



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

11/25/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Sandy Plan Amendment
DLCD File Number 004-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 10, 2013

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

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

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

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

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 004-13 (20005)
[17681]
Received: 11/19/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Sandy

Local file no.: **13-031 DCA**

Date of adoption: 11/18/13 Date sent: 11/19/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09/16/13
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Minor amendments to Chapter 17.12, Procedures for Decision Making were also included.

Local contact (name and title): Tracy Brown, Planning Director

Phone: 503-668-4886 E-mail: tbrown@ci.sandy.or.us

Street address: 39250 Pioneer Blvd City: Sandy Zip: 97055

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ . _____ acres. A goal exception was required for this change.
Change from _____ to _____ . _____ acres. A goal exception was required for this change.
Change from _____ to _____ . _____ acres. A goal exception was required for this change.
Change from _____ to _____ . _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____ .

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Ordinance 2013-11 amends Chapter 17.12 (Exhibit D) establishing a Minor Conditional Use as a Type II land use application, Chapter 17.18 (Exhibit A) clarifying procedures for processing applications, Chapter 17.68 (Exhibit B) creating a Minor Conditional Use Permit process and amending Chapters 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, and 17.52 specifying Minor Conditional Uses and Conditional Uses in these chapters (Exhibit C).

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at

http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 2013-11

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

WHEREAS, the Development Code (Title 17 of the Sandy Municipal Code) requires conditional uses to be processed as a Type III procedure; and

WHEREAS, the City Council has adopted goals to "Reform the conditional use permit process" and to "Build the city's tax base by supporting and expanding the business community"; and


WHEREAS, the City Council desires to amend the conditional use permit process to more closely match the review procedures to the nature and scope of the use being proposed; and

WHEREAS, the proposed amendments retain safeguards that will assist in preventing conditional uses from detracting from the use of adjoining properties, and from detracting from the functioning and livability of the city.

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

- Section 1. Sandy Municipal Code Section 17.18.00 is amended as detailed in Exhibit A, attached and incorporated by reference.
- Section 2. Sandy Municipal Code Chapter 17.68, Conditional Uses is amended as detailed in Exhibit B, attached and incorporated by reference.
- Section 3. Sandy Municipal Code Sections 17.32.20, 17.34.20, 17.36.20, 17.38.20, 17.40.20, 17.42.20, 17.44.20, 17.46.20, 17.48.20, 17.50.20, and 17.52.20 are amended to identify Minor Conditional Uses as detailed in Exhibit C, attached and incorporated by reference.
- Section 4. Sandy Municipal Code Section 17.12.20 is amended as detailed in Exhibit D, attached and incorporated by reference.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 18th DAY OF NOVEMBER, 2013.


William King, Mayor

ATTEST:


Karen Evatt, City Recorder

EXHIBIT A

CHAPTER 17.18 PROCESSING APPLICATIONS

17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS

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

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

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

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

- the Director will generally elevate all of the required applications to the highest number procedure for review (e.g. the Type II design review application would be reviewed by the Planning Commission along with the Type III variance).
- In situations where an applicant has attended a pre-application conference and has reviewed the application ~~conferred extensively~~ with the Director prior to submitting the applications, the Director may exercise his/her discretion to review the Type II application(s) at the staff level and only schedule a public hearing for the Type III portion(s) of the development proposal. Only those elements of an application that the development code requires to be processed at a higher numbered procedure. An application shall be processed under the highest numbered procedure required for any part of the development proposal.

EXHIBIT B

CHAPTER 17.68 CONDITIONAL USES

17.68.00 INTENT

Certain uses listed in each zoning district require special review ~~a public hearing~~ to determine what their effects may be to the surrounding properties, neighborhood, and community as a whole. The Minor Conditional Use Permit (Type II) and Conditional Use Permit (Type III) processes provides an opportunity to allow a use when potential adverse effects can be mitigated or deny a use if concerns cannot be resolved ~~to the satisfaction of the Planning Commission~~.

It is the intent of this chapter to permit minor conditional uses or conditional uses that where it is are consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts.

Procedures and review criteria for conditional development are established for the following purpose:

- A. Permit certain types of public and private development that provides a community service in locations related to their service areas.
- B. Permit commercial development in locations related to its service area.
- C. Ensure that a conditional use is compatible with its immediate area and the affected part of the community

17.68.10 PROCEDURES

An application filed for a Minor Conditional Use Permit and/or a conditional-Conditional use Use permit-Permit shall be on forms provided by the Director and include application materials listed in 17.18.30 and the following, ~~where applicable unless waived by the Director pursuant to subsection (M)~~:

- A. Site plan drawn to scale and showing existing and proposed:
 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage way with sufficient information on land areas within at least 300 ft. of the subject property specifically addressing land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.
 2. Boundary of the proposed conditional use and any interior boundaries related to proposed development phases.
 2. Lot line dimensions
 3. Location of structures
 4. Vehicle and pedestrian access points and accessways
 5. General location of vegetated areas
 6. Fences and walls
 7. Parking, maneuvering and loading areas
 8. Trash and recycling areas

9. Direction of traffic flow on the property
 10. Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
 11. Proposed modifications to existing grades
- B. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
 - C. Architectural elevations of all buildings and structures including heights, entrances and exits, and floor plans, in sufficient detail to permit computation of other requirements.
 - D. Landscape plan drawn to scale showing:
 1. Location of existing trees and vegetation proposed to be removed or retained on the site.
 2. Location and design of landscape areas
 3. Proposed varieties, quantities, and sizes of trees and plant materials
 4. Other pertinent landscape features and details of irrigation system required to maintain plant materials.
 - E. Narrative relating to applicable Comprehensive Land Use Plan policies
 - F. Narrative relating to applicable Sandy Development Code standards
 - G. Flood, Slope and Hazard Analysis, if portions of the site have slopes in excess of 15%, floodplains, floodways, wetlands, etc.
 - H. Sign Details
 - I. Traffic impact report
 - J. Utility Plan
 - K. Additional data sheet indicating:
 1. Square footage of site and structure
 2. Building coverage
 3. Amount of site to be landscaped
 4. Number of parking spaces to be provided
 5. Building materials to be used
 6. Specifications as to type, color, and texture of exterior surfaces of proposed structures.
 - L. Any additional information that may be required by the Director to properly evaluate the proposed site plan. Such additional information shall only be required where its need can be justified on the basis of special and/or unforeseen circumstances.
 - M. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.68.20 REVIEW CRITERIA

The Planning Director (Minor Conditional Use Permit) through a Type II process or the Planning Commission (Conditional Use Permit) through a Type III process may approve an application,

approve with modifications, approve with conditions, or deny an application for a conditional use permit after a public hearing. The applicant must submit evidence substantiating that all requirements of this code relative to the proposed use are satisfied and consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The following criteria and compatibility factors shall be considered:

- A. The use is listed as either a minor conditional use or conditional use in the underlying zoning district or has been interpreted to be similar in use to other listed conditional uses.
- B. The characteristics of the site are suitable for the proposed use considering the size, shape, location, topography, and natural features.
- C. The proposed use is timely considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, precludes, or impairs the use of surrounding properties for the primary uses listed in the underlying zoning district.
- E. The proposed use will not result in the use of land for any purpose which may create or cause to be created any public nuisance including, but not limited to, air, land, or water degradation, noise, glare, heat, vibration, or other considerations which may be injurious to the public health, safety, and welfare.
- F. The proposed use will be reasonably compatible with existing or planned neighboring uses based on review of the following:
 1. Basic site design (organization of uses on the site)
 2. Visual elements (scale, structural design and form, materials, and so forth)
 3. Noise
 4. Noxious odors
 5. Lighting
 6. Signage
 7. Landscaping for buffering and screening
 8. Traffic
 9. Effects on off-street parking
 10. Effects on air quality and water quality

17.68.30 MODIFICATION TO AN APPROVED CONDITIONAL USE

- A. Major Modification. A major modification to an approved Minor Conditional Use Permit or Conditional Use Permit must be processed as a new application. Major Modifications include:
 1. Changes in proposed land use
 2. Substantial change in building elevation, color or materials
 3. Changes in type and location of access ways and parking areas where off-site traffic would be affected
 4. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified

5. Increase in the total ground area proposed to be covered by structures by more than 10 percent from what was previously specified
6. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
7. Any other modification to specific requirements established at the time of conditional use permit approval

B. Minor Modification. Minor Modifications may include any of the changes listed above provided that the change is quantified below the thresholds for a Major Modification.

Uses customarily subordinate to a principal use permitted outright may be approved by the Director, as determined through Chapter 17.14 Request for Interpretation, as minor modifications. Minor modifications ~~are~~ must be processed as a Type II decision.

17.68.40 REASONABLE CONDITIONS

Reasonable conditions, restrictions, or safeguards that would uphold the purpose and intent of this section and mitigate any adverse impact upon adjoining properties which may result by reason of the approved conditional use may be attached. A list of conditions may include, but is not limited to, the following:

- A. Controlling the location and number of vehicular ingress and egress points.
- B. Improving public facilities such as:
 1. Sanitary sewer
 2. Sidewalks, curbs, and other street improvements
 3. Storm drainage
 4. Water supply
- C. Increasing street width
- D. Increasing the number of off-street parking or loading spaces or areas.
- E. Increasing the required lot size or yard dimensions
- F. Limiting lot coverage or height of buildings because of obstruction of view and reduction of light and air to adjacent property
- G. Limiting the number, size and location of signs
- H. Requiring additional landscaping, berming, screening or fencing where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area
- I. Requiring additional public safety and crime prevention measures
- J. Requiring land dedication or money in lieu of dedication for public purposes
- K. Submission of bonds or other suitable security to ensure that requirements are met
- L. Submittal of final detailed plan indicating conformance with conditions

M. Undergrounding of utilities

17.68.50 EXPIRATION OF PERMIT

Approval of a Minor Conditional Use Permit or Conditional Use Permit shall be void after 2 years, or such lesser time as ~~the Planning Commission may specified in the approval~~, unless substantial construction has taken place or building occupancy obtained. The Planning Director ~~Commission~~ may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.

17.68.60 BUILDING PERMIT ISSUANCE

A building permit for all or any portion of a Minor Conditional Use Permit or Conditional Use Permit shall be issued only on the basis of the plan as approved, ~~by the Planning Commission~~. Any major modification shall be submitted ~~to the Planning Commission~~ as a new application.

17.68.70 REVOCATION

- A. A Minor Conditional Use Permit or Conditional Use Permit ~~conditional use permit~~ shall be subject to revocation ~~by the Planning Commission~~ if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.
- B. The Planning Commission shall hold a public hearing to allow the applicant an opportunity to show cause why the permit should not be revoked.
- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made within the time specified, revocation of the conditional use permit shall be effective 10 days after the time specified.
- D. Reapplication for a conditional use, which has been denied or revoked, cannot be made within 1 year after the date of the Planning Commission's action, except that the Director may schedule a new hearing if there is new evidence or a change in circumstances.

EXHIBIT C

CHAPTER 17.32 PARKS & OPEN SPACE (POS)

17.32.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses – None

B. Conditional Uses

1. Campgrounds;
2. Swimming pools;
3. Other uses similar in nature.

CHAPTER 17.34 SINGLE-FAMILY RESIDENTIAL (SFR)

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

**CHAPTER 17.36
LOW DENSITY RESIDENTIAL (R-1)**

17.36.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

**CHAPTER 17.38
MEDIUM DENSITY RESIDENTIAL (R-2)**

17.38.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

1. Community services;
2. Congregate housing;
3. Funeral and interment services, cemetery, mausoleum or crematorium;

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

**CHAPTER 17.40
HIGH DENSITY RESIDENTIAL (R-3)**

17.40.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

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

17.42.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

1. Automotive fueling station;
2. Buildings designed for one or more occupants with more than 30,000 square ft. of gross floor area;
3. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
4. Major public facility;
5. Multi-family dwellings not contained within a commercial building;
6. Wholesale lumber or building materials;
7. Other uses similar in nature.

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

17.44.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

CHAPTER 17.46
VILLAGE COMMERCIAL - C-3

17.46.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

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

17.48.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses

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

B. Conditional Uses

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

**CHAPTER 17.50
LIGHT INDUSTRIAL (I-2)**

17.50.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses - None

B. Conditional Uses

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

CHAPTER 17.52
GENERAL INDUSTRIAL (I-3)

17.52.20 CONDITIONAL USES

A. Minor Conditional Uses – None

B. Conditional Uses

1. Commercial uses which the Planning Commission finds meet the following criteria:
2. The use is supportive and complementary to the principal industrial uses in the district;
3. The scale, activity and design of the use proposed is appropriate to the location and trade area;
4. The use is designed and landscaped so as to blend harmoniously with the surrounding area;
5. Access to the commercial use is provided by a signal-controlled intersection.
6. Any principal use involving storing, utilizing or manufacturing toxic or hazardous materials, including but not limited to, cement; chemicals; explosives; fertilizers, organic or inorganic; gas (all kinds (artificial, natural, liquefied or compressed); paint, lacquer or varnish; paper; petroleum products of all kinds; rubber; and soap;
7. Any principal use involving the rendering of fats, the slaughtering of fish or meat, or the fermenting of foods such as beer, wine, sauerkraut, vinegar or yeast;
8. Brewery, distillery or winery;
9. Concrete or asphalt batch plant;
10. Incineration or burning of industrial wastes or by-products;
11. Junkyards, including processing, storage or sales;
12. Meat or poultry slaughter or packing;
13. Night watchman or caretaker facility;
14. Transfer station or recycling facility;
15. Trucking terminal and distribution center;
16. Other uses similar in nature.

EXHIBIT D

17.12.20 TYPE II – Noticed Administrative Review

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

Types of Applications:

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