great importance to Sandy's community identity and to its economic development and prosperity;

**WHEREAS**, the City received grant funding to modernize its design review standards as applied to new development and redevelopment in Sandy;

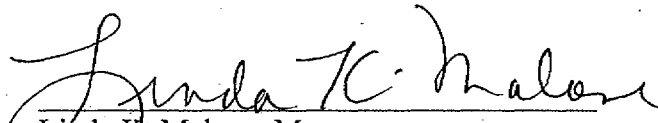
**WHEREAS**, the City held several workshops with interested stakeholders and held five public hearings on the proposed changes to the design criteria; and

**WHEREAS**, as a result many changes were made to the draft standards based on input from stakeholders and the general public.

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

- Section 1. Sandy Municipal Code Chapter 17.10 is amended as detailed in Exhibit A, attached and incorporated by reference. The amendments identified in Exhibit A are definitions to be added to the existing chapter.
- Section 2. Sandy Municipal Code Chapter 17.90 is replaced in its entirety with the language contained in Exhibit B, attached and incorporated by reference.
- Section 3. These amendments are supported by findings, attached as Exhibit C and incorporated by reference.
- Section 4. Sandy Municipal Code Chapter 17.82 remains applicable only to residential development. That chapter's substantive provisions applicable to commercial and industrial development are incorporated into the new Chapter 17.90. The City Manager is authorized to add a note to Chapter 17.82 to this effect. It is expected that Chapter 17.82 will be deleted in its entirety once new residential design standards are enacted.

**THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 3<sup>rd</sup> DAY OF MARCH 2008.**

  
Linda K. Malone, Mayor

ATTEST:

  
Karen Evatt, City Recorder



**EXHIBIT A**

**New Definitions to be Added to Chapter 17.10**

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

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

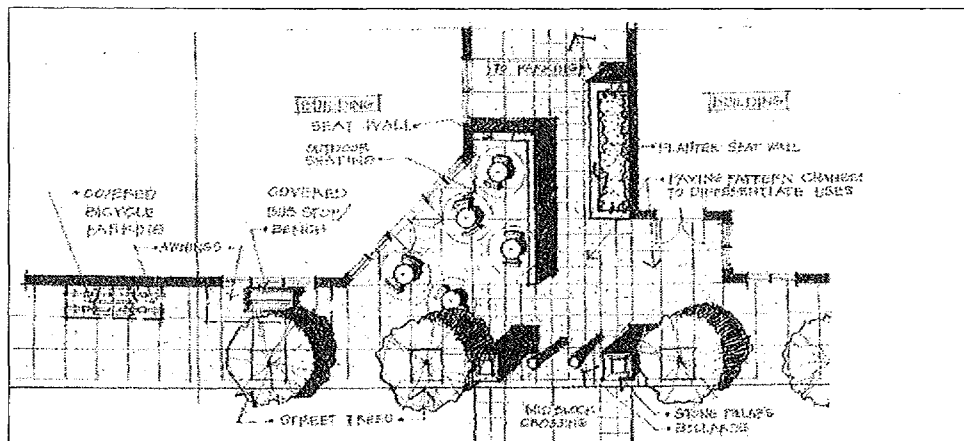
**Anchor space/store/building.** The largest single use, or the largest space designed for a single store or use, on a site.

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

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

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

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



**Civic space example**



Ordinance No. 2008-03

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

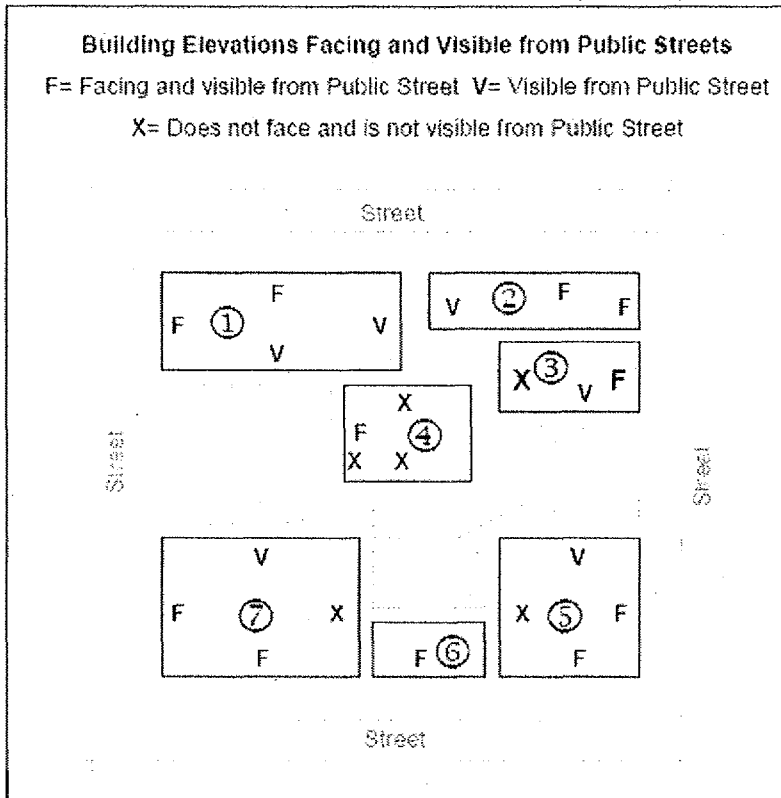
**Curtain windows (flush glazing).** Preassembled wall units or continuous window glazing providing a flush surface; windows may be separated by metal framing members which may be set entirely behind the glass panes or units. This type of glazing does not allow for the division of windows into small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

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



**Gables (cross-gables)**

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



**Facing and visible from a Public Street example**

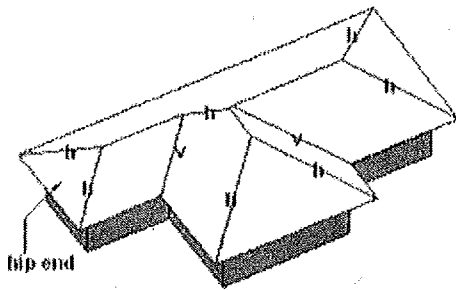
**Gabled roof.** The generally triangular portion of a wall between the lines of a sloping roof. The shape of the gable and how it is detailed depends on the structural system being used (which is often related to climate and materials) and aesthetic concerns. The City of Sandy requires minimum roof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

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

**Ground floor elevation.** The elevation of a building that is at or nearest the ground level measured from the ground to a point 12-feet above the ground. (This definition is used to measure the ground floor area subject to window requirements in Chapter 17.90).

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

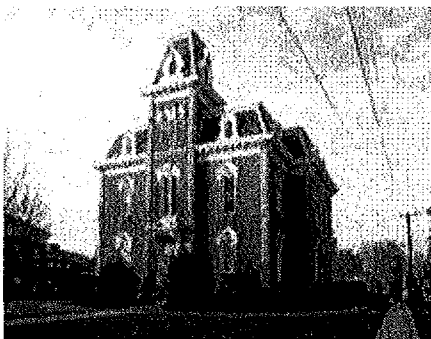
**Hipped roof.** A type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope. Thus it is a roof with no gables or other vertical sides to the roof. A square hip roof is shaped like a pyramid. Hip roofs on rectangular houses will have two triangular sides and two trapezoidal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



**Hipped roof**

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

**Mansard roof.** A style of hip roof characterized by two slopes on each of its four sides with the lower slope being much steeper, almost a vertical wall, while the upper slope, usually not visible from the ground, is pitched at the minimum needed to shed water. This form may accommodate an additional building story. Often the decorative potential of the Mansard is expressed through the use of convex or concave curvature and with elaborate dormer window surrounds.

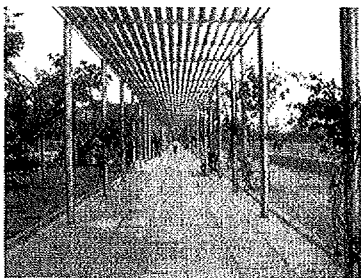


**Mansard roof**

**Parapet.** An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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

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

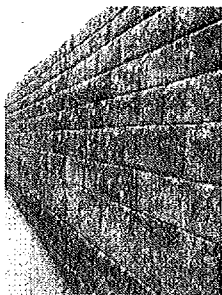


**Pergola**

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

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

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



**Rusticated stone work**

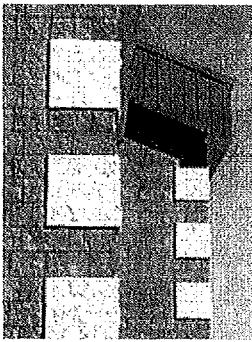
**Sandy Style.** An architectural style developed in the City of Sandy, Oregon that expresses elements of or reflects Cascadian Architecture by adapting appropriate elements of English Arts and Crafts Style (1900-1920) and Oregon Rustic Style (1915-1940) or similar elements.

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

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

**Split-face concrete.** Concrete masonry units or blocks with a split face, a technique that results in two blocks being manufactured as one unit and later split into two. This gives the blocks a rough face replicating the appearance of natural, quarried stone.



**Split face concrete**

**Standing seam.** A raised joint or rib on a sheet of metal roofing; provides visual relief and may help manage rainwater and snow.

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

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

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

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Linda K. Malone, Mayor

ATTEST:

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Karen Evatt, City Recorder



**EXHIBIT B  
CHAPTER 17.90  
DESIGN STANDARDS**

**17.90.00 INTENT**

Chapter 17.90 is intended to implement the following design standards. In addition to these standards, several appendices are included to aid in the implementation of these standards. Applicable appendices are referenced in this chapter and kept on file by the Planning Director at City Hall. In implementing these standards, the reviewing body shall refer to the following objectives in evaluating Design Review requests:

- A. Protect and enhance the city's quality of life and community image.
- B. Encourage functional, safe, and aesthetically pleasing development, while maintaining compatibility with the surrounding built and natural environment.
- C. Implement the *Sandy Style*, as described by this chapter. The Sandy Style is based on the following guiding principles:
  - 1. Celebrate Sandy as the Gateway to Mount Hood through contextually appropriate landscaping and building designs.
  - 2. Protect and enhance Sandy's tree canopy, particularly along the Highway 26 Landscape Management Corridor.
  - 3. Emphasize a "village" scale and character in new development. Village scale means development is compact and walkable, building entrances are oriented to the street sidewalk or a plaza, and large building masses are broken down through a combination of design elements such as articulation, combinations of complementary building materials and detailing.
  - 4. Express elements of or reflect Cascadian architecture by adapting appropriate elements of *English Arts and Crafts Style (1900-1920)* and *Oregon Rustic Style (1915-1940)*, and/or similar elements, into new buildings and exterior remodels, *except* in locations where this code allows or requires a different architectural style (e.g., *C-1 Historic Roadside Commercial District*).
  - 5. Encourage green building practices in new construction, such as the use of renewable energy (e.g., solar and wind), use of recycled materials, integration of water quality facilities in landscapes, capture of rainwater for irrigation, and similar practices.
- D. The city considers the following elements to be incompatible with the Sandy Style. The reviewing body may deny, or require modifications to, a project with any of the following:
  - 1. Excessive tree removal and/or grading that may harm existing vegetation within a designated landscape conservation area.
  - 2. Commercial development where buildings are setback from the street behind surface parking lots.
  - 3. Excessive surface parking lot paving and redundant driveways.



4. Drive-up facilities adjacent to a street that interrupt pedestrian circulation patterns or create potential safety hazards.
5. Disjointed parking areas, confusing or unsafe circulation patterns.
6. Box-like structures with large, blank, unarticulated wall surfaces.
7. Building materials or colors that do not conform to this code.
8. Highly reflective surfaces or heavily tinted glass storefronts.
9. Strongly thematic architectural styles, forms, colors, materials, and/or detailing, that do not conform to the Sandy Style, including some forms of franchise architectural styles associated with some chain commercial establishments.
10. Inadequate landscape buffers adjacent to parking lots, walkways and streets.
11. Visible outdoor storage, loading, and equipment areas.

#### **17.90.10 APPLICABILITY**

The provisions of this chapter apply to all zones and uses as follows except as specified in Sections 17.90.10(B), (C), (D), (E), and (F) below:

- A. All construction within a Commercial or Industrial Zoning District or a non-residential use in a Residential Zoning District including the following:
  1. New construction;
  2. Replacement of a building that is destroyed as specified in Section 17.08.30;
  3. Addition to an existing building;
  4. Exterior alterations other than general maintenance on an existing building;
  5. Site improvements including changes to landscaping, parking, civic spaces, etc.
- B. General Maintenance Exception: General maintenance activities including but not limited to the replacement of awnings, entryway covers, doors, windows, siding and roofing materials with like materials, and repainting with the same colors are exempt from these standards.
- C. Residential Dwelling Exception: Single family dwellings, duplexes, manufactured dwellings on individual lots of record, and manufactured dwellings in parks are exempt from all requirements of this chapter except for Section 17.90.150.
- D. Specific Building Exception: Certain buildings contain architectural characteristics that contribute to the unique character of Sandy's business community. However, these buildings are not necessarily designed in conformance with the applicable design standards described in this chapter. This section allows these buildings to be maintained, repaired, painted or added on to, in a way that is consistent with the existing architectural design of these buildings. Additionally, in the event a portion or the entire building is damaged by any means, this section allows these buildings to be rebuilt as currently designed. This exemption does not allow the architectural design of these buildings to be changed or altered from the current design without compliance with the provisions of this code.(as of February 1, 2008, see Appendix A) All other provisions in

this chapter related to site design, landscaping, lighting, and external storage and screening are still applicable. This exception is applicable to the following buildings:

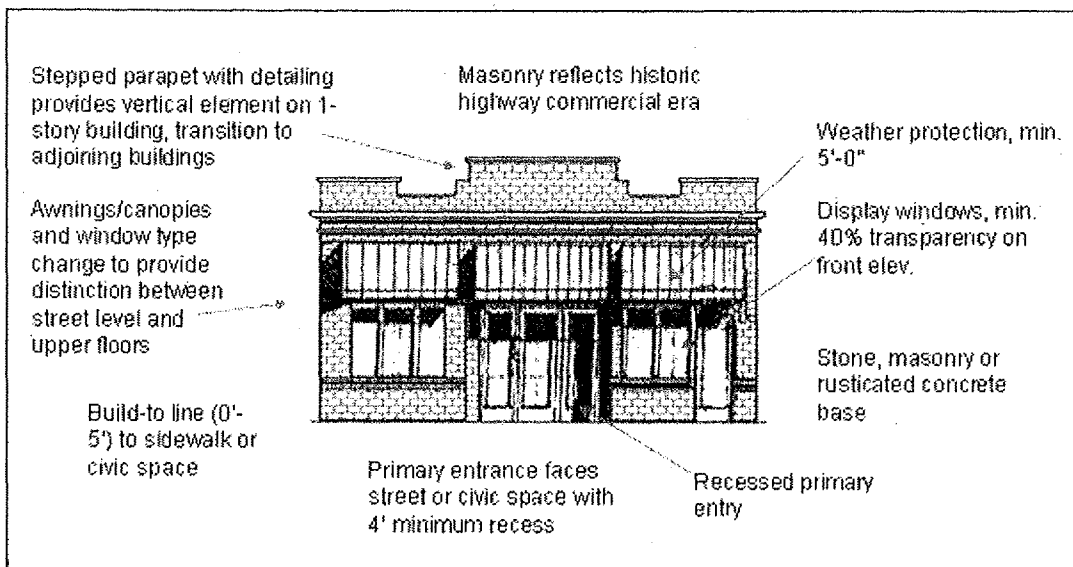
- Tollgate Inn Restaurant and Bakery (38050 and 38100 Highway 26)
- Joe's Donut Shop (39230 Pioneer Blvd.)

F. Downtown Area Exceptions: Two areas within downtown Sandy contain several existing buildings or groupings of buildings that contribute to the unique character of Sandy's downtown (Appendix B). As such, new building construction within these areas may either comply with the Sandy Style design standards of this chapter, or with the details specified below as shown in Figures 17.90.110-A and 178.90.110-B. All other provisions of this chapter related to site design, landscaping, lighting, and external storage and screening still apply.

a. Area A - South side of Pioneer Boulevard between Bruns Avenue and Meinig Avenue, including the lot at the southeast corner of Pioneer and Meinig (Figure 17.90.110-F):

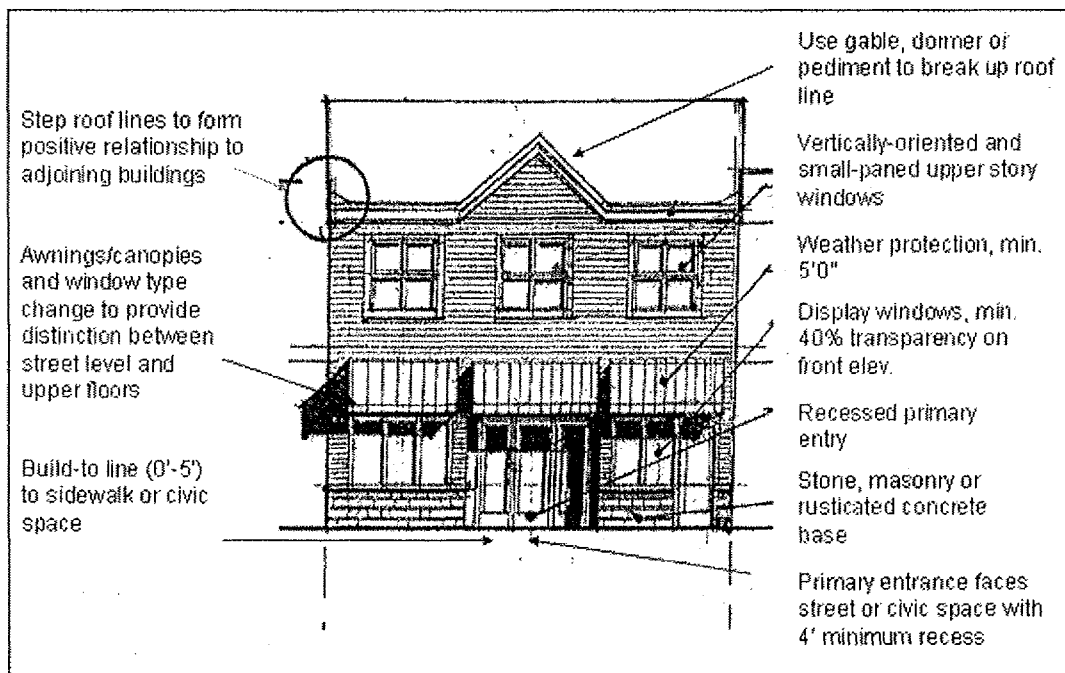
- (1) Use of flat roofs (See Section 17.90.110(C)(8)) with detailed stepped parapet and regularly spaced picture windows (divided or undivided) framed by pilasters, transoms, and sills.
- (2) Use of masonry block, brick or fluted concrete, consistent with the existing historic roadside commercial structures is allowed.
- (3) Buildings may contain symmetrical forms based on a rectangular building plan and simple massing.
- (4) Building articulation and detailing should express the physical structure of buildings in this area.

**Figure 17.90.110-A: Typical Building Elements in Historic Roadside Commercial (Roadside Building Style)**



- b. Area B - South side of Pioneer Boulevard between Scales Avenue and Bruns Avenue, and for the Odd Fellows Hall on the north side of Pioneer Boulevard:
- (1) The preferred siding material for building remodels is wood lap siding, consistent with the farm-style structures in that area.
  - (2) Building forms and detailing should express a farmhouse vernacular; buildings should incorporate front-facing gables, covered porches, and divided or double hung sash windows.
  - (3) Paint color should not contrast with the white-washed buildings on this block.

Figure 17.90.110-B: Typical Building Elements in Historic Roadside Commercial (Farmhouse-Style)



### 17.90.30 POWERS AND DUTIES

Staff shall review plans for compliance with the Development Code and other applicable regulations. The Planning Director may tailor the extent of the review by deleting or combining steps when not warranted by the scale of the development.

### 17.90.40 TYPE OF REVIEW

#### A. Type I – Administrative

Type I review applies to single family dwellings, duplex dwellings, manufactured homes on individual lots, manufactured homes within MH parks, and permitted residential accessory dwellings and structures.

Type I review also applies to exterior building alterations or additions on existing commercial or industrial buildings, multi-family dwellings, and non-residential uses on residentially zoned lots where the proposed alteration or addition meets the following criteria:

1. Exterior alterations other than general maintenance as defined in Section 17.90.10(B).
2. Modifications to the number of parking spaces by not more than 10 percent;
3. Modifications to the area devoted to landscaping or civic space by not more than 10 percent;
4. Building additions in the C-1 and C-3 zones containing less than 1,000 square feet.
5. Building additions in the C-2, I-1, and I-2 zones containing less than 3,000 square feet.

**B. Type II – Director’s Review**

Type II review includes floor area expansions greater than the thresholds for a Type I review and all other multi-family, commercial, industrial development and non-residential development on residentially zoned land that is in compliance with code standards, except where a Type III procedure is requested or required.

**C. Type III – Quasi-Judicial**

Type III review includes development where the applicant has requested Type III Design Review or the Director has determined the review will involve more than a nominal amount of discretion in applying this chapter’s standards to the application. The more a request seeks to deviate from a standard, the greater the burden on the applicant to demonstrate the request complies with the standard’s intent.

**17.90.70 EXPIRATION OF APPROVAL**

Design Review approval shall be void after two (2) years from the date of the Final Order, or lesser time as the Planning Commission may specify, unless the applicant has submitted plans for building permit approval or demolition approval, as applicable, within this timeframe. The Director may grant one extension through a Type I procedure, not to exceed one (1) year, upon a written request from the applicant prior to the expiration date of the approval and a finding that the applicant has made a good faith effort to implement the approved plan.

**17.90.80 MODIFYING APPROVALS**

A. Major Modification. A major modification to a Design Review approval shall be processed as a new application. Major Modifications include but are not limited to:

1. Changes in proposed land use;
2. Substantial change in building elevation and materials;
3. Changes in type and location of access ways and parking areas where off-site traffic would be affected;
4. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified;

Ordinance No. 2008-03

5. Increase in the total ground area proposed to be covered by structures or parking by more than 10 percent from what was previously specified;
  6. Reduction of project amenities provided, such as civic space, recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified, and;
  7. Any other modification to a requirement established at the time of Design Review approval.
- B. Minor Modification. Minor Modifications may include any of the changes listed above provided the change is below the quantifiable thresholds for a Major Modification, per Section 17.90.80(A). Minor modifications shall be processed as a Type I or Type II decision at the Director's discretion; a Type II procedure shall be used where the modification requires interpretation of a discretionary standard.

**17.90.90 SUBMISSION REQUIREMENTS - TYPE I**

A. Number of Copies: 2

- B. Site Plan. As determined by the Planning Director, the site plan shall be drawn at an approved engineering scale (e.g., 1"=100'; 1"=50'; 1"=20'; or 1"=10') and shall include the applicant's entire property including:
1. Dimensions of the property;
  2. Proposed building location;
  3. Easements of record;
  4. Parcel boundaries;
  5. Driveway location;
  6. Contour lines at the following minimum intervals;
    - a. 2' intervals for slopes 0%-14.9%
    - b. 5' or 10' intervals for slopes between 15%-25%
    - c. Identification of areas exceeding 25%
  7. Flood and Slope Hazard Overlay District boundaries;
  8. Drainage, including adjacent lands;
  9. Natural hazard areas, including potential flood or high ground water, landslides, erosion, drainage ways, and weak foundation soils;
  10. Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas, and surface features such as earth mounds and large rock outcroppings;
  11. Streams and stream corridors;
  12. Location of trees over 11-inches or greater DBH (6-inches or greater in FSH Overlay District);
  13. Additional information as required by the Director such as soils, geology, hydrologic study,

photometric analysis, etc.

- C. Building elevations showing the required design standards.

**17.90.100 SUBMISSION REQUIREMENTS - TYPE II AND TYPE III**

- A. Number of Copies: Type II – 8 copies, Type III – 15 copies
- B. Digital Version – A compact disc containing a digital version of the required narrative in Microsoft Word format and a plan set in PDF format.
- C. Project Narrative documenting compliance with applicable code criteria. If the application involves any deviations from the Code standards (i.e., Type III Design Review), the narrative shall describe how the proposal meets or exceeds the intent of the standard(s) for which a deviation is requested.
- D. Site Analysis Map. An analysis of the site showing the relationship between the site and adjacent properties to contain the following:
1. Property boundaries, dimensions, and gross area;
  2. Topographic contour lines at two-foot intervals for slopes 0-10 percent and five foot intervals for slopes greater than 10 percent;
  3. Location of approved Flood and Slope Hazard Overlay District boundaries and restricted development areas per Chapter 17.60;
  4. Site features including existing structures, pavement, large surface features such as earth mounds and large rock outcroppings;
  5. Contour lines at the following intervals:
    - a. 2' intervals for slopes 0-14.9%
    - b. 5' or 10' intervals for slopes between 15%-25%
    - c. Identification of areas exceeding 25%;
  6. Location and width of public and private streets, drives, sidewalks, rights-of-ways, and easements;
  7. Location, size, and species of trees 11-inches and greater DBH (6-inches or greater DBH in FSH Overlay District);
  8. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
  9. Name and address of project designer, engineer, surveyor, and/or planner, if applicable;
  10. Other information as required by the Director such as soils, geology, hydrologic study, etc.
- E. Proposed site plan. The site plan shall contain the following information:
1. The proposed development site, including boundaries, dimensions, and gross area;
  2. Features identified on the existing site analysis maps that are proposed to remain on the site;

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3. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
  4. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  6. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
  7. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
  8. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  9. Loading and service areas for waste disposal, loading and delivery;
  10. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
  11. Location, type, and height of outdoor lighting;
  12. Location of mail boxes, if known;
  13. Name and address of project designer, if applicable;
  14. Locations of bus stops and other public or private transportation facilities;
  15. Locations, sizes, and types of signs;
  16. Location of retaining walls.
- F. Preliminary Utility Plan. (Including the location of all electrical transformers and utility meters)
- G. Traffic Impact Study or Traffic Letter (as determined by the Planning Director) in compliance with City standards.
- H. Photometric Analysis and cut sheets of proposed lighting demonstrating compliance with Chapter 15.30, Dark Sky Ordinance.
- I. Preliminary Grading Plan. A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals consistent with the provisions of this code.
- J. Architectural Drawings. Architectural drawings shall contain the following:
1. Building elevations;
  2. Building materials: colors and type (including color board);
  3. Retaining walls including type and height;
  4. Other drawings or studies (e.g., line-of-sight analysis, perspective, model, visual simulation, etc.) as deemed necessary for evaluating the application as determined necessary by the

Planning Director.

K. Landscape Plan. Landscape plans shall contain the following:

1. Property and lot boundaries and rights-of-way;
2. Structures and impervious surfaces including parking lots;
3. General landscape development plan, including plant specifications keyed to plan map and including botanical names, common names, sizes, numbers, and methods of planting and maintenance, location of existing plants and groups of plants proposed;
4. Description of soil conditions and plans for soil treatment such as stockpiling of topsoil, addition of soil amendments, and plant selection requirements, relating to soil conditions;
5. Details of irrigation method;
6. Landscape-related structures such as fences, decks, terraces, patios, shelters, play areas, etc.;
7. Boundaries of open space, recreation or reserved areas;
8. Location of pedestrian or bicycle circulation.

L. Signs. Proposed sign details and dimensions in conformance with Chapter 15.32.

M. Other Information or studies determined to be necessary by the Director prepared by qualified professionals to address specific site features or project impacts (e.g. arborist report, natural hazards, Geotechnical, etc.).

#### **17.90.110 DOWNTOWN AND VILLAGE COMMERCIAL (C-1 AND C-3) DESIGN STANDARDS**

Development in the C-1 and C-3 districts shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

##### **A. Site Layout and Vehicle Access.**

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.110-C and 17.90.110-D)

1. All lots shall abut or have cross access to a dedicated public street.
2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.
3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10-feet of the public right-of-way, as shown in Figure 17.90.110(C). When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.
4. Adjacent parking lots shall be connected to one another when the City determines it is



- practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.
5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.
  6. Where openings occur between buildings facing Proctor Boulevard or Pioneer Boulevard, pedestrian ways shall connect the street sidewalk to any internal parking areas. Development shall avoid creating barriers to pedestrian circulation.
  7. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.
  8. Raised walkways or painted crossings from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or be painted (e.g., colored concrete inlay in asphalt).
  9. Joint use of access points and interconnections and cross-over easements between parcels shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.
  10. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary.
  11. Through lots and corner lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.
  12. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and civic spaces.

**Figure 17.90.110-C: Downtown Block Elements**

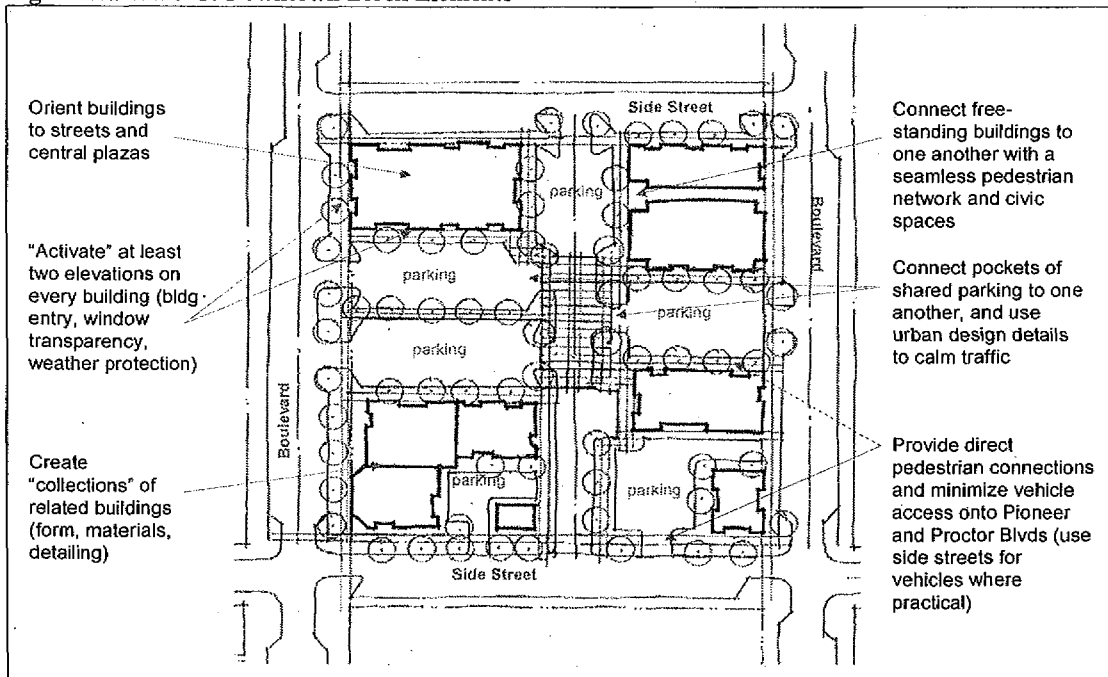
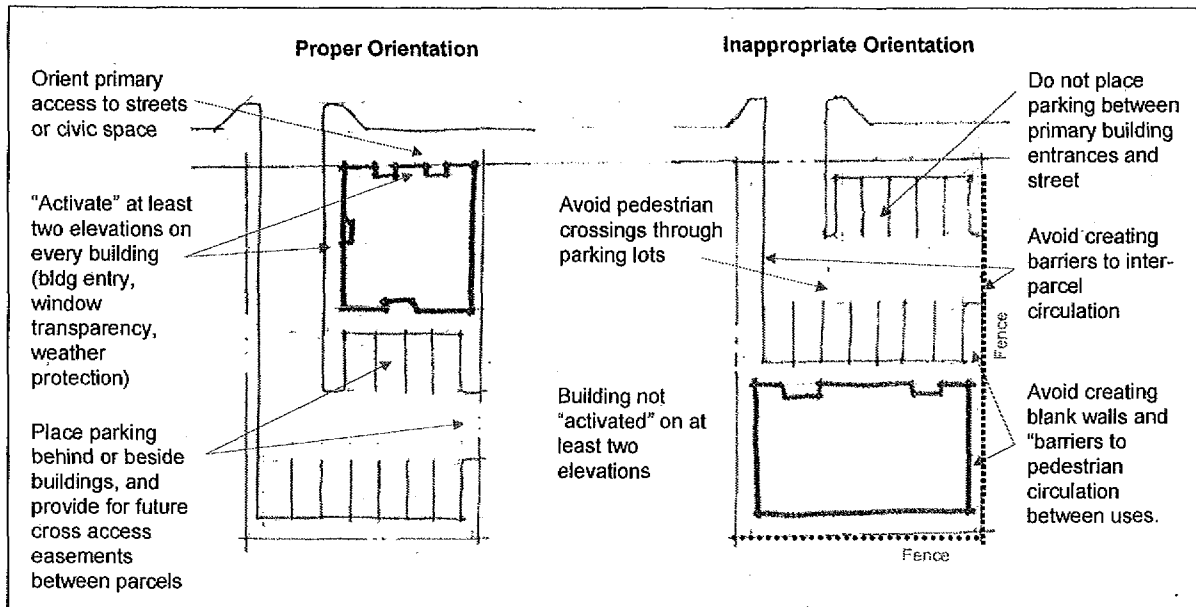


Figure 17.90.110-D: Downtown Building Orientation



## B. Building Facades, Materials, and Colors

Intent: To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, Color Palettes (Appendices C and D), and photos (Appendix E.)

1. **Articulation.** The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations of a structure visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as viewed from the street as follows:
  - a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes no more than 30 lineal feet long to include the following:
    - 1) Wall planes meeting this standard shall include a feature or variation in the wall plane that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four (4) feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.
    - 2) Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.
    - 3) The lower and upper floors of multi-story buildings shall be clearly delineated by using

pedestrian shelters, change in siding materials, heavy timber or natural wood accents (e.g., brackets, paneling or other detailing).

2. **Pedestrian Shelters.** Buildings must incorporate pedestrian shelters, as follows:

- a. Pedestrian shelters shall be provided over the building's primary entrance(s) and pedestrian areas (i.e., sidewalks and civic spaces) abutting the subject building.
- b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required.
- c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.
- d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.110(C). Dome or bubble shaped awnings are not permitted.

3. **Building Materials.** Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:

- a. Buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions, and remodeling such that buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.
- b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, or brick are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from the abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.
- c. Foundations shall be designed to match the scale of the building being supported. Examples include sheathing the foundation structure with base materials and wall siding.
- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, or a combination of these materials. Stucco, synthetic stucco, and metal are permitted only as specified below.
  - 1) Vinyl, plastic or similar siding is not permitted.
  - 1) Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.
  - 2) Where board-and-batten siding is used, battens shall be a minimum of 2-inches wide x 1-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.
  - 3) Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every

- elevation where it is used. Examples of decorative patterns include multi-toned masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate rusticated stone-type construction. Changes in pattern should be used to accentuate breaks in building stories, corners, windows, structural bays, and building tops (e.g., parapets where flat roofs are allowed).
- 4) Where metal siding is used, it shall be used as an accent only, comprising not more than 20 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the approved Color Palette. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements.
  - 5) Where stucco or synthetic stucco is used, it shall be used as an accent only, comprising not more than 20 percent of the surface area of the building elevation.
- e. Building elevations facing a public right-of-way or civic space shall incorporate at least three (3) of the following features: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, and storefront elements.
- 1) Exposed, heavy timbers;
  - 2) Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
  - 3) Natural wood color shingles (e.g., used as siding or to accent gable ends);
  - 4) Metal canopies;
  - 5) Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing; *and*,
  - 6) Similar features, consistent with the Sandy Style.
- f. Materials required on elevations visible from an abutting public street must turn the building corner and incorporate appropriate transitions onto elevations not requiring these materials for a distance of not less than two (2) feet.
4. **Colors.** Building exteriors shall comply with the following standards:
- a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to the Color Palette provided in Appendix C.
  - b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one (1) percent of the surface area of any elevation. Such color shall not be used as primary wall colors.
  - c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

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Figure 17.90.110-E: Typical Building Elements in Sandy Style (Mixed Use Example)

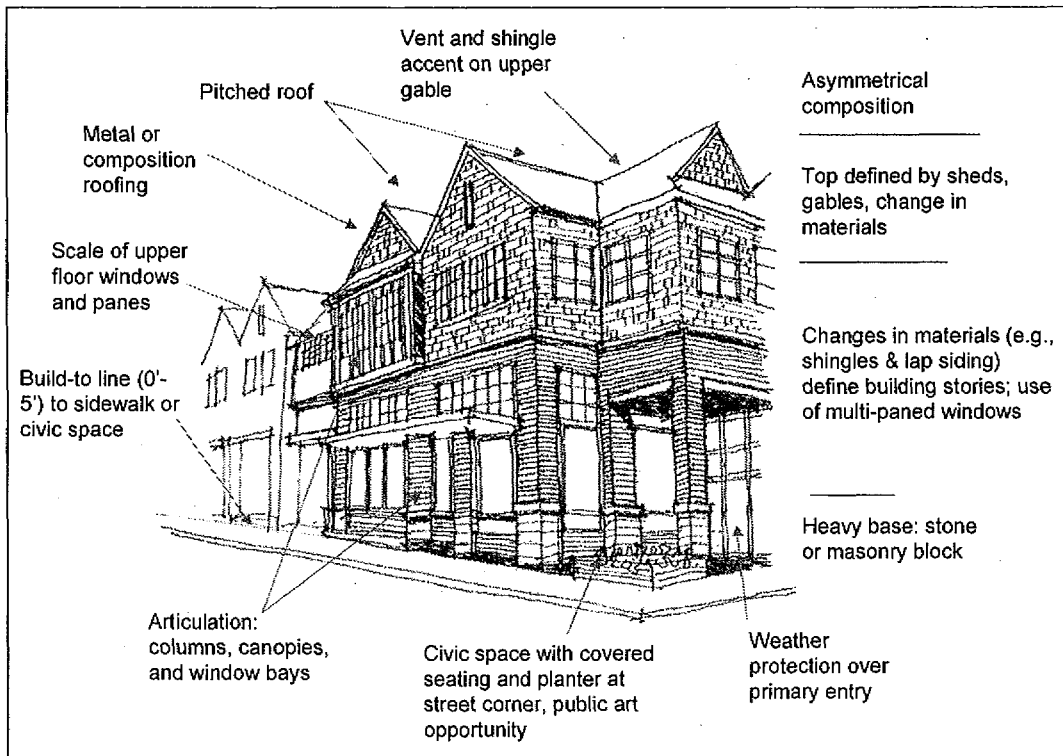


Figure 17.90.110-F: Typical Building Elements in Sandy Style (Mixed Use Example)

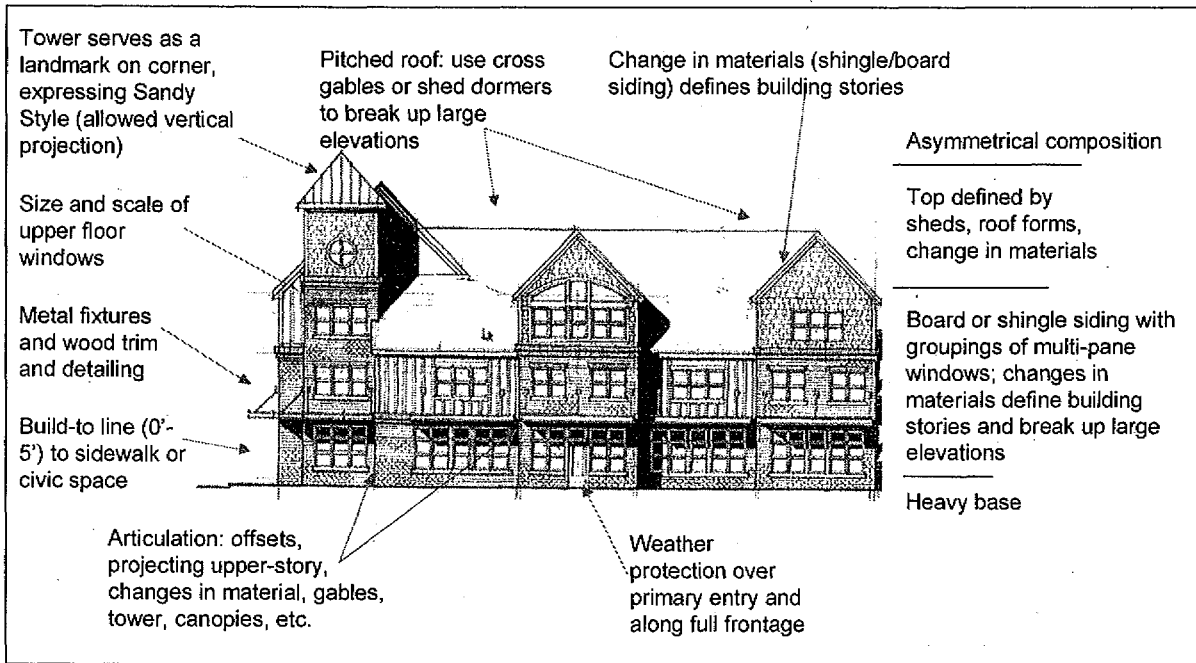
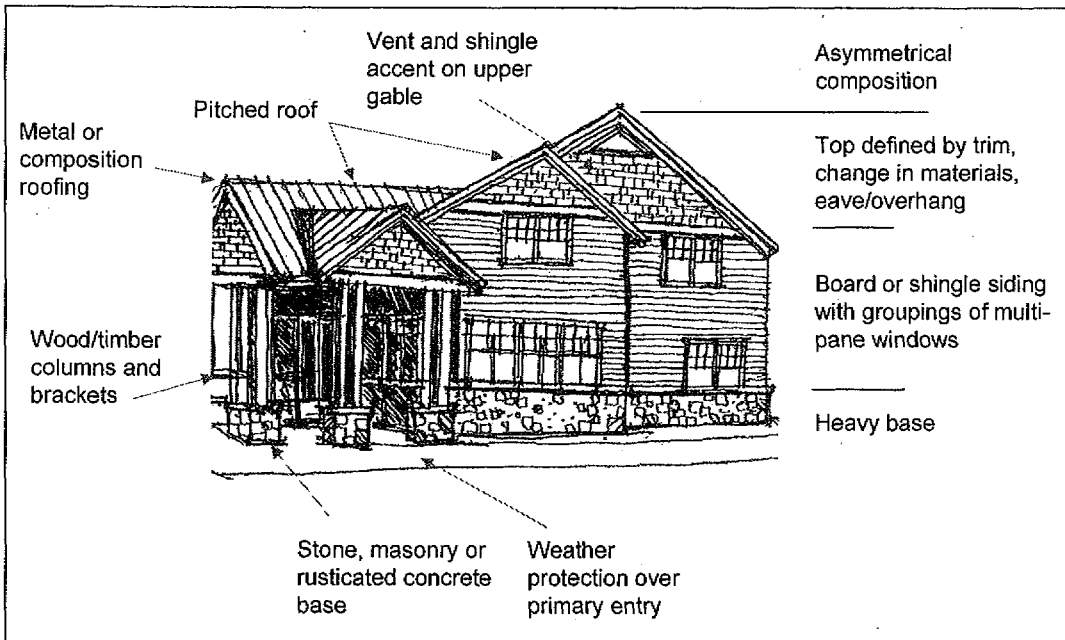


Figure 17.90.110-G: Typical Building Elements in the Sandy Style (Commercial Building)



**C. Roof Pitch, Materials, and Parapets**

Intent: To provide roof forms and detailing consistent with the Sandy Style. For purposes of



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interpreting the Sandy Style, representative illustrations and photos are provided. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)

1. Except as provided in subsections 17.90.110(C)(8), below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

Zoning District	Primary Roof Forms (minimum)	Secondary Roof Forms (minimum)
C-1, C-3	6:12	4:12

2. As provided above, "Primary Roof Forms" are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.
3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.
4. Pitched roof surfaces visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

Roof Length	Number of Secondary Roof Forms
30 – 40 feet	1
41 – 80 feet	2
81 feet and greater	4

5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.
7. A-frame buildings and Mansard-style roofs are not permitted.
8. Exception to Pitched Roof: When a building requires a roof span greater than 50-feet, or the

internal function of the building or a portion of the building makes construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an “applied pitched roof” or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.

- a. Applied Pitched Roof: An “applied pitched roof” is the preferred alternative roof form and shall be considered first. An “applied pitched roof” is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An “applied pitched roof” shall be constructed according to the following:
  - 1) For buildings with a span of less than 50 feet, the “applied pitched roof” shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;
  - 2) For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.
  - 3) The reviewing body may require buildings with a span of 50 feet or greater to include an “applied pitched roof” in lieu of a flat roof along street facing elevations.
- b. Flat Roof: Flat roofs shall comply with the following standards:
  - 1) Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from an abutting public street. Parapets shall be varied so that the length of a parapet does not exceed 30 feet without a change in the parapet height of at least 2 feet or as necessary to hide rooftop equipment.
  - 2) Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed one-third (1/3) of the height of the supporting wall;
  - 3) A cornice projecting at least six (6) inches from the building face shall be provided at the roofline of all elevations visible from abutting public rights-of-ways and pedestrian ways;
  - 4) Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building;

#### **D. Building Orientation and Entrances**

Intent: To maintain and enhance downtown and village commercial streetscapes as public spaces, emphasizing a pedestrian-scale and character in new development, consistent with the Sandy Style; and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I and representative photos in Appendix E)

1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site’s street frontage is comprised of building(s) placed within 10 feet of a

sidewalk or an approved civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building's front façade and the adjacent street(s).

2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk. The partial screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building's primary entrance.
3. Ground floor spaces shall face a public street and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel). Where the reviewing authority determines that facing the building to a street is not practical, it may require the building to face a civic space.
4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within 40 feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style. Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.
5. Upper story residential units shall have an entrance separate from the ground floor (commercial) space and conform to applicable building codes.
6. Buildings shall provide at least two elevations where the pedestrian environment is "activated". An elevation is "activated" when it meets the window transparency requirements in subsection 17.90.110(E), below, and contains a customer entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space. Where providing a customer entrance on two (2) elevations is not practical, the reviewing body may allow a single entrance.
7. Primary entries shall face a public street or a civic space and shall be spaced not more than 30 feet apart on average. Ancillary shops shall provide entries every 30 feet, on average.
8. Primary entrances shall be architecturally emphasized and visible from the abutting public right-of-way or civic space and shall be sheltered with a canopy, overhang, or portico with a depth of at least five (5) feet. Architectural emphasis should be provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

#### **E. Windows**

Intent: To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (See Figures 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, and 17.90.110-I, and representative photos in Appendix E.

1. **Unified Design.** Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.

2. **Ground Floor Windows.** The ground floor elevation of all new buildings shall contain display areas, windows, and doorways along street frontages and where the building abuts a civic space as follows: Lots with multiple street frontages are required to meet this standard on only two frontages.

Building Size	Percentage Windows Required
0 - 10,000 sq. ft.	40 percent of ground floor elevation
Greater than 10,000 sq. ft.	25 percent of ground floor elevation

- a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may approve locating windows above or below this height. Display boxes affixed to a building's exterior are not counted in meeting the above standard.
  - b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.
  - c. Windows with any dimension exceeding six (6) feet shall be divided into smaller panes (e.g., 2 foot by 2 foot grid) with real divided panes, vinyl inserts or applied dividers.
  - d. Windows shall have trim or moldings at least three (3) inches in width around them, or have reveals of at least three (3) inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.
3. **Upper Floor Window Standards.**
- a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along "activated" frontages. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.110(B)(1).
  - b. Windows shall be square or vertically oriented. Individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes.
  - c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet, unless approved by variance or adjustment. Upper story windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged.
  - d. Window trim and moldings shall be compatible with those used on the ground floor.
4. **Prohibited Windows.** The following window types are prohibited:
- a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to

street sidewalks, civic spaces and walkways.

- b. Glass curtain windows are not permitted facing public right-of-ways, except where the reviewing body finds that such windows are consistent with the Sandy Style.

#### **F. Landscaping and Streetscape Design**

Intent: To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style; and to provide for a pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (Figures 17.90.110-A, 17.90.110-B, 17.90.110-C, 17.90.110-D, 17.90.110-E, 17.90.110-F, 17.90.110-G, 17.90.110-H, 17.90.110-I, and Downtown Sandy Streetscape Design)

1. The provisions of Chapter 17.92, Landscaping and Screening General Standards shall apply except in the C-1 Zoning District where conformance with the Downtown Sandy Streetscape Design, as illustrated in Appendix F is required.
2. Where any conflict arises between provisions of the Sandy Streetscape Design and other city standards (e.g., sidewalk width, materials, or similar specifications), the Streetscape Design shall prevail. All applicable provisions of Chapter 17.92 Landscaping and Screening General Standards must be met, except as modified by the Downtown Sandy Streetscape Design.

#### **G. Civic Space**

Intent: To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for the public, consistent with Sandy's Downtown Streetscape Design. (See Figures 17.90.110-H and 17.90.110-I).

1. Not less than three (3) percent of the ground floor area of every development shall be improved as civic space.
2. All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.
3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.
4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.
5. Unless impractical, civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.
6. Exceptions: Building additions and remodels subject to Type I Design Review are not

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required to set aside or improve civic space, though they are encouraged to do so.

Figure 17.90.110-H: Civic Space Example 1

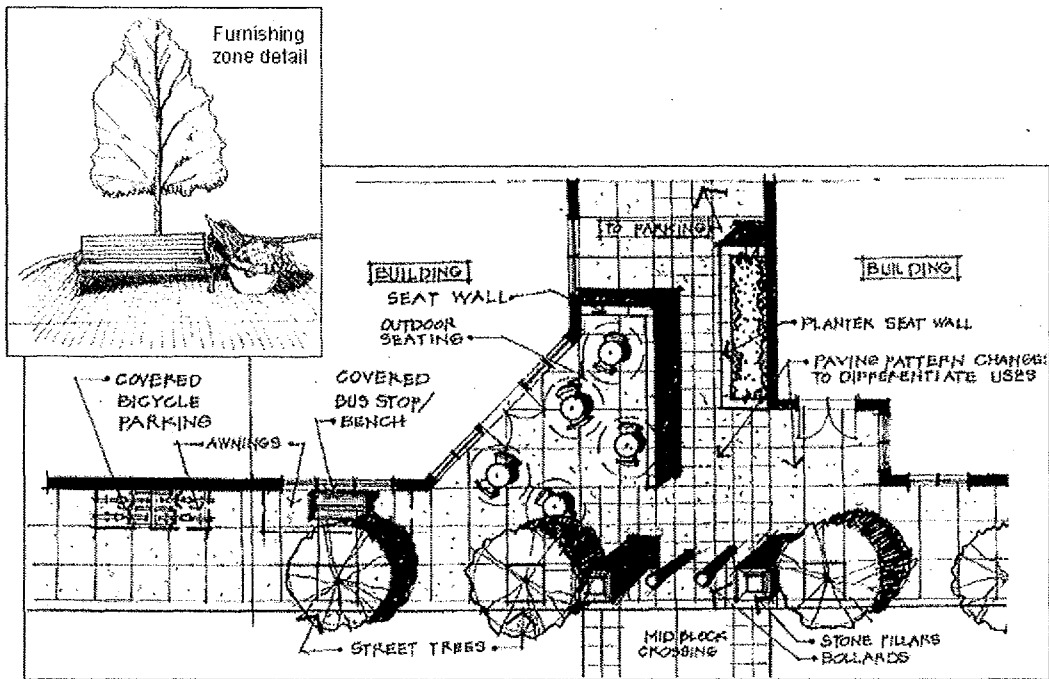
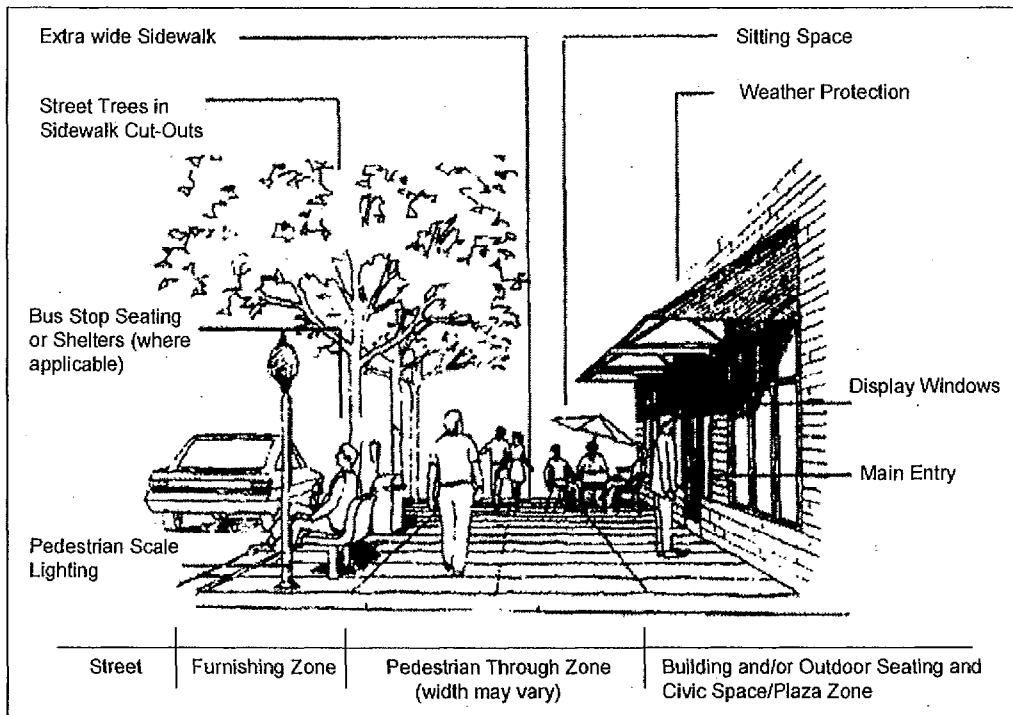


Figure 17.90.110-I: Civic Space Example 2



## **H. Lighting**

Intent: To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style.

1. Streetscape lighting shall conform to the Downtown Sandy Streetscape Design and the requirements of Chapter 15.30, Dark Sky Ordinance.
2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. On-site light fixtures conforming to the Sandy Style are encouraged.
3. Lighting must be adequate for safety purposes. Walkways, parking lots, and building entrances should be illuminated at 1.5 – 2.0 foot candles.

## **I. Safety and Security**

Intent: To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.
2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.
3. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates buildings and their entries for patrons and emergency services.
4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas. (See also, subsection H Lighting.)

## **J. External Storage and Screening**

Intent: To promote land use compatibility and aesthetics, particularly where development abuts public spaces.

1. Exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.
2. Where such storage is allowed, it must be screened from view from public rights of way and civic spaces.
3. Mechanical, electrical, communications equipment including meters and transformers, and service and delivery entrances and garbage storage areas shall be screened from view from public rights-of-way and civic spaces.
4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from public rights of way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.
5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to the



proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

**17.90.120 GENERAL COMMERCIAL AND INDUSTRIAL (C-2 and I-1) AND NON-RESIDENTIAL USES IN RESIDENTIAL ZONES DESIGN STANDARDS**

Development in the C-2 and I-1 districts and non-residential uses in a residential zone shall conform to all of the following standards, as applicable. Where a conflict exists between the requirements of this Chapter and any other code provision, this Chapter shall prevail.

**A. Site Layout and Access.**

Intent: To provide for compact, walkable development, and to design and manage vehicle access and circulation in a manner that supports pedestrian safety, comfort and convenience. (Figures 17.90.120-A and 17.90.120-B)

1. All lots shall abut or have cross access to a dedicated public street.
2. All lots that have access to a public alley shall provide for an additional vehicle access from that alley.
3. Off-street parking shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10-feet of the public right-of-way, as shown in Figure 17.90.120-A. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.
4. Adjacent parking lots shall be connected to one another when the City determines it is practicable to do so. Developments shall avoid creating barriers to inter-parcel circulation.
5. Urban design details, such as raised or painted pedestrian crossings and similar devices incorporating changes in paving materials, textures or color, shall be used to calm traffic and protect pedestrians in parking areas.
6. Parking lots may include public alley accessed garages at the rear property line, except where a setback is required for vision clearance or to conform to other city standards.
7. Walkways from the public street sidewalk to the building entrance(s) are required. Crosswalks through parking lots and drive aisles shall be constructed of a material contrasting with the road surface or painted (e.g., colored concrete inlay in asphalt).
8. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian connection to adjacent properties where the City determines this is practicable and necessary. Where openings occur between buildings adjacent to Highway 26, pedestrian ways should connect the street sidewalk to any internal parking areas and building entrances. Development should avoid creating barriers to pedestrian circulation.
9. Joint use of access points and interconnections and cross-over easements between parcels

shall be required, where the City determines it is practicable and necessary. A development approval may be conditioned to require a joint use access easement and interconnecting driveways or alleys to comply with access spacing and other applicable code requirements.

10. Through lots may be permitted with two access points, one onto each abutting street, where necessary to serve a centralized, shared parking facility. Such access points must conform to the above access spacing requirements and parking must be internalized to the property.
11. Free-standing buildings shall be connected to one another with a seamless pedestrian network that provides access to building entrances and adjacent civic spaces.
12. Minimum parking requirements are contained in Chapter 17.98. For developments containing more than 150 parking spaces, at least 20 percent of all parking spaces shall be constructed of permeable materials such as permeable asphalt, permeable concrete, pavers, and/or similar materials as approved by the City.

Figure 17.90.120-A: Typical Block Layout

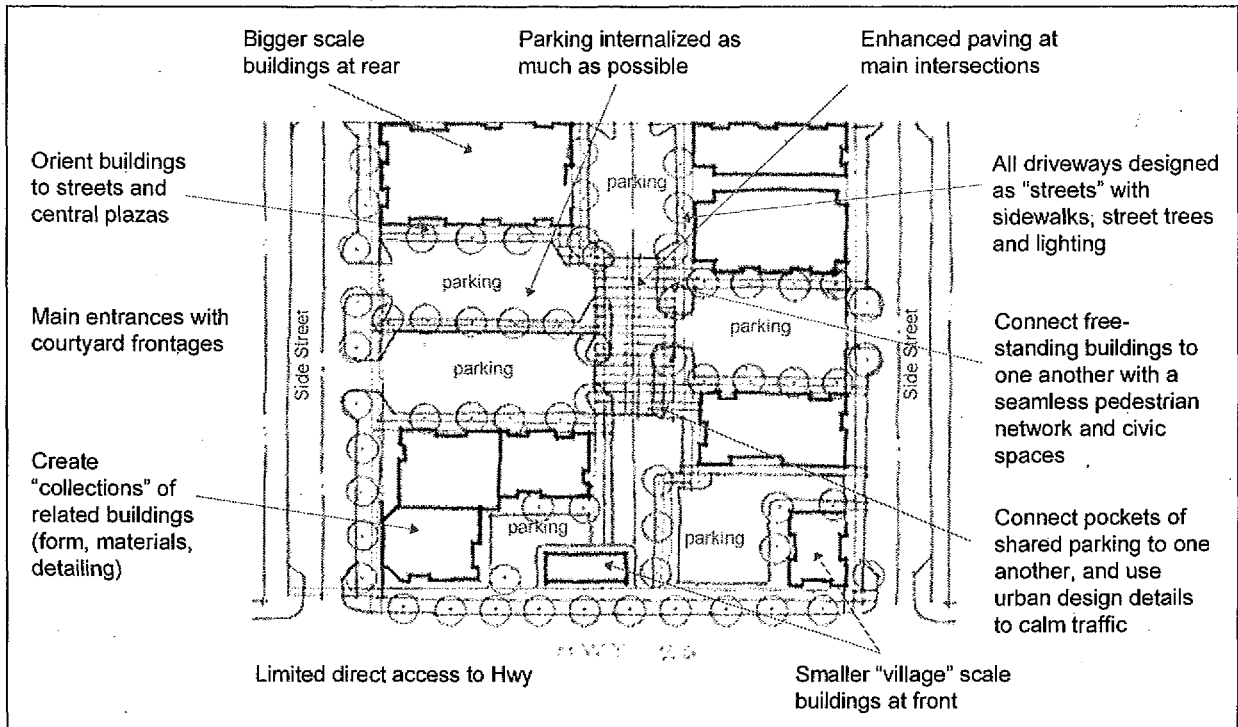
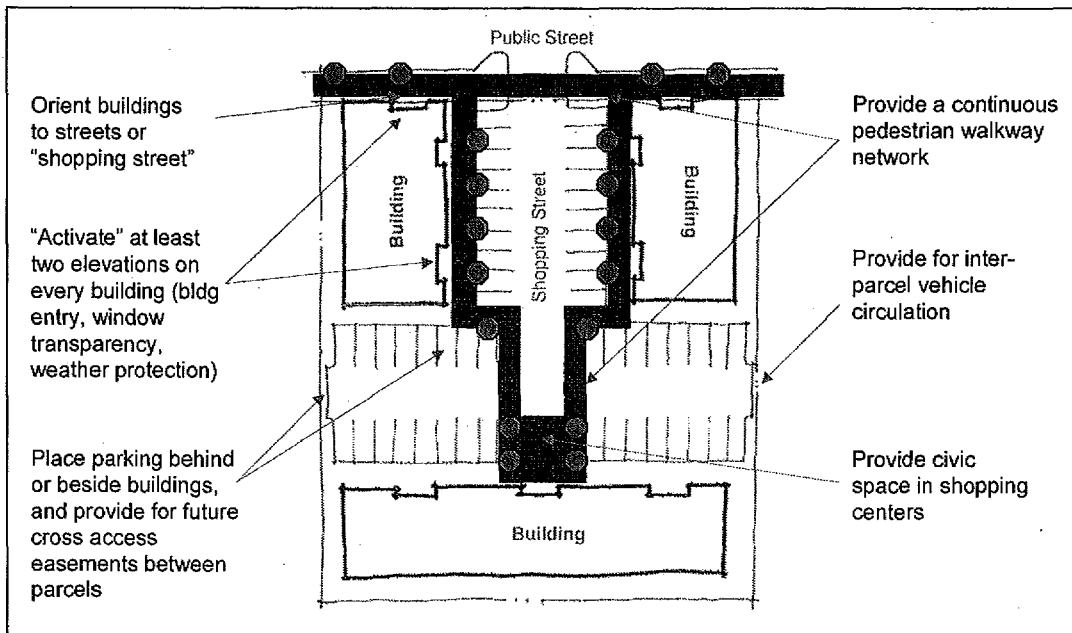


Figure 17.90.120-B: Alternative Shopping Street Block Layout



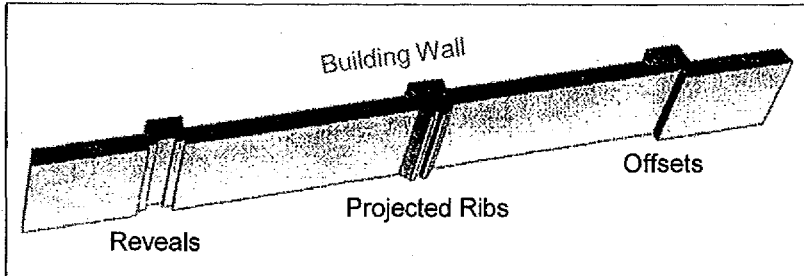
## B. Building Facades, Materials, and Colors

Intent: To provide building façades, materials and colors consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-C, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I; and the Color Palette and representative photos provided in the Appendix E.)

1. **Articulation.** The Sandy Style includes asymmetrical building forms, which by definition require buildings to be articulated, varied, and provide visual interest. This standard is met by dividing elevations visible from an abutting public street or pedestrian way into smaller areas or planes to minimize the appearance of bulk as follows:
  - a. All elevations visible from an abutting public street or pedestrian way shall be divided into distinct planes of no more than 40 lineal feet long to include the following:
    - 1) Wall planes meeting this standard shall include a feature or variation in the wall plane that are those that are entirely separated from other wall planes by a recessed or projecting section of the structure that projects or recedes at least six (6) inches from the adjacent plane, for a length of at least four six (4) feet. Changes in plane may include but are not limited to recessed entries, bays, secondary roof forms (e.g., gables, lower roof sheds, dormers and towers), building bases, canopies, awnings, projections, recesses, alcoves, pergolas, porticos, roof overhangs, or other features consistent with the Sandy Style.
    - 2) Wall planes shall incorporate at least one visually contrasting and complementary change in materials or changes in texture or patterns, including trim, moldings, or other ornamental devices.

- 3) The lower and upper floors of multi-storied buildings shall be delineated by using pedestrian shelters, changes in siding materials, heavy timbers, or natural wood accents (e.g. brackets, paneling, or other detailing).

Figure 17.90.120-C: Articulation Example – Bays



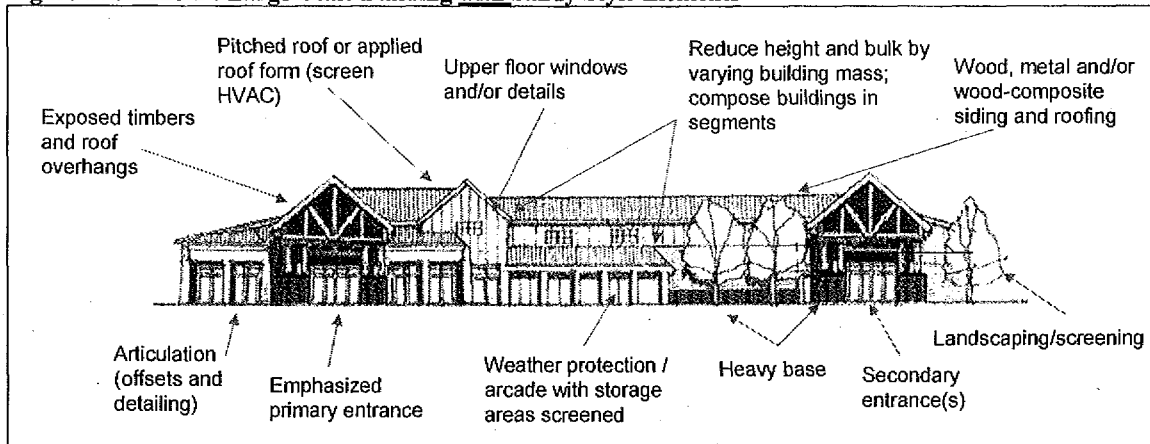
2. **Pedestrian Shelters.** Buildings must incorporate pedestrian shelters, as follows:
  - a. Pedestrian shelters shall be provided over the building's primary entrance(s) and all pedestrian areas (i.e., sidewalks, and civic spaces) abutting the subject building, where pedestrians are likely to use these facilities.
  - b. Features such as canopies, arcades, awnings, roofs overhangs, covered porches, alcoves, and/or porticoes are required to protect pedestrians from the rain and sun.
  - c. Pedestrian shelters must extend at least five (5) feet over the pedestrian area.
  - d. Shelters designed with gables (e.g., over building entrances) are preferred over flat shelters, and must comply with the roof pitch standards in Section 17.90.120(C). Dome or bubble shaped awnings are not permitted.
3. **Building Materials.** Exterior building materials shall convey an impression of strength and durability consistent with the Sandy Style, as follows:
  - a. Buildings on the same site shall be architecturally unified. Architectural unity means buildings are related in architectural style and share some common elements, such as color scheme, materials, roof forms, and/or detailing. Unity does not mean repetition or mirroring of building elevations.
  - b. Strong base materials such as natural stone (e.g., basalt, granite, river stone), split-faced rusticated concrete block, brick, or concrete form liner replicating these materials are required. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A building's base must extend at least 36 inches but not more than 60 inches above the adjacent finished grade and be included on those sides of the building visible from an abutting public street. If the site contains a grade differential making construction of a minimum 36-inch base impracticable, the reviewing body may allow portions of the base to be less than 36-inches.
  - c. Foundations shall be designed to match the scale of the building being supported. Sheathing the foundation structure with base materials and wall siding are examples of

methods which accomplish this purpose.

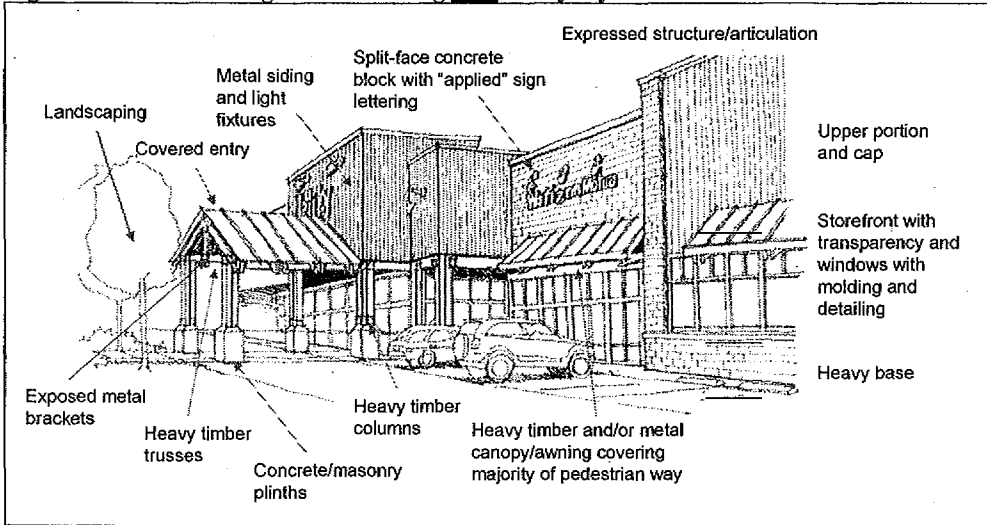
- d. Siding shall consist of wood, composite-wood (e.g., concrete fiberboard, panels or shingles), stone, brick, split-faced or rusticated concrete block, concrete form liner or a combination of these materials. Stucco, synthetic stucco, or metal are only permitted as specified below. Vinyl, plastic or similar siding is not permitted.
  - 1) Where wood siding is used, it shall consist of horizontal (e.g., lap, v-groove, or tongue-and-groove) siding, vertical (board and batten) siding, shingles, or combinations thereof. Vertical grooved (i.e., T1-11) sheet siding and similar materials are prohibited.
  - 2) Where board-and-batten siding is used, battens shall be a minimum of 2-inches wide x 1-inch deep and spaced 24 inches apart or closer; rough-sawn boards (specialty panel) are preferred over panels having a resin overlay.
  - 3) Where masonry siding is used, it shall consist of brick, stone, or rusticated concrete block, and must incorporate decorative patterns over not less than 15 percent of every elevation where it is used. Examples of decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction. Changes in pattern should be used to accentuate breaks in building stories, corners, windows, and building tops (e.g., parapets where flat roofs are allowed).
  - 4) Where metal siding is used, it shall be used as an accent only, comprising not more than 30 percent of the surface area of the building elevation (e.g., wainscoting or other accent paneling). Metal must be architectural grade and have a non-reflective (burnished or painted) finish conforming to the Color Palette in Appendix C. Metal may also be used for flashing, gutters, downspouts, brackets, lighting, and signage and similar functional elements.
  - 5) Where stucco or synthetic stucco is used, it shall only be used as an accent comprising not more than 30 percent of the surface of the building elevation.
  - 6) Where concrete form liner is used, it shall be limited to patterns replicating horizontal wood siding, stone, or brick as shown in Appendix H and shall not include ribbed, fluted, or similar patterns.
- e. Building elevations facing a public street shall incorporate at least three (3) of the following features: Using these features may also address other code requirements, such as those related to building articulation, change in relief, pedestrian shelters, storefront elements.
  - 1) Exposed, heavy timbers;
  - 2) Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
  - 3) Natural wood color shingles (e.g., used as siding or to accent gable ends);
  - 4) Metal canopies;

- 5) Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing, and/or;
  - 6) Similar features, consistent with the Sandy Style.
  - f. Materials required on elevations visible from an abutting public street must turn the building corner and incorporate appropriate transitions onto elevations not requiring these materials for a distance of not less than four (4) feet.
4. **Colors.** Building exteriors shall comply with the following standards:
- a. Permitted colors include warm earth tones (tans, browns, reds, grays and greens) conforming to Color Palette in Appendix C.
  - b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent (1%) of the surface area of any elevation. Such color shall not be used as primary wall colors.
  - c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

**Figure 17.90.120-D: Large-Scale Building with Sandy Style Elements**



**Figure 17.90.120-E: Large-Scale Building with Sandy Style Elements**



**Figure 17.90.120-F: Large-Scale Building without Sandy Style Elements**

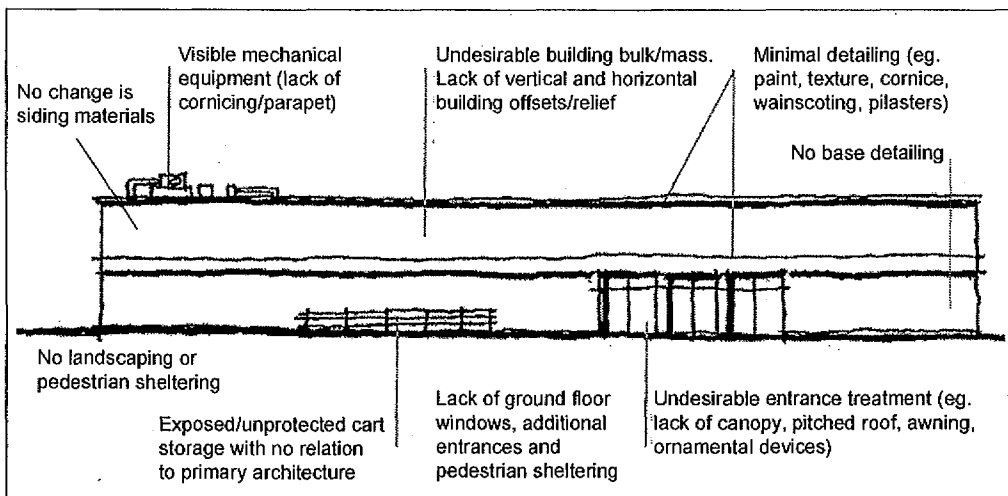


Figure 17.90.120-G: Small Building with Sandy Style Elements

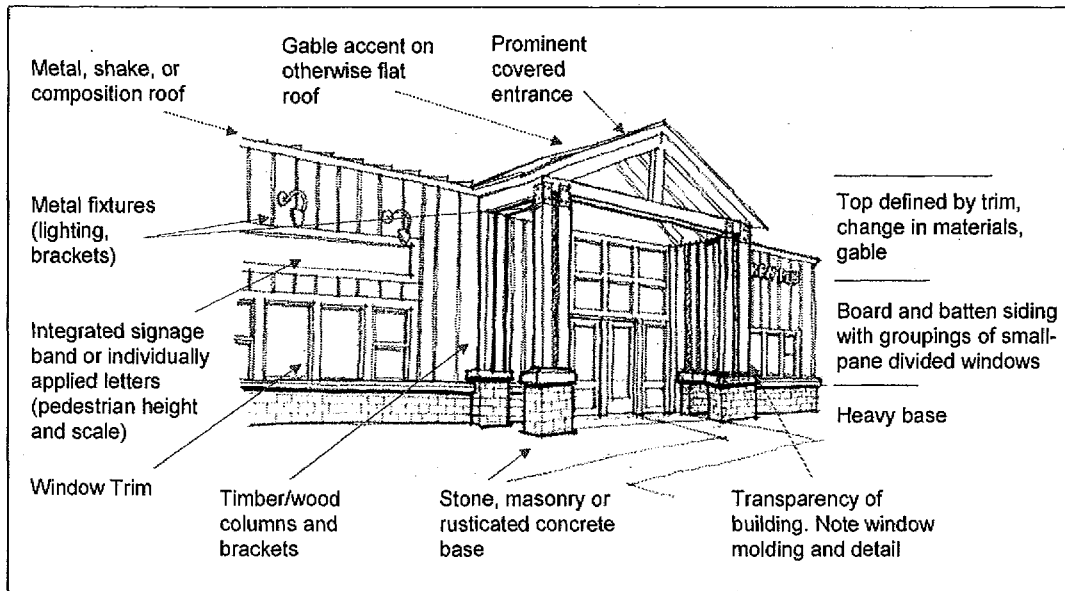
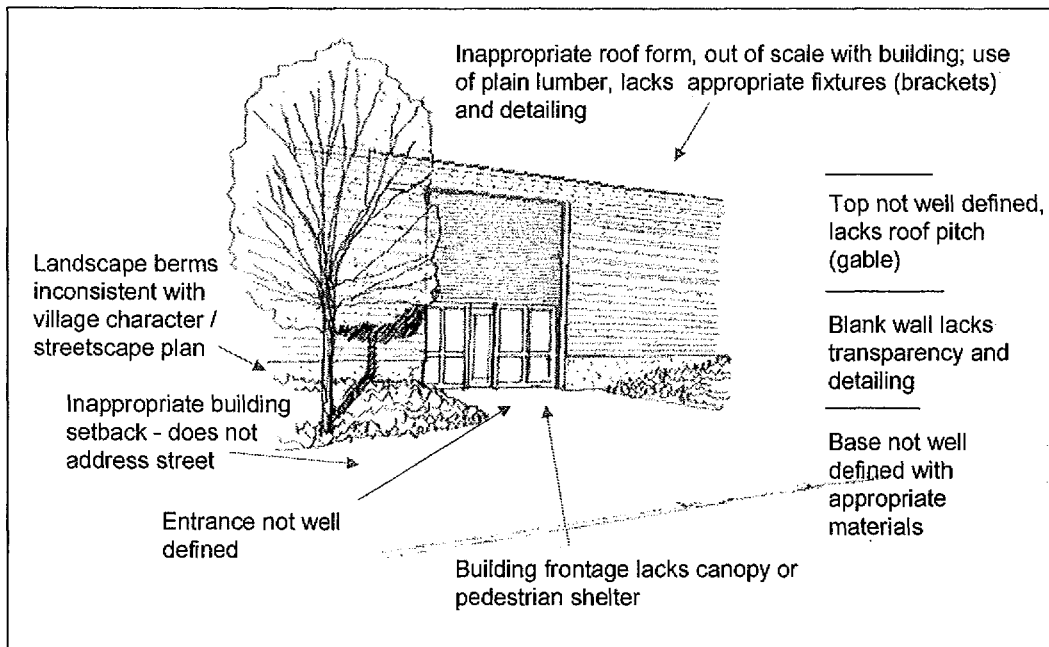


Figure 17.90.120-H: Small Building without Sandy Style Elements





**C. Roof Pitch, Materials, and Parapets**

Intent: To provide roof forms and detailing consistent with the Sandy Style. For purposes of interpreting the Sandy Style, representative illustrations and photos are provided. (Figures 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, 17.90.120-H, and 17.90.120-I and representative photos in Appendix E)

1. Except as provided in subsections 17.90.120(C)(8) , below, pitched (gabled or hipped) roofs are required on all new buildings with a span of 50-feet or less. Gable and hipped roof forms must achieve a pitch not less than the following:

Zoning District	Primary Roof Forms (minimum)	Secondary Roof Forms (minimum)
C-2 and I-1	6:12	4:12

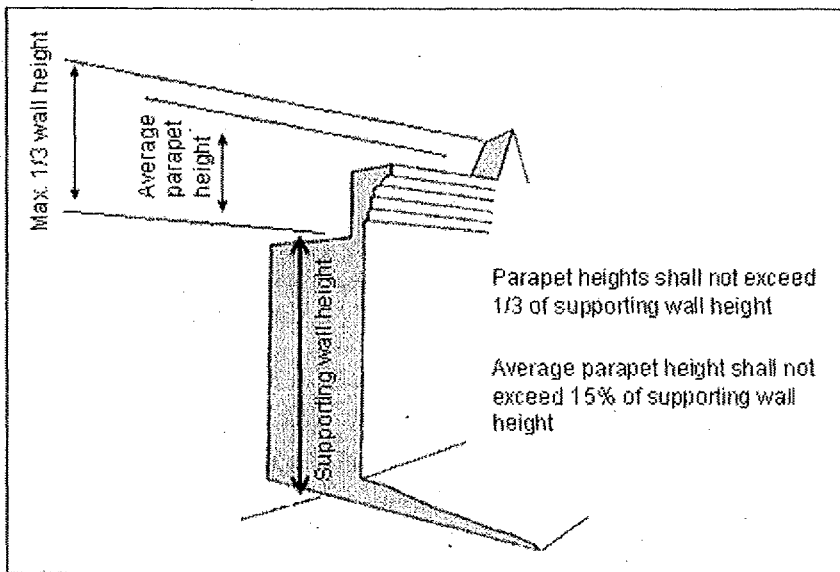
2. As provided above, "Primary Roof Forms" are those that individually comprise 20 percent or more of the total surface area of a roof elevation. Secondary roof forms (e.g., dormers, towers, cupolas, etc.) are those that comprise less than 20 percent of the roof elevation. See also, Section 17.74.20 Vertical Projections.
3. When practicable, buildings shall be oriented so the gable end of the roof faces the abutting street.
4. Pitched roofs visible from an abutting public street shall provide a secondary roof form (e.g. dormer) in the quantity specified below. Secondary roof forms may be located anywhere on the roof, although grouping these features is preferred.

Roof Length	Number of Secondary Roof Forms
30 – 40 feet	1
41 – 80 feet	2
81 feet and greater	4

5. Visible roof materials must be wood shingle or architectural grade composition shingle, slate, or concrete tile. Metal with standing or batten seam may also be used conforming to the Color Palette in Appendix D.
6. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be screened from view from all adjacent public rights-of-way and civic spaces by parapets, walls or by other approved means. Roof plans and elevations must show proposed equipment locations, approximate dimensions, and line of sight from public rights-of-way and civic spaces. The reviewing body may require additional equipment setbacks, screen walls, or other mitigation to ensure compliance.

7. A-frame buildings and Mansard-style roofs are not permitted.
8. Exception to Pitched Roof: When a building requires a roof span greater than 50-feet, or the internal function of the building or a portion of the building make construction of a pitched roof impractical, the reviewing body may allow an alternative roof form. An alternative roof form includes an “applied pitched roof” or flat roof constructed over the building or portion of the building as specified below. An example when a pitched roof is considered impractical would be the need to have large rooftop stove vents over the kitchen portion of a restaurant. Roof forms constructed under this exception shall comply with the standards below.
  - a. Applied Pitched Roof: An “applied pitched roof” is the preferred alternative roof form and shall be considered first. An “applied pitched roof” is a roof form with the general appearance of a pitched roof in terms of materials, pitch, and overhang, but does not extend all the way from the eave of the building to the ridge of the roof as a typical pitched roof. An “applied pitched roof” shall be constructed according to the following:
    - 1) For buildings with a span of less than 50 feet, the “applied pitched roof” shall extend at least 50 percent of the distance from the eave to the ridge as if had been constructed as a pitched roof;
    - 2) For buildings with a span of 50 feet or greater, the applied pitched roof shall extend at least 12 feet from eave.
    - 3) The reviewing body may require buildings with a span of 50 feet or greater to include an “applied pitched roof” in lieu of a flat roof along street facing elevations.
  - b. Flat Roof: Flat roofs shall comply with the following standards:
    - 1) Sandy Style stepped parapets and detailed coursing shall be provided on those elevations visible from a public street. Parapets shall be varied so that the length of a parapet does not exceed 40 feet without a change in the parapet height of at least 2 feet or as necessary to hide rooftop equipment.
    - 2) Average parapet height shall not exceed 15 percent of the supporting wall height, and the maximum parapet height shall not at any point exceed one-third (1/3) of the height of the supporting wall;
    - 3) A cornice projecting at least six (6) inches from the building face shall be provided at the roofline of all elevations visible from public rights-of-way;
    - 4) Parapet corners shall be stepped and the parapet be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building;

Figure 17.90.120-I: Parapet Detailing



#### D. Building Orientation and Entrances

Intent: To maintain and enhance General Commercial and Industrial streetscapes as public spaces, emphasizing pedestrian-scale and character in new development, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H) and representative photos in Appendix E.

1. Buildings shall be oriented to a public street or civic space. This standard is met when at least 50 percent of the subject site's street frontage is comprised of building(s) placed within 20 feet of a sidewalk, walkway or civic space and not more than 20 percent of the off-street parking on a parcel as required by SDC 17.98, tract or area of land is located between a building's front façade and the adjacent street(s).
2. Where parking is placed between a front façade and a street, a landscaped berm and/or architectural features, such as a knee wall, colonnade, arbor, trellis and/or similar device, shall be placed behind the sidewalk to partially screen the parking area from the sidewalk. The partial screen shall be designed to achieve at least 50 percent opacity at the time of installation, with openings for walkways connecting to the building's primary entrance.
3. Ground floor spaces shall face a public street or civic space and shall be connected to it by a direct pedestrian route (i.e., avoid out-of-direction travel).
4. Buildings located at the intersection of two streets shall use a corner building entrance; where a corner entrance is not practical due to the internal functioning of the building space or due to physical constraints of the site (e.g., topography, accessibility, or similar circumstances), a building entrance must be provided within forty feet of the corner. The building corner must use detailing that emphasizes the corner location and is consistent with the Sandy Style.

Examples of acceptable detailing include a rounded or chamfered (beveled) corner, weather protecting canopy, plaza, sculpture, and/or similar pedestrian-oriented features.

5. For structures greater than 40,000 gross square feet, there shall be at least two (2) clearly articulated public entrances on the structure; at least one such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk or walkway.
6. Retail buildings shall provide at least one customer entrance for every 200 lineal feet of anchor store space along at least one of the building's street-facing elevation(s). Such entrances may be oriented to a public street or designated civic space. Where ancillary stores or offices are provided, entrances to those spaces must be placed not more than 40 feet apart on average. For example, a 300 foot long building with one anchor store and four ancillary stores would provide no fewer than two anchor space entrances spaced not more than 200 feet apart and four ancillary entrances placed not more than 40 feet apart on average.
7. Buildings shall provide at least one (1) elevation where the pedestrian environment is "activated". An elevation is "activated" when it meets the window transparency requirements in subsection 17.90.120(E), below, and contains a public entrance with a pedestrian shelter extending at least five (5) feet over an adjacent sidewalk, walkway or civic space.
8. Primary entrances must be architecturally emphasized and visible from the public right-of-way and shall be sheltered with a canopy, overhang, or portico with a depth of at least five (5) feet. Architectural emphasis should be provided by a gabled shelter where practical, consistent with the Sandy Style. Detailing around the base of the building, such as stonework, benches or art, should also be used to emphasize an entrance.

**E. Windows**

Intent: To promote business vitality, public safety and aesthetics through effective window placement and design, consistent with the Sandy Style. (Figures 17.90.120-A, 17.90.120-B, 17.90.120-D, 17.90.120-E, 17.90.120-F, 17.90.120-G, and 17.90.120-H)

1. **Unified Design.** Building plans must provide for unity in window placement and design so that all sides of a building relate to one another and multiple buildings on a development site relate to one another.
2. **Ground Floor Windows.** The ground floor elevation of all new buildings shall contain ground floor display areas, windows, and doorways on the "activated" frontage. as follows:

Building Size	Percentage Windows Required
0 - 10,000 sq. ft.	30 percent of elevation
10,000 sq. ft. - 30,000 sq. ft.	25 percent of elevation
Greater than 30,000 sq. ft.	20 percent of elevation

Ordinance No. 2008-03

- a. Windows shall contain clear glass to allow views to interior activity or display areas. The bottom edge of windows shall be no less than three (3) feet above the adjacent finished grade. Where the internal functions of a building preclude windows at this height, the reviewing body may allow windows above or below this height. Display boxes affixed to a building's exterior are not counted in meeting the above standard.
- b. Windows shall be square or vertically oriented and may consist of vertically stacked or horizontally banked window units. Windows located over a door or transom windows may be horizontally oriented.
- c. Windows with any dimension exceeding six (6) feet shall be divided to contain two or more smaller panes with real divided panes, vinyl inserts, or applied dividers.
- d. Windows shall have trim or moldings at least three (3) inches in width around them, or have reveals of at least three (3) inches in depth. Casings shall consist of a drip cap, head casing, side casings, and/or sills.

**3. Upper Floor Window Standards.**

- a. The reviewing authority may require buildings exceeding 20 feet in height to provide upper-story windows along the "activated" frontage. Such windows may be required for attic space, or applied to roof forms where no second story exists, to meet the articulation requirements under Section 17.90.120(B)(1).
- b. Windows shall be square or vertically oriented. Individual window units shall not exceed five (5) feet by seven (7) feet. Any portion of a window unit with a dimension exceeding four (4) feet shall be divided into smaller panes.
- c. At least half of all the window area in upper floors shall be made up of glass panes with dimensions no greater than two (2) feet by three (3) feet, unless approved by variance or adjustment. Upper story windows that have one (1) foot by one (1) foot grid inside double pane glass are appropriate and are encouraged.
- d. Window trim and moldings shall be compatible with those used on the ground floor.

**4. Prohibited Windows.**

- a. Darkly tinted windows, mirrored windows, and similar windows are prohibited adjacent to street sidewalks, civic spaces and walkways.
- b. Glass curtain windows are not permitted facing public right-of-ways, except where the reviewing body finds that such windows are consistent with the Sandy Style.

**F. Landscaping and Streetscape Design**

Intent: To promote business vitality, public safety and aesthetics through effective landscaping and streetscape design, consistent with the Sandy Style, and to provide for a continuous pedestrian network that promotes pedestrian safety, comfort and convenience, and provides materials and detailing consistent with the Sandy Style. (See Figures 17.90.120-J and 17.90.120-K and Appendix G)

1. The provisions of Chapter 17.92 Landscaping and Screening General Standards shall apply.

2. Parcels abutting Highway 26 shall provide a landscape buffer comprising not less than 30 percent of the highway frontage, to a depth of not less than 20 feet. Within the buffer, existing trees shall be preserved to the extent practicable. New trees, shrubs, and groundcover shall be planted to create a landscape buffer and partial visual screen along the highway as specified below or as approved by the reviewing authority. If approved in writing by the Oregon Department of Transportation, this buffer may be located within the public right-of-way. Any new or modified access must fall outside the designated buffer. Landscape plans shall indicate proposed landscaping, signage and other proposed development.
3. Landscape buffer plantings shall contain a mixture of both deciduous and evergreen species selected from the list below and shall be of a sufficient quantity to provide a partial buffer within two years from the date they are planted:
  - Trees – Deciduous (minimum 1 1/2-inch caliper) -Autumn Blaze Maple, Red Sunset Maple, Scarlet Oak. Evergreen (minimum 8-10 feet) - Hogan Cedar, Incense Cedar, Western Red Cedar, Douglas fir.
  - Small Trees/Shrubs – Vine Maple, Serviceberry, Chinese Kousa Dogwood, Red flowering Currant, Ceanothus 'Blue Blossom', Rhododendron, Pacific Wax Myrtle
  - Groundcover – Kinnickinick, Salal, Low Oregon Grape, Coastal Strawberry, Rock Rose
4. All service and storage areas must be screened from view from all adjacent rights-of-way. (See Figure 17.90.120-K below.)

Figure 17.90.120-J: Landscape Management Area Detail – Plantings with Planned Openings

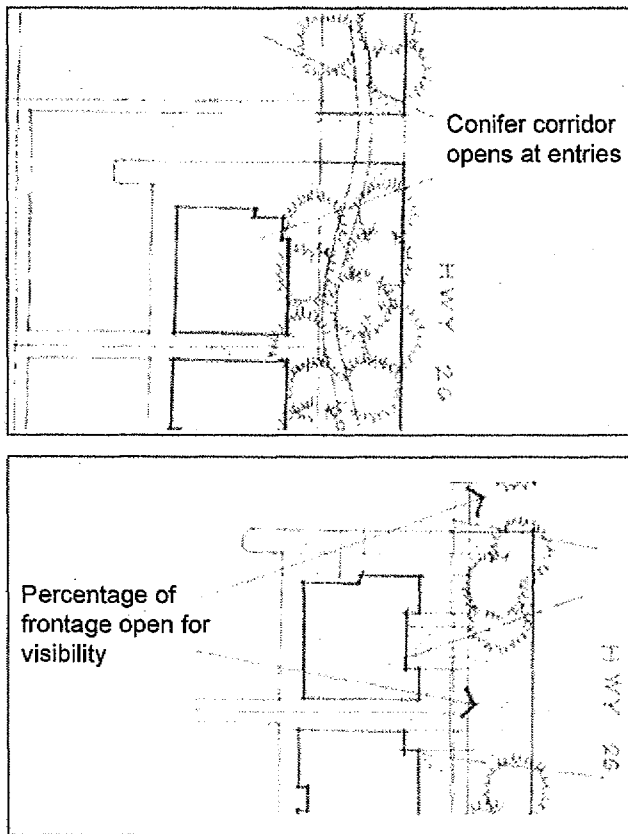
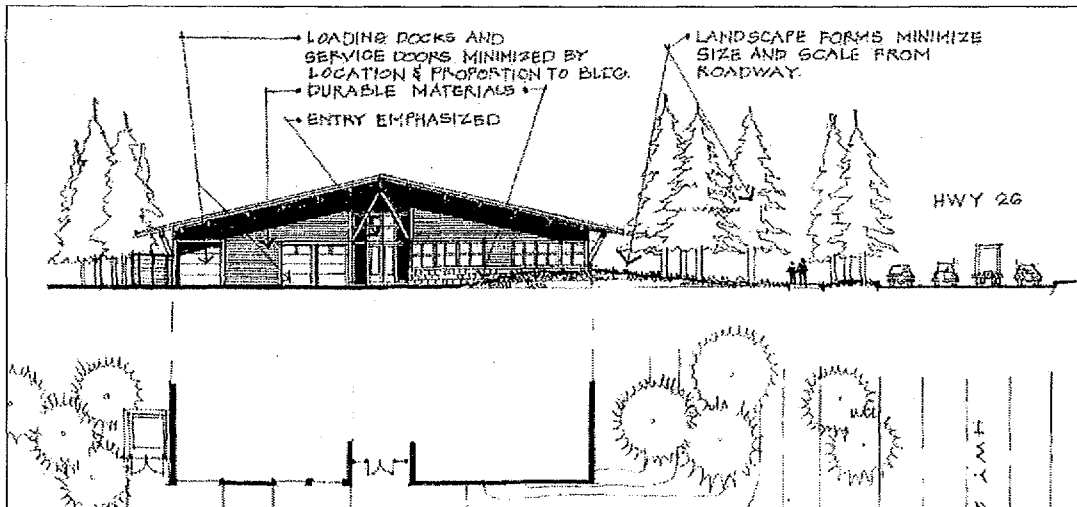


Figure 17.90.120-K: Landscape Management Area Detail – Screening of Parking and Loading Areas



### **G. Civic Space**

Intent: To connect buildings to the public realm and create comfortable and attractive gathering places and outdoor seating areas for customers and the public, consistent with Sandy's Downtown Streetscape Design. (See Figures 17.90.120-L and 17.90.120-M)

1. Not less than three (3) percent of the building area of every development shall be improved as civic space.
2. All civic spaces shall have dimensions of not less than eight (8) feet across and have a surface area of not less than 64 square feet. No civic space is required if the size of this space results in an area of less than 64 square feet.
3. Civic space improvements may include plazas, private extensions of sidewalks and walkways (i.e., to accommodate outdoor seating), public art, pedestrian-scale lighting, bus waiting areas, tourist amenities (e.g., way finding signs as approved by the city) or similar pedestrian amenities as approved through Design Review.
4. The highest priority locations for civic space are those areas with the highest pedestrian activity (e.g., street corners and mid-block pedestrian access ways) that have a western or southern exposure.
5. Civic spaces should abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or approved pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture) or painted. Where a right-of-way connection is not possible, the owner must provide a public access way easement to the civic space. Civic spaces shall not be gated or closed to public access, unless otherwise required by the city.
6. The reviewing authority may consider the voluntary provision of civic space or pedestrian amenities in quantities exceeding the minimum standards of this code in approving an adjustment or variance.
7. Exceptions:
  - a. Building additions and remodels subject to Type I Design Review are not required to set aside or improve civic space, though they are encouraged to do so.



Figure 17.90.120-L: Civic Space Example 1

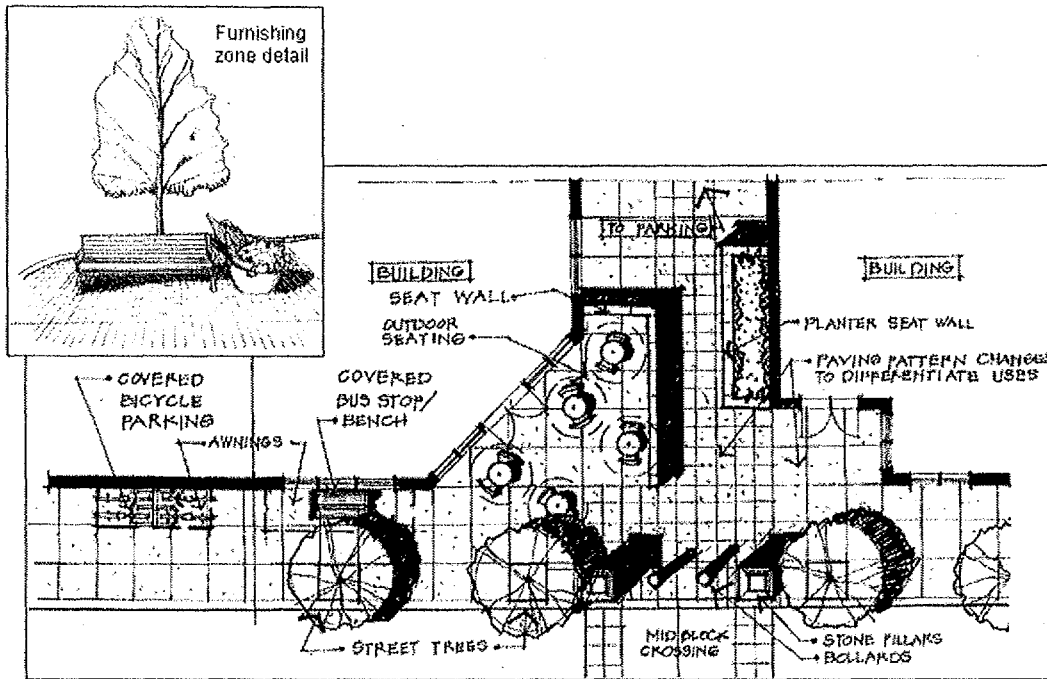
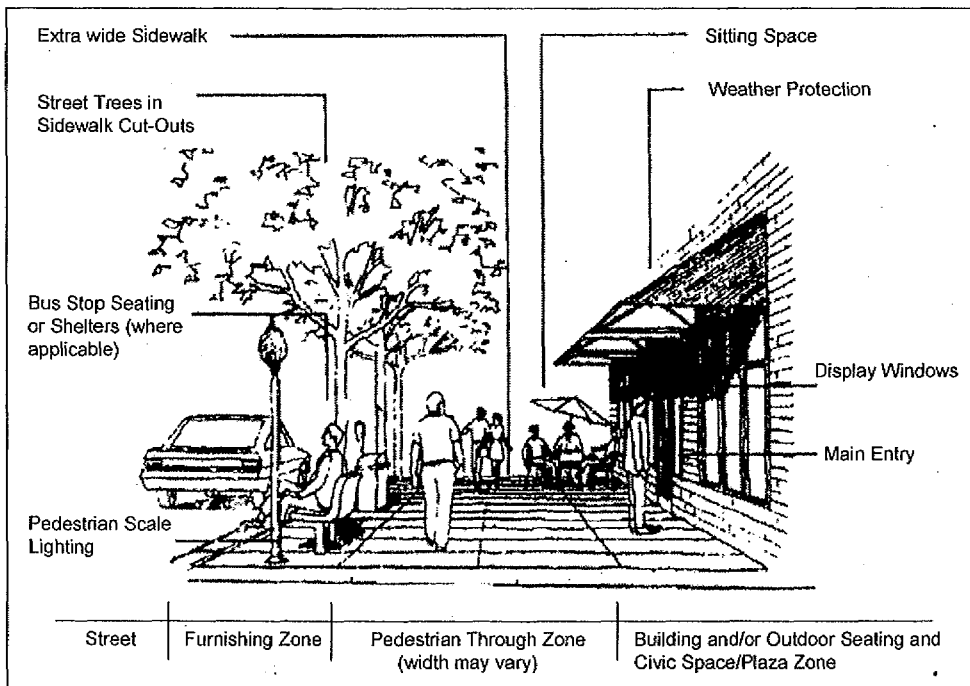


Figure 17.90.120-M: Civic Space Example 2



### **H. Lighting**

Intent: To promote business vitality, public safety and aesthetics through effective outdoor lighting, consistent with the Sandy Style. (Figures 17.90.120-G, 17.90.120-H, and 17.90.120-M)

1. Streetscape lighting shall conform to Chapter 15.30 Dark Sky Ordinance.
2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district. On-site light fixtures conforming to the Sandy Style are encouraged.
3. Lighting must be adequate for safety purposes. Walkways and parking lots should be illuminated at 1.5 – 2.0 foot candles.

### **I. Safety and Security**

Intent: To promote natural surveillance of public spaces for safety and security.

1. Locate windows in a manner that enables tenants, employees and police to watch over pedestrian, parking and loading areas.
2. In commercial, public and semipublic development, including civic spaces, locate windows in a manner that enables surveillance of interior activity from the public right-of-way.
3. Provide street address numbers measuring a minimum of six (6) inches high, which clearly locates buildings and their entries for patrons and emergency services.
4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way and other public areas.

### **J. External Storage**

Intent: To promote land use compatibility and aesthetics, particularly where development abuts public spaces. (Figure 17.90.120-K)

1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.
2. Where such storage is allowed, it must be screened from view from public rights of way and civic spaces at least eight (8) feet and not more than 10 feet unless the screen is a continuation of the building wall.
3. Mechanical, electrical, and communications equipment including meters and transformers, service and delivery entrances, and garbage storage areas shall be screened from view from all public rights-of-way and civic spaces.
4. Trash collection and recycling storage areas must be located within the structure or otherwise screened from view in an enclosed facility. Such facilities must be screened from view from all public rights of way and civic spaces behind a screening wall constructed to match the materials used on the primary building(s) on the subject site.

5. Exceptions to the above provisions may be allowed through Design Review where no other practical alternative exists and such equipment is made to be visually subordinate to the proposed building and landscape, for example, through the use of common materials for screening walls or landscape berms. The reviewing body may require additional setbacks, screening walls or other mitigation, for aesthetic reasons and to minimize odors or noise impacts on adjoining properties, public rights-of-way or civic spaces.

### **17.90.130 LIGHT INDUSTRIAL (I-2) DESIGN STANDARDS**

#### **A. ACCESS**

1. All lots shall abut or have access to a dedicated public street
2. All lots which have access to a public alley shall provide for all personal and service access for vehicles from that alley
3. Parking lots may include public alley accessed garages at the rear property line.
4. Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer.
5. Each lot shall be permitted one access point, except lots with street frontage of one hundred fifty feet or more may be permitted one or more additional access point, if approved by the City Engineer.
6. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties.

#### **B. PEDESTRIAN ACCESSIBILITY**

1. Special attention shall be given to designing a primary building entrance, which is both attractive and functional.
2. Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.
3. Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building.
4. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

#### **C. BUILDING FACADES, MATERIALS AND COLORS**

1. Facades. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.
2. Building Materials. Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts, but it may be used for accents including awnings.

3. Siding. Lap or horizontal siding or walls of brick, masonry or stone shall be required. Vertical grooved (i.e., T1-11) sheet siding is prohibited.
4. Masonry Finishes. Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction.
5. Change in Relief. Buildings must include changes in relief on 10% of the facades facing public streets or residential development. Relief changes include cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.
6. Colors. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.
7. Ornamental Devices. Ornamental devices, such as molding, entablature and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least 8 inches wide.
8. Alcoves, Porches, Arcades, etc. Building must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.
9. Continuous Outdoor Arcades. Continuous outdoor arcades are strongly encouraged.
10. Traditional Storefront Elements. For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:
  - a. Clearly delineated upper and lower facades;
  - b. A lower facade dominated by large display windows and a recessed entry or entries;
  - c. Smaller, regularly spaced windows in the upper floor;
  - d. Decorative trim, such as window hoods, surrounding upper floor windows;
  - e. A decorative cornice near the top of the facade.

**D. ROOF PITCH, MATERIALS, AND PARAPETS**

1.

Zoning District	Pitch
I-2	3:12

2. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing.

3. Parapet corners must be stepped or the parapet must be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
4. Visible roof materials must be wood or architectural grade composition shingle, slate, tile or sheet metal with standing or batten seam.
5. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls or by other approved means.

**E. BUILDING ORIENTATION AND ENTRANCE STANDARDS**

1. Primary entries shall face a public street or designated pedestrian way
2. Primary entrances must be architecturally emphasized and visible from the public right-of-way.
3. Buildings must have an entrance connecting directly between the right-of-way and the building interior.
4. Secondary entries may face parking lots or loading areas. Buildings must have an entrance connecting directly between the street and the building interior.
5. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.
6. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel.

**F. WINDOWS**

1. Windows, which allow views to the interior activity or display areas, are encouraged. Windows shall include sills at bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.
2. Ground Floor Windows. All new buildings must provide ground floor windows along street frontages.
  - a. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
  - b. Required windows must have a sill no more than 4 feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than 2 feet above the finished floor level, up to a maximum sill height of 6 feet above grade.
  - c. Darkly tinted windows and mirrored windows that block two way visibility are prohibited for ground floor windows along street facades.
  - d. Any wall that faces a public right-of-way must contain at least 10% of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.

- e. Glass curtain windows are not permitted fronting public right-of-ways.

3. Upper Floor Window Standards.

- a. Glass area dimensions shall not exceed 5 feet by 7 feet. (The longest dimension may be taken either horizontally or vertically.)
- b. Windows must have trim or molding at least two inches wide around their perimeters.
- c. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2 feet by 3 feet. Windows that have 1 foot by 1 foot grid inside double pane glass are appropriate and are encouraged.

**G. LANDSCAPING/STREETSCAPE**

- 1. Benches, outdoor seating, and trash receptacles must complement the existing ornamental street lighting and be in keeping with the overall architectural character of the area.
- 2. Benches and other streetscape items may be placed within the public right-of-way but must not block free movement of pedestrians. A minimum pedestrian walkway width of 5 feet must be maintained at all times.

**H. LIGHTING**

- 1. All building entrances and exits must be well lighted.
- 2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district.
- 3. Lighting must be adequate for safety purposes.
- 4. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare.

**I. SAFETY AND SECURITY**

- 1. Locate windows in a manner, which enables tenants, employees and police to watch over pedestrian, parking and loading areas.
- 2. In commercial, public and semipublic development and where possible in industrial development, locate windows in a manner which enables surveillance of interior activity from the public right-of-way.
- 3. Provide an identification system, which clearly locates buildings and their entries for patrons and emergency services.
- 4. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.

**J. EXTERNAL STORAGE**

- 1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

**K. TRASH COLLECTION / RECYCLING AREAS.**

1. All trash collection areas must be located within the structure or behind the building in an enclosure in accordance with the provisions of the City of Sandy Design Standards, Appendix A.

**17.90.140 MANUFACTURED DWELLINGS ON INDIVIDUAL LOT OF RECORD  
MANDATORY REQUIREMENTS**

- A. Manufactured homes 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.

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

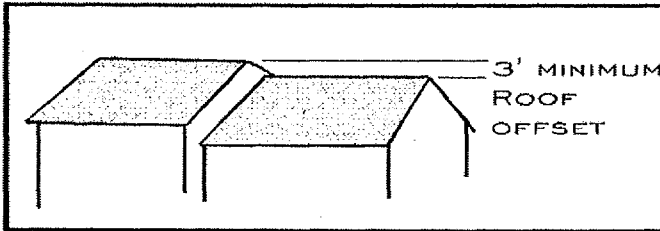
- A. All single family dwellings and manufactured dwellings on individual lots of record shall utilize at least two of the following design features to provide visual relief along the front of the home:
1. Dormers
  2. Gables
  3. Recessed entries
  4. Covered porch entries
  5. Pillars or posts
  6. Bay or bow windows
  7. Eaves of 12 inches or greater
  8. Off-set of 16 inches or greater on building face or roof

**17.90.160 ADDITIONAL REQUIREMENTS - MULTI-FAMILY DEVELOPMENTS**

Multi-family residential developments shall comply with the requirements of this chapter as listed above and the following additional requirements:

- A. Roofs. Roofs shall meet the following additional requirements:
1. Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-inch overhang and using shingles or similar roofing materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 feet have roofs similar to what is proposed.

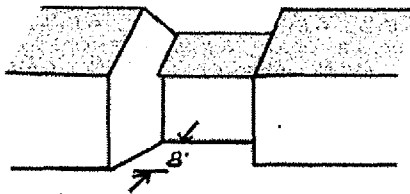
2. Offsets or breaks in roof elevation shall be at least 3 or more feet in height.



**B. Entries.**

1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
  2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
  3. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel. Upper story units may share entries.
  4. Secondary entries may face parking lots or loading areas.
- C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.
- D. Along the vertical face of a structure, when facing a public street, pedestrian way or an abutting residential use, offsets shall occur at a minimum of every 20 feet by providing any two of the following:

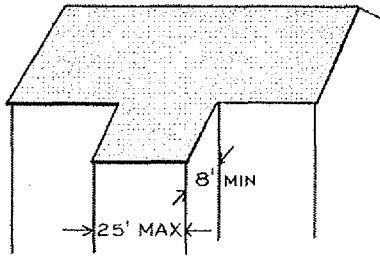
1. Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.



2. Extensions (decks, patios, entrances, floor area, etc.) at a minimum depth of 8 feet, with maximum length of an overhang not to exceed 25 feet.



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3. If a partially enclosed covered porch is proposed, this can meet one of the offset requirements provided the porch is 8 feet deep and at least 125 sq. ft. in area.

E. Private Outdoor Areas.

1. A separate outdoor area of not less than 48 square feet shall be attached to each ground level dwelling unit. These areas shall be separated from common outdoor areas in a manner, which enables the resident to control access from separate to common areas with elements such as walls, fences or shrubs.
2. A separate outdoor area of not less than forty-eight (48) square feet in the form of balconies, terraces or porches shall be provided for each dwelling unit located above the ground level.

- F. Parking Lots. Parking lots in multi-family developments shall not occupy more than 50% of the frontage of any public street abutting the lot or building.

- G. Individual Storage Areas. Enclosed storage areas shall be required and may be attached to the exterior of each dwelling unit to accommodate garden equipment, patio furniture, barbecues, bicycles, etc. Storage areas may be provided within garages if the required storage area is in addition to the required parking area required.

Size of Dwelling	Minimum Square Feet	Minimum Height
Studio	24	6
1 Bedroom	24	6
2 Bedroom	36	6
3+ Bedroom	48	6

- H. Carports and Garages. If carport and garages are provided, the form, materials, color and construction shall be compatible with the complex they serve.

- I. Shared Outdoor Recreation Areas. Multi-family residential development shall provide usable recreation areas for developments containing more than 5 dwelling units at the rate of 200 square

feet per dwelling unit. Such areas shall be counted as part of the required landscaping. Examples include, but are not limited to, playgrounds, exercise trails, swimming pools, etc. Usable recreation area may also include slopes, wetlands, FSH setback areas, and other natural site features, however, at least 50% of the recreation area must be located outside the boundaries of such areas and slopes may not exceed 15% in the 50% usable recreation area. Gazebos and other outdoor covered spaces are encouraged and qualify as 1.25 square feet for every one square foot of required shared recreation area. The shared outdoor recreation area shall be located and designed in a manner which:

1. Provides approximately the same accessibility to the maximum number of dwelling units possible.
2. Windows shall be located to encourage watching over entry areas, shared recreational areas, laundry areas, walkways and parking areas from windows in at least two adjacent dwelling units. These windows must be located in kitchen, living room, dining room or other activity rooms (bedrooms or bathrooms are not included).
3. Provides a separation from parking and driveway areas with a landscaped transition area measuring a minimum of ten feet wide;
4. Controls access to shared outdoor areas from off-site as well as from on-site parking and entrance areas with features such as fencing, walls and landscaping;
5. Provides a usable surface material such as lawn, decks, wood chips, sand and hard surface materials (concrete/asphalt).

J. Safety and Security.

1. Provide an outdoor lighting system which facilitates police observation and resident observation through strategic location, orientation and brightness without being obtrusive by shining into residential units or adjacent residential developments.
2. Establish a directory for apartment complexes of four or more units, which clearly orients visitors and emergency service providers as to the location of residential units. Where possible, this system should be evident from the primary vehicle entryway.

K. Service, Delivery and Screening.

1. Locate postal delivery areas in a convenient location efficiently designed for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements.
2. Provide pedestrian access from unit entries to postal delivery areas, garbage and recycling collection areas, shared activity areas and parking areas. Elements such as, but not limited to, concrete paths, striped walkways or raised walkways through vehicular areas or gravel trails will meet this requirement.
3. Provide garbage collection and recycling areas in convenient locations for the service provider and residents.
4. Garbage collection areas shall have a concrete floor surface and shall have a gate on the truck-loading side and a separate pedestrian access.
5. Outdoor storage areas, garbage containers and recycling bins shall be screened from view in one of the following manners:

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- a. A solid sight obscuring wall or fence not less than six feet in height and constructed of durable materials compatible with the primary structure(s) shall surround these areas.
- b. Evergreen plant materials which will retain their screening ability and will reach the height of six feet within three years from time of planting. An overlap of three inches is required of the evergreen plant screening. The material shall completely screen the area from the public view.

- L. Electrical and Mechanical Equipment. On- and above-grade electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be screened with sight obscuring fences, walls or landscaping.

**17.90.170 MAINTENANCE**

- A. All approved on-site improvements shall be the on-going responsibility of the property owner or occupant. The owner, occupant or agent shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free of refuse and debris. All on-site improvements shall be controlled by maintaining, pruning, trimming or otherwise, so that:

1. It will not interfere with the maintenance or repair of any public facility;
2. It will not restrict pedestrian or vehicular access; and
3. It will not constitute a traffic hazard because of reduced visibility.

**17.90.180 COMPLIANCE**

- A. The development site shall be checked by staff to ensure compliance with final approved plans prior to issuance of a Certificate of Occupancy.
- B. The development must be completed as per the approved final plans including landscaping and recreation areas before the certificate is issued.
- C. It shall be the duty of the Director to enforce these regulations and to assure that conditions of final development approval are carried out.

**ORDINANCE 2008-03**  
**EXHIBIT C**

These findings demonstrate how the revisions to Chapter 17.90 are consistent with the Sandy Comprehensive Plan ("Plan").

The Plan "encourages land developments which are designed to take advantage of innovative design and technology, energy conservation, and the protection and conservation of cultural and natural resources." Plan at 5. The revisions will encourage innovative design primarily through the establishment of a "Sandy Style" that will apply to new development and redevelopment. The style is defined as one that "expresses elements of or reflects Cascadian Architecture by adapting appropriate elements of English Arts and Crafts Style (1900–1920) and Oregon Rustic Style (1915-1940) or similar elements."

The Sandy Style is intended to extend and deepen the City's history as a "center for the lumber industry" and as a "gateway to the recreation area of Mount Hood National Forest." Plan at 1. As such, the Sandy Style favors heavy timbers in recognition of the City's lumber industry roots and generally requires steep roof pitches (or their approximation) and strong base materials as an acknowledgement of its status as a gateway to Mount Hood.

The Plan directs the City to "[p]reserve, when feasible, significant historic sites and buildings and encourage restoration efforts," to "[u]se historic overlay districts, zoning and design guidelines to help preserve historic and cultural resources" and "[e]ncourage new building design that blends with the character of existing historic structures without falsely imitating historic styles." Plan at 14 and 15. The revisions to Chapter 17.90 are consistent with these goals. First, they identify certain buildings that are authorized to be redeveloped or expanded consistent with their existing architectural and aesthetic characteristics, notwithstanding the fact that their existing style is inconsistent with the Sandy Style. *See* 17.90.10(D). In addition, the revisions exclude certain areas in the downtown commercial district from mandatory compliance with the Sandy Style. In lieu of complying with it, buildings within these areas are permitted to redevelop or expand in accordance with distinct criteria that attempt to capture the area's unique architectural identity. *See* 17.90.10(E). The intent is to encourage these areas to be restored.

Finally, the revisions to Chapter 17.90 fulfill a long term goal of the City to "[a]dopt design guidelines to provide the framework for public and private improvements within the downtown area." Plan at 24. The City is currently "undergrounding" its utilities in the downtown core and will embark on a streetscape improvement project in the coming months. The streetscape improvements will include brick-accented sidewalks, curb extensions for pedestrians, historic street lights, "business-friendly" (columnar) street trees, benches, and planter barrels. These projects have been coordinated with the changes to Chapter 17.90 and will echo the Sandy Style when they are completed.

For these reasons, the Council finds that the revised design standards comply with the Plan.



**ORDINANCE NO. 2008-05**

**AN ORDINANCE AMENDING SANDY MUNICIPAL CODE CHAPTERS 17.12 – 17.28, AND 17.42 – 17.48 EXCLUDING CHAPTER 17.16.**

**WHEREAS**, it is important that the procedures governing land use matters be fair, provide for flexibility based upon the relative complexity of a matter and be consistent with state law;

**WHEREAS**, the City has not significantly amended its procedures since 1997; and

**WHEREAS**, the adoption of revised procedures will ensure that the above goals are met.

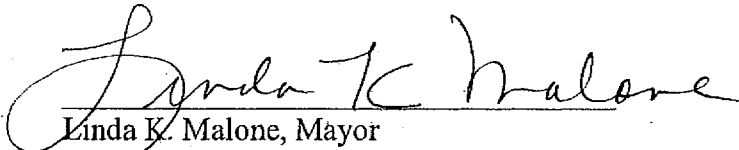
**NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:**

Section 1. Sandy Municipal Code Chapters 17.12, 17.14, 17.18, 17.20, 17.22, 17.24, 17.26 and 17.28 are amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. Sandy Municipal Code Chapters 17.42, 17.44, 17.46 and 17.48 are amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3. The amendments identified in Sections 1 through 3 above are in legislative format, where underlined language represents new text and ~~stricken~~ language represents deleted text.

**THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 3<sup>RD</sup> DAY OF MARCH 2008.**

  
Linda K. Malone, Mayor

ATTEST:

  
Karen Evatt, City Recorder



**EXHIBIT A  
CHAPTER 17.12  
PROCEDURES FOR DECISION MAKING**

**17.12.00 TYPES OF PROCEDURES FOR TAKING PUBLIC ACTION**

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

**17.12.10 TYPE I – Administrative Review**

Type I decisions are made by the Planning Director or someone he or she designates without public notice or a public hearing. Requires little, if any discretion, and involves review and approval by staff without a public hearing or notice. The Type I procedure is used when there are clear and objective approval criteria and applying City standards and criteria to an application requires no use of discretion. This type of development is not a Limited Land Use Decision. A decision of the Director under the Type I procedure may only be appealed by an affected party the applicant or referred by the Director in accordance with Chapter 17.28, except that review of a Type I decision is a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Director or committee. otherwise

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

Type of Applications:

- A. Design review for single-family dwellings, duplex dwellings, manufactured homes on individual lots, manufactured homes within MH parks, accessory dwellings and structures. Building Permit review
- B. Design review for exterior building remodel or addition on a commercially or industrially zoned lot, where the proposed remodel or addition meets criteria in Section 17.90.40(A).
- ~~C.~~ Adjustments less than 10% of a Quantifiable Dimension which does not increase density
- ~~D.~~ Flood Slope and Hillside Development-Uses listed in 17.60.50-40 A.
- ~~E.~~ Minor Alteration of an Historic Resource
- ~~F.~~ Property Line Adjustments
- G. Tree removal involving less than 50 trees
- H. Type I FSH Review
- I. Minor Partition (no new street created)
- J. Administrative Variance

**17.12.20 TYPE II – Noticed Administrative Review**



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

~~Requires less discretion than Type III and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. Under a Type II procedure, an application shall be processed without a need for a public hearing. If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming pursuant to Chapter 17.22. The notice shall summarize the standards and facts that justified the decision and shall be sent to the persons designated to receive notice by the relevant sections of this Code. The notice shall invite persons to submit information relevant to the standards that are pertinent to the proposal within 10 days, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person's right to appeal the decision on the proposed development if the person's concerns are not resolved. Appeals are made to the Planning Commission and City Council in accordance with Chapter 17.28.~~

~~If the Director contemplates that persons other than the applicant can be expected to question the application's compliance with the Code, the Director may initiate a public hearing. The Director shall set a date for the public hearing and mail notice pursuant to Chapter 17.22 to the persons designated to receive notice by the relevant sections of this Code. At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal, including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.~~

~~The Director shall review any information received and make a finding for each of any points in dispute and make a decision on the application by approving, conditionally approving, or denying the application. A decision of the Director may be appealed by the applicant, referred by the Director, appealed by a person who responded to the notice or, if a hearing was conducted, appealed by a party to the hearing. The procedure for the appeal is in accordance with Chapter 17.28, except that review of a Type II decision is a review of the record supplemented by oral commentary relevant to the record presented by parties to the prior deliberations.~~

**A. Types of Applications:**

- Design Review, except Type I Design Reviews under 17.12.10(B) and Type III Design Reviews under 17.12.30.

1.

- 2. Historic Preservation Provisions Procedures for Alteration of an Historic Resource

Adjustments & Variances of up to 20% of a Quantifiable Dimension which does not increase density

3.

- Subdivisions in compliance with all standards of the Development Code

4.

Ordinance 2008-05

- Partitions and Minor Replats

5.

- Flood, Slope and Hillside Development and Density Transfer-Uses listed in 17.60.450 B.

6.

- 8.7. Request for Interpretations

- 9. Tree Removal Permit (greater than 50 trees)

**17.12.30 TYPE III**

Type III decisions generally use discretionary approval criteria and are made by the Planning Commission after Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of Chapter 17.20, ; Appeal of a Type III decision is heard by the City Council according to the provisions of Chapter 17.28. Notification of a Type III decision is sent according to the requirements in Chapter 17.22, and approval by an established hearing authority which may approve, approve with conditions or deny an application. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing, the staff, the applicant, and interested persons may present information relevant to the criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications and the reasons the person believes the modifications are necessary for approval. The Planning Commission may attach certain development or use conditions beyond those warranted for compliance with the standards in granting an approval if the Planning Commission determines the conditions are necessary to avoid imposing burdensome public service obligations on the City, to mitigate detrimental effects to others where such mitigation is consistent with an established policy of the City, and to otherwise fulfill the criteria for approval. If the application is approved, the Director will issue any necessary permits when the applicant has complied with the conditions set forth in the Final Order and other requirements of this Code.

**A. Types of Applications:**

- 1. Appeal of a Director's decision

- 2. Conditional Use Permit

- 3. Design Review for projects on commercially or industrially zoned lots where the applicant has requested Type III Design Review or the Director has determined that the request involves one or more deviations from the design standards in Chapter 17.90.80 or 17.90.90 (C-1 Design Standards and C-2/I-1/I-2 Design Standards) and such deviation is not subject to –an Adjustment or Variance process under 17.6612.10 or 17.12.20.

- 2.4. Flood, Slope, and Hillside Development-Uses not listed in 17.50.60 A & B

- 3.5. Major Amendment to a Specific Area Plan

- 4.6. Special Variance

- 7. Subdivisions and Major Replats that are elevated by the Director or not in conformance with the Development Code

- 5.8. Variances Greater–greater than 20% of a gQuantifiable dDimension or variances which increase density

- 6.9. Village Concept Plan and Village Master Plan

- 10. Zoning map amendment, where the proposal comprises one parcel (or multiple parcels covering a small area) and the proposed zoning conforms to the Comprehensive Plan Map.

**17.12.40 TYPE IV**

Type IV decisions may be quasi-judicial or are usually legislative but may be quasi-judicial.

Type IV Procedure (Quasi-Judicial). Type IV (Quasi-Judicial) procedures apply to individual properties. This type of application is generally considered initially by the Planning Commission with final decisions made by the City Council.

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

~~A Type IV is a complex or subjective decision, which may have possible significant effect on some persons or broad effect on a number of persons. The City Council is the decision-making body under this procedure. Actions taken under this procedure may be either quasi-judicial or legislative. This procedure is for situations that do not involve approval of specific development proposals or when consideration of a development proposal requires consideration of a plan amendment, adoption of a land use regulation, or a master development plan required by a Village Plan designation.~~

~~A. Applications processed under a Type IV procedure involve a public hearing. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to the requirements of Chapter 17.20. In most cases, the initial public will be heard and this section before the Planning Commission. Notification of this public hearing shall be noticed according to the requirements of Chapter 17.22 with appeal of a Type IV decision made to the state Land Use Board of Appeals according to the provisions of Chapter 17.28. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing the staff and interested persons may present testimony relevant to the proposal. If pertinent, they may give information on whether the proposal does or does not meet applicable criterion and standards for approval or their proposals for modifications they consider necessary for approval. If criteria are involved, the Planning Commission shall make a finding for each applicable criterion, including whether the proposal conforms to criteria found in the Comprehensive Plan. A written report and recommendation shall be submitted to the City Council.~~

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

**C.B. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of**

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**the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.**

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

**D. Types of Applications**

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

**E. Timing of Requests. The City accepts legislative requests twice yearly, on [date] and [date]. The City Council may initiate its own legislative proposals at any time.**

CHAPTER 17.14

REQUEST FOR INTERPRETATION

17.14.00 INTENT

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

Requests for interpretation may be made for the following purposes:

- A. Reconcile potential conflicts in the code where some terms or phrases may have two or more meanings.
- B. Assure uniformity of Code and Comprehensive Plan interpretations through a formal process; and
- ~~B.C.~~ Provide for a reasonable opportunity to appeal staff interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

17.14.10 APPLICATION REQUIREMENTS

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

17.14.20 ACCEPTANCE OF APPLICATION

The Director shall review a request for interpretation within 10 working days to verify that the request meets the requirements specified above. If a request for interpretation does not meet the requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request requires an official decision be made under Chapter 17.14. The Director in consultation with the City Attorney may find a request does not require a decision, or is legislative in nature and requires a zoning text amendment, conditional use permit, or similar decision is "major" or "minor," or quasi-judicial.

17.14.30 PUBLIC NOTICE PRIOR TO MINOR INTERPRETATION A QUASI-JUDICIAL DECISION

- A. Where a request for interpretation is accepted for review under this Chapter Once a request has been accepted for review, ~~The~~ Director shall notify affected parties that a request for a quasi-judicial minor interpretation has been filed.

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

**17.14.40 STAFF EVALUATION**

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

**17.14.50 ACTION BY DIRECTOR**

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

~~A.~~

~~B. The Director may interpret provisions of the Code or Comprehensive Plan, but shall not issue a legal opinion or interpretation of case law.~~

~~C. The Director is not authorized to issue any interpretation that could have the effect of prejudging any application required by another chapter of this Code.~~

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

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

**17.14.60 NOTICE OF DECISION**

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

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- A. ~~Legislative-Major~~ Interpretation: Where the Director finds that an interpretation applies to a large geographic area, for example, all properties within a given zoning district, Notice-notice of the decision shall be published in a newspaper of general circulation in Sandy that includes a statement of the decision and reasons leading to it, and appeal period deadline.
- B. ~~Quasi-Judicial~~Minor Interpretation: Where the Director finds that an interpretation applies only to an individual site or small area of the City, The Director shall provide the applicant with a notice of decision that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of the decision shall also be mailed to persons who provided written comment on the mailed notice.

**17.14.70 APPEALS**

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

**17.14.80 EFFECTIVE DATE**

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

~~B.Quasi-Judicial Interpretation:~~ The decision of the Director shall become effective 10 days from the date the notice of decision is mailed, unless an appeal is filed.

**17.14.90 REGISTRY OF INTERPRETATIONS**

A written record of the decision shall be kept on file with this Code with the Planning Department. As appropriate, interpretations will be incorporated into the Code through a code amendment.

**CHAPTER 17.18  
PROCESSING APPLICATIONS**

**17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS**

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

When an application and proposed development is submitted, the Director shall determine the type of procedure the Code specifies for its processing and the potentially affected agencies. When there is a question as to the appropriate procedure, the type of application proposal shall be resolved in favor of the higher type number. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

**17.18.10 COORDINATION OF PERMIT PROCEDURE**

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

**17.18.20 PRE-APPLICATION CONFERENCE**

A pre-application conference is required for all Type II, III, and IV applications. The applicant or authorized representative shall request that the Director arrange a pre-application conference, unless the applicant and Director determines agree that the conference is not needed. A request for a pre-application conference shall be made on the form provided by the city and will be scheduled following submittal of required materials and payment of fees. The purpose of the conference is shall be to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director, if requested by the applicant, shall will provide the applicant with notes from a written summary of the conference within 10 days of the conference. These notes may summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the applicable code sections and criteria and standards which that may apply to the approval of the application. Any opinion expressed by the Director or City staff during a pre-application conference regarding substantive provisions of the City's code is advisory and is subject to change upon official review of the application.

**17.18.30 LAND USE APPLICATION MATERIALS**

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



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A. A completed application form and payment of fees.

A.B. List and mailing labels of Affected Property Owners.

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

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

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

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

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

F. List of Affected Property Owners.

F. Site plan of proposed development

G. Number of Copies to be Submitted:

1. One copy of items A through DE listed above;
2. Type I: 23 copies of site plan and other materials required by the Code.
3. Type II: 8 copies of site plan and other materials required by the Code
4. Type III: 15 copies of site plan and other materials required by the Code
5. Type IV 20 copies of site plan and other materials required by the Code

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

#### **17.18.40 SUBMISSION OF APPLICATION ACCEPTANCE AND COMPLETENESS REVIEW**

A. Acceptance. When an application is received by the City, the Director or designee shall determine whether the following essential items are present. If the following items are not present, the application shall not be accepted by the City and it shall be returned to the applicant;

1. The required form;

2. The required fee;

3. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

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

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30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement.

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

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

~~The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City. For the refusal to be valid, the refusal shall be made in writing and received by the Director or designee no later than 14 days after the date on the City's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on 31st day after the Director or designee first accepted the application.~~ Application materials shall be submitted to the Director. Applications for public hearing processes must be submitted in accordance with the yearly schedule of hearings. Within 10 working days of the original filing, each application shall be formally accepted as complete or rejected as being incomplete. The Director shall notify the applicant either by mail or otherwise conveying an explanation to the applicant, that the application is either complete or incomplete or otherwise does not conform to the provisions of this Code.

If the application is rejected, the applicant shall be advised what information is needed to make the application complete. The applicant shall have 10 working days in which to submit any additional materials. Submission of additional information may necessitate a hearing in a subsequent month. Applicants shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot assure that required criteria have been met.

If an application is complete and in conformance with the provisions of this Code, the Director shall accept it and note the date of acceptance on the required copies.

After an application is accepted as complete, the applicant may not submit new evidence. Any revisions or submission of new evidence will require either continuance of the hearing or rescheduling a new hearing to allow opportunity for public comment.

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

#### 17.18.50 REFERRAL AND REVIEW OF APPLICATIONS

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

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

~~A. If the referral agency does not comment within 10 days, it is presumed to have no comment unless an extension of up to 10 days is requested by the agency and granted by the Director. The Director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to a Type III or Type IV procedure.~~

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

~~B.~~

#### 17.18.60 STAFF EVALUATION

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

#### 17.18.70 TYPE II DEVELOPMENT DECISION

- A. Within 60 days of the date of accepting an application, the Director shall grant or deny the request. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies and affected property owners, and approvals required by others. After the decision is made, the Director shall notify the applicant and, if required, others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 17.28.
- B. The Director shall approve a development if he finds that applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of this Code.
- C. The Director shall deny the development if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.

#### 17.18.80 TYPE III OR IV DECISION

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

#### 17.18.90 REAPPLICATION FOLLOWING DENIAL

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

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changed sufficiently to justify reconsideration of the original of a similar proposal, the Director may waive the one-year waiting period.

#### **17.18.100 LEGISLATIVE ENACTMENTS NOT RESTRICTED**

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

#### **17.18.110 EXPEDITED LAND DIVISION**

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

#### **17.18.120 120-DAY RULE; TIME COMPUTATION**

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

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

**CHAPTER 17.20  
PUBLIC HEARINGS**

**17.20.00 BACKGROUND**

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

**17.20.10 PURPOSE**

- A. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- B. Provide clear and consistent rules to ensure the legal rights of individual property owners and the general public are protected.

**17.20.20 DETERMINATION OF HEARING TYPE**

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

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

**17.20.30 RESPONSIBILITY OF DIRECTOR FOR HEARINGS**

- A. Schedule and assign the matter for review and hearing;
- B. Conduct the correspondence of the hearing body;
- C. Give notice;
- D. Maintain a record and enter into the record relevant dates such as those of giving notice, hearings, postponement and continuances and a summary of action taken by the hearings body;
- E. Prepare minutes to include the decision on the matter heard and the reasons for the decision;
- F. Reduce the decisions of the hearings body to writing within a reasonable time;
- G. Mail a copy of the decision to the party requesting the same upon payment of a reasonable fee, if a fee has been established.

#### 17.20.40 APPLICANT'S RESPONSIBILITY

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

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

~~E.~~ Additionally, the following factors are deemed relevant and material and shall be considered by the hearing body in reaching its decision on a proposal:

~~1. Mistakes in the original designation or provision.~~

~~2. Change of conditions within the vicinity in which the development is proposed.~~

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

#### 17.20.50 PUBLIC HEARING ORDER OF PROCEEDINGS

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

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

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

D. Declaration of Ex Parte Contacts. Members of the hearing body may view the area in dispute with or without notification to the parties, ~~or otherwise have ex parte contact with individuals regarding the development but~~ shall place the time, manner and circumstances of such view in the record;

E. At the commencement of a quasi-judicial hearing under a Comprehensive Plan or land use regulation, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria;

2. States that testimony and evidence must be directed toward the criteria in the Plan or land use regulations which the person believes to apply to the decision; and

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3. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Council based on that issue.
- F. Staff reports shall be presented. City staff may also present additional information whenever allowed by the presiding officer during the proceedings;
- E. Presentation of information or inquiries by the applicant or applicant's representative(s);
- F. Presentation of information or inquiries by those persons who support the proposed action;
- G. Presentation of information or inquiries by those persons who oppose the proposed action;
- H. Presentation of information or inquiries by those persons who do not necessarily support or oppose the proposed action;
- I. Persons who have testified supporting or opposing the proposed change may present rebuttal testimony. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant's representative followed by those opposed to the proposed change shall first present rebuttal. The presiding officer shall limit rebuttal to avoid repetition and redundancy;
- J. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission or City Council, as applicable, shall grant such request by either continuing the public hearing or leaving the record open for additional written evidence or testimony. A continuance or extension granted pursuant to this subsection shall be subject to the limitations of ORS 227.178 **unless the continuance or extension is requested or agreed to by the applicant. A party other than the applicant has the right to request only one extension and this right is waived if it is not raised at the initial evidentiary hearing;**
- K. **If the Planning Commission or City Council grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence or testimony for the purpose of responding to the new written evidence;**
- L. **If requested by any participant in the initial hearing, when the public hearing is not to be continued, the record shall remain open for submittal of additional written testimony for a period of 7 days after the close of the hearing and may be permitted for a longer period at the discretion of the hearing authority. If the Planning Commission or City Council leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the City for an opportunity to respond to new evidence submitted during the period that the record is left open. If such a request is filed, the Planning Commission or City Council shall reopen the record pursuant to this section;**

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- M. When the hearing has ended, the hearing body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided;**
- N. Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. ~~Opportunity for brief rebuttal shall also be afforded to adverse parties;~~**
- O. If the hearing is closed, it shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:**
1. There is evidence that was not reasonably available at the time of the hearing;
  2. Evidence is now available to the person seeking to reopen the hearing; and
  3. The evidence is factual, substantial, and material.
- P. When the Planning Commission or City Council reopens a record to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or criteria for decision-making, which apply to the matter at issue.**

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

#### **17.20.60 ACTION BY HEARING AUTHORITY**

- A. Following the hearing procedure, the hearing body shall approve or deny the application or if the hearing is in the nature of an appeal, affirm, reverse or remand the decision that is on appeal. ~~A decision on a hearing or a land use proposal shall be made within 120 days of the date the application is accepted as complete. If the applicant requests or assents to an extension, the applicant must be deemed to have waived the 120-day rule is tolled for the duration of the extension.~~ Processing of a matter under consideration may be extended for a reasonable period of time by the applicant as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter; but the total of all extensions may not exceed 245 days.**
- B. If a quorum of the hearing authority does not appear for a hearing, the hearing shall automatically be continued to the date and time of the next regularly scheduled meeting;**
- ~~C. The hearing body or its designee shall state approve findings of fact prior to any final action to include:~~**
- C.**
- ~~D.~~**
1. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards;
  2. Findings and conclusions individually numbered. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved;



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3. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards;
4. The decision to deny or approve the proposed change with or without conditions;

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

**17.20.70 NOTICE OF DECISION**

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

**17.20.80 PUBLIC INFORMATION**

- A. A copy of these provisions shall be made available to any interested person requesting such a copy.
- B. Copies of the Rules of Procedure shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this chapter.

**17.20.90 RULES OF PROCEDURE**

- A. Formal rules of evidence shall not apply;
- B. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other city agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered-as-argument;
- C. All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 17.28-Appeals. True copies of original information may be substituted for original documents;
- D. All evidence and argument shall be as brief as possible, consistent with full presentation;
- E. Redundancy shall be avoided;
- F. Each person presenting information or argument shall be permitted to complete the presentation without interruption except by the presiding officer to enforce this Code;

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- G. Discussion of personalities shall be avoided to the extent possible in making a complete presentation;
- H. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing;
- I. The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

#### 17.20.100 FAILURE TO RECEIVE NOTICE

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

#### 17.20.110 RIGHTS AND RESPONSIBILITY OF HEARING BODY AND CITY EMPLOYEES

- A. Impartiality. Except for Type IV legislative hearings conducted by the governing body, a party to a hearing or a member of a hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision regarding the matter. The challenge shall state ~~by affidavit~~ the facts relied upon by the challenger relating to a person's bias, pre-judgment, personal interest, or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner. ~~r. Except for good cause shown, challenge shall be delivered by personal service to the Director not less than 48 hours preceding the time set for public hearing. The Director shall attempt to notify the person whose qualifications are challenged prior to the meeting. The challenge shall be incorporated into the record of the hearing;~~
- B. Disqualification. Except for Type IV legislative hearings conducted by the governing body, no member of a hearing body shall participate in a discussion of the proposal or vote on the proposal when any of the following conditions exist:
  - 1. The hearing body member or the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
  - 2. ~~The member owns property within the area entitled to receive notice of the public hearing;~~
  - 3. ~~The member has a direct private interest in the proposal;~~
  - 4. ~~For any other valid reason, the member has determined that participation in the hearing and decision cannot be done in an impartial manner.~~

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

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

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

E. **Rights of Disqualified Member of the Hearing Body.**

1. An abstaining or disqualified member of the hearing body may be counted for purposes of forming a quorum. A member who represents personal interest at a hearing may do so only by physically joining the audience and vacating the seat on the hearing body. He shall make full disclosure of his status and position at the time of addressing the hearing body and shall not vote;
2. If all members of a hearing body disqualify themselves all members present after stating their reasons for abstention or disqualification shall by so doing be re-qualified and proceed to resolve the issues;
3. Except for Type IV legislative hearings conducted by the governing body, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

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

#### 17.20.120 RECORD OF PROCEEDINGS

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

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

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

CHAPTER 17.22  
NOTICES

17.22.00 INTENT

The requirement for notice to affected property owners, governmental agencies, public utility providers, etc., is intended to assure that an opportunity is provided for comments to be submitted regarding a proposed development and to afford citizens the opportunity to participate in the land use decision making process.

17.22.10 TYPE II QUASI-JUDICIAL NOTICE

- A. The applicant or authorized agent;
- B. Any person who owns property within 200 ft., excluding street right-of-way, of the development site;
- C. Any other person, agency, or organization that may be designated by the Code;
- D. Interested parties, such as counties, state agencies, public utilities, etc., ~~which~~that may be affected by the specific development proposal shall receive notice of the scheduled public hearing.

17.22.20 TYPE III QUASI-JUDICIAL NOTICE

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

- 1A. The applicant or authorized agent;
- B. Any person who owns property within 300 ft., excluding street right-of-way, of the development site, except as otherwise authorized by this Code;
- C. Tenants of any existing manufactured-dwelling park for which a zoning district change is proposed;
- D. Any other person, agency, or organization that has filed with the Director a request to receive notices of hearings and has paid a reasonable fee to cover the cost of providing notice;
- E. Any other person, agency, or organization that may be designated by the Code;
- F. Any other person, agency, or organization that may be designated by the City Council or its agencies;
- G. Any other resident owner of property whom the Director determines is affected by the application;
- H. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site;
- I. Interested parties, such as counties, state agencies, public utilities, etc., ~~which~~that may be affected by the specific development proposal shall receive notice of the scheduled public hearing;

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

**17.22.30 TYPE IV LEGISLATIVE HEARING NOTICE**

A. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed Comprehensive Plan amendments and Development Code amendments at least 45 days before the first evidentiary hearing. The notice to DLCD shall include a DLCD Certificate of Mailing.

B. Notice shall be sent by mail at least 20 days, but not more than 40 days, prior to the first evidentiary hearing to owners of property if the proposed action would "rezone" the property according to ORS 227.186, change the land use designation or number of dwelling units per acre permitted on the property. No mailed notice shall be required if the number of affected property owners exceeds 300.

C. Additional notices may be mailed to other property owners or posted as determined appropriate by the Director based on the impact of the proposed development, or as otherwise required by ORS 227.186.

**17.22.40 CONTENTS OF NOTICE**

The notice provided by the City shall:

- A. Explain the nature of the application and the proposed use or uses which could be authorized;
- B. List the applicable criteria from the ordinance and the Plan that apply to the application at issue:
  - 1. Nature of the proposed development and the proposed uses that could be authorized;
  - 2. Legal description, address, or tax map designations;
  - 3. Map showing the location of a zoning change, subdivision, or proposed development;
  - 4. Name and telephone number of a staff member from whom additional information can be obtained;
  - 5. Where a zone change or subdivision is proposed, the notice shall include the statement that the hearing body may consider modifications to what was requested by the applicant.
- B.C. Set forth the street address or other easily understood geographical reference to the subject property;
- D. State the date, time and location of the hearing or the date by which written comments may be submitted, as applicable to the type of land use action;
- C.E. State that failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes an appeal based on that issue;
- D.F. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;

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F.G. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

F.H. Include a general explanation of the requirements for submission of testimony and the procedures for conduct of hearings.

**17.22.50 MAILING OF NOTICES**

- A. Type III and Type IV notices must be mailed at least:
  - 1. Twenty days before the evidentiary hearing; or
  - 2. If two or more evidentiary hearings are allowed, ten days before the first evidentiary hearing.
  
- B. Type II Limited Land Use Decision notices must be mailed at least:
  - 1. Fourteen days in advance of a pending Type II decision.

**17.22.60 PUBLICATION OF NOTICES**

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

**17.22.70 CONTINUED HEARINGS**

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

**17.22.80 LIST OF PROPERTY OWNERS**

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

**CHAPTER 17.24  
COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

**17.24.00 BACKGROUND**

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

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

**17.24.10 INTENT**

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

- A. Respond to changing conditions and community attitudes;
- B. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan;  
and
- C. Establish procedures by which the Plan text and map may be amended.

**17.24.20 INITIATION**

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

- A. An application submitted by ~~the~~ a property's owners or their authorized agents for a specific property; or
- B. A majority vote of the City Council.

**17.24.30 FREQUENCY OF PLAN AMENDMENTS**

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

**17.24.40 APPLICATION REQUIREMENTS**

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



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Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by State law.

**17.24.50 ACCEPTANCE OF APPLICATION**

- A. The Director shall review the application in accordance with Chapter 17.20-Public Hearings;
- B. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 17.22 Public Notices.

**17.24.60 STAFF EVALUATION**

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

**17.24.70 REVIEW CRITERIA**

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

- A. The change being proposed is the best means of meeting the identified public need; -and
- B. The change conforms to all applicable Statewide Planning Goals.

**17.24.80 ACTION BY THE HEARING BODY**

- A. Planning Commission. The Planning Commission shall conduct a public hearing in accordance with Chapter 17.20-Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.
- B. City Council. Upon receipt of the Planning Commission's recommendation the matter shall be set for a de novo public hearing before the City Council. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance approving the proposed Comprehensive Plan map amendment or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.
- C. Notwithstanding any contrary code provision and in the City Council's sole discretion, it may allow an amendment to proceed directly to a public hearing before the City Council without a hearing or recommendation from the Planning Commission.

**17.24.90 NOTICE OF DECISION**

The Director shall provide the applicant with a notice of decision that includes a written statement of the City Council's decision, a reference to findings leading to it, and appeal period

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deadline. A notice of the decision shall also be mailed to persons who presented testimony participated orally or in writing at the public hearing ~~or~~ and who in writing requested notice of the decision.

**CHAPTER 17.26  
ZONING DISTRICT AMENDMENTS**

**17.26.00 INTENT**

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative zoning map amendments to accomplish the following:

- A. Maintain sound, stable, and desirable development within the City;
- B. Permit changes in zoning district boundaries where appropriate;
- C. Ensure zoning changes are consistent with the community's land use policies and goals; and
- D. Lessen the influence of private economic interests in the land use decision-making process.

**17.26.10 BACKGROUND**

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

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

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

**17.26.20 COMPREHENSIVE PLAN & CORRESPONDING ZONING MAP DESIGNATIONS**

<b>PLAN MAP DESIGNATION</b>	<b>ZONING MAP DESIGNATION</b>
<b>RESIDENTIAL</b>	<b>RESIDENTIAL</b>
LDR – Low Density Residential	R-R Rural Residential (2 units/gross acre)
	SFR Single Family (2-6 units/gross acre)
	R-1 Low Density (5-10 units/gross acre)
MDR – Medium Density	R-2 Medium Density (8-14 units/gross acre)
HDR – High Density	R-3 High Density (10-20 units/gross acre)
<b>COMMERCIAL</b>	C-1 Central Business District
	C-2 General Commercial
	C-3 Village Commercial
<b>INDUSTRIAL</b>	<b>INDUSTRIAL</b>
	I-1 Industrial Park
	I-2 Light Industrial

**17.26.30 LEGISLATIVE AMENDMENT PROCEDURES**

A zoning district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

- A. Initiation-Legislative. A zoning district change that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate a change.
  
- B. Review Criteria. ~~Legislative zoning district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, Statewide Planning Goals, and any other applicable policies and standards adopted by the City Council.~~ Legislative amendments shall be reviewed to:
  - 1. Determine the effects on City facilities and services;
  - 2. To assure consistency with the purposes and intent of this chapter;
  - 3. To assure consistency with the policies of the Comprehensive Plan;
  - 4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.

**17.26.40 QUASI-JUDICIAL AMENDMENT PROCEDURES**

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

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

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

- B. Review Criteria. Quasi-judicial zoning district changes shall be reviewed to:
  - 1. Determine the effects on City facilities and services;
  - 2. To assure consistency with the purposes of this chapter;
  - 3. To assure consistency with the policies of the Comprehensive Plan;
  - 4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
  
- C. Application Requirements. An application for quasi-judicial zoning district change shall be made on forms provided by the Director and shall include the following where applicable:
  - 1. Description of the land (address, lot, block, or similar description);
  - 2. Narrative addressing how the application meets the review criteria;
  - 3. Maps, drawings, and such other information as may be needed for an adequate review of the application;

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4. List of affected property owners, from current Clackamas County Assessor's Office records, within 300 feet of the boundaries of the parcel(s) proposed for a zoning district change; and
5. If a proposed zoning district change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents.

**D. Acceptance of Application**

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

**17.26.50 STAFF EVALUATION**

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

**17.26.60 ACTION BY THE HEARING BODY**

- A. Planning Commission. The Planning Commission shall conduct a public hearing in accordance with Chapter 17.20-Public Hearings. Following the close of the public hearing the Commission shall make a recommendation to the City Council concerning the proposed Zoning Map amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria;
- B. City Council. Upon receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council. Following the close of the public hearing the City Council shall either deny the application or adopt an ordinance approving the proposed Zoning Map amendment or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.
- C. Notwithstanding any contrary code provision and in the City Council's sole discretion, it may allow an amendment to the zoning map or to the development code to proceed directly to a public hearing before the City Council without a hearing or recommendation from the Planning Commission.

**17.26.70 NOTICE OF DECISION**

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

**17.26.80 APPEALS**

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

**17.26.90 EFFECTIVE DATE**

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

CHAPTER 17.28  
APPEALS

17.28.00 INTENT

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

17.28.10 REQUEST FOR REVIEW-APPEAL OF DECISION

- A. Type I or Type II Procedure. A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within 12ten calendar days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.
- B. Type III Procedure. A decision of the Planning Commission may be appealed to the City Council by an affected party by filing an appeal within 10ten calendar days of notice of the decision. The notice of appeal shall indicate the decision that is being appealed.
- C. Type IV Procedure. A decision of the City Council may be appealed to the Land Use Board of Appeals (LUBA) or to the legal authority governing land use regulations and issues by an affected party by filing an appeal in accordance with applicable statutes.

17.28.20 REQUIREMENTS OF APPEAL APPLICATION

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

17.28.30 SCOPE OF REVIEW

A. Except where a de novo hearing is required for review of Type II (Limited Land Use) decisions, an appeal is limited to a review of the record and a hearing for receipt of oral arguments regarding the record. AaAt its discretion and if good cause has been demonstrated by the appellant or city staff, the hearing body may allow limit an appeal to include new evidence based upon circumscribed issues relevant to the appeal, or it may allow a de novo hearing a review of the record and a hearing for receipt of oral arguments regarding the record, or may accept new evidence and testimony. If new evidence is to be received, a hearing shall be conducted pursuant to this article.

B. \_\_\_\_\_ The As determined under subsection 17.28.30, the reviewing body shall determine issue an order stating the scope of review on appeal to be one of the following:

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~~A.1. Restricted to the record made on the decision being appealed;~~

~~B.2. Limited to such issues as the reviewing body determines necessary for a proper resolution of the matter; or~~

~~C.3. A de novo hearing on the merits.~~

### 17.28.40 REVIEW ON THE RECORD

Unless otherwise provided for ~~by the reviewing body under subsection 17.28.50~~, review of the decision on appeal shall be confined to the record of the proceeding as specified in this section. The record shall include:

- A. A factual report prepared by the Director;
- B. All exhibits, materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered in reaching the decision under review;
- C. The transcript of the hearing below, if previously prepared; otherwise, a detailed summary of the evidence, but the details need not be set forth verbatim.

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

### 17.28.50 REVIEW CONSISTING OF ADDITIONAL EVIDENCE OR DE NOVO REVIEW

- A. Except where a *de novo* hearing is required for review of Type II (Limited Land Use) decisions, ~~The~~ reviewing body may hear the entire matter de novo; or it may admit additional testimony and other evidence without holding a de novo hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The reviewing body shall consider all of the following in making such a decision:
  - 1. Prejudice to the parties;
  - 2. Convenience or availability of evidence at the time of the initial hearing;
  - 3. Surprise to opposing parties;
  - 4. The competency, relevancy and materiality of the proposed testimony or other evidence.
- B. "De novo hearing" shall mean a hearing by the review body as if the action had not been previously heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration shall be included in the record of the review.

### 17.28.60 REVIEW BODY DECISION

- A. Upon review, the review body may by order affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of the hearing body, the review body,



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in its order, shall set forth its finding and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter back to the hearing body for such further consideration as it deems necessary, it shall include a statement explaining the error found to have materially affected the outcome of the original decision and the action necessary to rectify it.

B. Action by the review body shall be decided by a majority vote of its members present at the meeting at which review is made and shall be taken either at that or any subsequent meeting. The review body shall render its decision no later than 90 days after the filing of the request for review and shall file that decision with the City Recorder within 10 days after it is rendered.

~~D.~~

**EXHIBIT B**  
**CHAPTER 17.42**  
**CENTRAL BUSINESS DISTRICT - C-1**

**17.42.00 INTENT**

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

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

**17.42.10 PERMITTED USES**

A. Primary Uses Permitted Outright - Residential

1. Attached Rowhouses (existing prior to adoption of this Code);
2. Duplexes (existing prior to adoption of this Code);
3. Residential Care Facility;
4. Residential dwellings above, beside or behind a commercial business;
5. Single Attached (Zero Lot Line, 2 Units) (existing prior to adoption of this Code);
6. Single Detached (existing prior to adoption of this Code);
7. Single Detached (Zero Lot Line) (existing prior to adoption of this Code).

B. Primary Uses Permitted Outright — Commercial (in buildings with up to 30,000 square ft. of gross floor area);

1. Bed and breakfast inn;
2. Commercial day care facility;
3. Eating and drinking establishments (not including drive-thru);
4. Funeral and interment services, including undertaking and mortuary services;
5. Lodges, fraternal and civic assembly;
6. Minor utility facility;
7. Museums, theater, gallery or studio for art, dance, health, photography;
8. Parking garages and parking lots;
9. Participant sports and recreation - indoor;
10. Personal services, including but not limited to, animal grooming and veterinary clinic (small animals), bank or other financial institution (walk-in only), barber & beauty shop, catering establishment, general business office, laundry services, medical or dental clinic, pharmacy (walk-in only), printing and blueprint shops, professional offices;
11. Public park, plaza, playground or recreational area, and buildings used in connection therewith, located within ¼ mile of a park symbol on the Comprehensive Land Use Plan Map;

12. Retail businesses selling goods for personal or household consumption, including but not limited to, antiques, appliances, art and photo supplies, automotive accessories, bakery, books, clothing, candy, fabrics, florist, garden supplies, gifts, grocery store (excluding convenience market), hardware, home furnishings, jewelry, meats, office supplies, pets and pet supplies, sporting goods, toys, or video rental);
13. Services, sales and repair including, but not limited to, bicycles, business machines, computers, gunsmith, locksmith, shoes, small appliances, scientific or musical instruments, or tailor;
14. Other uses similar in nature.

C. Accessory Uses Permitted Outright

1. A use customarily incidental and subordinate to a principal use permitted outright;
2. Outdoor seasonal display of merchandise is permitted during business hours only and the display area may not exceed 10% of the total retail sales area (typically plants, Christmas trees, garden products, etc.);
3. Accessory dwelling unit;
4. Accessory structures, detached or attached;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses.

**17.42.20 CONDITIONAL USES** (Buildings designed for one or more occupants with more than 30,000 square ft. of gross floor area:

- A. Assembly or limited manufacturing of retail products as a cottage industry;
- B. Bank or other financial institution with drive-thru facilities;
- C. Business college;
- D. Community services;
- E. Congregate housing;
- F. Convenience market;
- G. Eating and drinking establishments with drive-thru facilities;
- H. Hospital or home for the aged, retirement, rest or convalescent home;
- I. Major public utilities;
- J. Micro-brewery;
- K. Motel/hotel/boardinghouse;
- L. Multi-family dwellings not contained within a commercial building;
- M. Outdoor product display or storage of merchandise sold on a year-round basis;
- N. Outdoor seasonal display of merchandise with a display area greater than 10% of the total retail sales area;
- O. Park and ride station;
- P. Shopping center;
- Q. Other uses similar in nature.

**17.42.30 DEVELOPMENT STANDARDS**

<b>Residential - Not Above Commercial Building</b>	
<b>Type</b>	<b>Standard</b>
Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98

<b>Commercial</b>	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum <sup>1</sup> ; maximum 20 ft.
Lot Coverage	No maximum
Landscaping	10% minimum ( <u>includes required civic space in Section 17.90.110.</u> )
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
<u>Design Review Standards</u>	<u>See Section 17.90.110</u>

- A. Special Setbacks - Side or Rear Yard Abutting a More Restrictive District.
1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional 10 ft. shall be added for each 10 foot increment in building height over 35 ft.
  2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district.
  3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was freestanding.
  4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.
- B. ~~Off-Street Parking. Off-street parking lots shall be located to the rear or side of buildings with no portion of the parking lot located within required setbacks or within 10 ft. of the public right-of-way. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. of street frontage. For lots~~

<sup>1</sup> Unless abutting a more restrictive zoning district or as required to maintain vision clearance.

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~~with frontage of less than 150 ft. or less, shared access shall be required. See Chapter 17.98 for allowable reductions in required parking.~~

~~**17.42.40 ADDITIONAL REQUIREMENTS**~~

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

**CHAPTER 17.44**  
**GENERAL COMMERCIAL - C-2**

**17.44.00 INTENT**

This district is intended to provide for a wide range of commercial activities in a community scale shopping center and for commercial uses and related services and businesses, which require large land areas for structures and parking facilities and direct automobile access. This district is not intended for residential or industrial uses.

**17.44.10 PERMITTED USES**

A. Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:

1. Agricultural sales, service and repair of farm equipment;
2. Automotive fueling stations and car washes;
3. Bed and breakfast inn;
4. Business college;
5. Business park;
6. Commercial day care facility;
7. Community recreation;
8. Convenience store;
9. Eating and drinking establishments, including drive-thru;
10. Funeral and interment services, including undertaking and mortuary services;
11. Garden and lawn equipment supplies;
12. Grocery store or supermarket;
13. Hardware or building material retail sales and service, carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses when enclosed in a building;
14. Hotel or motel;
15. Laboratory and/or services: photo/experimental/research/veterinary/health care;
16. Lodges, fraternal and civic assembly;
17. Minor utility facility;
18. Museums, theater, gallery or studio for art, dance, health, photography;
19. Nursery/greenhouse;
20. Parking garages and parking lots;
21. Participant Sports and Recreation - Indoor;
22. Personal services, including but not limited to, animal grooming and veterinary clinic (small animals), bank or other financial institution (walk-in only), barber & beauty shop, catering establishment, general business office, laundry services, medical or dental clinic, pharmacy, printing and blueprint shop, professional offices;
23. Private nursery school, orphanage, kindergarten or child care center;
24. Public park, plaza, playground or recreational area, and buildings used in connection therewith, located within ¼ mile of a park symbol on the Comprehensive Land Use Plan Map;

25. Retail businesses, selling goods for personal or household consumption, including but not limited to, antiques, appliances, art and photo supplies, automotive accessories, bakery, books (excluding adult book store), clothing, candy, fabrics, florist, garden supplies, gifts, grocery store, hardware, home furnishings, jewelry, meats, office supplies, pets and pet supplies, sporting goods, toys, or video rental);
  26. Services, sales and repair including, but not limited to, bicycles, business machines, computers, gunsmith, locksmith, shoes, small appliances, scientific or musical instruments, or tailor;
  27. Other uses similar in nature.
- B. Accessory Uses Permitted Outright.
1. A use customarily incidental and subordinate to a use permitted outright;
  2. Outdoor seasonal display of merchandise is permitted during business hours only and the display area may not exceed 10% of the total retail sales area (typically plants, Christmas trees, garden products, etc.);
  3. Outdoor product display or storage of merchandise covering no more than 15% of the total lot area (includes display of merchandise sold on a year-round basis).

#### 17.44.20 CONDITIONAL USES

- A. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
- B. Automobile/truck/motorcycle/mobile home/recreational vehicle sales, service and/or rental;
- C. Automotive and Equipment cleaning, fleet storage, parking, repairing of light and heavy equipment;
- D. Bus depot;
- E. Community services;
- F. Hospital or home for the aged, retirement, rest or convalescent home;
- G. Major public utilities;
- H. Outdoor activities, product display or storage greater than 15% of the total lot area;
- I. Outdoor seasonal display of merchandise with a display area greater than 10% of the total retail sales area;
- J. Participant sports and recreation - outdoor;
- K. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or supportive commercial facilities. Residential uses are limited to a maximum of 50 % of the total gross acreage;
- L. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
- M. Wholesaling, storage and distribution, including mini-warehouses;
- N. Other uses similar in nature.

**17.44.30 DEVELOPMENT REQUIREMENTS**

Lot Area	No minimum
Lot Dimension	No minimum
Setbacks <sup>2</sup>	
Front	10 ft. minimum; <u>50 ft. maximum</u>
Side	None
Rear	None
Corner	15 ft.
Outside Display/Sales Lot Area	80%
Lot Coverage - Impervious Area	No maximum
Landscaping	20% ( <u>includes required civic space in Section 17.90.120</u> )
Structure Height	45 ft.
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

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

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

~~B. Off-Street Parking. Off-street parking lots shall not be located inside required setbacks or within 10 ft. of the public right of way (except alleys). Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right of way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.~~

~~**17.44.40 ADDITIONAL REQUIREMENTS**~~

~~Design review is required for all uses.~~

~~Reasonable provisions for pedestrian and vehicular off street access to adjoining properties shall be considered through the design review process.~~

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



**CHAPTER 17.46  
VILLAGE COMMERCIAL - C-3**

**17.46.00 INTENT**

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

**17.46.10 PERMITTED USES**

**A. Primary Uses Permitted Outright - Residential**

1. Single family dwelling above, beside or behind a commercial business;
2. Multi-family dwellings above, beside or behind a commercial business.

**B. Primary Uses Permitted Outright - Commercial**

1. Commercial day care facility;
2. Eating and drinking establishments (excluding drive-thru);
3. Lodges, fraternal and civic assembly;
4. Minor public utility;
5. Museums, theater, gallery or studio for art, dance, health, photography;
6. Parking garages and parking lots;
7. Participant sports and recreation - indoor;
8. Personal services, including but not limited to, animal grooming and veterinary clinic (small animals), bank or other financial institution (walk-in only), barber & beauty shop, catering establishment, laundry services, medical or dental clinic, or pharmacy;
9. Public park, plaza, playground or recreational area, and buildings used in connection therewith, located within ¼ mile of a park symbol on the Comprehensive Land Use Plan Map;
10. Professional or general business office with less than 5,000 square ft. of gross floor area per business;
11. Retail businesses, with less than 7,500 square ft. of gross floor area per business, selling goods for personal or household consumption, including but not limited to, antiques, appliances, art and photo supplies, automotive accessories, bakery, books (excluding adult book store), clothing, candy, fabrics, florist, garden supplies, gifts, grocery store, hardware, home furnishings, jewelry, meats, office supplies, pets and pet supplies, sporting goods, toys, or video rental);
12. Services, sales and repair including, but not limited to, bicycles, business machines, computers, gunsmith, locksmith, shoes, small appliances, scientific or musical instruments, or tailor;
13. Other uses similar in nature.

**Accessory Uses Permitted Outright**

1. A use customarily incidental and subordinate to a principal use permitted outright;

2. Outdoor seasonal display of merchandise is permitted during business hours only. The display area may not exceed 10% of the total retail sales area (typically plants, Christmas trees, garden products, etc.);
3. Accessory dwelling units;
4. Accessory structures;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses.

**CONDITIONAL USES**

- A. Automotive fueling stations and car washes;
- B. Community services;
- C. Congregate housing;
- D. Major public utility;
- E. Multi-family dwellings not located above a commercial business and occupying no more than 30% of the C-3 district area in a village;
- F. Outdoor product display or storage of merchandise sold on a year-round basis;
- G. Outdoor seasonal display of merchandise with a display area greater than 10% of the total retail sales area;
- H. Public park, plaza, playground or recreational area, and buildings used in connection therewith, located more than ¼ mile from a park symbol on the Comprehensive Land Use Plan Map;
- I. Professional or general business office with more than 5,000 square ft. of gross floor area per business;
- J. Retail businesses, with more than 7,500 square ft. of gross floor area per business;
- K. Other uses similar in nature.

**17.46.30 DEVELOPMENT STANDARDS**

<b>Residential - Not in Conjunction with a Commercial Business</b>	
<b>Type</b>	<b>Standard</b>
Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%
Off-Street Parking	See Chapter 17.98

<b>Commercial</b>	
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100' recommended;
Lot Coverage	No maximum
Setbacks <sup>3</sup>	No minimum; <u>maximum</u> front or corner setback; maximum 10 ft. <del>Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating;</del>
Structure Height	45 ft.
Landscaping	10% (includes required civic space per Section 17.90.110.)
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

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

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

~~Off-Street Parking. Off-street parking lots shall be located to the rear or side of buildings with no portion of the parking lot located in a required setback or 10 ft. of the public right-of-way. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access shall be required. See Chapter 17.98 for allowable reductions in required parking.~~

**17.46.40 — ADDITIONAL REQUIREMENTS**

Design review is required for all uses.

Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process.

<sup>3</sup> Unless abutting a more restrictive zoning district or as required to maintain vision clearance.

**CHAPTER 17.48  
INDUSTRIAL PARK (I-1)**

**17.48.00 INTENT**

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

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

**17.48.10 PERMITTED USES**

A. Primary Uses Permitted Outright

1. Assembly or manufacture of small articles of merchandise such as electrical or electronic devices, computers, optical goods, scientific or precision instruments including the manufacture of small parts such as coils, condensers, and transformers;
2. Business or professional office with no retail sales conducted on the site;
3. Business Park;
4. Carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses;
5. Commercial day care facility;
6. Development, research, experimental or testing laboratories;
7. Equipment sales rental, storage, service and repair;
8. Hardware or building material retail sales and service, carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses;
9. Laboratories, biomedical, x-ray, medical and dental, photo, experimental, research, veterinary;
10. Locker or cold storage plant;
11. Minor utility facility;
12. Parking lots and commercial parking structures;
13. Participant Sports and Recreation (indoor only);
14. Theater;
15. Trade or commercial school;
16. Warehousing and distribution facilities for wholesale merchandise, provided that there is no outside storage of goods or merchandise;
17. Other uses similar in nature.

B. Accessory Uses Permitted Outright

1. Use customarily incidental and subordinate to a use permitted outright.

**17.48.20 CONDITIONAL USES**

- A. Commercial uses which the Planning Commission finds meet the following criteria:
1. The use is supportive and complementary to the principal industrial uses in the district;
  2. The scale, activity and design of the use proposed is appropriate to the location and trade area;
  3. The use is designed and landscaped so as to blend harmoniously with the surrounding area.
- B. Automobile/truck/motorcycle/mobile home/recreational vehicle sales, service and/or rental;
- C. Community services;
- D. Eating and drinking establishments, including drive-thru;
- E. Food and beverage sales;
- F. Major public utilities;
- G. Micro-brewery with or without pub;
- H. Participant sports and recreation - Outdoor;
- I. Personal services, including but not limited to, animal grooming (small animals), bank or other financial institution (walk-in or drive-thru), barber & beauty shop, catering establishment, laundry services, medical or dental clinic, pharmacy;
- J. Small and large animal clinics and hospitals;
- K. Wholesaling, storage and distribution, including mini-warehouses;
- L. Other uses similar in nature.

**17.48.30 DEVELOPMENT REQUIREMENTS**

Lot Area - Park	No minimum
Lot Area - Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks	
Front - abutting Hwy. 26	40' <u>30 ft.</u> minimum; 50 ft. <u>maximum</u> if abutting a transit street
<del>Front - abutting other right-of-way</del>	
<u>Side</u>	30' minimum; 70' maximum if abutting a transit street
Rear	15' - Unless abutting another more restrictive district; if abutting the minimum setback is 30'
Corner	30'
	15'
Lot Coverage	80 <u>75</u> % maximum
Landscaping Requirement	20% minimum ( <u>includes required civic space per Section 17.90.120</u> )
Structure Height	45 ft. maximum
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

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

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

~~B. Off-Street Parking. Off-street parking lots shall be located to the rear or side of buildings. Parking shall not be located in a required standard 40' front setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared access may be required.~~

~~17.48.40~~ **ADDITIONAL REQUIREMENTS**

- ~~— Design review is required for all uses.~~
- ~~— Reasonable provisions for pedestrian and vehicular off-street access to adjoining properties shall be considered through the design review process.~~

~~E.~~

