



**SANDY DEVELOPMENT CODE
(Title 17 of the Sandy Municipal Code)**

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**TITLE 17
DEVELOPMENT CODE**

INTRODUCTION

**Chapter 17.00
INTRODUCTION**

17.00.00 ADOPTION

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

17.00.10 STATEMENT OF PURPOSES

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

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

17.00.20 ORGANIZATION OF THIS CODE

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

- The responsibilities of the City Council, Planning Commission, and the Development Services Director and provides basic information on the legal framework of the Code, definitions of words that are not in common usage or have a specific meaning to the Code, and enforcement provisions.
- Administrative procedures for land use actions. Approvals by staff are defined as Type I and Type II decisions. In other cases, the Planning Commission and City Council make review and decisions after conducting at least one public hearing.

- Permitted and conditional uses within individual zoning districts and which specifies density, building setbacks, building heights, and other quantifiable dimensions.
- Overlay zoning districts, which attach an overlay to an underlying base zone such as historic resource or flood, slope and hazard.
- Land division regulations, including subdivisions, planned developments, partitions, and adjustments to property lines.
- Development provisions required in association with new development or intensification of existing development, including standards for parking, landscaping, accessory development, and other site-specific requirements.

Chapter 17.02
THE CITY COUNCIL AND ITS AGENCIES AND OFFICERS

17.02.00 THE CITY COUNCIL AUTHORITY AND RESPONSIBILITY

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

17.02.10 POWERS AND DUTIES

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

- A. May adopt, amend, supplement, or repeal plans and policies for development of the community;
- B. May adopt, amend, supplement, or repeal the text of any provision or regulation of this Code;
- C. May amend the boundaries of zoning districts established on the Official Zoning Map;
- D. Shall review decisions of the Planning Commission upon appeal;
- E. Shall appoint members of the Planning Commission; and
- F. May establish a reasonable schedule of fees with respect to matters under this Code.

17.02.20 THE PLANNING COMMISSION

The Planning Commission shall be appointed in accordance with the Sandy Municipal Code. The Commission shall have the powers and duties provided therein and provided

by this Code. The Commission shall also hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this Code.

17.02.30 QUORUM OF THE PLANNING COMMISSION

Four members shall constitute a quorum.

17.02.40 DIRECTOR

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

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

17.02.50 CONFLICT OF INTEREST

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

17.02.60 PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

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

Chapter 17.04 LEGAL FRAMEWORK

17.04.00 RULES OF CONSTRUCTION

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

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

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

17.04.10 SEVERABILITY AND CONSTITUTIONALITY

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

17.04.20 DESCRIPTIVE HEADINGS

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

17.04.30 CALCULATION OF TIME

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

17.04.40 SAVINGS CLAUSE

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

17.04.50 REVIVAL

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

17.04.60 NONDISCRIMINATION

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

17.04.70 TEXT AMENDMENTS

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms to the Sandy Comprehensive

Plan and any other applicable policies.

A. Initiation. Initiation of an amendment may be accomplished by one of the following methods:

1. Majority vote of the City Council; or
2. Majority vote of the Planning Commission; or
3. Citizens can request that the City Council initiate an amendment. Council may either initiate and direct staff to proceed or may deny and direct the applicant proceed with an amendment.

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

17.04.80 OFFICIAL ZONING MAP

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

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

B. Interpretation of Zoning District Boundaries. Boundaries of the development districts shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such district boundaries. If uncertainty exists as to the boundaries of the zoning districts that is not resolved by the ordinance or orders establishing and amending such boundaries, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;
2. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main track or tracks;
3. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
4. Boundaries indicated as parallel to, or extensions of natural or manmade features indicated in Subsections "1" through "3" above shall be so construed;
5. Distances not specifically indicated shall be determined by the scale of the Official Zoning Map;
6. Where a lot is divided by a boundary, the applicable uses and development standards shall be those of the district that contains the majority of the land area of a lot of record as it existed at the time of the adoption of this Code.

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

17.04.90 DEVELOPMENT REVIEW FEES

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

B. Annual Review. Development review fees shall be reviewed annually.

**Chapter 17.06
ENFORCEMENT**

17.06.00 RESPONSIBLE OFFICERS

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

17.06.10 BUILDING PERMIT

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

17.06.20 CERTIFICATE OF OCCUPANCY

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

17.06.30 STOP WORK ORDER

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

17.06.40 VIOLATIONS

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

17.06.50 REQUEST FOR PROSECUTION

The Director may prepare and deliver to the City Attorney a request for prosecution

indicating the location and nature of the suspected violation, applicable code sections, and other information staff may have.

17.06.60 NOTICE OF VIOLATION

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

- A.** Location and nature of the violation; and provision or provisions of this Code which allegedly have been violated; and
- B.** Whether immediate enforcement will be sought or if 15 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property; and
- C.** The date of the notice shall be the date of personal service of the notice, or, if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after mailing if the address to which it was mailed is outside the State. However, a defect in the notice of violation with respect to such matter shall not prevent enforcement of this Code.

17.06.70 CITY ATTORNEY TO PURSUE ENFORCEMENT

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

- A.** It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed; or
- B.** A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding before it concerning the violation.

17.06.80 PENALTIES

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

- A.** Criminal Penalties. Unless otherwise specified, every violation of the terms of the Code is a Class A infraction, punishable by a fine of up to \$500.00. Each day such violation continues shall be considered a separate offense.
- B.** Civil Penalties and Remedies. In addition to, or in lieu of, criminal actions, a violation of this Code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

1. The Director is authorized to impose a civil penalty of up to \$1,000.00 for any violation of this Code.
2. In imposing a penalty amount pursuant to the schedule authorized by this section the Director shall consider the following factors:

- a. The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;
 - b. Any prior violations of statutes, rules, orders or permits pertaining to development regulations;
 - c. The gravity and magnitude of the violation;
 - d. Whether the violation was repeated or continuous; and
 - e. Whether the cause of the violation was an avoidable accident, negligence or an intentional act.
3. Imposition and enforcement of civil penalties is not an exclusive remedy, but shall be in addition to any other procedures or remedies provided by law. Imposition or payment of a civil penalty under this section shall not be a bar to any criminal proceeding authorized under this ordinance.
4. A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for the first 30 days and each additional 30-day period the condition continues. The notice of penalty shall be provided in the manner as described under Subsection "5" below.
5. Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by mailing the notice by certified mail, return receipt requested, to the last known address of the person incurring the penalty. The notice of penalty shall include:
 - a. A reference to the particular provision or law violated;
 - b. A statement of the matters asserted or charged;
 - c. A statement of the amount of the penalty or penalties imposed;
 - d. A statement of the owner's right to appeal the penalty; and
 - e. A statement that if the penalty is not paid within the time required under Subsection "10" below, the penalty and any costs of service and recording fees will be recorded by the City Recorder in the City Lien Docket and shall become a lien on the property of the person incurring the penalty.
6. If the notice of penalty is returned to the City without service upon the named person, the Director shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.
7. The person to whom the notice of penalty is issued shall have 20 days from the date of service of the notice in which to appeal the penalty before the municipal judge, after which time the notice of penalty becomes a final order. The appeal shall be as provided in Subsections "8" and "9" below.
8. Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. A deposit in the amount of the civil penalty assessed and

an appeal fee shall accompany the appeal. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

9. The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issues to be decided by the municipal judge are determinations of whether or not the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final and not subject to appeal unless challenged in a court of competent jurisdiction.
10. Unless the amount of penalty imposed is paid within 10 days after the notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's subject property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the order recorded. The penalty provided in the order and added costs so recorded become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any character. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.
11. Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the City; and the owner or person making such payment shall receive a receipt therefor, stating that the full amount of penalties, interest, recording fees, and service costs have been paid and that the lien is thereby released and the record of the lien satisfied.

17.06.90 TAMPERING WITH OFFICIAL NOTICES

No person shall remove or tamper with a notice posted on property pursuant to the provisions of this chapter unless authorized by the Director. A violation of this provision shall be a Class "C" misdemeanor.

Chapter 17.08 NONCONFORMING DEVELOPMENT

17.08.00 INTENT

These regulations are intended to permit nonconforming uses and structures to continue, but not to encourage their perpetuation. The regulation of nonconforming development is

intended to bring development into conformance with this Code and the Comprehensive Plan.

As used in this chapter, nonconforming development includes nonconforming structures and nonconforming uses. A nonconforming structure is a structure that does not fully comply with the zoning district provisions because of setbacks, building height, off-street parking, or with some other standard of the district.

Within the zoning districts established by this Code, development may exist that was lawful at the time it began, but would be prohibited in the future under the terms of this Code or future amendments.

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

17.08.10 GENERAL PROVISIONS

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

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

17.08.20 DISCONTINUANCE OF A NONCONFORMING USE

Whenever a nonconforming use is discontinued for more than 1 year, further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use.

"Discontinued" shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

17.08.30 DAMAGE TO A NONCONFORMING USE

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

17.08.40 RECLASSIFICATION TO CONDITIONAL DEVELOPMENT

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

17.08.50 EXCEPTIONS

A. Multi-Family Dwellings, Office Uses, Automotive Fueling Stations, Car Washes, and retail auto dealerships in the C-1 zoning district. (Ord. 2000-04 § 2000.)

1. Multi-family dwellings in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
2. Office uses in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
3. Automotive fueling stations and car washes in existence as of September 30, 1997 shall not be classified as nonconforming development. However, any redevelopment or expansion shall require compliance with current landscaping, access and parking standards and shall be processed as a conditional use permit.
4. Retail auto dealerships in existence as of September 30, 1997 shall not be classified as nonconforming development. Redevelopment of the existing dealership shall require compliance with current landscaping, lighting and access requirements. Expansion of an existing dealership shall be permitted only on property contiguous to the existing auto dealership and in the same ownership as the auto dealership on the effective date of this ordinance. Expansion shall be processed as a conditional use permit. If the existing auto dealership building is proposed to be altered or if a new building is proposed to be constructed on the expansion property, the entire dealership shall be required to conform to current applicable criteria and standards in the Sandy Development Code. If the expansion is proposed to include only parking for the display of automobiles, landscaping, light standards and signage, only the expansion property shall be required to conform to current applicable criteria and standards in the Sandy Development Code. (Ord. 2000-04 § , 2000.)

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

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

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

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

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

DEFINITIONS

Chapter 17.10 DEFINITIONS

(Amended Ord. 2002-18 Section 3)

17.10.00 INTENT

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

17.10.10 MEANING OF WORDS GENERALLY

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

17.10.20 MEANING OF COMMON WORDS

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

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

C. The word "shall" is mandatory and the word "may" is permissive.

D. The word "building" includes the word "structure".

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

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

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

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

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

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

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

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

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

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

Actual Construction: The placing of construction materials in permanent position and fastened in a permanent manner.

Adjacent Lot: Adjacent means the same as abutting lot.

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

Note: Median income figures depend upon the household size assumed. These numbers are updated annually by HUD.

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

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

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

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

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

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

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

Application: For purposes of this [Code](#), application is defined as documents and materials submitted or to be submitted to the city.

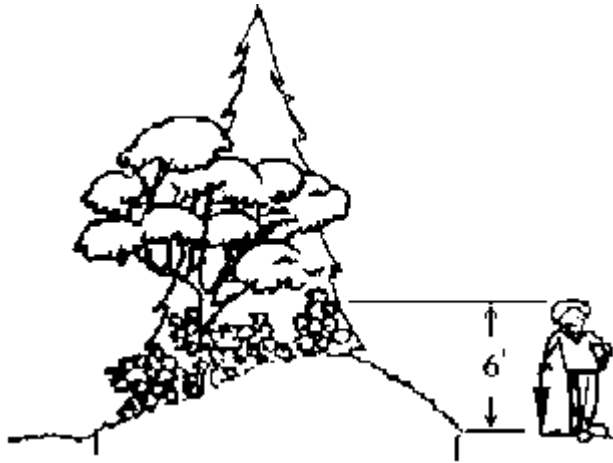
Automobile Fueling Station: Automotive fueling station means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and the sale of accessories as a secondary service for automobiles, at retail direct to the customer.

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

Basement: The portion of a building between the floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling.

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

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



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

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

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

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

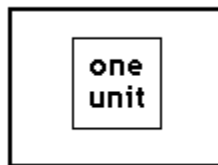
Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, generally reduce impacts of adjacent development, or separate and screen incompatible land uses from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

Building: Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind

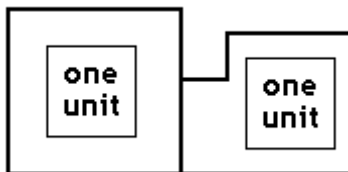
Building Types:

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

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



2. **Attached:** Two or more main buildings placed side by side so that some structural parts are touching one another.

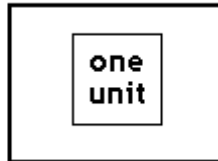


B. Residential: That group of building types comprising the following:

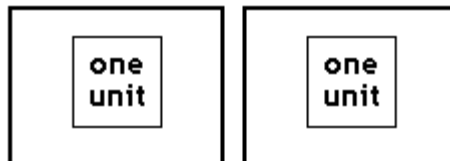
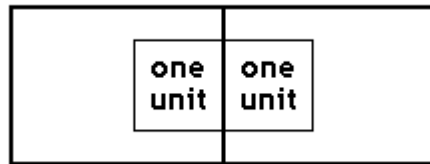
1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



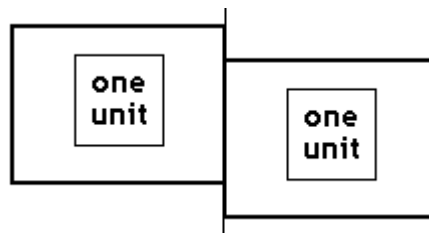
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



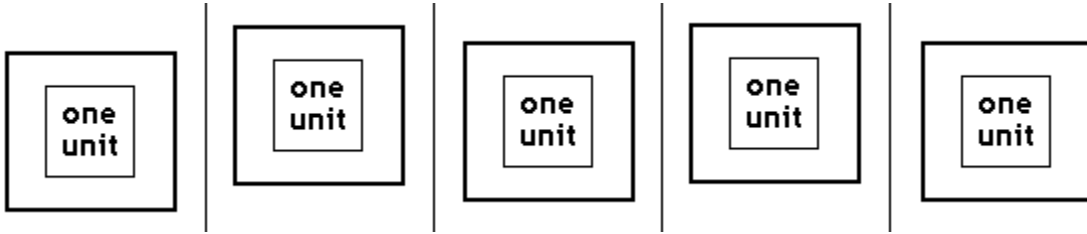
3. **Duplex:** Two dwelling units located on a single lot or development site.



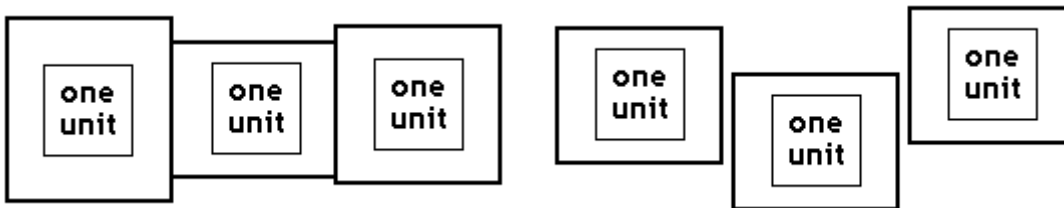
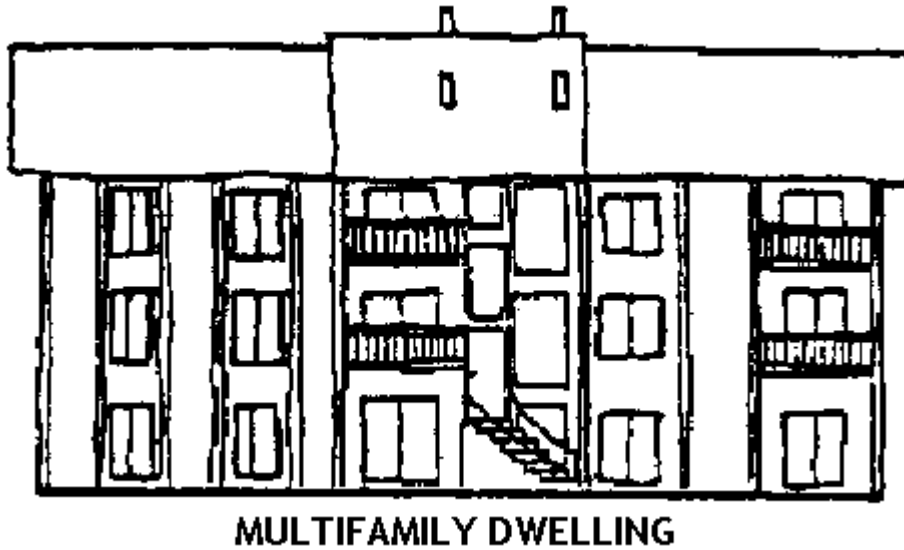
4. **Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



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



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



7. **Manufactured Dwelling Park:** A place where four or more manufactured or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or keep space for rent or to offer space free in connection with securing the trade or patronage of such person.

C. The following commonly used terms are not considered building types for purposes of this [Code](#).

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

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

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

Building Height: See [Height of Buildings definition](#).

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

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

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

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

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

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

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

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

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

Commission: The Planning Commission.

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

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

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

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

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

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

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

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

Contiguous: The same as abutting.

Cooperative: A group or association which has taken a deed or lease to property and which issues stock upon which the tenant's rights to proprietary leases are based. The

stock, or other evidence of interest in the cooperative corporation or association, shall be purchased by persons who are tenants in the occupancy of at least 80% of the accommodations in the structure and are entitled by reason of such ownership to proprietary leases of such accommodations.

Day Care Facility: An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of and being given board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 418.810.

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

Day(s): Shall mean calendar days unless working days are specified.

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

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

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

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

Detention, Stormwater: A detention facility temporarily stores stormwater runoff and subsequently releases it at a slower rate than would otherwise occur.

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

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

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

Director: Planning and Development Director of the City of Sandy, or the Director's official designee, with responsibility for administration of this [Code](#).

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

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

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

Drive-in Facility: Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

Dwelling Unit: An independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and rooming and boarding units, which are used primarily for transient tenancy, shall not be considered as dwelling units.

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

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

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

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

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

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

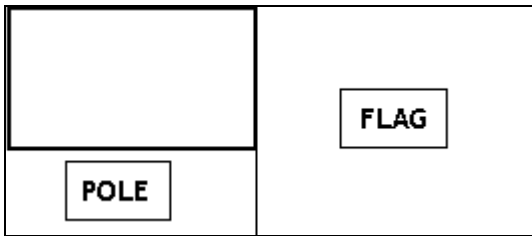
Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

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

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

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

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



Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of surface water areas, or the unusual and rapid accumulation of runoff of surface waters from any source.

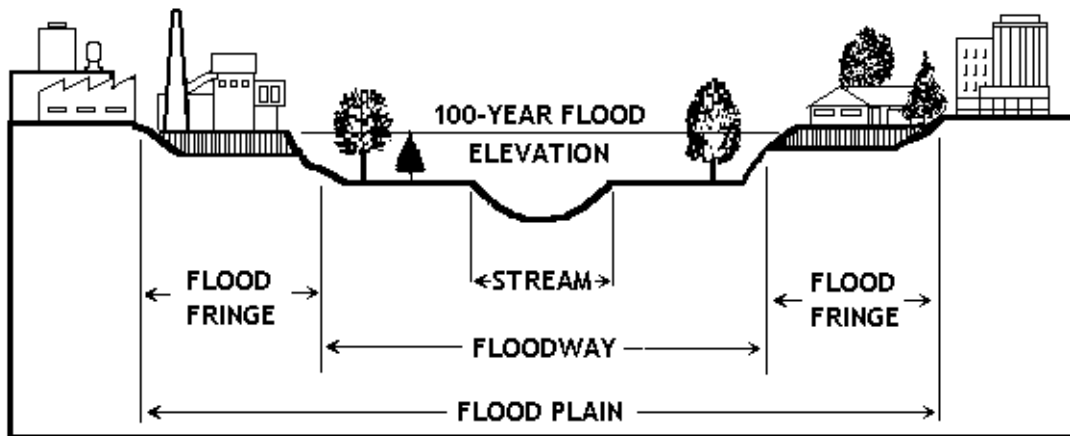
Flood Insurance Rate Map (FIRM): An official map furnished by the Federal Insurance Administration that delineates both the special flood hazard areas and the risk premium zones applicable to the community.

Floodplain: The lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year

Flood, Slope and Hazard Areas:

- **Buildable Areas:** Accessible lands of less than 25% slope that lie outside and water quality setback areas as defined in Chapter 17.60, Flood and Water Quality (FSH).
- **Restricted Development Areas:** Land within the FSH overlay district that is (a) steeply sloped land that is 25% slope or greater or (b) within water quality setback areas.

Floodway: The channel of a river or stream and adjacent land areas that must be reserved exclusively to discharge the waters of a base flood.



Floor Area: The sum of the area of several floors of a building including areas used for human occupancy. It does not include cellars, unenclosed porches, or attics not designed for human occupancy, or any floor space in any accessory building or any interior building parking areas, exclusive of vent shafts.

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

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

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

Flood and Water Quality - FSH Overlay District: An overlay zoning district defining water quality, flood and slope hazard areas within the City identified in the FSH City of Sandy Zoning Map.

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

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

Grade: Given in reference to the slope of land or in reference to construction: is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within

the area between the building and the property line, or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

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

Group Care Home: A home or residential institution maintained and operated for the supervision, care or training of physically, mentally, or socially handicapped persons, but not including foster homes or detention facilities.

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

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

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

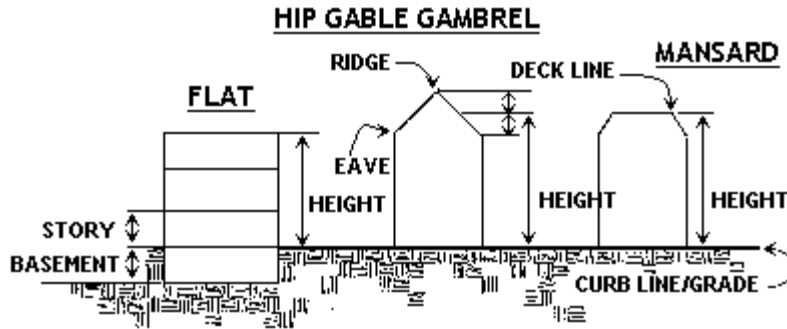
Half-Street improvement: A ½ street improvement includes curb and pavement 2 feet beyond the centerline of the right-of-way. A ¾ street improvement includes curbs on both sides of the street and full pavement between curb faces.

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

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

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

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



The height of a stepped or terraced building is the maximum height of any segment of the building.

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

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

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

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

Homeowners Association: An incorporated, nonprofit organization operating under recorded land agreements through which

- A. each lot owner of a planned development or other described land area is automatically a member; and
- B. subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

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

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

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

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

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

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

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

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

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

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

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

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

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

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

right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See "[Property Line Adjustment](#)".

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

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

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

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

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

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

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

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

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

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

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

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

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

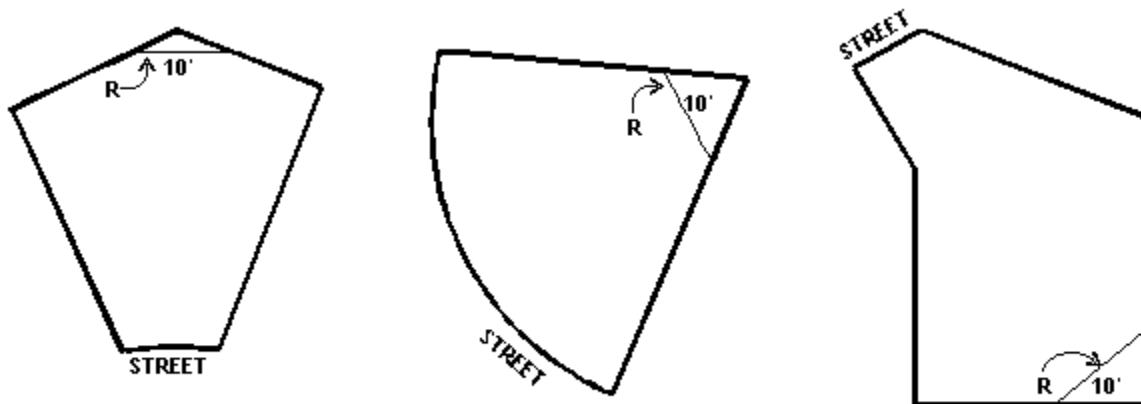
Lot Line: The property line bounding a lot.

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

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

Lot Line, Rear: The recorded lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or lot with more than four sides, however, the rear lot line shall mean a straight line 10 feet in length that:

- a. is parallel to the front lot line or its chord and,
- b. intersects the other lot lines at points most distant from the front line (see figure below).



R = REAR LOT LINE

Lot of Record: A lot or parcel created through applicable land division regulations before adoption of this [Code](#).

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

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

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

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

Lowest Floor: The lowest floor of the lowest enclosed area in a building including a basement.

Manufactured Dwelling Park (also Mobile Home Park or Trailer Park): A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes. Manufactured home park means a privately owned place where four or more manufactured homes, mobile homes, or any combination of the above, used for human occupancy are placed on a lot, tract of parcel of land under the same ownership.

Manufactured Home: A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standard and constructed for movement on public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is used for residential purposes and was constructed, and met the requirements of federal manufactured housing construction and safety standards and regulations in effect at the time of construction. All manufactured homes are to meet the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended on August 22, 1981, consistent with HB 2863 Oregon Laws, 1989, and current Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards as embodied in the most recent Federal Register.

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

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

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

Mobile Home: A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed prior to adoption of June 15, 1976 U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect between January 1, 1962 and June

15, 1976 which met the construction requirements of Oregon Mobile Home Law in effect at the time of construction and which exhibits an Oregon Department of Commerce Insignia of Compliance that indicates conformance with U.S. Department of Housing and Urban Development, HUD, standards.

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

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

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

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

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

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

Nursing Home: Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

Office: A place where the following civic and commercial uses are conducted: Administrative services; business support services; financial, insurance and real estate services; medical services; professional and research services.

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

Open Space, Group: Areas intended for common use either privately owned and maintained or dedicated to the City, designed for outdoor living and recreation or the retention of an area in its natural state. Group open spaces may include swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian,

equestrian, and bicycle trails but do not include off-street parking, maneuvering or loading areas or driveways.

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

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

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

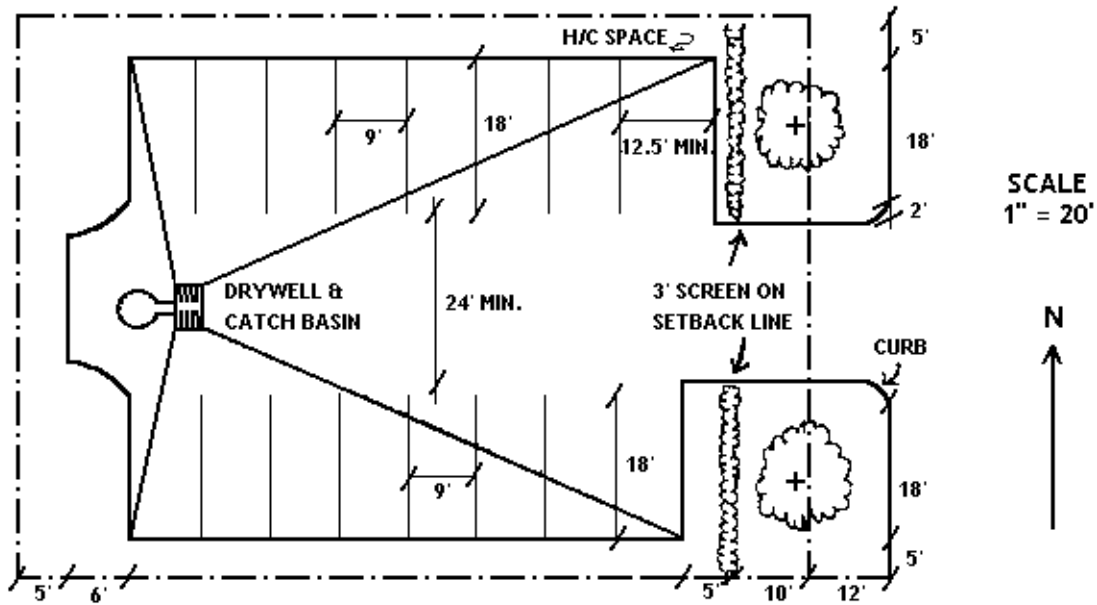
Owner: The owner of record of real property as shown on the latest tax rolls of Clackamas County, or by the deed records of such county, or a person who is purchasing property under contract. In terms of violations and binding agreements between the city and owner, the owner shall also mean leaseholder,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

Parking area, Private: A privately owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this title and not open for use by the general public.

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

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

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



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

Percent of Slope: The ratio of vertical distance to horizontal distance (rise divided by run) The horizontal distance on a contour map is measured with an engineer's scale on a topographic map with surveyed two-foot interval contour lines at a scale of 1 equals some multiple of 10 feet. For example, a 1:4 slope (one-foot rise over a four foot run) is a 25% slope.

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

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

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

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

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

Practicable: Capable of being effected; feasible.

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

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

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

- **Public Facility, Major:** Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.
- **Public Facility, Minor:** Minor utility structures (e.g., poles, lines, pipes); minor sewer, water and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions), minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas).

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

Recreational Vehicle: A vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes, but not residential use.

Recreational Vehicle Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for recreational vehicles of the general public as temporary living quarters, for recreation or vacation purposes. A RV park is intended for use on a temporary basis by campers, vacationers, or travelers.

Remand: A remand shall be conducted in compliance with the procedure type issued by the decision maker upon its initial review of the application unless otherwise specified in the remand order.

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

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

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

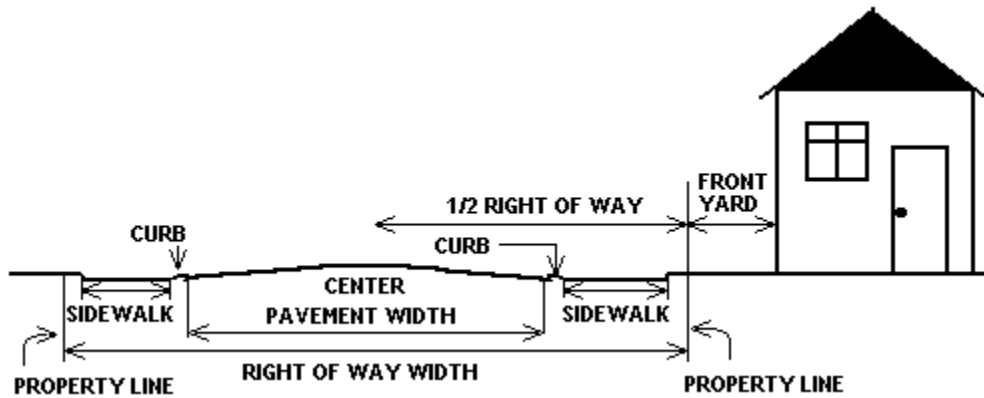
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825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

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

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

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

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



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

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

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

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

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

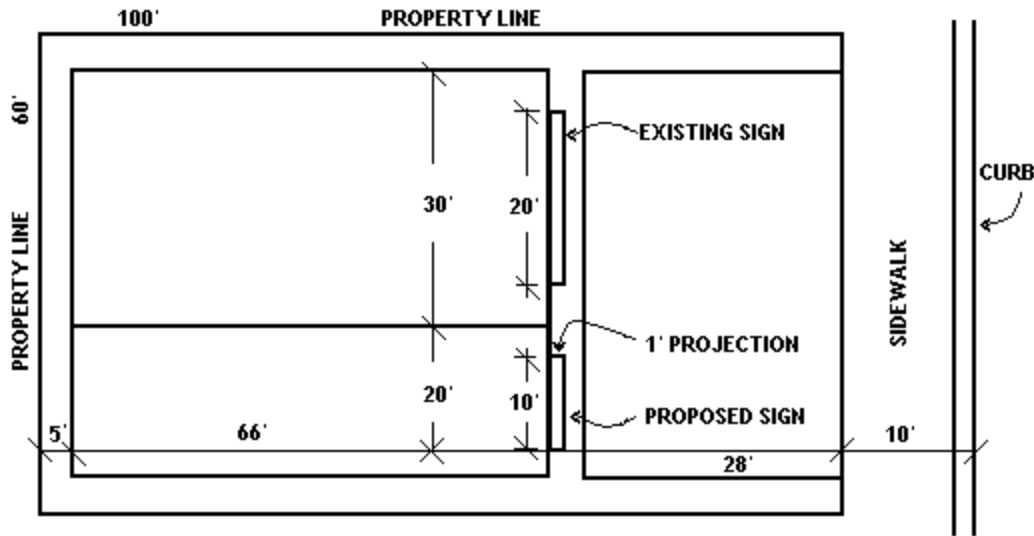
Service Building: A structure in a manufactured (mobile) home or recreational vehicle park containing laundry, restrooms or showers, intended to serve the needs of the residents of the park.

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

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

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

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



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

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

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

Stream Bank, Top Of: The land area immediately above and regularly confining a water body, including a stream, river or associated wetland. The bank has a notably steeper slope than the surrounding landscape. The "bankfull stage" means the stage or elevation at which water overflows the natural banks or streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two - year recurrence interval flood elevation may be used to approximate the bankfull state

- The first major break in the slope between the top of the bank at waterline and the surrounding landscape, shall be the "top of bank."

Stream: A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

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

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

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

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

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

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

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

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

Substantial Improvement: Any repair or reconstruction of a structure valued at 50 percent or more of the market value of the structure, prior to either the time (a) when the structure was damaged by an act of God or (b) of proposed reconstruction.

The term exempts the following:

1. Any project to improve a structure to comply with existing state or local health, sanitary, or safety regulations that is necessary solely to assure safe living conditions; or
2. Any alteration of structure listed on the National Register of Historic Places.

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

- **Detention Facility:** A facility to temporarily store stormwater runoff and subsequently release it at a slower rate than would otherwise occur.
- **Retention Facility:** A facility to collect and hold stormwater runoff with no surface outflow.
- **Water Quality Facility:** A facility, which physically, chemically or biologically removes pollutants and sediments from stormwater before reaching natural wetlands or streams.

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

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

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

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

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

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

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

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

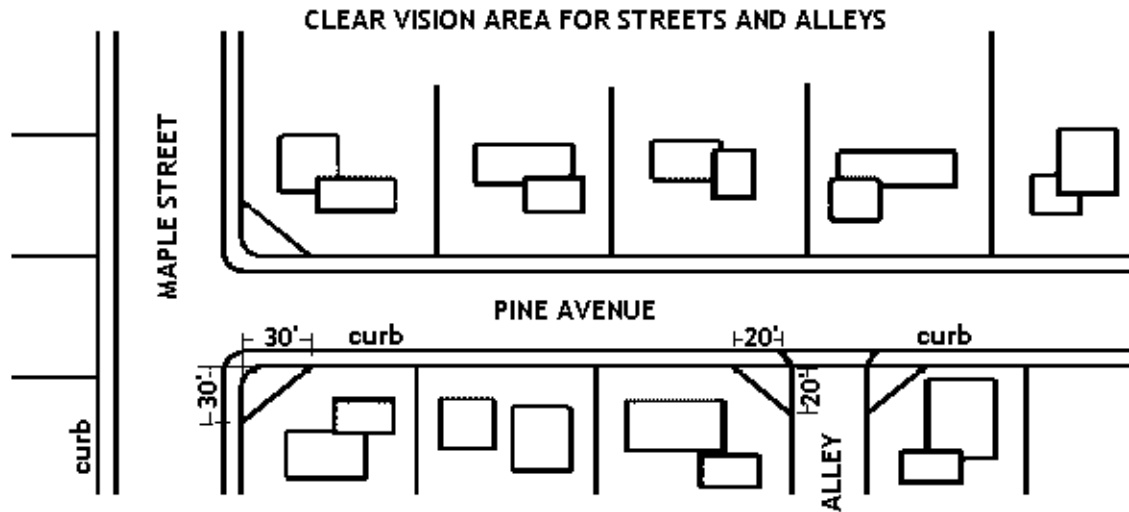
Vegetation, Native: Vegetation that appears on a list of native vegetation species on file in the Planning Department. In contrast to native vegetation, invasive, exotic or introduced vegetation was imported to Sandy over the last few centuries, and can crowd out native vegetation species.

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

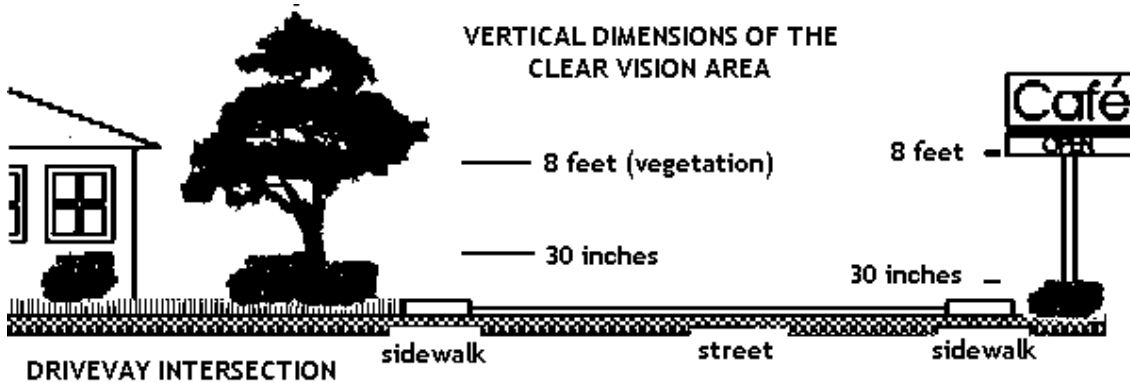
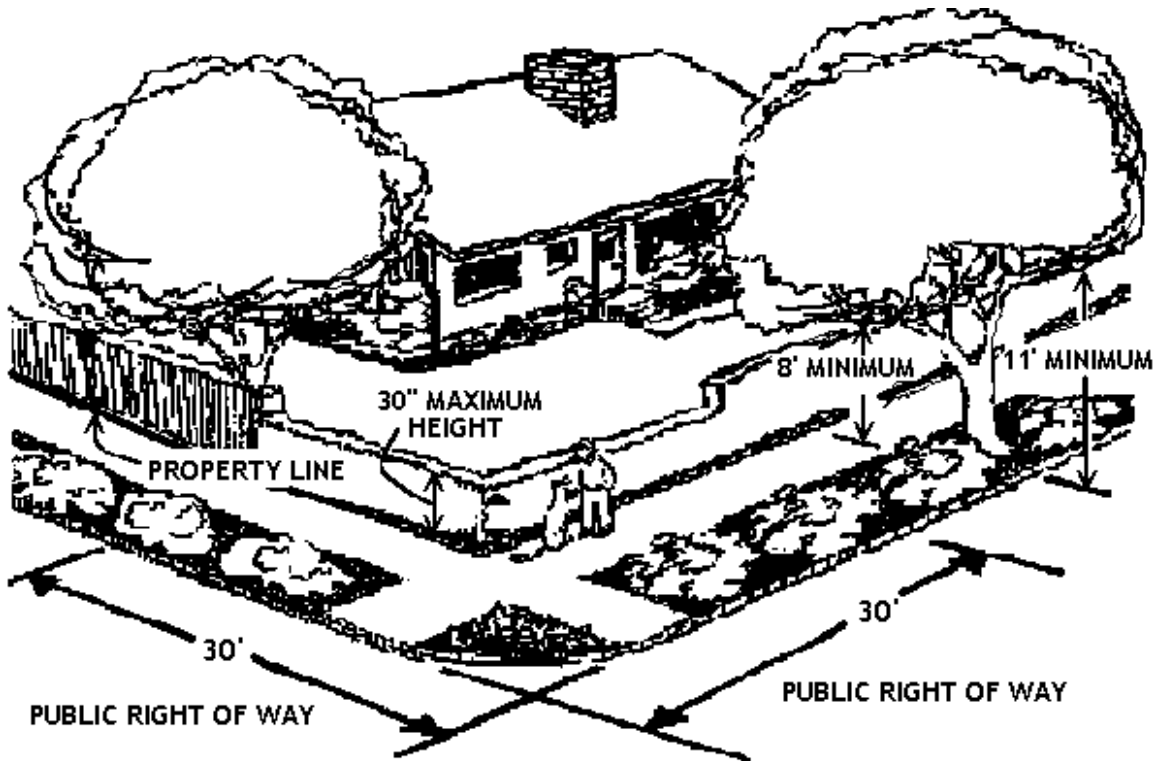
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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

Vision Clearance Area: A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; two sides of which are measured from their corner intersection for a distance specified in this title. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in [Chapter 17.74](#). The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.



Visual Obstruction: Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 3 feet and 8 feet above the adjacent curb height or 11' above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drive, or alleys.



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

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

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

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

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

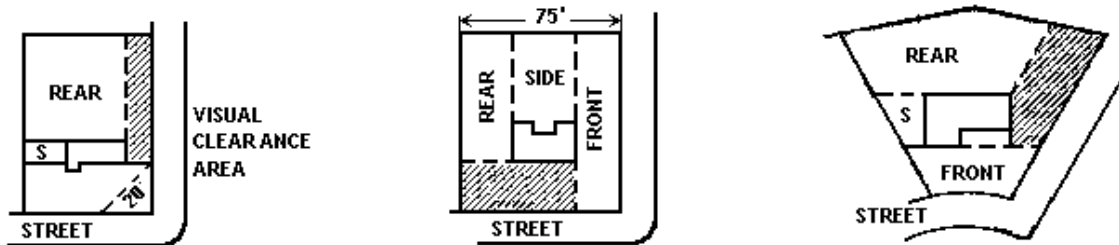
Wetland: Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar wet areas. Wetlands are areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation. Hydrophytic vegetation typically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

Wetland, Locally Significant. A wetland that meets the criteria for a "locally significant wetland" in OAR 141-86-340 "Procedures for Identifying Locally Significant Werlands" and which is

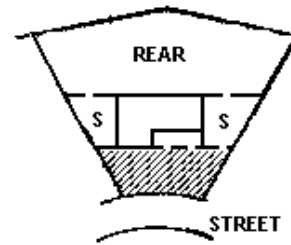
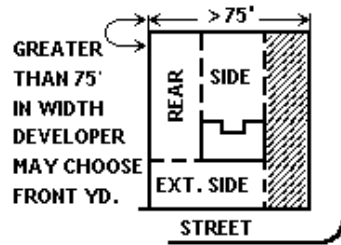
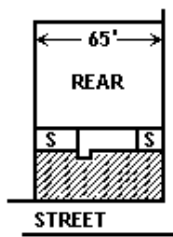
Wheel Stop: A physical obstruction used to prevent a car from moving beyond a predetermined point, usually installed on the pavement.

Yard: An open space unobstructed from the ground upward except as otherwise provided in this [Code](#).

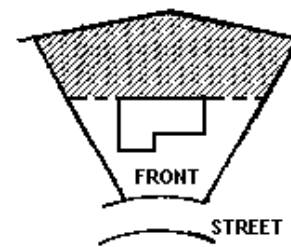
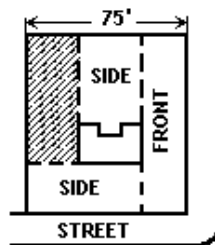
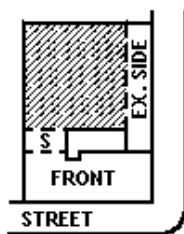
Yard, Exterior Side: A yard extending from the front lot line to the rear lot line on the street side of a corner lot.



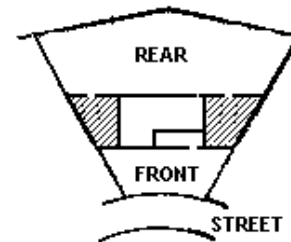
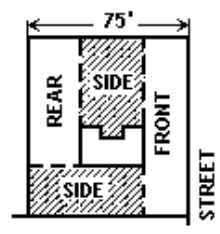
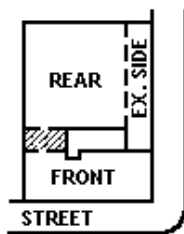
Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



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



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



Zoning District: An area of land within the Sandy City limits, designated for specific types of permitted developments, subject to the development requirements of that district.

PROCEDURES

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 is established for 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).

17.12.10 TYPE I

Requires little, if any discretion, and involves review and approval by staff without a public hearing or notice. This type of development is not a Limited Land Use Decision. A decision of the Director under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with [Chapter 17.28](#), 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.

Type of Applications:

- 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
- Adjustments less than 10% of a Quantifiable Dimension which does not increase density
- Flood Slope and Hillside Development-Uses listed in [17.60.50 A](#).
- Minor Alteration of an Historic Resource
- Property Line Adjustments

17.12.20 TYPE II

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.

Types of Applications:

- Design Review
- 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
- Subdivisions in compliance with all standards of the Development Code
- Partitions and Minor Replats
- Flood, Slope and Hillside Development and Density Transfer-Uses listed in [17.60.50 B](#).
- Request for Interpretations

17.12.30 TYPE III

Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of [Chapter 17.20](#), 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.

Types of Applications:

- Conditional Uses

- Flood, Slope, and Hillside Development-Uses not listed in [17.60.50 A & B](#)
- Variances Greater than 20% of a Quantifiable Dimension or variances which increase density
- Village Concept Plan and Village Master Plan
- Special Variance
- Subdivisions and Major Replats that are not in conformance with the [Development Code](#)

17.12.40 TYPE IV

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. Under the Type IV procedure, the Director shall schedule a public hearing pursuant to [Chapter 17.20](#) and this section before the Planning Commission. 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. 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. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.

D. 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.

Types of Applications:

- Comprehensive Plan text or map amendment
- Zoning District Map changes
- Planned Developments
- Village Specific Area Plan (master plan)
- Annexations (double majority)
- Extension of City Services Outside the City Limits
- Vacating of Public Lands and Plats
- Zoning Map Overlay Districts

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" in that they apply to a large geographic area, for example, all properties within a given zoning district, or they may be "quasi-judicial", 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.** Assure uniformity of Code and Comprehensive Plan interpretations through a formal process; and
- B.** 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 days to verify that the request meets the requirements specified above. If a request for interpretation does not meet the requirements, the applicant shall be notified and given the opportunity to correct

the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative or quasi-judicial.

17.14.30 PUBLIC NOTICE PRIOR TO A QUASI-JUDICIAL DECISION

A. The Director shall notify affected parties that a request for a quasi-judicial interpretation has been filed.

B. "Affected parties" shall mean any owner and occupants of property within 100 feet of the subject property and any other resident owner of property whom the Director determines is affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City 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.

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

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

17.14.60 NOTICE OF DECISION

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

A. Legislative Interpretation: Notice 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 Interpretation: 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.

Chapter 17.16 AUTHORIZATION OF SIMILAR USES

17.16.00 INTENT

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

- Central Business District C1
- General Commercial C2
- Village Commercial C3
- Industrial Park I1

- Light Industrial I2
- Heavy Industrial I3

17.16.10 SIMILAR USE TO A LISTED PERMITTED USE

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

17.16.20 SIMILAR USE TO A LISTED CONDITIONAL USE

This is processed as a Type III procedure.

17.16.30 APPLICATION MATERIALS

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

B. Narrative addressing the review criteria.

C. List of affected property owners

17.16.40 REVIEW CRITERIA

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

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

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

17.16.50 CONDITIONS OF APPROVAL

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

17.16.60 COMPLIANCE WITH CONDITIONS

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

17.16.70 INCORPORATION INTO THE DEVELOPMENT CODE

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

Chapter 17.18 PROCESSING APPLICATIONS

17.18.00 PROCEDURES FOR PROCESSING LAND USE APPLICATIONS

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

The applicant or authorized representative shall request that the Director arrange a pre-application conference, unless the applicant and Director agree that the conference is not needed. The purpose of the conference 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 provide the applicant with a written summary of the conference within 10 days of the conference. The summary should include confirmation of the procedures to be used to process the application, a list of materials to be submitted and the criteria and standards which may apply to the approval of the application.

17.18.30 APPLICATION MATERIALS

An application shall consist of the materials specified in this section, plus any other materials required by this Code.

- A.** A completed application form and payment of fees

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

E. 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 F listed above;
2. Type I: 3 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

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.

17.18.50 REFERRAL AND REVIEW OF APPLICATIONS

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

A. Transmit one copy of the application, or appropriate parts of the application, to each referral agency for review and comment, including those responsible for determination of compliance with state and federal requirements. 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. If a Type II, III or IV procedure is required, provide for notice and hearing as set forth in [Chapter 17.20](#) and [17.22](#).

17.18.60 STAFF EVALUATION

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

17.18.70 TYPE II DEVELOPMENT DECISION

A. Within 60 days of the date of accepting an application, the Director shall grant or deny the request. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. 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, a new application for the same development or any portion thereof may not be heard for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original of a similar proposal, the Director may waive the one-year waiting period.

17.18.100 LEGISLATIVE ENACTMENTS NOT RESTRICTED

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

17.18.110 EXPEDITED LAND DIVISION

A land division shall be processed pursuant to the expedited land division procedures set forth in ORS Chapter 197 if

- a. the land division qualifies as an expedited land division as that term is defined in ORS Chapter 197 and
- b. the applicant requests the land division to be processed as an expedited land division.

**Chapter 17.20
PUBLIC HEARINGS**

17.20.00 BACKGROUND

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

17.20.10 PURPOSE

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

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

17.20.20 DETERMINATION OF HEARING TYPE

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

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

17.20.30 RESPONSIBILITY OF DIRECTOR FOR HEARINGS

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

17.20.40 APPLICANT'S RESPONSIBILITY

- A.** Documents and Evidence. All documents or evidence relied upon by the applicant shall be submitted to the local government and be made available to the public. All documents and evidence must 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 applicable elements of the Comprehensive Plan and to provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration. 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.

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 hearing under a Comprehensive Plan or land use regulation, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria;
2. States that testimony and evidence must be directed toward the criteria in the Plan or land use regulations which the person believes to apply to the decision; and
3. States that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Council based on that issue.

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

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

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

G. Presentation of information or inquiries by those persons who oppose the proposed action;

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

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

J. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission or City Council 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;

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

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

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

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

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 an extension, the applicant must waive the 120-day rule. Processing of a matter under consideration may be extended for a reasonable period of time as determined by the hearing body, but not to exceed six months from the date of the first hearing on the matter;

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 shall state findings of fact prior to any final action to include:

1. A statement of the applicable criteria and standards against which the proposal was tested, and of the hearing body's interpretation of what would be required to achieve compliance with the criteria and standards;

2. Findings and conclusions individually numbered. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved;

3. A statement of the facts which the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards;

4. The decision to deny or approve the proposed change with or without conditions;

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

17.20.70 NOTICE OF DECISION

Following the signing of the Final Order and Findings of Fact, the Director shall issue a Notice of Decision that describes the decision of the hearing authority, a reference to findings leading to it, any conditions of approval, and application appeal period deadline. 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;

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 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. 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 be transcribed if required for judicial review or if ordered by the hearing body;

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

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

D. A person shall have access to the record of the proceeding at reasonable times.

Chapter 17.22 PUBLIC 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 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:

A. 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 may be affected by the specific development proposal shall receive notice of the scheduled public hearing;

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

17.22.30 TYPE IV LEGISLATIVE HEARING NOTICE

Notice shall be sent by mail at least 20 days prior to the hearing to owners of property if the proposed action would 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.

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

17.22.40 CONTENTS OF NOTICE

The notice provided by the City shall:

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

B. List the applicable criteria from the ordinance and the Plan that apply to the application at issue:

1. Nature of the proposed development and the proposed uses that could be authorized;
2. Legal description, address, or tax map designations;
3. Map showing the location of a zoning change, subdivision, or proposed development;

4. Name and telephone number of a staff member from whom additional information can be obtained;

5. Where a zone change or subdivision is proposed, the notice shall include the statement that the hearing body may consider modifications to what was requested by the applicant.

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

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

E. 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;

F. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost;

G. 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

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 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 property owners or their authorized agents; or
- B.** A majority vote of the City Council.

17.24.30 FREQUENCY OF PLAN AMENDMENTS

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September unless otherwise authorized by the City Council. The City Council may initiate amendments to the Comprehensive Plan at any time. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt

from the time limits established in State law for development review processes and shall be exempt from time restrictions set in this Code.

17.24.40 APPLICATION REQUIREMENTS

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

17.24.80 ACTION BY THE HEARING BODY

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

B. City Council. Upon receipt of the Planning Commission's recommendation the matter shall be set for a de novo public hearing before the City Council. Following the close of the public hearing, the City Council shall either deny the application or adopt an

ordinance approving the proposed Comprehensive Plan map amendment or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

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

17.24.90 NOTICE OF DECISION

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

Chapter 17.26 ZONING DISTRICTS 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

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, 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 any other applicable policies and standards adopted by the City Council.

C. Application Requirements. An application for quasi-judicial zoning district change shall be made on forms provided by the Director and shall include the following where applicable:

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

D. Acceptance of Application

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

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 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

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 ten 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 ten 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

At its discretion the hearing body may limit an appeal to 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. The reviewing body shall issue an order stating the scope of review on appeal to be one of the following:

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

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

C. A de novo hearing on the merits.

17.28.40 REVIEW ON THE RECORD

Unless otherwise provided for by the reviewing body, 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. 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, 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 as 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.

ZONING

Zoning Districts

Chapter 17.30
ZONING DISTRICTS
(Revised 2/22/05 Ord 2005-02)

17.30.00 ZONING DISTRICT DESIGNATION

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

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

17.30.10 ZONING MAP

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

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

17.30.20 RESIDENTIAL DENSITY CALCULATION PROCEDURE

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

Calculation of Gross Site Area (GSA): Gross site area should be calculated in acres based upon a survey of the property boundaries.

A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas

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

For example: A site (GSA) containing 10 acres in the Single Family Residential Zoning District requires a minimum of 20 units and allows a maximum of 60 units. (GSA x 2 units/acre = 20 units minimum) (GSA x 6 units per acre = 60 units maximum)

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

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

$$\text{GSA} - \text{RDA} = \text{USA}$$

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

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

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

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

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

For example: suppose a site in a zone with a maximum density of six (6) units per acre has 8 acres of unrestricted site area (USA= 8) and two acres of restricted development area (RDA=2), for a total gross site area of 10 acres (GSA=10). Then GSA (10) x 6 units/acre = 60 and USA (8) x 6 units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 60 (the lesser of the two results).

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

- C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying zoning district.
- D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

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

RESIDENTIAL

Chapter 17.32 RURAL RESIDENTIAL (RR)

17.32.00 PURPOSE

This district is intended to be applied in locations, which identify the edge of urban development. Flexible development should be encouraged through the use of planned developments and density transfers to encourage retaining views and natural features where possible. The purpose of the zone is to maintain lots with a rural atmosphere where a full range of urban services is available. Density shall be not more than 2 units per gross acre.

17.32.10 PERMITTED USES

A. Primary Uses Permitted Outright

1. Single detached dwelling;
2. Single detached dwelling (Zero Lot Line).

B. Accessory Uses Permitted Outright

1. Accessory dwelling unit;
2. Accessory structure, detached or attached in accordance with specified size limitations;
3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
4. Home business;
5. Livestock, poultry and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within

the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;

6. Minor utility facility;

7. Other development customarily incidental to the primary use.

17.32.20 CONDITIONAL USES

A. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in [Chapter 17.74](#);

B. Community services;

C. Funeral and interment services, cemetery, mausoleum or crematorium;

D. Golf course and club house, driving range, pitch-and-putt, but not miniature golf;

E. Hospital or home for the aged, retirement, rest or convalescent home;

F. Lodges, fraternal and civic assembly;

G. Major utility facility;

H. Private nursery school, orphanage, kindergarten or child care center;

I. 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;

J. Public park, community recreation facility, playground or recreational area;

K. Residential home [ORS 443.000 to 443.825];

L. schools (public, private, parochial or other educational institution and supporting dormitory facilities not including colleges and universities);

M. Single attached dwelling (Zero Lot Line, 2 Units); and

N. Other uses similar in nature.

17.32.30 DEVELOPMENT STANDARDS

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Minimum Average Lot Width	60 ft. single family detached dwellings; 50 ft. zero lot line
Minimum Lot Width at Building Line	60 ft. single family detached; 50 ft. zero lot line
Minimum Lot Frontage	25 ft.
Minimum Average Lot Depth	No minimum
Setbacks Front yard Rear yard Side yard (interior) Corner Lot	20 ft. 20 ft. 5 ft ¹ 15 ft. on side abutting the street
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Structure Height	35 ft.
Building Coverage	No maximum
Off-Street Parking	See Chapter 17.98

17.32.40 MINIMUM REQUIREMENTS

A. Must connect to municipal water, unless deferred by City Council;

B. Must connect to municipal sewer if service is currently within 500 feet of the site. Sites more than 500 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:

1. A county septic permit is secured and a copy is provided to the city;
2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements, which directly benefit the property.

3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city.

4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.

C. The location of any real improvements to the property must provide for a future street network to be developed;

D. Must have frontage or approved access to public streets;

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

17.32.50 ADDITIONAL REQUIREMENTS

Design review is required for all uses.

Chapter 17.34 SINGLE FAMILY RESIDENTIAL (SFR)

(Revised 2/22/05 Ord 2005-02)

17.34.00 INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 2 or more than 6 units per gross acre.

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;

B. Accessory Uses Permitted Outright

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;

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

17.34.20 CONDITIONAL USES

- A. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
- B. Community services;
- C. Single detached or attached zero lot line dwelling;
- D. Duplex;
- E. Funeral and interment services, cemetery, mausoleum or crematorium;
- F. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
- G. Hospital or home for the aged, retirement, rest or convalescent home;
- H. Lodges, fraternal and civic assembly;
- I. Major utility facility;
- J. Preschool, orphanage, kindergarten or commercial day care;
- K. 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;
- L. Residential care facility [ORS 443.000 to 443.825];
- M. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
- N. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling	7,500 square ft.
- Other permitted uses	No minimum
A. Minimum Average Lot Width	
- Single detached dwelling	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160
D. Minimum Average Lot Depth	No minimum

E. Setbacks (Main Building)	
Front yard	10 ft. minimum
Rear yard	20 ft. minimum
Side yard (interior)	7.5 ft. minimum
Corner Lot	10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.220) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

¹ Must comply with clear vision requirements of Chapter 17.74.

17.34.40 MINIMUM REQUIREMENTS

A. Must connect to municipal water.

B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:

1. A county septic permit is secured and a copy is provided to the city;
2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.

C. The location of any real improvements to the property must provide for a future street network to be developed.

D. Must have frontage or approved access to public streets.

17.34.50 ADDITIONAL REQUIREMENTS

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

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

C. Lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone.

D. Zero Lot Line Dwellings: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

Chapter 17.36 LOW DENSITY RESIDENTIAL (R1) (Revised 2/22/05 Ord 2005-02) (Revised 4/2/07 Ord 2007-03)

17.36.00 INTENT

This district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for an urban level of low-density residential development. It is to be used as a transition between the Single Family Residential zone and the higher densities of a village. The uses are to be fully serviced by public facilities. This zone is intended to provide walkable neighborhoods with excellent linkage between residential areas, schools, parks, and village commercial. This zone is one of four zones included in a village area and is designed as a mixed-use neighborhood with a range of housing types and accessible commercial areas. Density shall not be less than 5 or more than 10 units per gross acre.

17.36.10 PERMITTED USES

A. Primary Uses Permitted Outright

1. Single detached dwelling (subject to design standards in Chapter 17.90);
2. Single detached manufactured dwelling (subject to design standards in Chapter 17.90);
3. Single detached or attached zero lot line dwelling;
4. Duplex;

- 5. Row houses;
- 6. Manufactured home parks (see Chapter 17.96).
- B. Accessory Uses Permitted Outright
 - 1. Accessory dwelling unit;
 - 2. Accessory structure, detached or attached in accordance with specified size limitations (see Chapter 17.74);
 - 3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
 - 4. Home business (see Chapter 17.74);
 - 5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
 - 6. Minor utility facility;
 - 7. Other development customarily incidental to the primary use.

17.36.20 CONDITIONAL USES

- A. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
- B. Community services;
- C. Funeral and interment services, cemetery, mausoleum or crematorium;
- D. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
- E. Hospital or home for the aged, retirement, rest or convalescent home;
- F. Lodges, fraternal and civic assembly;
- G. Major utility facility;
- H. Pre-school, orphanage, kindergarten or commercial day care;
- I. 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;
- J. Residential care facility [ORS 443.000 to 443.825];
- K. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
- L. Other uses similar in nature.

17.36.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area	

- Single detached dwelling	5,500 square ft.
- Single detached zero lot line dwelling	5,000 square ft.
- Other permitted uses	No minimum
B. Minimum Average Lot Width	
- Single detached dwelling	50 ft.
- Single detached zero lot line dwelling	40 ft.
- Single attached zero lot line dwelling	30 ft.
- Other permitted uses	No minimum
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160
D. Minimum Average Lot Depth	No minimum
E. Setbacks	
- Front yard	10 ft. minimum
- Rear yard	15 ft. minimum
- Side yard (interior)	5 ft. minimum ^[1]
- Corner Lot	10 ft. minimum on side abutting the street ^[2]
- Garage	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 17.90.220) 5 ft. minimum for alley or rear access
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Structure Height	35 ft. maximum
Building Site Coverage	No minimum
Off-Street Parking	See Chapter 17.98

^[1] Excluding zero-lot line development

^[2] Must comply with clear vision requirements of Chapter 17.74

17.36.40 MINIMUM REQUIREMENTS

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

17.36.50 ADDITIONAL REQUIREMENTS

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

Chapter 17.38
MEDIUM DENSITY RESIDENTIAL (R2)
(Revised 2/22/05 Ord 2002-05)

17.38.00 INTENT

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

17.38.10 PERMITTED USES

A. Primary Uses Permitted Outright

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

B. Accessory Uses Permitted Outright

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

17.38.20 CONDITIONAL USES

- A. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;**

- B. Community services;
- C. Congregate housing;
- D. Funeral and interment services, cemetery, mausoleum or crematorium;
- E. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
- F. Hospital or home for the aged, retirement, rest or convalescent home;
- G. Lodges, fraternal and civic assembly;
- H. Major utility facility;
- I. Preschool, orphanage, kindergarten or child care center;
- J. 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;
- K. Residential care facility [ORS 443.000 to 443.825];
- L. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
- M. Other uses similar in nature.

17.38.30 DEVELOPMENT STANDARDS

Type	Standard
Minimum Lot Area	No minimum
Minimum Average Lot Width	
- Single detached dwelling	50 ft.
- Single detached zero lot line dwelling	40 ft.
- Single attached zero lot line dwelling	30 ft.
- Other permitted uses	No minimum
Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160
Minimum Average Lot Depth	No minimum
Setbacks	
- Front yard	10 ft. minimum
- Rear yard	15 ft. minimum
- Side yard (interior)	5 ft. minimum ^[1]
- Corner Lot	10 ft. minimum on side abutting the street ^[2]
- Garage	

	20 ft. minimum for front vehicle access
	15 ft. minimum if entrance is perpendicular to the street (subject to Section 17.90.220)
	5 ft. minimum for alley or rear access
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Multi-family - Landscaping	25% minimum
- Setbacks	See Section 17.90.230
Structure Height	35 feet maximum
Building Site Coverage	No minimum
Off-Street Parking	See Chapter 17.98

^[1] Excluding zero lot line development

^[2] Must comply with clear vision requirements of Chapter 17.74

17.38.40 MINIMUM REQUIREMENTS

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

17.38.50 ADDITIONAL REQUIREMENTS

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

Chapter 17.40
HIGH DENSITY RESIDENTIAL (R3)
(Revised 2/22/05 Ord 2005-02)

17.40.00 INTENT

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

17.40.10 PERMITTED USES

- A. Primary Uses Permitted Outright
 - 1. Single Detached, if located on an existing lot of record or in conjunction with a planned development;
 - 2. Single Detached (Zero Lot Line), if located in conjunction with a planned development;
 - 3. Single Attached Zero Lot Line;
 - 4. Duplex;
 - 5. Row houses;
 - 6. Multi-family dwellings;
 - 7. Manufactured home parks;
 - 8. Boarding houses and rooming houses;
 - 9. Residential facility.
- B. Accessory Uses Permitted Outright
 - 1. Accessory dwelling unit (see Chapter 17.74);
 - 2. Accessory structure, detached or attached (see Chapter 17.74);

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

17.40.20 CONDITIONAL USES

- A. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
- B. Community services;
- C. Congregate housing;
- D. Funeral and interment services, cemetery, mausoleum or crematorium;
- E. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;
- F. Hospital or home for the aged, retirement, rest or convalescent home;
- G. Lodges, fraternal and civic assembly;
- H. Major utility facility;
- I. Pre-school, orphanage, kindergarten or commercial day care;
- J. 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;
- K. Residential care facility [ORS 443.000 to 443.825];
- L. Schools (public, private, parochial or other educational institution and supporting dormitory facilities);
- M. Other uses similar in nature.

17.40.30 DEVELOPMENT STANDARDS

Type	Standard
Minimum Average Lot Width <ul style="list-style-type: none"> - Single detached dwelling - Single detached zero lot line dwelling - Single attached zero lot line dwelling - Other permitted uses 	40 ft. 30 ft. 20 ft. No minimum
Minimum Lot Frontage	20 ft. except as allowed by Section

	17.100.160
Minimum Average Lot Depth	No minimum
Setbacks	
- Front yard	10 ft. minimum
- Rear yard	15 ft. minimum
- Side yard (interior)	5 ft. minimum ^[1]
- Corner Lot	10 ft. minimum on side abutting the street ^[2]
- Garage	20 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 1.79.220) 5 ft. minimum for alley or rear access
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Multi-family – Landscaping	25% minimum
-Setbacks	See Section 17.90.230
Structure Height	35 ft. maximum
Building Site Coverage	No maximum
Landscaping	See Chapter 17.92
Off-Street Parking	See Chapter 17.98

^[1] Excluding zero lot line development

^[2] Must comply with clear vision requirements of Chapter 17.74

17.40.40 MINIMUM REQUIREMENTS

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

17.40.50 ADDITIONAL REQUIREMENTS

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

Business and Commercial

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

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, 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

- 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

Residential – Not Above Commercial Building	
Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R3)
Setbacks	In conformance with Chapter 17.40 (R3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98
Commercial	
Type	Standard
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum ¹ ; maximum 20 ft.
Lot Coverage	No maximum
Landscaping	10% minimum
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98

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. 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.

17.42.50 ADDITIONAL REQUIREMENTS

A. Design review is required for all uses.

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

Chapter 17.44 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;

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

Type	Requirement
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks ¹ Front Side Rear Corner	10 ft. minimum None None 15 ft.
Outside Display/Sales Lot Area	80%
Lot Coverage - Impervious Area	No maximum
Landscaping	20%
Structure Height	15 ft.

Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98

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 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

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

**Chapter 17.46
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.

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. 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.

17.46.20 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 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

Residential Not in Conjunction with a Commercial Business	
Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R3)
Setbacks	In conformance with Chapter 17.40 (R3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%
Off-Street Parking	See Chapter 17.98
Commercial	
Type	Standard
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100' recommended;
Lot Coverage	No maximum
Setbacks ¹	No minimum front or corner setback; maximum 10 ft. Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating.

Structure Height	45 ft.
Landscaping	10%
Off-Street Parking	See Chapter 17.98

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.

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 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

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

**Chapter 17.48
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

Type	Standard
Lot Area - Park	No minimum
Lot Area - Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks Front - abutting Hwy. 26 Front - abutting other right-of-way Side Rear Corner	40' minimum; 70' maximum if abutting a transit street 30' minimum; 70' maximum if abutting a transit street 15' - Unless abutting another more restrictive district; if abutting the minimum setback is 30' 30' 15'
Lot Coverage	75% maximum
Landscaping Requirement	20% minimum
Structure Height	45 ft. maximum
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98

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

A. Design review is required for all uses.

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

Chapter 17.50 LIGHT INDUSTRIAL (I-2)

17.50.00 INTENT

It is the intent of this district to provide locations in suitable areas for light manufacturing and warehousing business which have minimal impact on their surroundings and do not produce noise, light, smoke, odor or other pollutants in excess of average levels preexisting at the boundary of the site.

17.50.10 PERMITTED USES

A. Primary Uses Permitted Outright

1. Assembly, manufacture, process, packing or storage uses excluding uses with a primary function of storing, utilizing, or manufacturing toxic or hazardous materials;
2. Administrative, educational or other related activities subordinate to a permitted use on the same premises;
3. Minor utility facility;

4. Warehousing and distribution facilities for wholesale merchandise, provided that there is no outside storage of goods or merchandise;

5. Other uses similar in nature.

B. Accessory Uses Permitted Outright

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

17.50.20 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. 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 (artificial, natural, liquefied or compressed); paint, lacquer or varnish; paper; petroleum products of all kinds; rubber; and soap;

C. Brewery, distillery or winery;

D. Community services;

E. Major utility facility;

F. Trucking terminal and distribution center;

G. Wholesaling, Storage and Distribution, including mini-warehouses;

H. Other uses similar in nature.

17.50.30 DEVELOPMENT REQUIREMENTS

Type	Standard
Type A	No minimum

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

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

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

B. Off-Street Parking. Parking shall not be located in a required standard 30' setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for

ingress or egress shall be limited to one per 150 ft. For lots with frontage of less than 150 ft. or less, shared may be required.

17.50.40 ADDITIONAL REQUIREMENTS

A. Design review is required for all uses.

B. All processes and storage shall be entirely enclosed within a building. However, outdoor storage of materials may be approved by the Director upon a finding that the proposed storage is screened from view from public rights-of-way by buildings, landscaping, fences, etc. All manufacturing operations shall be conducted wholly within an enclosed building.

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

Chapter 17.52 GENERAL INDUSTRIAL (I3)

17.52.00 INTENT

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

17.52.10 PERMITTED USES

A. Primary Uses Permitted Outright

1. Any industrial use excluding uses with a primary function of storing, utilizing, or manufacturing toxic or hazardous materials;
2. Administrative, educational or other related activities subordinate to a permitted use on the same premises;
3. Carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses when enclosed in a building;
4. Minor utility facility;
5. Truck, trailer and heavy equipment sales, rental or repair;
6. Vehicle repair shop, entirely within an enclosed building;
7. Warehousing and distribution facilities for wholesale merchandise, with indoor or outdoor storage (not including mini-storage facilities);

8. Wholesale lumber or building materials yard with no retail sales;
9. Other uses similar in nature.

B. Accessory Uses Permitted Outright

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

17.52.20 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;
4. Access to the commercial use is provided by a signal-controlled intersection.

B. 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;

C. 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;

D. Brewery, distillery or winery;

E. Concrete or asphalt batch plant;

F. Incineration or burning of industrial wastes or by-products;

G. Junkyards, including processing, storage or sales;

H. Meat or poultry slaughter or packing;

I. Night watchman or caretaker facility;

J. Transfer station or recycling facility;

K. Trucking terminal and distribution center;

L. Other uses similar in nature.

17.52.30 DEVELOPMENT REQUIREMENTS

Type	Standard
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks Front Side or Rear Corner	30' minimum; 70' maximum from a transit street None, unless abutting another more restrictive district; if abutting, the minimum setback is 50' 15'
Outdoor Display/Sales Lot Area	60% maximum
Lot Coverage	85% maximum
Landscaping Requirement	10% minimum
Structure Height	45 ft. maximum
Transit Street Setback	See Chapter 17.82
Off-Street Parking	See Chapter 17.98

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

1. An additional 10 ft. shall be added for each 10 ft. increment in building height over 35 ft.;
2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

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

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

17.52.40 ADDITIONAL REQUIREMENTS

A. Design review is required for all uses.

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

CHAPTER 17.54 Ord 2003-09 SPECIFIC AREA PLAN OVERLAY

17.54.00 SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS

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

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

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

- D. Adoption. A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.
- E. Map identification. A specific area plan overlay zone is identified on the City of Sandy Zoning Map with a specific border around the perimeter of the plan area and a letter “S” depicted approximately in the center of the plan area. A report that includes the specific area plan and relevant development standards shall be adopted as an exhibit to the ordinance approving the overlay zone district.
- F. Comprehensive Plan Amendment. A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.
- G. Compliance with Specific Area Plan Standards and Procedures. New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.
- H. Specific Area Plan Standards. Specific standards for adopted specific area plans are defined below.

17.54.10 SPECIFIC AREA PLAN CONTENT

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

- A. Plan Objectives. A narrative shall set forth the goals and objectives of the plan.
- B. Site and Context. A map of the site and existing context shall identify the project area.
- C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.
- D. Density. If residential uses are proposed, a narrative shall describe planned residential densities.
- E. Facilities Analysis. The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.

- F. Circulation/Transportation Diagram. The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.
- G. Market Analysis. Specific are plans that include amendments to the zoning map affecting the acreage of Village Commercial (C-3) land within the plan area shall include a market analysis of supportable retail space that verifies demand for the proposed acreage of C-3 land. The analysis should include a market delineation, a regional and local economic review, and a retail market evaluation.
- H. Design and Development Standards. If standards differ from normal City standards, design and development standards shall be included in the plan.

17.54.20 LAND USE REVIEW

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

- A. Type I. The Director, at his or her discretion, may refer a Type I application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.10, the following activities shall be reviewed administratively.
 - 1. Administrative amendments to a specific area plan, as defined by Section 17.54.30 (A).
- B. Type II. The Director, at his or her discretion, may refer a Type II application to the Planning Commission for a public hearing. In addition to the procedures detailed in Section 17.12.20, the following activities shall be reviewed administratively with notices to neighboring property owners.
 - 1. Minor amendments to a specific area plan, as defined by Section 17.54.30 (B).
- C. Type III. In addition to the procedures detailed in Section 17.12.30, the following activities shall be reviewed by the Planning Commission as either a quasi-judicial or legislative amendment.
 - 1. Major amendments to the specific area plan, as defined by Section 17.54.30 (C).

17.54.30 AMENDMENTS AND ADJUSTMENTS TO THE SPECIFIC AREA PLAN

Amendments to an approved specific area plan are classified as administrative, minor, or major amendments.

A. Administrative Amendments. The City Planning Director may approve administrative amendments pursuant to the Type I procedures of the Sandy Development Code. Administrative amendments include:

1. Street, easement, sidewalk, and trail relocations that result in a location change of less than 50 feet from what is depicted on specific area plan diagrams.
2. Public park relocations that result in a location change of less than 100 feet from what is depicted on specific area plan diagrams.
3. Increases in the size of public neighborhood parks, provided that transportation connections remain consistent with the specific area plan.
4. Reductions in the size of public neighborhood parks, provided the reductions are less than 10% of park area depicted on specific area plan diagrams.
5. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific area plan.
6. A change in the utility plan other than what would be necessary for other authorized adjustments.

B. Minor Amendments. A minor amendment to a specific area plan shall be processed as a Type II land use decision. The decision shall include findings demonstrating that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and
2. The functioning of the specific area plan, and
3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Minor amendments are those that result in any of the following:

- a. A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the specific area plan circulation/transportation diagram.
- b. A change in the land use diagram that reduces the size of a public park or facility more than 10%, or moves the location more than 100 feet from the location depicted on the land use diagram.

C. Major Amendment. A major amendment to a specific area plan shall be processed as a Type III Procedure affecting the existing specific area plan. The amendment shall

follow either quasi-judicial or legislative procedures and meet plan amendment and zone change criteria. Findings must demonstrate that the change will not adversely affect:

1. The purpose and objectives of the specific area plan, and
2. The functioning of the specific area plan, and
3. The coordination of transportation and infrastructure provision to properties within the specific plan area.

Major amendments are those that result in any of the following:

- a. A change in a land use plan boundary or density, unless as part of the original approvals an alternative design was approved outlining acceptable plan designation options (e.g. a residential use may be approved on a park site).
- b. A change in the circulation/transportation plan that causes a required transportation element, including a trail, to be added, eliminated or moved more than 100 feet from the location depicted on the specific area plan circulation/transportation diagram.
- c. A change in the Parks Plan that adds or eliminates a designated public park or facility.
- d. A change in development standards, except those set forth as minor or administrative amendments.
- e. Increase or decrease in density, as much as 20% over or under density permitted by an underlying zoning district.
- f. Other amendments to the specific area plan not defined as administrative or minor amendments.

17.54.40 BORNSTEDT VILLAGE OVERLAY (BVO) DISTRICT

The City of Sandy developed a specific area plan for Bornstedt Village, a mixed-use neighborhood located south of downtown Sandy surrounding the intersection of Hwy 211 and Bornstedt Road, as depicted on the City of Sandy Zoning Map. The Bornstedt Village Specific Area Plan Report, the background document that includes Figures referenced in this Chapter, is available for review in the City of Sandy Planning Department.

17.54.50 BVO INTENT

The Bornstedt Village Overlay (BVO) district is intended to guide the development of a new, pedestrian-oriented neighborhood in Sandy, and, implement the Comprehensive Plan's village policies. The district is intended to integrate land use, transportation, natural resource and infrastructure planning in a way that recognizes and enhances the unique qualities of Bornstedt Village. The district references other chapters within the Sandy Development Code in combination with provisions that apply solely within Bornstedt Village. Where there is a conflict between a referenced section of the Code and this chapter, the BVO district provisions supercede.

The planning objectives for Bornstedt Village are to:

- A. Create a Livable Village – Create a neighborhood-oriented village that fulfills the village definition in the Sandy Comprehensive Plan, and, responds to the unique opportunities and site conditions of Bornstedt Village.
- B. Provide Transportation Options and a Local Street Network – Provide for transportation improvements and a village setting that is conducive to walking, bicycling and transit, while accommodating automobile traffic. Integrate planned land uses with existing and future transportation modes.
- C. Plan for a New, Village-Oriented Character for Hwy 211, Bornstedt and Jacoby Roads – Evaluate ways to calm traffic, improve safety, create an attractive character, protect natural resources and generally minimize adverse impacts from traffic on these high-speed roads.
- D. Protect, Restore, and Enhance Natural Resources in Balance with Creating an Urban Village – Plan for integration for land use, transportation, and natural resources in the village. This objective seeks to protect, restore and enhance key resources and implement appropriate green and sustainable development practices, all in balance with creating an urban village.
- E. Plan for a Parks and Open Space – Provide parks that implement the City of Sandy Parks Master Plan, and other open space opportunities that enhance the livability of the village.
- F. Provide Housing Choices – Provide a variety of housing choices that meet the needs of a broad spectrum of Sandy residents.
- G. Ensure Attractive and Village-Oriented Design – Identify zoning and design guidelines that will result in attractive design that supports the creation of a walkable village.

17.54.60 BVO APPLICABILITY

Development and land use within the Bornstedt Village Overlay district, as shown on the City of Sandy Zoning Map (reflecting Figure 5 in the Bornstedt Village Specific Area

Plan), shall be in conformance with the provisions outlined in this chapter. Cascadia Village Subdivisions #1 through #6 are exempt from Sections 17.54.70-17.54.110.

17.54.70 BVO PERMITTED USES

Within the Bornstedt Village Overlay district, all uses shall be consistent with the underlying zoning district, as referenced below. Uses are determined through the referenced zone district unless specifically modified or exempted herein.

- A. Single Family Residential (SFR) – see SDC 17.34. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.34.10 and 17.34.20.
- B. Low Density Residential (R1) – see SDC 17.36. Single-family detached zero-lot-line dwellings are not permitted. All other uses shall be consistent with Section 17.36.10 and 17.36.20.
- C. Medium Density Residential (R2) – see SDC 17.38
- D. High Density Residential (R3) – see SDC 17.40
- E. Village Commercial (C-3) – see SDC 17.46. Multi-family dwellings above, beside or behind a commercial business are permitted except as modified as follows: residential dwellings shall only be permitted to be located above, beside or behind the commercial use(s) if a minimum of 80% of the ground floor of each building footprint is occupied by the commercial use(s). In such cases where the 80% standard is met, a maximum of 20% of the ground floor of each building footprint may be used for residential purposes and to provide access to residential dwellings located above, beside or behind the commercial uses(s).

17.54.80 BVO DEVELOPMENT STANDARDS

Residential Development Standards

Type	SFR	R1	R2	R3
Minimum Average Lot Width	50 ft. single family detached;	40 ft. single family detached; 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house	40 ft. single family detached; 30 ft. zero lot line and duplex; 20 ft. row house	40 ft. single family detached; 20 ft. zero lot line, duplex and row house
Lot Width at Building Line	40 ft. single family detached	40 ft. single family detached; 50 ft. duplex; 20 ft.	40 ft. single family detached; 30 ft. duplex; 20 ft.	40 ft. single family detached; 20 ft. zero lot line,

Type	SFR	R1	R2	R3
		zero lot line; 20 ft. row house	zero lot line and row house	duplex and row house
Minimum Lot Frontage	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Ave. Lot Depth	No minimum	No minimum	No minimum	No minimum
Setbacks Front Yard Rear Yard Side Yard (interior)	10 ft. min. 20 ft. min. 7.5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.	10 ft. min. 15 ft. min. 5 ft. min.
Corner Lot Setback	10 ft. on side abutting the street	10 ft. on side abutting the street	10 ft. on side abutting the street	10 ft. on side abutting the street
Garage Setback	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Projection into Required Setbacks	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74
Accessory Structures	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74	See Chapter 17.74
Structure Height	35 ft. max.	35 ft. max.	35 ft. max.	35 ft. max.
Building Site Coverage	No maximum	Maximum - 80 percent maximum for manufactured home parks	Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks	Maximum - 75 percent maximum for multi-family; 80 percent for manufactured home parks
Off-Street Parking	See Chapter 17.98	See Chapter 17.98	See Chapter 17.98	See Chapter 17.98

17.54.90 BVO Village Commercial Development Standards

Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100'
Lot Coverage	No maximum
Setbacks*	No minimum front, side or corner setback; 10 ft. maximum. Additional setbacks of up to 20 ft. may be provided to accommodate small plazas and outdoor seating

Structure Height	45 ft.
Landscaping	10%
Off-Street Parking	See Chapter 17.98

*Unless abutting a more restrictive zoning district, then match abutting district's setback

17.54.100 BVO Village Commercial - Residential in Conjunction with a Commercial Business

Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R3)
Setbacks	In conformance with Chapter 17.40 (R3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%

17.54.110 BVO DESIGN STANDARDS

- A. Design Review – Design review is required for all new uses and structures, and for exterior remodels of commercial uses. The provisions of Chapter 17.90 and other relevant chapters apply unless modified by the following provisions.
- B. Single Family Residential Design Standards – All single family dwellings and manufactured dwellings on individual lots of record shall utilize at least six of the following design features to provide visual relief along the front of the home:
 - 1. Dormers
 - 2. Gables
 - 3. Recessed entries
 - 4. Covered front porches
 - 5. Pillars or posts
 - 6. Bay or bow windows
 - 7. Eaves of 12 inches or greater
 - 8. Off-set of 16 inches or greater on building face or roof
 - 9. Window trim (minimum 4-inches-wide nominal) or shutters (minimum 8-inches-wide nominal)
 - 10. Balconies or porch rail
 - 11. Shakes, shingles, brick or other similar decorative materials occupy at least 100 square feet of the street façade
- C. Variety of Housing Standard for Subdivisions and Planned Developments – In order to reduce repetition of the same building type and promote housing choices, all subdivisions and planned unit developments exceeding 40 platted lots, in the R-1, R-2 and R-3 zones, must demonstrate that a variety of lot sizes and/or building types have been provided. This standard is met by providing a different lot size or housing type for at least one-third (33.3%) of the dwellings, by one or more of the following:

1. A mix of attached and detached dwellings.
2. A variety of lot sizes for detached dwellings where the “varied” lot sizes are at least 20% larger or smaller than the average lot size for the remaining lots.
3. A mix of one and two story dwellings.
4. A mix of multi-family housing and detached dwellings, where allowed by the underlying zoning district.
5. Other techniques as approved by the Planning Commission through a Type III review process.

D. Garage Standards – The following standards apply to new single-family, duplex and zero-lot-line residential development. The purpose for these standards is to:

1. Ensure that there is a physical and visual connection between the living area and entrance of the dwelling and the street.
2. Enhance public safety for residents and visitors and provide opportunities for community interaction.
3. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk.

Garages that are accessed from the front lot area of the dwelling must meet one of the four options listed below, unless the garage is placed behind the dwelling.

- a. The length of the garage wall may be up to 60% of the length of the street-facing building façade when the garage does not extend closer to the front lot line than the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
 - b. The length of the garage may be up to 70% of the length of the street-facing building façade when the garage is recessed at a minimum of 2 feet from the longest wall of the street-facing façade (Figure 10a in the Bornstedt Village SAP).
 - c. The garage may extend up to 6 feet in front of the longest street-facing wall when its width does not exceed 50% of the total street-facing façade, and, the garage is not closer to the street lot line than the front of the porch. As referenced here, the porch must be at least 48 square feet in area, have a solid roof that is not more than 12 feet above the porch (Figure 10b in the Bornstedt Village SAP).
 - d. A garage door that is oriented at least 90 degrees to the street lot line is not subject to standards a-c above. Such side-oriented garages must have at least 15% of their street-facing wall (measured in square feet) in windows (Figure 10b in the Bornstedt Village SAP).
- E. Access to Narrow Lots – In order to minimize the extent of curb cuts on each block, to de-emphasize front-facing garages, and mitigate turning movement conflicts, lots with less than 40 feet of frontage shall receive access from a rear public alley or a shared private driveway. A shared private driveway may serve: 1) as many as 6 dwelling units, none of which takes direct access on the public street; or 2) two

dwelling units, where both dwelling units share a common driveway approach on a public street (where permitted). The Planning Commission may grant exceptions through a Type III Variance process where the applicant demonstrates topography or other conditions preclude compliance with this standard.

- F. Landscaping Standards Adjacent to Highway 211 – The street-side yard adjacent to the Highway 211 Parkway (Figure 6 of the Bornstedt Village Specific Area Plan) shall be landscaped to complement the parkway character. At a minimum, trees (minimum 2”) shall be planted on 50-foot centers together with contiguous groundcover. Less than 50-foot center spacing for trees is encouraged.

17.54.120 BVO CIRCULATION

New streets and vehicle access shall be developed consistent with the Bornstedt Village Circulation Plan (Figure 7 of the Bornstedt Village Specific Area Plan). Through-roads shown on the circulation plan are considered “required” street connections, however, there is flexibility regarding the specific alignment of the streets. Proposed road “arrows” (shown on Circulation Plan) are considered suggested locations for additional connections between the through streets, recognizing that flexibility is needed for the specific number and location of additional streets. The combination of development of the through streets and additional connections shall provide circulation resulting in a logical and connected network of local neighborhood streets. Figure 8 of the Bornstedt Village Specific Area Plan is an illustrative, non-binding, plan of how this standard could be implemented. Within the Bornstedt Village Overlay District, changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be added or moved more than 100 feet from the location depicted on the specific area plan Circulation diagram, shall be subject to the amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the Circulation/Transportation Plan that cause a required transportation element, including a trail, to be eliminated, shall be subject to the amendment procedures of 17.54.30 (C).

- A. Highway 211 Parkway Section. Development shall be consistent with the design of the Highway 211 Parkway cross-section (Figure 6 of the Bornstedt Village Specific Area Plan), subject to ODOT approval. The parkway cross-section may be modified, as needed, to adjust to topographic and other constraints. Modifications as part of the review of any land use application or development permit shall be approved by City Engineer and are subject to ODOT approval.
- B. Traffic Calming on Bornstedt Road. The intersection of Bornstedt Road and Cascadia Village Drive shall be stop controlled. Other traffic calming methods such as striping, reflectors, narrowing of the pavement section, regrading, landscaping and other traffic calming techniques shall be considered during land use reviews and public improvement projects.
- C. Boulevards.
 - 1. The concept for the Barlow Road Boulevard is to build a neighborhood street that:

- a. Follows the general alignment of the historic Barlow Road, as shown on Figures 7 and 11 of the Bornstedt Village Specific Area Plan; and
 - b. Includes a landscaped park-block section that is a minimum of 20 feet wide and includes interpretive signage and a trail within the median. The conceptual design recognizes that the historic road is no longer visible, but is still valuable and important to incorporate into the design of the neighborhood; and
 - c. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
 - D. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
2. The concept for the Village Boulevard is to build a neighborhood street that:
- a. Extends from the signalized intersection at Highway 211 approximately 1,000 feet to the south and approximately 260 feet to the north; and
 - b. This street should include a landscaped park-block median that is a minimum of 20 feet wide; and
 - c. The existing hedgerow of trees located at south end of the boulevard should be incorporated into this street design; and
 - d. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
 - e. Encourages pedestrian accessibility by requiring the primary entrance of all residential and commercial development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
3. The concept for Cascadia Village Drive, west of Bornstedt Road, is to build a neighborhood street that:
- a. Features a landscaped park-block median that is a minimum of 20 feet wide, except where the street must avoid areas regulated by Chapter 17.60, the FSH Overlay District; and

- b. Minimizes access points by requiring residential access from a side street, rear public alley, or from a shared private driveway; and
- C. Encourages pedestrian accessibility by requiring the primary entrance of all residential development adjacent to the boulevard to be oriented toward the boulevard street. Buildings adjacent to the boulevard shall have a primary entrance connecting directly between the boulevard street and building interior.
- D. Green Streets – Vegetated swales and other green street features, per SDC 17.100, approved by the City Engineer shall be used where practicable in Bornstedt Village.

17.54.130 BVO PARKS

The Open Space, Parks and Trails Map (Figure 9 of the Bornstedt Village Specific Area Plan) illustrates both existing parks and the location of new neighborhood parks. The proposed parks are conceptually located. The parks are an important element of the BVO district, however, they do not bind the subject properties to use as only parkland. Rather, the exact location and size of the parks shall be established through acquisition by the City, parkland dedication during development reviews as required by Chapter 17.86, development agreements, or other means that involve property owner participation. Within the Bornstedt Village Overlay District, changes in the parks plan that cause a required park, path or trail to be added or moved more than 100 feet from the location depicted on the specific area plan parks diagram, shall be subject to the Amendment procedures of Section 17.54.30 (B) rather than 17.54.30 (C). Changes in the parks plan that cause a required park, path or trail to be eliminated, shall be subject to the Amendment procedures of 17.54.30 (C).

17.54.140 BVO ENVIRONMENTAL STANDARDS

The BVO district shall utilize the existing environmental standards in the Sandy Development Code. The principal regulations are:

- 1. Flood Slope and Hazard (FSH) Overlay – see Chapter 17.60
- 2. Hillside Development – see Chapter 17.56
- 3. Urban Forestry – see Chapter 17.102, except where modified by this Chapter
 - A. Tree Retention – The landowner is responsible for retention and protection of retained trees as specified below:
 - 1. Within Bornstedt Village at least 9 trees, 11 inches DBH or greater, shall be retained for every one-acre of land under contiguous ownership within 300 feet of the FSH Overlay District as depicted on the Zoning Map, and 6 trees per acre in other areas of the village.

All other standards of Chapter 17.102 shall remain in effect

Chapter 17.56
HILLSIDE DEVELOPMENT

17.56.10 INTENT

The intent of this chapter is to comply with Statewide Planning Goal 7 (Natural Hazards) by minimizing seismic and landslide hazards, and soil erosion associated with development on steep or unstable slopes. Development may be permitted on potentially hazardous areas, provided that the recommendations of approved studies are implemented as conditions of building permit or land use approval.

17.56.10 APPLICABILITY

These regulations shall apply to any parcel with slopes greater than twenty-five percent (25%) or with slope hazards mapped by the Department of Geology and Mineral Industries (DOGAMI), as-shown on the City of Sandy Hillside Area Map. This chapter shall apply only to activities and uses that require a building, grading, tree removal and/or land use permit.

- A. General. No person shall develop property in areas designated by SDC 17.56.10, without first demonstrating compliance with this chapter.
1. As a condition of permit issuance or land use approval, the applicant shall agree to implement the recommendations of approved studies and to allow all inspections to be conducted.
 2. Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.
- B. Exemptions:
1. An activity or use that avoids slopes of 25% or greater, DOGAMI slope hazard areas, natural drainageways and potentially hazardous analysis areas as defined in Section 17.56.30.A.
 2. The following activities, regardless of location:
 - a. An excavation that is less than three feet in depth, or which involves less than fifty cubic yards of volume;
 - b. A fill that does not exceed three feet in depth or 50 cubic yards of volume;
 - c. New construction or expansion of a structure resulting in a net increase in ground floor area of less than 1,000 square feet that does not involve grading;
 - d. Emergency actions required to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property, as determined by the Director; or
 - e. Any land use or activity that does not require a building or grading permit, or land use approval.

17.56.20 APPROVAL PROCEDURE

- A. Land Use Reviews. All applications for land use approval under the Sandy Development Code shall be reviewed under the highest numbered procedure required for the development proposal. For example, a Type II design review combined with hillside development review would be considered under Type II procedure; similarly, a Type III conditional use permit combined with hillside development review would be considered under Type III procedure.
- B. Building Permits. The Building Official will process requests for building or grading permit applications that do not require land use review under the Sandy Development Code.

17.56.30 REQUIRED MAP AND STUDIES

- A. Topographic Map Required. To determine the location of potentially hazardous areas, the applicant shall submit a scaled topographic map at two-foot contour intervals for the subject property (site) and for land within 25 feet of the site perimeter. In addition to DOGAMI slide hazard areas and slopes of 25% or greater, potentially hazardous “analysis areas” include land within 25 feet of the top or toe of slopes of 25% or greater and the area 25 feet on either side of drainageways that drain 20 acres or more. This map shall be prepared by a registered engineer or land surveyor and shall show:
 - 1. Slopes of 25-34%;
 - 2. Slopes of 35% and greater;
 - 3. The analysis area parallel to and within 25 feet of the top of the 25% slope break;
 - 4. The analysis area parallel to and within 25 feet of the toe of the slope;
 - 5. Mapped DOGAMI slide hazard areas;
 - 6. The analysis area within 25 feet of the centerline of drainageways that drain at least 20 acres; and
 - 7. The area (in square feet) for each category listed above for the subject property.
- B. Types of Required Studies. There are three types of geological and engineering studies that may be required by this chapter. See Table 1 under Section 17.56.40, below.
 - 1. Geological Assessments are prepared and stamped by a Certified Engineering Geologist and describe the surface and subsurface conditions of a site, delineate areas of a property that may be subject to specific geologic hazards, and assess the

suitability of the site for development. Geotechnical Reports shall be conducted according to the requirements of Appendix A (*Geological Assessments*), shall make recommendations as to whether further studies are required, and may be incorporated into or included as an appendix to the geotechnical report.

2. Engineering Geology Reports are prepared and stamped by a Certified Engineering Geologist and provide detailed descriptions of the geology of the site, professional conclusions and recommendations regarding the effect of geological conditions on the proposed development, and opinions and recommendations covering the adequacy of the site to be developed. Engineering Geology Reports shall be prepared in accordance with the requirements of Appendix B (*Guidelines for Preparing Engineering Geology Reports in Oregon* adopted by the Oregon State Board of Geologist Examiners) and may be incorporated into or included as an appendix to the geotechnical report.
3. Geotechnical Reports are prepared and stamped by a Geotechnical Engineer, evaluate site conditions, and recommend design measures necessary to reduce the development risks and facilitate safe and stable development. Geotechnical Reports shall be conducted according to the requirements of Appendix C (*Geotechnical Reports*), and may be incorporated into or included as an appendix to the Engineering Geology Report.

17.56.40. WHERE STUDIES REQUIRED

Additional geological or engineering studies shall be required, or not required, under the following circumstances:

TABLE 1: WHERE STUDIES ARE REQUIRED OR NOT REQUIRED

Situation	Type I Development Applications; Single Family Homes, Duplexes and Accessory Uses	NON-EXEMPT Grading; Type II or III Development Applications
A. Proposed development avoids slopes of 25% or greater, drainageways, DOGAMI slope hazard areas and all analysis areas:	1. No further requirements	2. No further requirements
B. Development proposed on slopes of 25-35% or analysis areas, but avoids drainageways, DOGAMI hazard areas and slopes of 35% or greater:	1. Geological Assessment required; Engineering Geology or Geotechnical Reports may be required*	2. Engineering Geology Report required; Geotechnical Report may be required*
C. Development proposed on DOGAMI hazard areas, slopes of 35% or greater, or drainageway areas:	1. Engineering Geology Report required; Geotechnical Report may be required*	2. Engineering Geology Report and Geotechnical Report required

* Whether additional studies are necessary depends on recommendations of base required study.

17.56.50 COMPLIANCE WITH STUDY CONCLUSIONS AND RECOMMENDATIONS REQUIRED

- A. Professional Standards. The director shall determine whether Geological Assessments, Engineering Geology Reports, or Geotechnical Reports have been prepared in accordance with Section 17.56.30. The director may require additional information or analysis necessary to meet study requirements.
- B. Peer Review. The director may require peer review of any required report, in which case regulated activities and uses shall be reviewed and accepted through the peer review process before any regulated activity will be allowed.
 - 1. A professional or professional firm of the city's choice that meets the qualifications listed in this chapter shall perform the review.
 - 2. The review shall be at the applicant's expense.
 - 3. Review of report submittals shall determine whether required elements are completed, geologic report procedures and assumptions are accepted, and all conclusions and recommendations are supported and reasonable.
- C. Review Criteria. The approval authority shall rely on the conclusions and recommendations of required reports, as modified by peer review, to determine compliance with this chapter.
- D. Conditions of Approval. Conclusions and recommendations stated in approved reports shall be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.
- E. Expiration. Where an approved assessment or report as defined and required by this chapter has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, that report may be utilized and a new report is not required. Should environmental conditions associated with the site or surrounding the site change, or if the proposed land use activity or development has materially changed, the applicant shall submit an amendment to the required assessment or report, which may be reviewed and approved through the peer review process.

APPENDIX A GEOLOGICAL ASSESSMENT REQUIREMENTS

The geological assessment is intended as an overview of site conditions. Its purpose is to identify geologic hazards and considerations, and to provide an assessment of the suitability of the site for the proposed project. It is the City's policy to evaluate not only the development site and its effect on adjacent properties, but also adjacent properties that may affect the site. The report should include the items listed below in sufficient detail so that the City may determine whether a more thorough engineering geology report or geotechnical report may be needed to complete the evaluation of the suitability of the site for the proposed use.

The geologic assessment shall include the following:

GENERAL

- Name, address, and phone number.
- Client for whom the report was prepared.
- A description of the proposed project and its location.
- A review of the geologic history and the history of prior excavations and fills.
- A field reconnaissance of the site and vicinity.
- A discussion of geologic hazards, if any.

SITE INVESTIGATION

A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A geologic profile showing any referenced subsurface conditions. A copy of published geologic maps shall also be provided.

- Suitability of the site for proposed development from a geologic standpoint.
- A description of the magnitude and extent of proposed grading or soil disturbance.
- If deemed necessary, subsurface exploration shall be conducted to assess unclear geologic conditions.
- A description of all field mapping and exploration procedures.
- Additional information or analyses as necessary to evaluate the site.

- A bibliography of all references used.

GEOLOGIC PROCESSES

- A discussion of any unusual or extreme geologic processes at work on the site, for example: rapid erosion, landslide hazard, flood hazard, rockfall, subsidence, or other features.
- A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation.
- An identification of any areas of the site that you recommend be avoided for human-occupied structures.
- The effects of the geologic conditions on the proposed land use.
- The effects of the proposed land use on future geologic processes.
- The effects of the geologic conditions and proposed land use on surrounding properties.

RECOMMENDATIONS

- Discuss mitigation measures to address any anticipated geologic problems.
- Discuss potential future follow-up studies that should be recommended, such as engineering geology reports, geotechnical reports, additional subsurface exploration or more extensive soil reports.
- Geologic feasibility of the site for the proposed development.

CERTIFICATION

A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705.

APPENDIX B
GUIDELINES FOR PREPARING
ENGINEERING GEOLOGIC REPORTS IN OREGON

Adopted by
The Oregon State Board of Geologist Examiners

This is a suggested guide for the preparation of an engineering geologic report in Oregon. The engineering geologic report should include sufficient facts and interpretation regarding geologic materials, processes, and history to allow evaluation of the suitability of the site for the proposed use. Because of the wide variation in size and complexity of projects and scope of work, the guidelines are intended to be flexible and should be tailored to the specific project. The guidelines are intended to be fairly complete; however, not all items would be applicable to small projects or low-risk sites. In addition, some items may be addressed in separate reports prepared by a geotechnical engineer, geophysicist, structural engineer, or hydrologist.

The guidelines are based on a publication developed by the Guidelines Committee of the Utah Section of the Association of Engineering Geologists, a series of guidelines published by the California Division of Mines and Geology in the CDMG Note series, and the Bulletin of the Association of Engineering Geologists (Slosson, 1984).

GENERAL INFORMATION

The following items should be addressed:

- Client or party that commissioned the report.
- Name(s) of geologist(s) who did the mapping and other investigation on which the report is based, and dates when the work was done.
- Location and size of area, and its general setting with respect to major or regional geographic and geologic features.
- Purpose and scope of the report and geologic investigation, including the proposed use of the site. Also, identify level of the study, i.e., feasibility, preliminary, final, etc.
- Topography and drainage within or affecting the area.
- General nature, distribution, and abundance of exposures of earth materials within the area.
- Nature and source of available subsurface information and geologic reports or maps. Suitable explanations of the available data should provide a technical reviewer with the means of evaluating the reliability. Reference to cited works or field observations should be made, to substantiate opinions and conclusions.

- Disclosure of known or suspected geologic hazards affecting the area, including a statement regarding past performance of existing facilities (such as buildings or utilities) in the immediate vicinity.
- Location of test holes and excavations (drill holes, test pits, and trenches) shown on maps and sections and described in the text of the report. The actual data, or processed data upon which interpretations are based, should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.
- All field and laboratory testing procedures (by ASTM designation, if appropriate) and test results.
- Disclosure statement of geologist's financial interest, if any, in the project or the client's organization.
- The signature and seal of the certified engineering geologist who prepared the report.

GEOLOGIC MAPPING AND INVESTIGATION

- Geologic mapping of the area should be done at a scale which shows sufficient detail to adequately define the geologic conditions present. For many purposes, available published geologic maps are unsuitable to provide a basis for understanding the site conditions, so independent geologic mapping is needed. If available published geologic maps are used to portray site conditions, they must be updated to reflect geologic or topographic changes which have occurred since map publication. It may be necessary for the geologist to extend mapping into adjacent areas to adequately define significant geologic conditions.
- Mapping should be done on a suitable topographic base or aerial photograph, at an appropriate scale with satisfactory horizontal and vertical control. The date and source of the base should be included on each map or photo.
- The geologist doing the investigation and preparing the map should report the nature of bedrock and surficial materials, the structural features and relationships, and the three-dimensional distribution of earth materials exposed and inferred within the area. A clear distinction should be made between observed and inferred features and relationships.
- The report should include one or more appropriately positioned and scaled cross sections to show subsurface relationships that cannot be adequately described in words alone. Fence or block diagrams may also be appropriate.

GEOLOGIC DESCRIPTIONS

The report should contain brief but complete descriptions of all natural materials and structural features recognized or inferred within the subject area. Where interpretations are added to the recording of direct observations, the basis for such interpretations should be clearly stated. Describe all field mapping and exploration procedures (surface geologic reconnaissance, drilling, trenching, geophysical survey, etc.)

The following checklist may be useful as a general, though not necessarily complete, guide for descriptions:

- Bedrock
 - Identification of rock types.
 - Relative and absolute age and, where possible, correlation with named formations and other stratigraphic units.
 - Surface and subsurface expression, areal distribution, and thickness.
 - Pertinent physical characteristics (e.g., color, grain size, nature of stratification, strength, variability).
 - Distribution and extent of zones of weathering; significant differences between fresh and weathered rock.
 - Special engineering geologic characteristics or concerns (e.g., factors affecting proposed grading, construction, and land use).
- Structural features - stratification, faults, discontinuities, foliation, schistosity, folds
 - Occurrence, distribution, dimensions, orientation and variability; both within and projecting into the area.
 - Relative ages, where pertinent.
 - Special features of faults (e.g., topographic expression, zones of gouge and breccia, nature of offsets, age of movements, youngest faulted unit and oldest unfaulted unit).
 - Other significant structural characteristics or concerns.
- Surficial deposits - alluvial, colluvial, eolian, glacial, lacustrine, marine, residual, mass movement, volcanic (such as cinders and ash), and fill.
 - Identification of material, grain size, relative age, degree of activity of originating process.

- Distribution, dimensional characteristics, variations in thickness, degree of soil development, surface expression.
 - Pertinent physical and engineering characteristics (e.g., color, grain size, lithology, compactness, cementation, strength, thickness, variability).
 - Special physical or chemical features (e.g., indications of volume change or instability, such as expansive clays or peat).
 - Other significant engineering geologic characteristics or concerns.
- Surface and shallow subsurface hydrologic conditions, including groundwater, springs, and streams and their possible effect on the site. Indicate how conditions may be affected by variations in precipitation, temperature, etc.
 - Distribution, occurrence, and variations (e.g., drainage courses, ponds, swamps, springs, seeps, aquifers).
 - Identification and characterization of aquifers; depth to groundwater and seasonal fluctuations, flow direction, gradient, recharge and discharge areas.
 - Relationships to topographic and geologic features.
 - Evidence for earlier occurrence of water at localities now dry (e.g., vegetation, mineral deposits, historic records).
 - Other significant engineering geologic characteristics or concerns, such as fluctuating water table and the effects of proposed modifications on future hydrologic processes.
- Seismic considerations.
 - Description of the seismotectonic setting of the area (including size, frequency, and location of historic earthquakes), current seismic zoning, and expected seismic risk.
 - Potential for area to be affected by surface rupture (including sense and amount of displacement, and width of surface deformation zone).
 - Probable response of site to likely earthquakes (estimated ground motion).
 - Potential for area to be affected by earthquake-induced landslides or liquefaction.
 - Potential for area to be affected by regional tectonic deformation (subsidence or uplift).

ASSESSMENT OF GEOLOGIC FACTORS

Assessment of existing geologic conditions and processes with respect to intended use of the site constitutes the principal contribution of the report. It involves 1) the effects of the geologic features upon the proposed grading, construction, and land use, and 2) the effects of these proposed modifications upon future geologic conditions and processes in the area.

The following checklist includes topics that ordinarily should be considered in discussions, conclusions, and recommendations in geologic reports:

- General suitability of proposed land use to geologic conditions.
 - Areas to be avoided, if any, and mitigation alternatives.
 - Topography and slope.
 - Stability of geologic units.
 - Flood and tidal inundation, erosion, and deposition.
 - Problems caused by geologic features or conditions in adjacent properties.
 - Other general problems.
- Identification and extent of known or probable geologic conditions which may result in risk to the proposed land use (such as flood inundation, shallow groundwater, storm surge, surface and groundwater pollution, snow avalanche, landslide, debris flow, rock fall, expansive soil, collapsible soil, subsidence, erosion, deposition, earthquake shaking, fault rupture, tectonic deformation, liquefaction, seiche, tsunami, volcanic eruption).
- Recommendations for site grading.
 - Protection of what materials and structural features will be encountered in proposed cuts.
 - Prediction of stability based on geologic factors; recommended avoidance or mitigation alternatives to cope with existing or potential landslide masses.
 - Excavation considerations (hard or massive rock, groundwater flows).
 - General considerations of proposed fill masses in canyons or on sidehills.
 - Suitability of on-site material for use as compacted fill.

- Recommendations for positioning fill masses, provision for subdrainage, buttressing, and the need for erosion protection on fill slopes.
 - Other recommendations required by the proposed land use, such as the angle of cut slopes, position of drainage terraces, need for rock-fall and/or erosion protection on cut slopes.
- Drainage considerations.
 - Protection from inundation or wave erosion along shorelines.
 - Soil permeability, suitability for septic systems.
 - Protection from sheet flood or gully erosion, and debris flows or mud flows.
- Limitations of study, and recommendations for additional investigations. Considering the scope of work and intended use of the site, provide a statement of the limitations of the study and the need for additional studies outside the stated scope of work.
 - Borings, test pits, and/or trenches needed for additional geologic information.
 - Percolation tests needed for design.
 - Program of subsurface exploration and testing that is most likely to provide data needed by the soils or civil engineer.
 - Program for long-term monitoring of the site to evaluate geologic conditions (survey hubs, inclinometers, extensometers, etc.).

RECOMMENDED TECHNIQUES/SYSTEMS TO CONSIDER

- Engineering geology mapping can be done using the Genesis-Lithology-Qualifier (GLQ) system (Keaton, 1984), rather than the conventional Time-Rock system commonly used in geologic mapping. The GLQ system promotes communication of geology information to non-geologists. The Unified Soil Classification System (U.S. Army Corps of Engineers, 1960 - Tech. Memo 3-357, and American Society for Testing and Materials, 1984) has been used in engineering for many years and has been incorporated into the GLQ system.
- The Unified Rock Classification System (Williamson, 1984) provides a systematic and reproducible method of describing rock weathering, strength, discontinuities, and density in a manner directly usable by engineers.
- Systems for mapping landslide deposits are described by Wieczorek (1984) and by McCalpin (1984).

- Commonly accepted grading requirements are described in Chapter 70 of the Uniform Building Code.

Direct your questions and comments regarding these guidelines to:

Oregon Board of Geologist Examiners

707 13th Street SE, Suite 275

Salem, OR 97301

(503) 566-2837

Fax: (503) 362-6393

REFERENCES

American Society for Testing and Materials, 1984, Standard practice for description and identification of soils (visual-manual procedure): ASTM Standard D-2488-84, p. 409-423.

Keaton, J.R., 1984, Genesis-lithology-qualifier (GLQ) system of engineering geology mapping symbols: Bulletin of the Association of Engineering Geologists, Vol. XXI, No. 3, p. 355-365.

McCalpin, James, 1984, Preliminary age classification of landslides for inventory mapping: 21st Annual Symposium on Engineering Geology and Soils Engineering, Proceedings, University of Idaho, Moscow, ID, p. 99-111.

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APPENDIX C GEOTECHNICAL REPORT REQUIREMENTS

The geotechnical report is intended to define the subsurface conditions and provide geotechnical conclusions and recommendations for design and construction of the project. A geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report for the purpose of providing geologic information for the geotechnical engineer, explaining the implications of the subsurface conditions for appropriate project design and construction. The investigation should include the following:

GENERAL

- Name, address, and phone number.
- Client for whom the report was prepared.
- A description of the proposed project and its location.
- A site map of the area at a scale of 1":400' or larger. Geologic conditions, topography, and location of proposed structures are to be shown. A copy of published geologic maps shall also be provided.
- A review of the geologic history and history of prior excavation and fills.
- A field reconnaissance of the site and vicinity.
- Discussion of geologic hazards.
- A discussion of the engineering aspects of the site and proposed project. The discussion should address foundation types for proposed structures, retaining systems, grading considerations, stability of cut-slopes and constructed embankments, settlement of the site and adjacent sites due to existing conditions, proposed construction, and proposed surface and subsurface drainage facilities.
- A bibliography of all references used.

FIELD INVESTIGATIONS

- Planned construction (type of structure and use, type of construction and foundation/floor system, number of stories, estimated structural loads).
- Scope (date of work done, investigative methods, sampling methods, logs of borings/test pits, elevations of borings/test pits for reference of materials and samples to finished grade or footing elevations, identify real or assume elevations).

- Location of all samples taken, surface and subsurface.
- Groundwater conditions and potential (future natural and artificial seepage effects).
- Structural cross-sections (one or more appropriately positioned and referenced on map; especially through critical areas, slopes and slides) of suitable size and engineering scale; with labeled units, features and structures; and a legend. These sections should correlate with surface and subsurface data showing representative dip components, projections and stratigraphic/structural relationships.

ENGINEERING/MATERIAL CHARACTERISTICS AND TESTING

- Test methods used, type or condition of samples, applicable engineering graphics and calculations, results of all tests, and sample locations of all test samples.
- Unified Soil Classifications of materials.
- Material competency and strength of existing soils/profile:
 - Pertinent engineering geologic attributes (clayey, weak, loose; alignments, fissility, planar boundaries; pervious or water-bearing parts; susceptibility to mass wasting, erosion, piping, or compressibility).
 - Effects and extent of weathering (existing and relationship to project design and future site stability, material strength).
 - Field densities of unconsolidated field areas and moisture content.
 - Bearing capacity and/or shear strength of areas affected by future foundation placement (drained or undrained conditions, effective stress or total stress analysis, in-situ or remolded samples must be identified).
 - Consolidation or settlement potential.
 - Expansion potential.
- Maximum density-optimum moisture parameters of proposed fill material.

STABILITY FEATURES AND CONDITIONS

- Adequate mapping, sections and description dimensions and type of existing downslope movement, soil/rock creep, flows, falls, slumps, slides, if any.
- Activity, cause or contributing factors of downslope movement features.
- Recent erosion, deposition, or flooding features.

- Subsidence/settlement, piping, solution or other void features or conditions.
- Groundwater and surface drainage characteristics or features:
 - Surface expression (past and present); permeability/porosity of near surface materials.
 - Actual or potential aquifers or conduits, perching situations, barriers or other controls to percolation and groundwater movement and fluctuations of groundwater levels at the site.

FOUNDATION DESIGN CRITERIA

- Footing depth and width.
- Criteria for foundation material preparation.
- Allowable bearing values based on testing.
- Lateral pressures (active, passive, or at-rest conditions) and coefficient of friction.
- Settlement - total, differential, and rate of settlement.

REFERENCE

In supplemental or grading plan review reports referencing earlier reports, supply copies of those referenced reports or applicable portions as required by the Director.

CONCLUSIONS AND RECOMMENDATIONS

- Ground preparation (clearing, unsuitable material removal, scarification and moisturization).
- Fill support:
 - Suitability and precompaction of in-situ materials (describe test results and other pertinent data to be used to determine suitability).
 - Densification and moisturization or dewatering measures (equipment, surcharge, settlement monitoring, if applicable).
- Placement of fill:
 - Material approval (on site, imported).
 - Methods and standards (ASTM standards or approved equivalent).

- Testing (ASTM standards (D1556, D1557, D2167, D2922, D2937, D3017) or equivalent) and frequency of field density testing by vertical intervals and/or volume of fill.
- Elimination of cut/fill or other different transitions beneath improvements.
- Opinion as to adequacy of site for the proposed development (this opinion should also be summarized in the first part of the report).
- Other pertinent geotechnical information for the safe development of the site.

CERTIFICATION

- A signature, certification number, and stamp of a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.
- A signature, certification number, and stamp of a Registered Geologist who is certified in the specialty of Engineering Geology under the provisions of ORS 672.505 to 672.705 if a geological assessment or engineering geology report is incorporated into or included as an appendix to the geotechnical report.

Chapter 17.60 FLOOD AND SLOPE HAZARD (FSH) OVERLAY DISTRICT

17.60.00 INTENT

This chapter is intended to promote the public health, safety and general welfare by minimizing public and private adverse impacts from flooding, erosion, landslides or degradation of water quality consistent with Statewide Planning Goals 6 (Air, Land and Water Resources Quality) and 7 (Areas Subject to Natural Disasters and Hazards) and the Sandy Comprehensive Plan (SCP).

17.60.10 INTERPRETATION AND MAPPING

The Director shall be responsible for maintaining the FSH Overlay District on the City of Sandy Zoning Map, determining on-site measuring methods, and otherwise interpreting the provisions of this chapter. Technical terms used in this chapter are defined in Chapter 17.10, Definitions. This chapter does not regulate development on lots or parcels entirely outside the FSH Overlay District.

A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department. This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

B. Development Approval Required. No development shall occur within the FSH Overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350.

C. Applicant's Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site-specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. 100-year floodplain and floodway boundaries as determined by current FEMA floodplain maps or, if FEMA floodplain data are not available, based on the best available information.
3. The FSH overlay district boundary.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:

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

B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:

1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
2. Removal of refuse and permitted fill.
3. Planting of native vegetation species included on a list maintained by the Director.
4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
6. Construction or expansion of public facilities or private roads necessary to support permitted development.
7. Construction or expansion of a single-family residence on a lot-of-record, under the following prescribed conditions:
 - a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
 - b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.

c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.

d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20 %; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20 %.

e) The option of an adjustment under Chapter 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.

f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.

8. Replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling.

9. Repair or stabilization of unstable slopes.

10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:

a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.

b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.

c) Reduce the steepness of the bank along reaches that have been highly eroded.

d) Reduce the velocity of water carried by the stream.

e) Include guarantees and funding to assure at least a 90 % survival rate of native plants over a 3- year period.

11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.

C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20. A

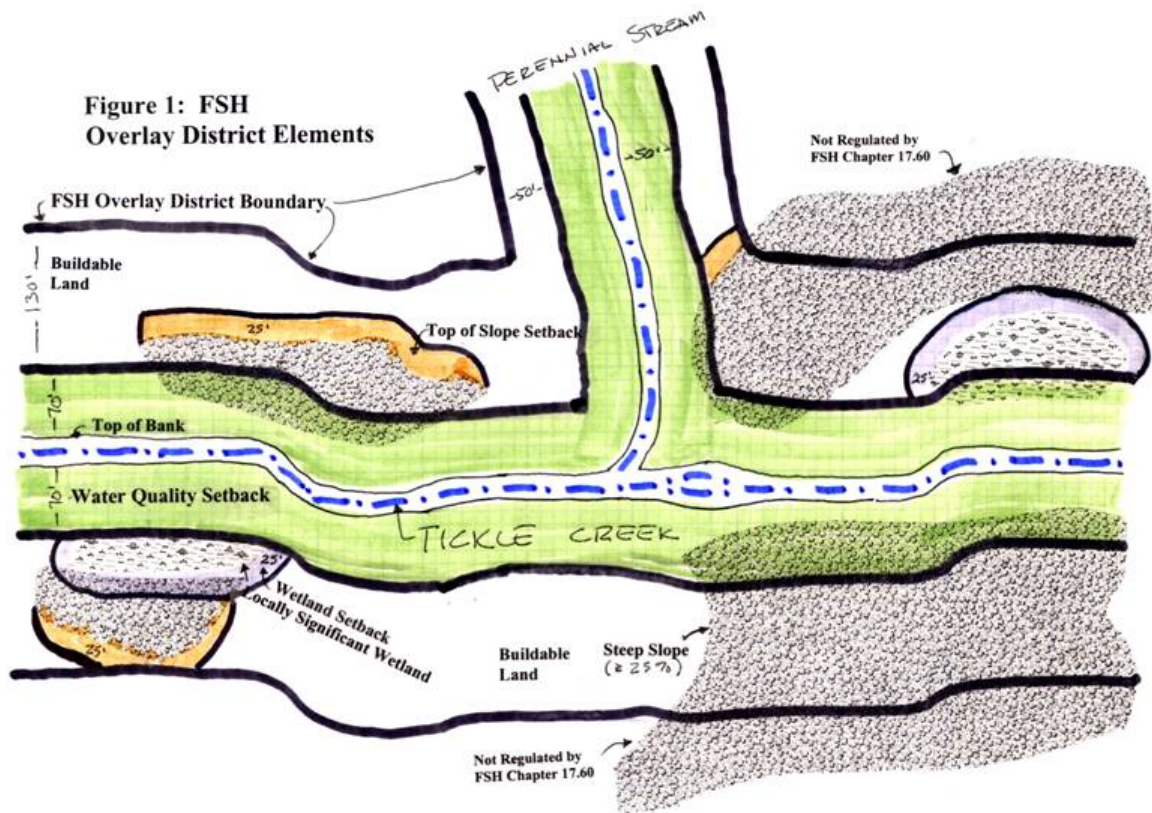
17.60.30 REQUIRED SETBACK AREAS

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to and upland from the protected feature.

A. Required Setbacks. The required special setback(s) shall be:

1. 70 feet from the top of bank of Tickle Creek.
2. 50 feet from top of bank along other perennial streams, except for "No Name Creek" east of Towle Drive, as provided in Section 17.60.30C.2 below.
3. 25 feet around the edge of any mapped locally significant wetland; and
4. 25 feet from the top of any 25 % slope break where the slope break occurs within the FSH overlay district as mapped by the City.

B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.



C. Exceptions, Intent. Exception 1 below recognizes that existing hillside, storm-water detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public

streets in existing rights-of-way. Exception 2 recognizes that "No Name Creek" east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.

1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.

a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.

2. The required setback for "No Name Creek" east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a "stream bank restoration plan" that meets the standards of section 17.60.20.B.10.

17.60.40 REVIEW PROCEDURES

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed to ensure consistency with Section 17.60.60-70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director.

A. Type I Procedure. The following uses shall be reviewed under a Type I procedure:

1. Planting of native plant species identified on the native plant list on file with the Director.
2. Removal of permitted fill.
3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.

B. Type II Procedure. The following uses shall be reviewed under Type II review procedure:

1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.

2. Construction or expansion of trails.
3. Construction, expansion or replacement of a new single-family residence within a restricted development area on a lot of record.
4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
5. Stream bank restoration plans.
6. Exemption of Type II development applications from one or more required reports.
7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.

C. Type III Procedure. The Planning Commission shall review all other public and private development requests under a Type III procedure.

17.60.50 SPECIAL REPORTS

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A, the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development, and shall be prepared by professionals in their respective fields.

The Director may require one or more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where the impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely

affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.

B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

C. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

17.60.60 APPROVAL STANDARDS AND CONDITIONS

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.

1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.

2. Impervious Surface Area. Imperious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.

3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third party review of special reports.

4. Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.

5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.

6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5- inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native under-story and groundcover species that effectively covers the disturbed area.

B. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.

C. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the 100-year floodplain and floodway.

A. Habitable Structures. No new habitable structures shall be permitted in the floodplain.

B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on or off site.

C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved

consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.

1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Utilities necessary to serve permitted development, or a single family home on a legally approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
2. Water and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to streams and wetlands
3. On-site septic systems and private wells shall be prohibited within the FSH overlay district.

D. Structural Elevation Report. An application for any substantially improved structure or manufactured dwelling within the 100-year floodplain shall include the level, referenced to mean sea level, to which the structure will be flood-proofed. The level of the lowest habitable floor, and any basement area (whether or not habitable) shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation report.

17.60.80 WATER QUALITY TREATMENT FACILITIES

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows:

- A. The water quality facility shall not be constructed in restricted development areas, except where necessary to serve approved development within restricted development areas (e.g., a road) and where no reasonable alternative exists in buildable areas of the site
- B. Where the approval authority determines that a more efficient and effective regional site exists within the sub-basin, the water quality facility may be constructed off-site.

17.60.90 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.

B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150 % of the maximum density allowed by the underlying zoning district for that buildable area.

C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.

D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms "primary property" identify the legal lot from which density is to be transferred to "secondary property (s)". Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.100 ADJUSTMENTS

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

A. Adjustment Option One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.

B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:

1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of

restricted development area except for a private drive that reduces the disturbance to restricted development areas.

5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.

6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate impacts resulting from development on otherwise restricted development areas.

17.60.110 DISCLAIMER

The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.

Chapter 17.62 CULTURAL AND HISTORIC RESOURCES

17.62.00 INTENT

This chapter is intended to provide procedures to protect and preserve structures, sites and objects that represent a historical or cultural resource to the community and to provide appropriate means for their protection and preservation. Any use, renovation, maintenance or other alteration proposal shall be reviewed as required depending upon the required program for preservation. The regulations are intended to:

- A.** Preserve, enhance and perpetuate landmarks and districts, which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- B.** Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts.
- C.** Complement any National Register properties or historic districts.
- D.** Stabilize and improve property values in such districts.
- E.** Foster civic pride in the beauty and accomplishments of the past.

F. Protect and enhance the city's attraction to tourists and visitors and the support and stimulus to business and industry thereby provided.

G. Strengthen the economy of the city.

H. Promote the preservation of cultural and historic resources and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city's current and future citizens.

17.62.10 AREA OF APPLICATION

A Cultural or Historic Resource (CHR) designation may be applied to any site, structure or place in any zone. The application of the CHR designation shall be considered on a case-by-case basis based upon the criteria set forth in this chapter. Any use, renovation, maintenance, or other alteration proposal shall be reviewed as required depending upon the requested program for preservation.

The property owner may offer evidence on the effect of a CHR designation on the use of the property including the economic impact, loss of revenue or valuation, costs of renovation and maintenance, ease of marketing, and so on. The Planning Commission and City Council must weigh any individual inconvenience against the importance to the community of maintaining the resource in whole or in part.

17.62.20 DESIGNATION PROCEDURE

A. The property owner or the City may request designation as a CHR for any specific site, structure or object. That person shall be considered the applicant and shall be required to pay all the fees, including costs of any studies or special reports associated with the application. Applications shall be considered a zone change and shall be reviewed as a Type IV procedure. In addition to any other notice required, the property owner shall be notified by certified mail of any pending action when the property owner is not the applicant.

B. No building, alteration, demolition or removal permits for any structure or site shall be issued while an application or any appeal is pending.

17.62.30 CRITERIA FOR DESIGNATION

The Planning Commission and City Council shall use the following criteria and standards to evaluate whether a particular object, site, structure or place merits a CHR designation. In order to designate a CHR, the Planning Commission and City Council must find, through an Economic, Social, Environmental and Energy (ESEE) analysis, that the benefits of designating the proposed landmark outweigh the benefits of continuing the conflicting use or uses without the designation.

A. Association with historic or famous events; or

B. Unique architectural design or mode of construction because of:

1. Representative character of a period or a particular architectural style, building type or method of construction.
2. Extraordinary or unusual architectural merit by reason of design, detail, use of materials or craftsmanship or
3. Identification as the work of an architect, designer or master builder whose individual work has influenced development in the nation, state or community; or
4. Significance as the only remaining, or one of the few remaining, resources of a particular style, building type, design, material or method of construction.
5. Age of resource, or

C. Inclusion in an official Register of Historic Places; or

D. Relationship to the broad cultural history of the nation, state or community; or

E. Identification with a person or persons who have significantly contributed to the history of the city; or

F. Identification as a unique object representing an aesthetic or educational feature of the community.

G. Archaeological site designation.

H. Environmental Significance.

1. Significance as a visual landmark.
2. Integrity of surrounding land-use of the historic period represented.
3. Significance because the resource contributes to the continuity of historical character of the street, neighborhood and/or community.

17.62.40 PROGRAM TO PRESERVE A SPECIFIC RESOURCE

The Planning Commission and City Council shall determine the most appropriate means to preserve and protect the feature or features of the resource determined to be significant. The program may include any of the following or any other program determined to be appropriate:

A. Site or Structure Preservation. The City Council, upon a recommendation from Planning Commission, may determine that site or structure is so important as a

community resource that it should be preserved as nearly as possible in its original condition.

1. Permitted Uses

a. In any site or structure designated CHR, all uses permitted outright in the underlying district shall be permitted.

b. In addition, Planning Commission may authorize any use as a conditional use which can be shown to contribute to the preservation or reuse of the site or structure, subject to the criteria of [Chapter 17.68](#) Conditional use.

c. Any proposal for construction, alteration or renovation for any site or structure designated CHR shall be referred to the Planning Commission and reviewed using the standards of the Secretary of the Interior of Rehabilitation of Historic Structures as a guideline. The State Historic Preservation Office shall also be consulted.

B. Facade Easements. The City may accept facade easements for all or part of a structure as a method for retaining the original appearance of the structure, which has been determined to be architecturally significant or other methods, deemed appropriate by the Planning Commission.

C. Identification. Require that a sign be placed by the property owner or with the property owner's permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.

D. Archival Record. The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.

17.62.50 DESIGNATION OF A HISTORIC DISTRICT

In order to designate a geographic area as a historic district, the Planning Commission and City Council shall find that:

A. The area includes a significant concentration or linkage of sites, building, structures or objects, which are unified visually by style, plan or physical development and distinguished by association with historic periods, events, people or cultural trends.

B. The area is of sufficient size and scope, and the component parts are cohesive enough to adequately represent, demonstrate or commemorate the significant historic period, event, people or trend.

17.62.60 EXTERIOR ALTERATIONS

The Director may approve any application for building permit for interior remodeling or ordinary maintenance and repair of any exterior architectural feature that does not involve a change in design, material or appearance. If the proposed work involves a change in design, material or appearance or is beyond the normal scope of maintenance and repair, the Director may refer the application to the Planning Commission for additional review.

Alterations, maintenance and repair, which may be approved without a Type III or Type IV hearing include, but are not limited to:

- A.** Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings.
- B.** Repairing or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark.
- C.** Replacement of siding, when required due to deterioration of material, with material that is in character with the original siding.
- D.** Repair and/or replacement of roof materials with the same kind of roof material existing, or with materials which are in character with those of the original roof.
- E.** Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames, which complement or match the color detail and proportion of the building.
- F.** Replacement of existing sashes with new sashes, when using material, which is consistent with the original historic material and appearance.
- G.** Painting and related preparation.
- H.** Site maintenance such as pruning landscaping maintenance, brush clearing and removal of debris.

17.62.70 EMERGENCY REPAIRS

The Director may authorize emergency repairs or any construction, reconstruction, demolition or removal of any architectural features identified by the Building Official as necessary to protect the public from unsafe or dangerous conditions.

17.62.80 PROCEDURE FOR DEMOLITION

- A.** If an application for a permit to demolish a designated landmark or any building

within a designated historic district is received the Building Official shall transmit a copy of the application within 7 days to the Director.

B. Prior to the issuance of permit for demolition the Director shall first determine that the applicant has met the following conditions:

1. Applicant has advertised said building for sale and/or removal from the site with an advertisement running twice over two consecutive weeks in a newspaper of general circulation.
2. Applicant has not refused the highest bona fide offer.
3. Applicant has posted a sign indicating that the property is for sale pending demolition through a continuous period of ninety days from the date of application. The sign must be posted in a prominent and conspicuous place within 10 feet of a public street abutting the premises.

C. If after ninety days no party is interested in purchasing or moving the property, the Director shall refer any request for demolition of a site or structure designated CHR to the Planning Commission as a Type IV quasi-judicial procedure.

D. The Planning Commission shall make a recommendation based upon the criteria in this chapter.

E. The decision of the Planning Commission shall be forwarded to the City Council for action. The City Council shall hold a public hearing to consider the record from the Planning Commission meeting and any additional evidence not available at the Planning Commission hearing at a public hearing.

F. The City Council shall make written findings to support any decision. If City Council determines that the public need is best served by granting a demolition permit, it may require that:

1. A sign must be placed by the property owner or with the property owner's permission to identify the site or structure as a CHR. The sign shall state the name of the resource and briefly describe its significance. The sign shall be subject to the requirements of SMC 15.32.
2. The City Council may order the preparation of a file to include, where appropriate, photographs, measured drawings, site or structure plans, maps, narrative and any other pertinent documentation. The file shall be kept in the archives of the City as a permanent record.
3. Preservation of certain features for reuse.

G. When a request for demolition is approved, an ordinance removing the CHR designation shall be passed, and the CHR designation removed and so noted in the Comprehensive Plan and inventory.

17.62.90 CRITERIA FOR DEMOLITION OR REMOVAL OF CHR DESIGNATION

The importance to the public of retaining the object, site or structure shall be weighed against the hardship to the owner and any potential hazard to the public if the site or structure is to be retained.

The demolition of a historic building is an irrecoverable loss to the community, therefore special criteria are established and shall be considered before issuing a permit for demolition.

The Planning Commission and City Council shall make findings based on, but not limited to, the following:

- A.** The historic or architectural significance of the landmark.
- B.** The physical condition of the building.
- C.** The economic use of the building and economic reuse of the property.
- D.** The proposed new use.
- E.** The economic, social, environmental and energy consequences of allowing the demolition as opposed to preserving the historic building.
- F.** If within a historic district, its contribution to the district and the subsequent integrity of the district once the structure is demolished.

**Chapter 17.64
PLANNED DEVELOPMENT
(Revised 2/22/05 Ord 2005-02)**

17.64.00 INTENT

The Planned Development regulations are intended to:

- A.** Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.
- B.** Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.
- C.** Allow a mixture of densities between base zones within the planned development.

- D. Promote flexibility in site planning and architectural design, placement, and clustering of structures.
- E. Provide for efficient use of public facilities and energy.
- F. Encourage the conservation of natural features.
- G. Provide usable and suitable recreation facilities and public or common facilities.
- H. Allow coordination of architectural styles, building forms and relationships.
- I. Promote attractive and functional business environments in non-residential zones, which are compatibility with surrounding development.

17.64.10 GENERAL PROVISIONS

- A. Combined Review. The procedures of this chapter require review of both a Conceptual Development Plan and a Detailed Development Plan. Requests may be made sequentially or for a combined review. In the event of a combined review, the Planning Commission shall forward a recommendation regarding the plans to the City Council, and the City Council shall make a final decision approving, approving with conditions or denying the application.
- B. Development Permit Issuance. Development permits are only issued following approval of a Detailed Development Plan.
- C. Planned Development Required if relocating Village zones. Areas designated “V” on the Comprehensive Plan Map require a planned development application if any zone relocation is requested. Development consistent with the “V” base zoning may proceed under the base zone provisions, subject to design review, without application for a planned development

17.64.20 AREAS OF APPLICATION

Planned developments are allowed in all zones.

17.64.30 DEVELOPMENT STANDARDS (Ord. 2002-13)

- A. Variation from Development Code Standards Generally. The development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review. The Planned Development and Specific Area Plan review processes allow modification of development code standards that are dimensional and/or quantitative, however a base zone’s minimum density is not eligible for modification under any circumstances, including a modification under Chapter 17.66.
- B. Minimum Site Area. A planned development may be established on any parcel of land, or on more than one parcel of land if those parcels are abutting.

17.64.40 DENSITY CALCULATION

The maximum number of allowable dwelling units shall be the sum of densities allowed by the underlying zone(s) unless an increase is authorized as otherwise allowed in this chapter.

- A. Residential Zones. The calculation is based on a determination of gross site area and the acreage of any restricted development areas (as defined by Chapter 17.60). A specific determination of density shall be made pursuant to Chapter 17.30. When a PD is located in more than one “R” zone, the total allowed number of units is the sum of the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.
- B. Commercial and Industrial Zones. The allowed density is only restricted by the provisions of the base zone with respect to parking, setbacks, landscaping, etc., or as modified during Detailed Development Plan review.
- C. Increase in Density. An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.
- D. Density Transfer. A transfer of density may be allowed by the Planning Commission when consistent with the review criteria of Chapter 17.64.100 C. Density may be transferred across zone district boundaries.
- E. Reconfiguration of Village Zones. Reconfiguration of the base zones within a Village may be modified through the Conceptual Development review process, provided that no more than a 20% change in acreage results between existing and proposed residential and non-residential zones. The intent of this provision is to allow flexibility and potential for improved Village design through the planned development process.

17.64.50 OPEN SPACE AND PARKLAND

All Planned Developments shall provide a minimum percentage of the total area in open space as specified below. . In addition to required open space, all Planned Developments that include residential housing shall also provide a required parkland dedication as specified in Chapter 17.86.

- A. Residential Zones. A minimum of 25% of the total site area.
- B. Commercial or Industrial Zones. A minimum of 15% of the total tract area.
- C. Payment in Lieu of Dedication. At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The amount of the fee in lieu of land dedication (in dollars per acre) shall set by City Council Resolution or determined by a current land appraisal. The City may also allow open space land donation requirements to be fulfilled on another parcel.
- D. The following factors shall be used in the choice of whether to accept land or cash in lieu:

- a. The topography, geology, access to, parcel size, and location of land to be dedicated;
- b. Potential adverse/beneficial effects on environmentally sensitive areas;
- c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
- d. Availability of previously acquired property; and
- e. The feasibility of dedication.

E. The types of open space that may be provided are as follows:

- a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
- b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

F. Dedication Procedures. Open space as part of Planned Development application shall be dedicated according to the requirements of Section 17.86.50.

17.64.60 ALLOWED USES

A. Residential Districts:

- 1. Uses permitted in the underlying district
- 2. Housing types may include, but are not limited to, single family dwellings, duplexes, row houses, clustered dwelling units, multiple family dwellings, or manufactured dwellings.
- 3. Related commercial uses as part of the development
- 4. Related community service uses as part of the development
- 5. Accessory buildings and uses

B. Commercial Districts:

- 1. Uses permitted in the underlying district
- 2. Community service uses
- 3. Other uses approved as part of the Detailed Development Plan
- 4. Accessory buildings and uses

17.64.70 OFFICIAL ZONING MAP

When a Planned Development project has been approved, the official Zoning Map shall be amended by ordinance to denote the new “PD” Planned Development overlay designation. Such an amendment is a ministerial act, and Chapter 17.26, Zoning District Amendments, shall not apply when the map is amended to denote a PD overlay.

17.64.80 CONCEPTUAL DEVELOPMENT PLAN PROCEDURE

- A. The Planning Commission shall review the Conceptual Development Plan at a public hearing and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.
- B. The City Council shall review the recommendation at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application. Approval of the Conceptual Development Plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise locations of uses nor engineering feasibility.
- C. If an affirmative decision is made, the City Council shall adopt findings that specify how the application has or has not complied with this chapter's standards, as well as any other relevant standards, and approve the request by an ordinance that amends the Zoning Map.
- D. Within 12 months of approval of the Conceptual Development Plan, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan.

17.64.90 CONCEPTUAL DEVELOPMENT PLAN APPLICATION

A Conceptual Development Plan is intended as a general guide to land use, transportation and utility placement within a planned development. A Conceptual Development Plan application requires significantly less detail than a Detailed Development Plan.

- A. Application Requirements. An application for Conceptual Development Plan review shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the Planned Development. If the Planned Development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:

- 20 copies of the required narrative.
- 20 sets of full-scaled black line drawings of the conceptual development plan graphic(s) drawn at a typical engineering scale.
- One set of plans reduced to 8 ½" by 11" sheets of paper. Graphics and related names/numbers must be legible on this sheet size.
- List and mailing labels of all affected property owners within 300 feet.
- List of all proposed deviations from City development standards.

- B. Additional Submittals. A Conceptual Development Plan shall include the following information where applicable:
1. Existing land use map (typically a topographic map that extends at least 300 feet beyond the site). The map shall include building footprints and make a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainage ways, parks and schools.
 2. Site plan(s) and other graphics drawn to scale. The site plan(s) shall contain the following:
 - a) Title sheet, date, north arrow, and legend
 - b) Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
 - c) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions.
 - d) General location of existing and proposed land uses, including residential densities and non-residential building types. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
 - e) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
 - f) Existing and proposed general circulation system including collector and arterial streets and major points of access to public rights-of-way and adjacent property. Notations of proposed ownership (public or private) should be included where appropriate.
 - g) General pedestrian and bicycle circulation system, including its interrelationship with the motor vehicular system and indicating proposed treatments at existing or potential points of conflict.
 - h) Existing and proposed utility systems including sanitary sewer, water, storm sewer, and drainage ways.
 - i) Sufficient information on land areas within at least 300 ft. of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems (including potential for connectivity of streets and pedestrian ways), public facilities, and unique natural features of the landscape.

The Director may waive any of the above requirements or require additional information when deemed necessary to properly evaluate the proposed Planned Development.

- C. Narrative Requirements for a Conceptual Development Plan. A written statement shall be provided, including the following information:
1. Statement of objectives to be achieved by the Planned Development. This statement should indicate:

- A description of the character of the proposed development.
 - The rationale behind the design assumptions and choices made.
 - The rationale behind any design change to an existing Village and reasons why the proposal is superior.
 - A discussion indicating how the application meets the review criteria in 17.64.100 below.
2. Statement of intentions with regard to future sale or lease of all or portions of the Planned Development.
 3. Quantitative data for the following, where appropriate:
 - Total number and type of dwelling units
 - Parcel size(s)
 - Proposed lot coverage of buildings and structures where known
 - Gross densities per acre
 - Total amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas)
 - Total amount of nonresidential construction
 4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as parks, open space improvements, pedestrian connections, irrigation, private roads and drives, landscape, and maintenance.
 5. Description of how the Planned Development contributes to the completion and connectivity of the pedestrian and vehicular circulation system.

17.64.100 CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCESS

- A. Acceptance of Application. The Director shall review the application in accordance with Chapter 17.18 – Processing Applications.
- B. Staff Evaluation. The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.
- C. Review Criteria for Conceptual Development Plan. Requests for approval of a Conceptual Development Plan shall be reviewed to:
 1. Assure consistency with the Intent of this chapter;
 2. Assure compliance with the General Provisions, Development Standards and Application provisions of this chapter; and
 3. When located in a Village, assure consistency with the appropriate Comprehensive Plan policies for Village designations.

- D. Major Modification(s) of a Conceptual Development Plan. A major modification to an approved Conceptual Development Plan must be processed as a new CDP application. Major Modifications include:
1. Changes in proposed land use
 2. More than a 5 percent increase in dwelling unit density
 3. Substantial change in building elevation or materials
 4. Substantial changes in type and location of access ways and parking areas where off-site traffic would be negatively affected
 5. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified
 6. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified
 7. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified
 8. Reduction of specific setback requirements by more than 20 percent from what was previously specified
 9. Reduction of project amenities provided, such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified
 10. Any other modification to specific requirements established at the time of Conceptual Development Plan approval
- E. Minor Modification(s) of a Conceptual Development Plan. Minor Modifications may include any of the changes listed in Section 17.64.100 D above, provided that the change is quantified below the thresholds for a Major Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.
- F. Application for Major Modification(s) of a Conceptual Development Plan
1. An applicant may petition for review of an approved PD for purposes of modification(s), stating reasons for the change.
 2. Where the Director determines that the proposed change is a Major Modification from one or more of the review criteria listed above in 17.64.100 D, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 17.20-Public Hearings.
 3. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Conceptual Development Plan submittal and review. The Commission shall consider the review criteria in 17.64.100 C to determine whether to authorize a Major Modification.
 4. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Conceptual Development Plan and forward a recommendation for approval, approval with modifications, or denial of the application to the City Council for consideration.

5. The City Council shall consider the petition for modification at a public hearing and take action based on the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the application.
6. If an affirmative decision is made, the City Council shall approve the modification by an ordinance.

Within 12 months of approval of a Major Modification, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan as modified

17.64.110 DETAILED DEVELOPMENT PLAN PROCEDURE

- A. If the Detailed Development Plan will involve the subdivision of land, the applicant shall prepare and submit a tentative subdivision plat along with the Detailed Development Plan to be considered at the same time.
- B. The Planning Commission shall review the Detailed Development Plan at a public hearing and may approve, approve with modifications or deny the application.

17.64.120 DETAILED DEVELOPMENT PLAN APPLICATION

A Detailed Development Plan is intended as a master plan for land use, transportation and utility placement within a planned development. A Detailed Development Plan application follows an approved Conceptual Development Plan or both applications may be submitted simultaneously. Where land divisions are proposed, the Detailed Development Plan shall be combined with a Tentative Subdivision Plat application according the requirements of Chapter 17.100. An application for a Detailed Development Plan shall be reviewed in accordance with the following procedures:

- A. Application Requirements. An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan as listed above and shall also include the following:
 1. Graphic Requirements
 - a) Topographic contours at two-foot intervals for slopes under 15 percent and at five-foot intervals for slopes at or greater than 15 percent. A grading plan is required to show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters.
 - b) Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, gross density per acre (for residential developments).
 - c) Detailed utility plan indicating how sanitary sewer, water, storm sewer, and drainage systems will function.
 - d) Location of existing utilities, including existing fire hydrants, overhead utility lines in the abutting right of way, easements and walkways.

- e) Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development.
 - f) Landscape plan drawn to scale showing location of existing trees and vegetation proposed to be removed from or to be retained on the site, location and design of proposed landscaped areas, quantities, varieties, quantities, and sizes of trees and plant materials to be planted, other landscape features including walks and fences, and irrigation systems required to maintain plant materials.
 - g) Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way and bikeway improvements, their dimensions and connectivity to surrounding parcels, existing and proposed streets.
 - h) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas.
 - i) Exterior lighting plan indicating the location, size, height, typical design, material, and method and direction of illumination.
 - j) Concurrent Design Review graphic elements
- B. Narrative Requirements for a Detailed Development Plan. In addition to the narrative requirements specified for a Conceptual Development Plan, the Detailed Development Plan narrative shall also include:
1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (in ratio to gross floor area or number of units).
 2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance.
 3. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.
 4. Statement describing project phasing, if proposed. Phases shall be:
 - a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
 - b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
 - c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.
 5. Statement of “substantial compliance” with the Conceptual Development Plan.
- C. Minor Modification(s) of a Detailed Development Plan. Minor Modifications to a Detailed Development Plan may include any of the changes listed in Section 17.64.100(D), provided the change is quantified below the thresholds for a Major

Modification. A Minor Modification shall be processed as a Type II application, consistent with the standards of Chapter 17.12.

- D. Major Modification(s) of a Detailed Development Plan. Major Modifications to a Detailed Development Plan shall not be permitted. A new application must be submitted in order to make Major Modifications to a Detailed Development Plan.

17.64.130 APPEALS

- A. The decision of the Director or Planning Commission may be appealed in accordance with the provisions of Chapter 17.28-Appeals.
- B. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall only be heard by the City Council for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

17.64.140 EFFECTIVE PERIOD OF APPROVAL

- A. Conceptual Development Plan. Approval of a Conceptual Development Plan shall be valid for a 12-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
- B. Detailed Development Plan.
 - 1. Approval of a Detailed Development Plan shall be valid for a 24-month period from the date of approval, with possible six-month extension(s) when requested in writing and granted by the Director for good cause.
 - 2. When a Detailed Development Plan is submitted and approved for a single phase, 24-month periods are allowed for submission of each subsequent phase. If the applicant has not begun construction within this time frame, all approvals shall expire.
 - 3. When shown that conditions have not changed, the Commission may extend the approval for two additional years at its discretion and without a public hearing.
 - 4. Total elapsed time for submission of Detailed Plans for all phases of a Planned Development shall not exceed ten years from the date of Conceptual Development Plan approval (or the initial Detailed Development Plan approval in the case of a concurrent application), including extensions.

17.64.150 NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer in writing. Thereafter, the city may issue orders to the developer within the range of discretion available, and upon continued noncompliance may withhold building permits for further construction or revoke those permits previously issued until compliance is achieved, or pursue any other remedies available to the City.

17.64.160 PLANNED DEVELOPMENT NULLIFICATION

If no development has occurred for an approved Planned development, and development plan approval has expired under 17.64.140, an applicant may seek to have the PD zoning overlay designation removed from the subject property.

- A. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application on a form provided by the Director.
 - 1. The City Council shall conduct a public hearing and provide notice of the hearing and the decision in accordance with Chapter 17.20-Public Hearings.
- B. The burden of proof is placed on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
 - 1. Developing the property under conventional district standards and regulations will not create nonconforming development.
 - 2. Special circumstances such as building relationships, drainage ways, public improvements, topography, and so forth that were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
 - 3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.
 - 4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the city, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
- C. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning District Map after the appeal period has expired. The removal of the designation from the map shall be a ministerial act and shall not implicate Chapter 17.26, Zoning District Amendments.

Chapter 17.66 ADJUSTMENTS AND VARIANCES

17.66.00 INTENT

Adjustments and variances are procedures to vary development standards normally applied to a particular district.

17.66.10 ADJUSTMENTS

Adjustments are a Type I or Type II procedure that provide a means to vary the development standards normally applied in a particular district. This option exists for those circumstances where uniform; unvarying rules would prevent a more efficient use of a lot. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zoning district regulations.

Adjustments apply only to individual lots and therefore cannot be used by applicants seeking to vary development standards for lots to be created through a subdivision process. Modifications to land divisions standards should be sought through the Type II or Type III Variance process or where appropriate, the Planned Development process.

An adjustment is intended to:

- A.** Allow more efficient use of land.
- B.** Provide flexibility and innovation in site planning and architectural design on individual lots.
- C.** Permit building location and/or construction techniques that conserve energy.
- D.** Minimize procedural delays and ensure due process in the review of unique development situations.
- E.** Provide relief from the strict adherence of land division development standards where site- specific physical or functional land development conditions warrant a variance.

17.66.20 TYPE I ADJUSTMENTS

In issuing a permit the Director may grant or deny an adjustment under the Type I procedure if the request involves only the expansion or reduction by not more than 10% of one or more quantifiable provisions of this code.

17.66.30 TYPE II ADJUSTMENTS

Except in the case of a nonconforming development or use, the Director may grant or deny an adjustment under the Type II procedure if the request involves only the expansion or reduction by not more than 20% of one or more quantifiable provisions of this code.

17.66.40 TYPE I AND II ADJUSTMENT CRITERIA

- A.** The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;

B. The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code;

C. The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks; and

D. Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.

17.66.50 ADJUSTMENT LIMITATIONS

Adjustments may not be utilized to:

A. Reduce width of accessways required for flag lots created through the land partition or minor replat process

B. Reduce the area reserved for private outdoor space and/or usable open space by more than 10%

C. Reduce project site amenities such as screening and/or landscaping provisions by more than 10%

D. Increase fence height inside clear-vision areas

17.66.60 VARIANCES

Variations are a means of requesting a complete waiver or major adjustment to certain development standards. They may be requested for a specific lot or as part of a land division application. The Type II variance process is generally reserved for major adjustments on individual lots, while variations to development standards proposed as part of a land division are processed as a Type III application (requiring a public hearing).

17.66.70 TYPE II AND TYPE III VARIANCE CRITERIA

The authority to grant a variance does not include authority to approve a development that is designed, arranged or intended for a use not otherwise approvable in the location. The criteria are as follows:

A. The circumstances necessitating the variance are not of the applicant's making.

B. The hardship does not arise from a violation of this Code, and approval will not allow otherwise prohibited uses in the district in which the property is located.

C. Granting of the variance will not adversely affect implementation of the Comprehensive Plan.

D. The variance authorized will not be materially detrimental to the public welfare or materially injurious to other property in the vicinity.

E. The development will be the same as development permitted under this code and City standards to the greatest extent that is reasonably possible while permitting some economic use of the land.

F. Special circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape (legally existing prior to the effective date of this Code), topography, or other circumstances over which the applicant has no control.

17.66.80 TYPE III SPECIAL VARIANCES

The Planning Commission may grant a special variance waiving a specified provision for under the Type III procedure if it finds that the provision is unreasonable and unwarranted due to the specific nature of the proposed development. In submitting an application for a Type III Special Variance, the proposed development explanation shall provide facts and evidence sufficient to enable the Planning Commission to make findings in compliance with the criteria set forth in this section while avoiding conflict with the Comprehensive Plan.

One of the following sets of criteria shall be applied as appropriate.

A. The unique nature of the proposed development is such that:

1. The intent and purpose of the regulations and of the provisions to be waived will not be violated; and
2. Authorization of the special variance will not be materially detrimental to the public welfare and will not be injurious to other property in the area when compared with the effects of development otherwise permitted.

B. The variance approved is the minimum variance needed to permit practical compliance with a requirement of another law or regulation.

C. When restoration or replacement of a nonconforming development is necessary due to damage by fire, flood, or other casual or natural disaster, the restoration or replacement will decrease the degree of the previous noncompliance to the greatest extent possible.

17.66.90 APPLICATION

An application for an adjustment or variance shall be made on forms provided by the Director and include the following, where applicable:

A. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place.

B. Narrative addressing how the application meets the specified review criteria.

C. Site plan no larger than 11 in. by 17 in. (include a reduced copy if drawn larger) suitable for photocopy reproduction. The site plan shall be drawn to scale and show:

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
2. Lot line dimensions;
3. Existing and proposed structures;
4. Structures on adjacent property(ies) affected by the request;
5. Vehicle and pedestrian access points and accessways;
6. Drainageways and any other prominent features;
7. Location of trees and shrubs over 3 ft. in height;
8. Fences and walls;
9. Off-street parking facilities;
10. Any other information relevant to the proposal.

The Director may modify the submission requirements as necessary.

17.66.100 ELEVATION OF APPLICATION TYPE

Prior to the decision date, the review of a Type I or II adjustment or variance, and any comments received, may cause the Director to elevate the request to a Type III Variance. In this case the Director shall notify the Applicant and any parties in writing, giving the reason(s) that the application is found to qualify as a Type III Variance, requesting any additional information required by this Chapter, and requesting any additional fees applicable under the redefined application type. Upon receipt of new application materials and payment of the revised application fee, the Director shall schedule a public hearing and serve public notice as required in this Chapter.

17.66.190 EFFECTIVE PERIOD OF APPROVAL

Approval of an adjustment or variance shall be effective for a 2-year period from the date of approval, unless substantial construction has taken place. The Director (Type I and Type II) or Planning Commission (Type III) may grant a 1-year extension if the applicant requests such an extension prior to expiration of the initial time limit.

Chapter 17.68 CONDITIONAL USES

17.68.00 INTENT

Certain uses listed in each zoning district require a public hearing to determine what their effects may be to the surrounding properties, neighborhood, and community as a whole. The Conditional Use Permit process 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 conditional uses where it is 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 conditional use permit shall be on forms provided by the Director and include application materials listed in [17.18.30](#) and the following, where applicable:

- 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.
 - 3. Lot line dimensions
 - 4. Location of structures
 - 5. Vehicle and pedestrian access points and accessways
 - 6. General location of vegetated areas
 - 7. Fences and walls
 - 8. Parking, maneuvering and loading areas
 - 9. Trash and recycling areas
 - 10. Direction of traffic flow on the property
 - 11. Existing site conditions including contours at 10-foot intervals, watercourses, flood plains and natural features.
 - 12. 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 Commission 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 a 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 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 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 conditional use permit shall be void after 2 years, or such lesser time as the Planning Commission may specify, unless substantial construction has taken place. The Planning 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 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 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.

Chapter 17.70 HARDSHIP PERMIT, MANUFACTURED HOME AND TRAILER OCCUPANCY PERMITS

17.70.00 INTENT

These regulations are intended to allow issuance of special permits to alleviate a significant hardship or emergency arising out of a need or desire to provide health care or maintenance to a handicapped or elderly person.

17.70.10 APPLICATION REQUIREMENTS

An application shall be made on forms provided by the Director. The application shall be accompanied by the following:

- A.** Written letter from physician verifying that the health care or maintenance is required
- B.** One copy of the application
- C.** If on a septic system, a copy of letter of approval from Clackamas County indicating capacity of septic system and any required improvements
- D.** A site plan, 8 ½" x 11", showing:
 - 1. Property boundaries
 - 2. Required setbacks of underlying zoning district
 - 3. Location of existing dwelling
 - 4. Location of proposed manufactured dwelling
 - 5. Location of septic system
 - 6. Existing Driveway
- E.** List of affected property owners

17.70.20 NOTICE REQUIREMENTS

Notice of the public hearing shall be mailed not less than 20 days prior to the date of the hearing to owners of property within one hundred feet of the exterior boundaries of the property involved, not including public right-of-way.

17.70.30 CRITERIA FOR APPROVAL

- A.** Must be necessary for health care or maintenance of the person.
- B.** Must be connected to an approved water and sewer system; or
- C.** Be completely self-contained for water and sewage;

17.70.40 ACTION BY PLANNING COMMISSION

Upon receipt of a completed application for such a special permit, the Director shall schedule a public hearing. The public hearing shall be conducted in accordance with [Chapter 17.20](#) - Public Hearings. The Planning Commission shall approve, conditionally approve, or deny the application.

17.70.50 NOTICE OF DECISION

The Director shall provide the applicant with a notice of decision, that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline.

17.70.60 APPROVAL PERIOD

A hardship permit is valid for a period of not more than 24 months or until the termination of the condition of hardship or emergency for which the permit was issued whichever occurs first.

17.70.70 RENEWAL

An application for renewal, with a renewal fee, shall be filed at least 90 days prior to expiration of the hardship permit. The renewal shall be a Type II procedure. A renewal application must be accompanied by an updated written statement from a physician that the need for health care or maintenance still exists.

17.70.80 TERMINATION OF PERMIT

A. The hardship permit becomes null and void upon the vacation or demise of the person requiring health care or maintenance.

B. The dwelling unit must be removed within 90 days of termination of the permit.

C. If the dwelling unit is not removed within 90 days, the City Council may order removal of the dwelling and place a lien on the property to recover the costs of removal.

Chapter 17.72 CONGREGATE HOUSING

17.72.00 PURPOSE

The purpose of a CH district is to provide housing alternatives for elderly or handicapped persons. The standards set forth in this section are intended to insure that congregate housing developments provide a minimum of services and facilities to accommodate the needs of the residents and to relieve any possible detrimental effects of the development on surrounding properties.

17.72.10 JUSTIFICATION

This chapter recognizes that housing for senior citizens and handicapped persons customarily has less impact on surrounding properties than typical multi-family developments providing the same number, or fewer units, and therefore, deserves special consideration.

17.72.20 ESTABLISHMENT OF CONGREGATE HOUSING

Congregate housing facilities may be permitted as conditional uses in the R2, R3 and C1 zoning districts.

17.72.30 DENSITY STANDARDS

The Planning Commission may increase the underlying density of the zoning district through the conditional use permit process if warranted based on the size of the dwelling units, number of proposed occupants, lesser impact on surrounding properties, and other relevant factors. Density is limited to the increase in the following chart:

Zone	Percentage of Increase
R2	25 %
R3	50 %
C1	50 %

17.72.40 DIMENSIONAL STANDARDS

The setbacks and height limitations shall be in compliance with the standards of the underlying zoning district.

Type	Standard
Minimum Lot Width, Depth, Frontage, Setbacks, Projections & Accessory Structures, and Height	Same as underlying districts
Landscaping	20 %
Off-Street Parking	See Chapter 17.98

17.72.50 ADDITIONAL REQUIREMENTS

A. Age Restriction. Congregate housing is intended for persons fifty-five (55) years of age and older or handicapped persons.

B. Any principal or accessory use allowed in the zoning district may be provided. These uses shall be primarily for residents and guests.

C. Community Space. All complexes shall have a minimum of 15 square feet of community space for social and recreational opportunities per occupant, based on one person per bedroom. Community space may include, but is not limited to :

1. Game room, meeting rooms, music or craft rooms.
2. Congregate Dining Facilities. Complexes with or without kitchen facilities in each unit may include congregate dining facilities providing regular daily meals for residents. Areas used as congregate dining areas may be applied to the minimum community space requirements.

D. Laundry and Storage. A minimum of 10 square feet of general storage area (80 cu. Ft.) other than regular kitchen, bedroom and linen storage shall be provided within each unit. Complexes, which do not include laundry facilities in the units, shall have adequate laundry facilities accessible to all tenants.

E. Design Standards. The design of the building and the site and landscaping plans shall be subject to review. Special considerations for this use may include, but are not limited to:

1. Compatibility in style, colors, materials, and scale with the general character of the neighborhood.
2. Defining semi-public, semi-private and private spaces.
3. Minimizing barriers to handicapped or elderly persons.
4. Security and protection for residents.

Chapter 17.74 ACCESSORY DEVELOPMENT, ADDITIONAL PROVISIONS AND PROCEDURES

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures set forth in [Chapter 17.14](#) - Request for Interpretation.

**17.74.10 ACCESSORY DEVELOPMENTS SUBJECT TO CONTROLS
(Ord.2002-14 (F))**

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

A. Accessory development involving nonconforming uses and structures is subject to the requirements of [Chapter 17.08](#) - Nonconforming Development

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

1. Accessory Dwelling Units
2. Children's playhouses
3. Gazebos
4. Kennels for dog and cat keeping
5. Private garages
6. Radio and television receiving antennas (personal use)
7. Sheds
8. Shops (nonbusiness purposes)
9. Solar and wind energy systems. Includes solar collectors, storage facilities, distribution components, and wind generation devices.
10. Other necessary and customary developments as determined by the Director as noted above and [Chapter 17.14](#) - Request for Interpretation.

C. Setbacks

1. Accessory structures shall comply with the setback requirements for the main building except where specifically modified by this section.
2. No accessory structure shall be located in a required front yard or side yard setback, except where specifically modified by this section.
3. An accessory structure on a corner lot shall meet a minimum street side yard setback except for private vehicle storage.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 18 ft.
5. Established building Line. If a previous building line has been established, the minimum front yard setback for interior lots shall be the average of the setbacks of the main structures on abutting lots on either side if both lots are occupied. If one lot is occupied and the other vacant, the setback shall be the setback of the occupied lot plus ½ of the remaining distance to the required setback. Corner lots shall not be considered in the averaging.

D. Maximum Size

1. Total accumulative square footage of all accessory structures on an individual lot shall not exceed 1200 sq. ft.

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

E. Projecting Building Features

The following building features may project into portions of a required yard or an easement recorded on a subdivision or partition plat.

Feature	Front Yard	Side Yard	Rear Yard
Architectural Appendages ¹	5 ft.	2 1/2 ft.	5 ft.
Awnings	5 ft.	2 1/2 ft.	5 ft.
Chimneys	5 ft.	2 1/2 ft.	5 ft.
Decks - (unroofed) ground level 30 inches in height or less	5 ft.	2 1/2 ft.	Footnote ²
Decks - (unroofed) ground level more than 30 inches in height or second story	5 ft.	2 1/2 ft.	Footnote ³
Eaves	5 ft.	2 1/2 ft.	5 ft.
Fire Escapes, Landings (unroofed) and Stairs	5 ft.	2 1/2 ft.	5 ft.
Planters	5 ft.	2 1/2 ft.	5 ft.
Porches (roofed)	5 ft.	2 1/2 ft.	Footnote ⁴
Windows	5 ft.	2 1/2 ft.	5 ft.

For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling.

17.74.20 VERTICAL PROJECTIONS

Height limitations shall not apply to the following:

A. Fire and parapet walls

B. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.

C. Smokestacks

D. Steeples

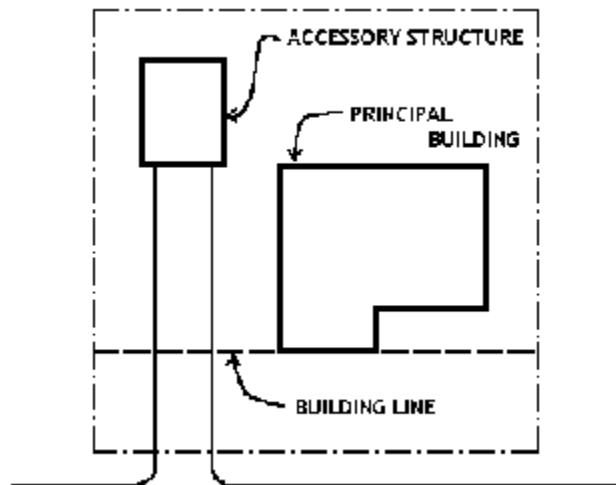
E. Windmills

F. Other similar structures

17.74.30 CLEAR VISION AREA

A. A clear vision area shall be maintained on each corner of property adjacent to the intersection of two streets, a street and a railroad, and on driveways providing vehicular access to a public way, excluding alleys.

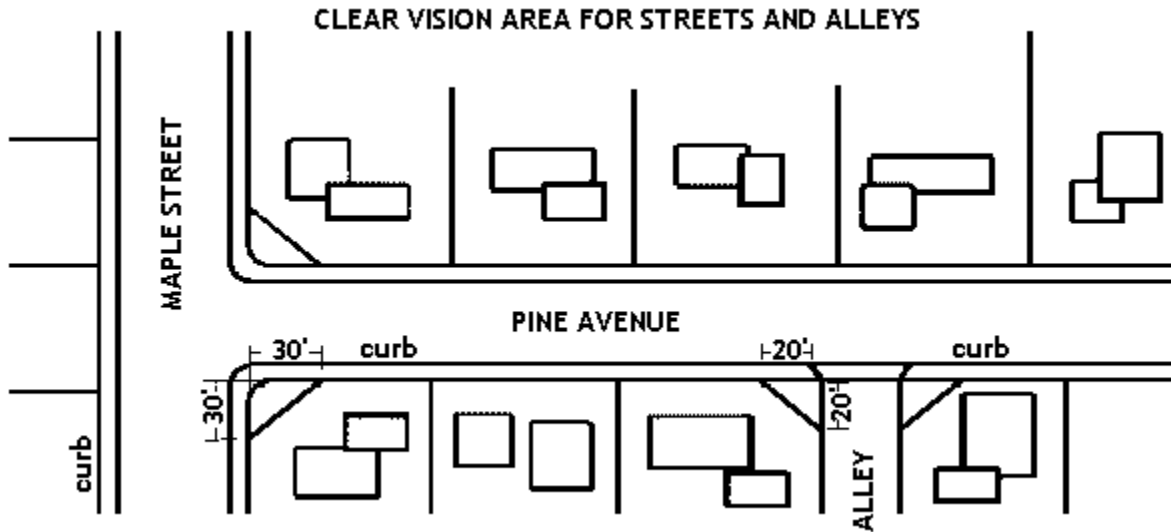
B. On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure (temporary or permanent) shall be parked, erected, planted, placed, located or maintained above 30 inches in height measured from the top of the curb or, where no curb exists, from the established street center line grade of the intersecting streets, so as to impede visibility within the sight triangle.



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

D. A clear vision area shall consist of a triangular area two sides of which are lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measure, and the third

side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.



E. The foregoing provisions shall not apply to the following:

1. A public utility poles, signal poles, light pole, or other utility appurtenance.
2. A tree trimmed (to the trunk) to a line at least 8 ft. above the level of the intersection.
3. A plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

F. Buildings and uses in existence at time of passage of this code are considered nonconforming and may continue as specified in [Chapter 17.08](#) - Nonconforming Development.

G. Any obstruction maintained in violation of this section shall be abated pursuant to [Chapter 17.06](#) - Enforcement.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a required side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a required side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a required front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a required front yard. The height of a fence or retaining wall in a required front yard shall not exceed 4 ft.
3. Fences - Side and Rear Yards. The height of a fence or retaining wall in a required side street, side or rear yard or adjacent to a side or rear property line shall not exceed 8 ft.
4. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other man-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less

than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than three inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

1. Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.
2. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

1. **F. Fences in excess of 6 ft. in height require a building permit.**

17.74.50 DECKS

A. Decks may encroach into required yard areas as specified above in [17.74.10](#) above.

B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

A. Temporary Uses. Temporary uses, as defined in [Chapter 17.10](#) - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

17.74.70 ACCESSORY DWELLING UNITS

Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.

- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and the disabled.
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- Foster better housing maintenance and neighborhood stability.
- Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C1) and Village Commercial District.

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98
Landscaping	Same as underlying zoning district

C. Occupancy Limitations.

1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.
2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit

D. Design Standards.

1. The accessory dwelling unit shall remain subordinate to the principal residence.
2. There shall be adequate provisions for ingress and egress but separation is not required.
3. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal residence.
4. An ADU may be either stick-built or a modular dwelling unit, but may not be a single wide manufactured dwelling unit.
5. Detached ADUs shall be architecturally consistent with the principal dwelling unit.
6. Attached ADUs shall have the appearance of a single-family dwelling.
7. Primary entrances shall not be in front of the principal unit.

E. Permit Issuance.

1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
2. Required permit information shall be limited to that for single-family dwellings.
3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

F. Additional Requirements.

1. Adequate provision shall be made for drainage, water and sewage waste.
2. The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.
3. ADUs may not be developed for sale and may only be rented.
4. Illegal ADUs may be legalized if they conform, or are brought into conformance with basic zoning, building, plumbing, mechanical and electrical codes.
5. ADU requirements shall be recorded as a deed restriction against the property.
6. Periodic review of ADUs shall be conducted by the city to evaluate and reconsider existing densities.

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.
7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a. Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - i. Investigate the complaints
 - ii. Prepare a report to the Planning Commission
 - iii. Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a. Generation of excessive traffic;
 - b. Monopoly of on-street parking spaces;
 - c. Frequent deliveries and pickups by motor freight;
 - d. Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e. Smoke, fumes, or odors in excess of those created by normal residential use;
 - f. Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a. Approve the use as it exists;
 - b. Require the use to be terminated;
 - c. Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

**Chapter 17.76
MAJOR UTILITY SITING STANDARDS**

17.76.00 INTENT

These regulations are intended to provide specific siting criteria for major utility facilities to reduce the potential negative impacts on surrounding development.

17.76.10 SITING STANDARDS

Major Utilities (as defined in [Chapter 17.10 - Definitions](#)) require Conditional Use approval. In addition to complying with the review criteria for conditional uses, major utilities shall meet the following siting standards:

- A.** The setback from the base of a major utility structure to any lot in an adjoining residential district shall be at least 20 percent of the structure height.
- B.** In any residential district, commercial communication transmission facilities shall have a minimum 500-ft. separation from each other. Emergency and public communication facilities are exempt from this requirement.
- C.** In any nonresidential district, the owner of a commercial communication facility shall agree to permit other businesses to attach communication facilities that do not interfere with the primary purpose of the facility, provided that an agreement is negotiated for reasonable compensation and indemnification from any liability that may result from such attachment.
- D.** If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the major utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the major utility after conducting a public hearing in accordance with [Chapter 17.20 - Public Hearings](#).

Footnotes:

¹Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

⁴ Must maintain a minimum setback from rear property line of 10 ft.

Chapter 17.78 ANNEXATION

17.78.00 INTENT

The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- A.** Provide adequate public information and sufficient time for public review before an annexation election;
- B.** Maximize citizen involvement in the annexation review process; and
- C.** Establish a system for measuring the physical, environmental, fiscal and related social effects of proposed annexations.

17.78.10 PROCEDURAL CONSIDERATIONS

- A.** The corporate limits of the city shall include all territory encompassed by its

boundaries as they now exist or are modified as provided herein unless mandated by State Law.

B. A request for annexation of property to the City of Sandy shall be voted on by the citizens of Sandy and receive a majority vote, before the annexation request is approved. A majority vote shall be required for all annexation requests whether city-initiated or otherwise except as authorized by subsection C.

C. Annexations necessitated by failing septic systems, health hazards, or otherwise mandated by state law are not subject to a public vote (Charter amendment through initiative petition and approved by voters on November 13, 1998; see Resolution 98-25).

D. The City may annex an island if it is less than 100 acres and has at least 80% of its boundary contiguous to the City; or the land is of any size and has at least 80% of its boundary contiguous to the City if the area to be annexed existed as an island before October 20, 1997.

E. The City may annex land for public facilities. Public facilities include but are not limited to schools, senior centers, roads, police and fire station, parks and public water, sewer and storm drainage facilities.

17.78.20 CONDITIONS FOR ANNEXATION

The following conditions must be met prior to beginning an annexation request:

A. The requirement of Oregon Revised Statutes, Chapters 199 and 222 for initiation of the annexation process are met;

B. The site must be within the City of Sandy Urban Growth Boundary; and

C. The site must be contiguous to the City or separated from it only by a public right of way or a stream, bay, lake or other body of water.

D. Where possible, creation of irregular boundaries or annexations that create "island", "cherry stem" or "shoestring" annexations, should be avoided.

17.78.25 TREE RETENTION

The intent of this section is to treat annexing property as if it had been subject, prior to annexation, to the tree retention provisions of the City's Urban Forestry Ordinance (Chapter 17.102), and to discourage property owners from removing trees prior to annexing as a way of avoiding Urban Forestry Ordinance provisions.

A. Properties will not be annexed if either of the following apply:

1. Property under contiguous ownership has less than three trees per acre at the time the annexation application is submitted. For purposes of this section, trees must be at least 11 inches diameter at breast height (11" dbh).
2. Where more than ten trees (11" inches or greater dbh) have been removed in an area within 70 feet of Tickle Creek in the five years prior to the annexation application.

B. Exceptions. The City Council may grant exceptions to this section where:

1. The total property area proposed for annexation is less than an acre; or
2. Less than three trees per acre existed on the property on July 20, 2003; or
3. The property owner can demonstrate that a least three Douglas Fir, Western Red Cedar, other appropriate native tree species per acre were planted no less than five years prior to the submission of the annexation application, and these trees remain healthy; or
4. Where the Council finds that tree removal was necessary due to hazards, diseased trees, utility easements or access, or other extenuating circumstances; or
5. The application of this section will create an island of unincorporated area.

17.78.30 ZONING OF ANNEXED AREAS.

A. All lands within the urban growth boundary of Sandy have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The zoning classification shall reflect the city land use classification as illustrated in Table 17.26.20.

B. Where only a single city zoning designation corresponds to the comprehensive plan designation (Type A) and the rezoning decision does not require the exercise of legal or policy judgment on the part of the city council, amendment of the zoning map shall be a ministerial decision of the director made without notice or any opportunity for a hearing.

17.78.40 EXISTING USE, ACTIVITY OR STRUCTURE

A. As of the effective date of annexation, no use or activity shall be considered non-conforming if the use or activity: (1) violates or conflicts with county zoning regulations and (2) is not classified as no-conforming under county zoning regulations. Any such use or activity shall constitute a violation of this ordinance.

B. Any use, activity or structure that is existing at the effective date of annexation, under a Clackamas County use permit with a time limit imposed, shall not be a non-conforming use, but may continue for the extent of the time limit. Such use permits may not be extended without City approval.

C. Any lot or parcel of land duly recorded in the Clackamas County Recorder's office prior to the effective date of this ordinance and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the Zoning District shall apply.

17.78.50 TYPES OF ANNEXATION

A Type A: Annexation in conformance with conceptual zoning designation.

B. Type B: Annexation + zone change

C. Type C: Annexation + plan map change + zone change

17.78.60 ANNEXATION CRITERIA

Requests for annexation should not have an adverse impact on the citizens of Sandy, either financially or in relation to the livability of the City or any neighborhoods within the annexation area. Generally, it is desirable for the city to annex an area if the annexation meets any of the following criteria:

A. A necessary control for development form and standards of an area adjacent to the city; or

B. A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or

C. Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or

D. Needed routes for utility and transportation networks.

17.78.65 MEASURE 37 WAIVER

A. In addition to meeting at least one of the four criteria listed in 17.78.60(A)-(D), an owner-initiated annexation may only be approved if all persons or entities with an ownership interest in the property execute a written waiver of any potential Measure 37 claim based upon City regulations that were adopted on or before the annexation's effective date.

B. The waiver must be executed and delivered to the City prior to the first hearing on the proposed annexation.

C. The waiver must be in a form acceptable to the City Attorney and substantially conform to the example on file with the City Recorder.

D. The waiver will be recorded with Clackamas County once the property is annexed.

17.78.70 INFORMATION FOR VOTERS

If the City Council finds that the annexation is consistent with criteria in 17.78.50, it shall schedule the annexation election. The city will provide an explanatory statement for the voter's pamphlet that includes, at a minimum the following information:

- A. A description of the property to be annexed;
- B. A map of the property to be annexed, including any surrounding features or landmarks (e.g., major streets, streams) that will help voters determine the location of the property;
- C. A description of the comprehensive plan designation and zone for the property, including a listing of the types of land uses and the range of densities permitted under that designation;
- D. Any special features of the property that will need to be addressed in future development decisions--for example, natural features that fall under the scope of the flood and slope hazard ordinance.

If the City schedules the annexation election for an election other than the next primary or general election, the written agreement of the applicant or owner must be obtained. The applicant or owner of the property being annexed shall pay for all costs associated with placing the matter on the ballot.

The applicant is encouraged to submit an "argument in favor" for the voters pamphlet and for the local newspapers that would include a description of the proposed use of the property, location of streams and other natural features (steps that will be taken to preserve them) and other relevant issues.

17.78.80 MEETING WITH NEIGHBORHOOD ASSOCIATION (S)

Prior to filing an annexation application, the applicant is encouraged to meet with the city recognized neighborhood association or associations adjacent to the property proposed to be annexed is located. If more than one such association is affected, the applicant is encouraged to meet with each such association. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.

17.78.90 APPLICATION SUBMISSION REQUIREMENTS

Requests for annexations shall be made on forms provided by the city for such purposes and shall be accompanied by the following:

- A. Written consent form to the annexation signed by the owners of all land to be annexed;
- B. A legal description certified by registered surveyor or engineer;
- C. The application fee established by the City;
- D. A list of property owners within three hundred feet of the subject property on mailing labels;

E. Vicinity map showing the area to be annexed including adjacent city territory;

F. Site Plan (Type A = 15 copies; Type B or C = 25 copies) drawn to scale (not greater than one inch = fifty feet), indicating;

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
3. Approximate location of areas subject to regulation under Chapter 17.60.

G. Narrative Statement explaining the proposal and addressing:

1. 1. Availability, capacity and status of existing water, sewer, drainage, transportation, police, fire, park and school facilities;
2. 2. Additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
3. Method and source of financing required to provide additional facilities, if any; and

H. A Measure 37 waiver consistent with SMC 17.78.65's terms

17.78.100 REVIEW PROCEDURE

Type A

1. Pre-application conference;
2. Meeting with neighborhood association (s)
3. Submission of completed application;
4. Review by City Council;
5. Motion directing staff to submit annexation to voters;
6. Submission to voters;
7. If approved by voters, approval of a resolution proclaiming the annexation and directing staff to amend the city
8. limits boundary and the zoning map.

Type B

1. Pre-application conference;
2. Meeting with neighborhood association (s)
3. Submission of completed applications;
4. Review by planning commission with recommendation to council;
5. Review by City Council;

6. First reading of ordinance affirming the annexation and amending the zoning map;
7. Submission to voters;
8. If approved by voters, second reading of ordinance amending the city limit boundary and the zoning map.

Type C

1. Pre-application conference;
2. Meeting with neighborhood association (s)
3. Submission of completed application;
4. Review by planning commission with recommendation to council;
5. Review by City Council;
6. First reading of ordinance affirming the annexation and amending the city limit boundary, plan and zoning map;
7. Submission to voters;
8. If approved by voters, second reading of ordinance amending the city limit boundary and the zoning map.

17.78.110 EXCEPTIONS

Exceptions may be granted for identified health hazards and for those matters which the city council determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the city except those exempted by state law or city charter. The city Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception.

17.78.120 ANNEXATION CONDITIONS

A. All properties annexed are subject to inclusion within applicable advance financing districts and urban renewal districts.

B. These conditions apply to all annexed properties regardless of transfers of the ownership of such properties.

Chapter 17.80

ADDITIONAL SETBACKS ON COLLECTOR AND ARTERIAL STREETS

17.80.00 INTENT

The requirement of additional special setbacks for development on arterial or collector is intended to provide better light, air and vision on more heavily traveled streets. The additional setback, on substandard streets, will protect arterial streets and permit the eventual widening of streets.

17.80.10 APPLICABILITY

These regulations apply to all property abutting the following streets:

A. Minor Arterials.

- SE 362nd Avenue (Duncan Road)
- Bluff Road
- Kelso Road
- Ten Eyck Road
- Langensand Road
- Bornstedt Road
- Bell Street

B. Collector Streets.

- Industrial Way
- Sandy Heights (Wewer Road) Street
- Tupper Road
- Meinig Road (south of Proctor)
- Meinig Road (First Avenue)
- McCormick
- Van Fleet Street
- Gary Street
- Pleasant Street
- Sunset Street

C. Residential Minor Arterial.

- Dubarko Road

17.80.20 SPECIFIC SETBACKS

Any structure located on streets listed above or identified in the Transportation System Plan as arterials or collectors shall have a minimum setback of 20 feet measured from the property line. This applies to applicable front, rear and side yards.

Chapter 17.82 SPECIAL SETBACKS ON TRANSIT STREETS

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities, provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk

and/or transit street; and promote the use of pedestrian, bicycle, and transit modes of transportation to retail and commercial activities.

17.82.10 APPLICABILITY

All buildings and uses within 400 feet of an existing or proposed transit street (typically a major arterial or major collector street) must comply with one of two options. Directive options require compliance with specific standards unless exempted. Discretionary options place the burden of preferential treatment for transit and pedestrian use on the project designer.

17.82.20 BUILDING ORIENTATION

A. All buildings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.

B. Buildings shall have a primary entrance connecting directly between the street and building interior. This entrance shall be open to the public during all business hours and shall comply with the accessibility standards of the Uniform Building Code.

C. In lieu of a building entrance oriented to a transit street, a building's entrance may be enhanced and identified in the following manner:

1. An entrance plaza of at least 150 square feet, at least 100 square feet of which shall be visible from the transit street. The entrance plaza shall be at least 10 feet wide at the narrowest dimension; and
2. A permanent building feature (e.g. a portico, porch or awning) shall be visible from the transit street, signifying an entrance; and
3. Pedestrian-scale lighting shall be required at the entrance; and
4. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street.

D. Primary building entrances shall be architecturally emphasized and visible from the street. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun. Continuous arcades are strongly encouraged.

E. All building entrances and exits shall be well lit. Lighting shall be a pedestrian scale (3'-12') and the source light shall be shielded to reduce glare.

F. For commercial buildings with facades over 300 feet in length on a transit street, two or more building entrances on the street must be provided.

G. If the site has frontage on more than one transit street, the building shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

17.82.30 PARKING, LOADING AND SERVICE AREAS

All developments shall meet these parking area location and design standards:

A. Parking lots shall be located behind or beside buildings or on one or both sides. Parking and maneuvering areas are prohibited between the building facade with the primary entrance and the street. Parking lots and maneuvering areas located to the side of a building shall not occupy more than 50% of the site's frontage onto a transit street. Parking lots and maneuvering areas on corner lots shall not be located adjacent to intersections.

B. Service and loading areas shall not be located on the frontage of a transit street.

C. In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible. Access easements between properties shall be required where necessary to provide for parking area connections.

D. In order to facilitate pedestrian and bicycle traffic, access and parking area plans shall provide efficient sidewalk and/or walkway connections between neighboring developments or land use.

17.82.40 ACCESS, EGRESS AND CIRCULATION

A. Walkways shall be constructed between a new development and neighboring developments. If connections are not currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.

B. The maximum distance between a parking space and a walkway shall not exceed 100 feet. All surface treatments of walks shall be firm, stable, and slip resistant.

C. Walkways shall be paved with hard-surfaced materials such as concrete, asphalt, stone, brick, etc. Walkways may be required to be lighted and/or signed as needed for safety purposes.

D. Where a walkway crosses or adjoins a vehicular way (and where there are no curbs, railing or other elements separating the pedestrian and vehicular area detectable by a person who has a severe vision impairment) the boundary between the areas shall be defined by a marked crosswalk having a continuous, detectable marking not less than 36 inches wide. Pedestrian walkways crossing driving aisles shall be clearly marked with contrasting slip-resistant materials, and comply with the Uniform Building Code on Accessibility.

E. Where required for pedestrian access, interior landscape strips provided between rows of parking shall be at least 10 feet in width to accommodate pedestrian walkways, shrubbery, and trees 20 to 30 feet on-center. Angled or perpendicular parking spaces shall provide bumper stops or widened curbs to prevent bumper overhang into interior landscaped strips or walkways.

F. If no other practical access exists in commercial or industrial zones, joint access and the provision of reciprocal easements shall be required as a condition of issuing a building permit.

17.82.50 SETBACKS - SINGLE BUILDING ON A SITE

For sites with one building, a minimum of 20 feet or 50% of the face of the building, whichever is greater shall not exceed a maximum front yard setback of 50 feet. The primary entrance shall be contained within that portion of the building meeting the maximum setback requirement.

17.82.60 SETBACKS - MULTIPLE BUILDINGS ON A SITE

For sites with more than one building, buildings shall occupy at least 40% of the site frontage. The building setback shall not exceed 50 feet. Satellite (pad site) buildings shall comply with the setback requirement of [Section 17.82.20](#) above.

17.82.70 ALTERNATIVE DEVELOPMENT OPTION

An alternative development option is reviewed through a Type III procedure. An alternative development option requires:

A. That the project meets the intent and requirements of the Transportation Planning Rule (OAR 660-12-000 et.seq.) based on the specific features of the site and surrounding properties. Costs of any third-party review to determine compliance with the Transportation System Plan or the Transportation Planning Rule will be assessed to the developer.

B. That the intent of [Chapter 17.82](#) be met.

C. That the results are functionally equivalent to a project of similar size and type using the specific standards set forth in [Chapter 17.82](#).

17.82.80 EXEMPTIONS

The following permitted uses are exempt from meeting the requirements of this section:

A. Building materials sales and supplies and retail lumber yards

B. Car washes

C. Commercial parking facilities, excluding commercial parking structures.

D. Heavy equipment sales

E. Manufactured home sales

F. Motor vehicle service stations, excluding convenience stores associated therewith.

G. Motor vehicle service, maintenance and repair facilities, including oil and lubrication services, tire and muffler installation and service, body shops or other motor vehicle services but excluding retail or wholesale outlets selling motor vehicle parts and accessories without providing for on-site installation.

H. Motor vehicle, recreational vehicle, boat or travel trailer sales, leasing, retail or storage.

I. Truck stops

Chapter 17.84 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

17.84.00 INTENT

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters.

17.84.10 EXCEPTIONS

Single family residential development on existing lots are exempt from this chapter, with the exception of [17.84.30](#) Pedestrian Requirements.

17.84.20 TIMING OF IMPROVEMENTS

A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of [Chapter 17](#) prior to approval of the final plat.
2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of [Chapter 17](#) prior to temporary or final occupancy of structures.

B. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS (Ord. 2002-13)

A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

1. Sidewalks shall be a minimum of 5 ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area, unless modified in accordance with Subsection 3 below. (*Note subsection 3 provides for exceptions and a hierarchy of priorities to be considered*).

2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft. wide.

3. Sidewalk improvements shall be made according to city standards, unless the city determines that the public benefit in the particular case does not warrant imposing a severe adverse impact to a natural or other significant feature such as requiring removal of a mature tree, requiring undue grading, or requiring modification to an existing building. Any exceptions to the standards shall generally be in the following order.

a. Narrow landscape strips

b. Narrow sidewalk or portion of sidewalk to no less than 4 feet in width

c. Eliminate landscape strips

d. Narrow on-street improvements by eliminating on-street parking

e. Eliminate sidewalks

4. The timing of the installation of sidewalks shall be as follows:

a. Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements, or with development of the site if street improvements are deferred.

b. Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in c. below.

c. Where sidewalks on local streets abut common areas, drainageways, or other publicly owned or semi-publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

B. Safe and convenient pedestrian and bicyclist facilities that strive to minimize travel distance to the extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, public transit stops, school transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian and bicyclist facilities that: are reasonably free from hazards which would interfere with or discourage

travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians and bicyclists considering destination and length of trip.

2. To meet the intent of "B" above, right-of-ways connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with 8 feet of pavement.

3. 12 feet wide pathways shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers.

4. Pathways and sidewalks shall be encouraged in new developments by clustering buildings or constructing convenient pedestrian ways. Pedestrian walkways shall be provided in accordance with the following standards:

a. The pedestrian circulation system shall be at least five feet in width and shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out of direction pedestrian travel.

b. Walkways at least five feet in width shall be provided to connect the pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.

c. Walkways shall be as direct as possible and avoid unnecessary meandering.

d. Walkway/driveway crossings shall be minimized. Internal parking lot design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.

e. With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or vehicle maneuvering areas by grade, different paving material, painted crosshatching or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

f. Pedestrian amenities such as covered walk-ways, awnings, visual corridors and benches will be encouraged. For every two benches provided, the minimum parking requirements will be reduced by one, up to a maximum of four benches per site. Benches shall have direct access to the circulation system.

C. Where a development site is traversed by or adjacent to a future trail linkage identified within the Transportation System Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with [17.84.80](#).

D. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

E. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

17.84.40 TRANSIT AND SCHOOL BUS TRANSIT REQUIREMENTS

A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters may also be required, where appropriate, as a condition of approval for a residential development of greater than 50 dwelling units where a school bus pick-up point is anticipated to serve a large number of children.

B. New developments at or near existing or planned transit or school bus transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:

1. Commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of [17.84.30 B](#).

17.84.50 STREET REQUIREMENTS

A. Traffic evaluations may be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved, the applicant shall present the results with and an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer licensed in the State of Oregon.
2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding

strategies mitigating the problem shall be considered concurrent with a development proposal.

B. Location of new arterial streets shall conform to the Transportation System Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.
2. Traffic signals should generally not be spaced closer than 1500 ft. for reasonable traffic progression.

C. Local streets shall be designed to discourage through traffic. NOTE: for the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination. To discourage through traffic and excessive vehicle speeds the following street design characteristics shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length. As practical, local streets should include traffic calming features, and design features such as curves and "T" intersections while maintaining pedestrian connectivity.
2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 150 ft. between the nearest edges of the 2 rights-of-way.
3. Cul-de-sacs should generally not exceed 400 ft. in length nor serve more than 20 dwelling units, except in cases where existing topography, wetlands, or drainage systems or other existing features necessitate a longer cul-de-sac in order to provide adequate access to an area. Cul-de-sacs longer than 400 feet or developments with only one access point may be required to provide an alternative access for emergency vehicle use only, install fire prevention sprinklers, or provide other mitigating measures, determined by the City.

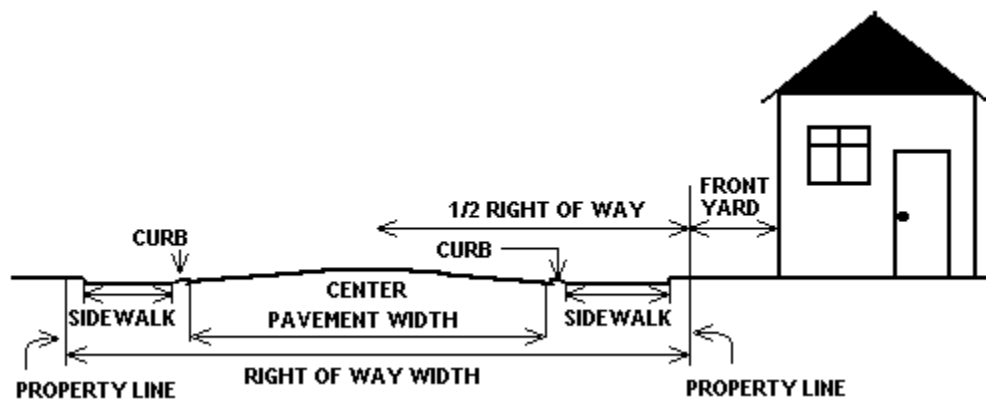
D. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.
2. Half-street improvements are considered the minimum required improvement. Three-quarter-street or full-street improvements shall be required where traffic volumes generated by the development are such that a half-street improvement would cause safety and/or capacity problems. Such a determination shall be made by the City Engineer.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site improvements concurrent with development. Off-site improvement requirements upon the site developer shall be reasonably related to the anticipated impacts of the development.

4. Reimbursement agreements for $\frac{3}{4}$ street improvements (i.e., curb face to curb face) may be requested by the developer per [Chapter 12](#) of the SMC.

5. A $\frac{1}{2}$ street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A $\frac{3}{4}$ street improvement includes curbs on both sides of the side and full pavement between curb faces.



E. As necessary to provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.
2. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

F. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrent with the development.

G. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall

conform to the established pattern in the surrounding area and be subject to approval of the Director.

H. Location, grades, alignment, and widths for all public streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely affected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.
3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 150 ft. between the nearest edges of the two rights-of-way.
4. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector streets, and 100 ft. on local streets.
5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - a. The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection.
 - b. The intersection of a local street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection.
 - c. Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - d. Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.
6. Right-of-way and improvement widths shall be as specified by the Transportation System Plan. Exceptions to those specifications may be approved by the City Engineer to deal with specific unique physical constraints of the site.

J. Private streets may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner's association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC UTILITY EXTENSIONS

A. All development sites shall be provided with public water, sanitary sewer, and storm drainage.

B. Where necessary to serve property as specified in "A" above, required public utility installations shall be constructed concurrent with development.

C. Off-site public utility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.

D. As necessary to provide for orderly development of adjacent properties, public utilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

E. All public utility installations required with development shall conform to the City's facilities master plans.

F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:

1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of [17.84.50 F](#) above);
3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as "franchise utilities").

A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.

B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of [17.84.50 F](#) above); and
3. The development is non-residential.

D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.

E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:

1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:

1. When located between adjacent lots, easements shall be provided on one side of a lot line.
2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the

utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

B. Public utility easements with a minimum width of 5 feet shall be provided adjacent to all street rights-of-way for franchise utility installations.

C. Where a development site is traversed by a drainageway or water course, a drainage way dedication shall be provided to the City.

D. Where a development is traversed by, or adjacent to, a future trail linkage identified within the Transportation System Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

E. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

F. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

G. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land be reserved for public acquisition for a period not to exceed 1 year.

H. Environmental assessments for all lands to be dedicated to the public or City may be required to be provided by the developer. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

17.84.100 MAIL DELIVERY FACILITIES

A. In establishing placement of mail delivery facilities, locations of sidewalks, bikeways,

intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.

B. Where mail delivery facilities are proposed to be installed in areas with an existing or future curb-tight sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.

C. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform with the City's standard construction specifications. Actual mailbox units shall conform with the Post Office standards for mail delivery facilities.

D. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

Chapter 17.86 PARKLAND and OPEN SPACE

Amended through Ord 2004-06 effective 1/19/2005

17.86.00 INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, planned developments, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the

purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for the following:
 - a. Tentative plat for a subdivision or partition;
 - b. Planned Development conceptual or detailed development plan;
 - c. Design review for a multi-family development or manufactured home park; and
 - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.

2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula rounded to the nearest 1/100 (0.00) of an acre:

$$\text{Required parkland dedication (acres)} = (\text{proposed units}) \times (\text{persons/unit}) \times 0.0043$$

(per person park land dedication factor)

a. Population Formula: The following table shall be used to determine the number of persons per unit to be used in calculating required parkland dedication:

Type of Unit	Total Persons Per Unit
Single family residential	3.0
Standard multi-family unit	2.0
Manufactured dwelling park	2.0
Congregate multi-family unit	1.5

Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,
2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.

B. Additional Requirements

1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Director, will interfere with the use of the land for park, open space or recreational purposes.

The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

C. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by 17.86.30 (A.1.) shall be made prior to approval of the final plat for the phase that includes the park land.

17.86.40 CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
 - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;
 - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
 - d. Availability of previously acquired property; and
 - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat.

17.86.50 MINIMUM STANDARDS FOR OPEN SPACE DEDICATION

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
 - a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
 - b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.
2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
 - a. Designate the boundaries of all open space areas; and
 - b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
 - c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.

3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.

4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

- a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
- b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
- c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
- d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.

5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

¹ Parks Master Plan, Implementation Plan section, Pages 4 and 5 indicate a required park acreage total of 64.5 acres. This number, divided by population (2015) of 15,000 equates to 4.3 acres per 1000 population or 0.0043 per person.

Chapter 17.90 LANDSCAPING AND DESIGN STANDARDS

17.90.00 INTENT

These standards are intended to promote functional, safe, innovative and attractive buildings and sites which are compatible with the surrounding environment. These regulations include the articulation of walls, roof design, materials, colors, placement of elements such as windows, doors, mechanical equipment, identification features and site features including, but not limited to, pedestrian circulation, entries, location of service

facilities, safety and security, placement, design and relationship of proposed site elements such as buildings, vehicular parking and circulation areas, outdoor shared areas, private areas, walkways, buffer areas and landscaping.

The intent of these design standards is to guide the design of buildings constructed to ensure excellent design in new building construction, to enhance street safety, and to provide a comfortable street environment by utilizing features of interest to pedestrians. Good design results in buildings that are in visual harmony with nearby buildings, leading to development that is interesting, active, and safe. The exterior storage of merchandise and/or materials directly or indirectly related to a business is prohibited except as specifically authorized by this code.

In addition, within the Central Business District, existing buildings reflect architectural styles that were popular during the early to mid-twentieth century. It is the desire of the City to have buildings in the Central Business District conform to architectural styles of this era. The design standards are intended to further define those characteristics that cause buildings to look like they were constructed during this period.

Development of a Village Commercial District, buildings should complement the architectural styles of the surrounding residential development through use of compatible materials, colors, and architectural elements.

Additional standards governing drive-up/drive-through uses are listed in [Chapter 17.94](#).

17.90.10 APPLICABILITY

The provisions of this chapter apply to all zones and uses. Single family dwellings and manufactured dwellings on individual lots of record are exempt from all requirements of [Chapter 17.90](#) except for [17.90.80 A & B](#) and [Section 17.90.220](#). Site and design review considerations include the layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage, landscaping, service and delivery areas, outdoor recreation areas, retaining walls, cut and fill actions, access ways, pedestrian walkways, and buffering and screening. All applications for design review are subject to the requirements of this chapter and other applicable city ordinances. The Director shall refer applicants to the Planning Commission if any variance from the standards is requested.

17.90.20 POWERS AND DUTIES

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

17.90.30 TYPE OF REVIEW

A. Single family dwellings, duplex dwellings, manufactured homes on individual lots,

manufactured home within MH parks, and permitted accessory dwellings and structures are processed as a Type I procedure.

B. All multi-family, commercial, industrial and community service uses are processed as Type II procedure.

17.90.40 CONDITIONS OF APPROVAL

Conditions of approval may be imposed on a development subject to design review by advising the applicant of the reasons in writing that the conditions are necessary to meet the intent and purpose of the Comprehensive Plan, Development Code, and other applicable ordinances. Conditions may include the following:

A. Include as part of the landscape area, clearance from specified trees, rocks, water ponds or courses, or other natural features.

B. Establish the suitability of a landscape plan by having it prepared by a licensed landscape architect.

C. Obtain the city engineer's approval of a grading and drainage plan for the collection and transmission of storm or ground water.

D. Establish vehicle and pedestrian access facilities with due consideration to the size, location, and grade.

E. Require the dedication of public street right-of-way, a pedestrian way, or an easement for utilities, a waterway, slope protection or open space.

F. Install sidewalks.

G. Support a future street improvement in an agreement that will run with the land.

H. Modify elements of the design or proposed materials, color, texture or shape of a structure, sign or other feature of the development, providing that a specific design feature is so inappropriate, incongruous with the surrounding area or in some other way sufficiently detrimental to the aesthetics, property values, general stability or other public welfare concern for the area of the city as whole that correction is necessary. In requiring modification, an alternate means of solution shall be provided, but the applicant is free to propose other alternatives.

I. Install on-site fire hydrants with a protective barricade.

J. Install lighting for outdoor circulation and parking areas, including approval of the type and placement of the outdoor lighting.

K. In the case of a commercial or industrial development, provide access by a frontage road having limited and controlled access onto an arterial street by means of traffic signals, traffic control islands, or other means that will preserve the traffic carrying capacity and safety of the arterial street and that will avoid the cumulative effect of individual access points.

L. In the case of development that is not required to provide a frontage road, private access to a street that intersects an arterial street instead of directly to an arterial street and avoid the cumulative effect of individual access points.

17.90.50 PROCEDURE AND SUBMISSION REQUIREMENTS

A. Pre-Application Conference. Prior to filing design review plans, the applicant shall confer with staff. The purpose of this conference is to provide an opportunity for the applicant to describe the proposed development and for the staff to explain relevant land use policies, ordinances, standards, opportunities and constraints which may be applicable to the site and type of proposed development before the applicant has invested substantial time and resources or becomes committed to particular concepts or design solutions.

B. Filing Plans. A complete application with final drawings for design review shall be submitted to the Director. An application shall not be deemed complete unless all information requested is provided and fees paid.

C. Upon completion of the technical review and approval of the design review plans, the site plan and landscape plan shall act as the official approved development plan. Any construction, addition, or extension of the buildings or structures shall be in compliance with the approved site plan.

D. If the developer finds it necessary to vary from the approved site plan or landscape plan, an application shall be filed requesting an amendment to the approved plan.

17.90.60 SUBMISSION REQUIREMENTS - TYPE I

A. Number of Copies: 2

B. Site Plan. The site plan shall be drawn at an approved engineering scale (e.g., (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. Drainage, including adjacent lands
 8. Natural hazard areas, including potential flood or high ground water, landslides, erosion, drainageways, and weak foundation soils
 9. Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas, and surface features such as earth mounds and large rock outcroppings.
 10. Streams and stream corridors
 11. Location of trees over 6" in caliper; wooded areas; significant clumps or groves of trees, and specimen conifers, oaks and other large deciduous trees. Where a site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted and only those trees that will be affected by the proposed development need be sited accurately.
 12. Additional information as required by the Director such as soils, geology, hydrologic study, etc.
- C. Building elevations showing the required design standards

17.90.70 SUBMISSION REQUIREMENTS - TYPE II

A. Number of Copies: 8

B. Project Summary. A project summary shall accompany the application when deemed necessary to describe any special circumstances.

C. Site Analysis. An analysis of the site showing the relationship between the site and adjacent properties. The degree of detail in the analysis shall be appropriate to the scale of the proposal or to specific site features requiring careful design. A site analysis shall include:

1. Vicinity map showing the location of the property in relation to adjacent properties, roads, pedestrian and bicycle ways, and utility access. Site features, man-made or natural, which cross property boundaries shall also be shown.

2. A site description map at an approved engineering scale (e.g., 1"=100'; 1"=50'; 1"=20'; or 1"=10') showing parcel boundaries, gross area, and 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 slopes exceeding 25%

3. Drainage, including adjacent lands

4. Natural hazard areas, including potential flood or high ground water, landslides, erosion, drainageways, and weak foundation soils

5. Marsh or wetland areas, underground springs, wildlife habitat areas, wooded areas, and surface features such as earth mounds and large rock outcroppings.

6. Streams and stream corridors

7. Location of trees over 6" in caliper; wooded areas; significant clumps or groves of trees, and specimen conifers, oaks and other large deciduous trees. Where a site is heavily wooded, an aerial photograph, not to exceed 1"=400' may be submitted and only those trees that will be affected by the proposed development need be sited accurately.

8. Additional information as required by the Director such as soils, geology, hydrologic study, etc.

D. Site Plan. The site plan shall be drawn at an approved engineering scale (e.g., (e.g., 1"=100'; 1"=50'; 1"=20'; or 1"=10') and shall include the following:

1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationship between the applicant's property and proposed development and adjacent property and development.

2. Boundary lines and dimensions for the property and all proposed lot lines.

3. Phase lines of development. Future buildings in phased developments shall be indicated.

4. Identification information including names and addresses of project designers.

5. Natural features which will be utilized in the site plan

6. Location, dimensions and names of all existing or platted streets or other public ways, easements, etc., on or adjacent to the property; county limits, section lines and corners, and monuments.

7. The location of at least one protected temporary benchmark and spot elevation when needed.

8. Location and dimension of all existing structures, improvements or utilities, noting structures to be removed.

9. Approximate location and size of stormwater detention facilities and storm drains.

10. Location and exterior dimensions of all proposed structures and impervious surfaces.

11. Relation to transit, location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown and dimensioned.

12. Orientation of structures showing windows, doors, entrances and exits.

13. Outdoor lighting; specify type.

14. Service areas for waste disposal, recycling, loading and delivery and screening details.

15. Location of mail boxes.

E. 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.

F. Architectural Drawings.

1. Building elevations.

2. Building materials: colors and type

G. Landscape Plan.

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.

H. Signs.

1. Free-standing sign:

a. Location of sign on site plan;

b. Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials and means of illumination).

2. Wall or Projecting signs:

a. Building elevation with location of signs (indicate size, color, materials and means of illumination).

b. Plot plan showing location of sign on building in relation to adjoining properties.

17.90.80 ACCESS

A. All lots shall abut or have access to a dedicated public street

B. All lots which have access to a public alley shall provide for all personal and service access for vehicles from that alley

C. Parking lots may include public alley accessed garages at the rear property line.

D. Joint use of access points and interconnections shall be required, where deemed needed by the Director and City Engineer.

E. 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.

F. 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.

17.90.90 PEDESTRIAN ACCESSIBILITY

A. Special attention shall be given to designing a primary building entrance, which is both attractive and functional.

B. Building entries must comply with the accessibility requirements of the Oregon State Structural Specialty Code.

C. Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building.

D. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.

17.90.100 BUILDING FACADES, MATERIALS AND COLOS

A. 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.

B. 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 I2 and I3 districts, but it may be used for accents including awnings.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. Continuous Outdoor Arcades. Continuous outdoor arcades are strongly encouraged.

J. Traditional Storefront Elements. For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:

1. Clearly delineated upper and lower facades;
2. A lower facade dominated by large display windows and a recessed entry or entries;
3. Smaller, regularly spaced windows in the upper floor;
4. Decorative trim, such as window hoods, surrounding upper floor windows;
5. A decorative cornice near the top of the facade.

17.90.110 ROOF PITCH, MATERIALS, AND PARAPETS

A.

Zoning District	Pitch
C1	5:12
C2	4:12
C3	5:12
I1	3:12
I2	3:12
I3	3:12

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

C. 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.

D. Visible roof materials must be wood or architectural grade composition shingle, slate, tile or sheet metal with standing or batten seam.

E. 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.

17.90.120 BUILDING ORIENTATION AND ENTRANCE STANDARDS

A. Primary entries shall face a public street or designated pedestrian way

B. Primary entrances must be architecturally emphasized and visible from the public right-of-way.

C. Buildings must have an entrance connecting directly between the right-of-way and the building interior.

D. Secondary entries may face parking lots or loading areas. Buildings must have an entrance connecting directly between the street and the building interior.

E. Entries shall be sheltered with an overhang or portico with a depth of at least 4 feet.

F. 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.

17.90.130 WINDOWS – COMMERCIAL AND INDUSTRIAL USES

A. 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.

B. Ground Floor Windows. All new buildings must provide ground floor windows along street frontages.

1. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.

2. 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.

3. Darkly tinted windows and mirrored windows that block two way visibility are prohibited for ground floor windows along street facades.

4. 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.

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

C. Upper Floor Window Standards.

1. Glass area dimensions shall not exceed 5 feet by 7 feet. (The longest dimension may be taken either horizontally or vertically.)

2. Windows must have trim or molding at least two inches wide around their perimeters.

3. 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.

17.90.140 LANDSCAPING/STREETSCAPE

A. 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.

B. 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.

17.90.150 LIGHTING

A. All building entrances and exits must be well lighted.

B. 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.

C. Lighting must be adequate for safety purposes.

D. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare.

17.90.160 SAFETY AND SECURITY

A. Locate windows in a manner, which enables tenants, employees and police to watch over pedestrian, parking and loading areas.

B. 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.

C. Provide an identification system, which clearly locates buildings and their entries for patrons and emergency services.

D. Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.

17.90.170 EXTERNAL STORAGE

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

17.90.180 TRASH COLLECTION / RECYCLING AREAS.

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.

17.90.190 ADDITIONAL REQUIREMENTS - C1 DISTRICTS

Commercial development in the C1 districts shall comply with the requirements of this chapter as listed above and the following additional requirements:

A. Anchor stores shall be located on collector or arterial streets and must face the abutting collector or arterial.

B. Ancillary shops shall provide entries every 25 to 30 feet, where feasible.

C. Where possible, the structures shall be oriented on an north/south and east/west grid system for pedestrian and vehicular access ways that integrate with the surrounding street and pedestrian systems;

D. Upper story residential uses shall have entries every 50 to 70 feet

17.90.200 ADDITIONAL REQUIREMENTS - C3 DISTRICT

Commercial development in the C3 districts shall comply with the requirements of this chapter as listed above and the following additional requirements:

A. Anchor stores shall be located on collector or arterial streets and must face the abutting collector or arterial.

B. Ancillary shops shall provide entries every 25 to 30 feet, where feasible.

C. Where possible, the structures shall be oriented on an north/south and east/west grid system for pedestrian and vehicular access ways that integrate with the surrounding street and pedestrian systems;

- D. Upper story residential uses shall have entries no further apart than 70 feet;
- E. At least 10% of the area zoned for commercial purposes shall be dedicated for open space, a community green or public space within the boundaries of the Village Commercial District. This space shall be in one contiguous area.
- F. At least two sides of the public space shall face the front of commercial uses.
- G. Commercial uses shall be oriented to the pedestrian network and public spaces.
- H. Consistent design elements shall be encouraged to ensure that the entire complex functions as a unit.

17.90.210 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.

17.90.220 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

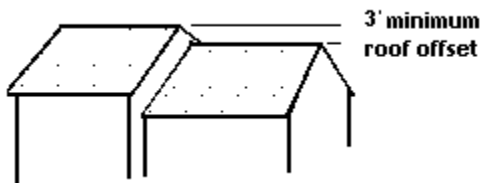
4. Covered porch entries
5. Pillars or posts
6. Bay or bow windows
7. Eaves of 12 inches or greater
8. Off-set of 16 inches or greater on building face or roof

17.90.230 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.

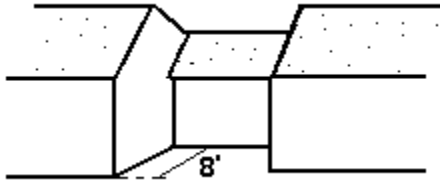
1. Entries shall be sheltered with an overhang, portico or recessed entry or otherwise articulated with an architecturally detailed entry.
2. Primary dwelling entries shall face a public street or designated pedestrian way and be visible from the street whenever feasible.
3. Multiple units: Ground floor 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.

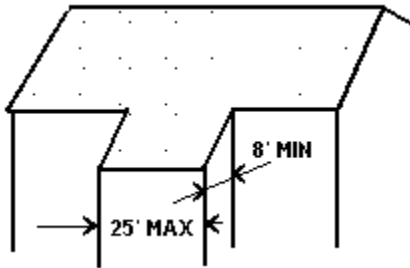
C. Building facades shall be articulated with windows, entries, balconies and/or bays. Towers or other special vertical elements may be used in a limited fashion to focus views to the area from surrounding streets.

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.



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:
 - 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.

17.90.240 MAINTENANCE

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:

- A. It will not interfere with the maintenance or repair of any public facility;
- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard because of reduced visibility.

17.90.250 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.

17.90.260 APPEAL

The decision related to a specific proposal and specific conditions necessary to meet these standards may be appealed to the Planning Commission in accordance with [Chapter 17.28](#).

Chapter 17.92

LANDSCAPING AND SCREENING GENERAL STANDARDS - ALL ZONES

17.92.00 INTENT

The City of Sandy recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering, and screening. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

17.92.10 GENERAL PROVISIONS

Where landscaping is required by this Code, detailed planting plans shall be submitted for

review with development applications. No development may commence until the Director or Planning Commission has determined the plans comply with the purposes clause and specific standards in this chapter. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy.

A. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind within 6 months.

B. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 25-inches or greater circumference measured at a height of 4-½ ft. above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5-ft. outside the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 ft. outside the dripline.

C. Planter and boundary areas used for required plantings shall have a minimum diameter of 5-ft. (2-½ ft. radius, inside dimensions). Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7-½ ft.

D. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.

E. Landscaped planters and other landscaping features shall be used to define, soften or screen the appearance of off-street parking areas and other activity from the public street. Up to 35 percent of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the Director or Planning Commission.

F. Required landscaping/open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.

G. Balconies required for entrances and exits shall not be considered as open space except where such exits and entrances are for the sole use of the unit.

H. Roofed structures shall not be included as open space except for open unenclosed public patios, balconies, gazebos, or other similar structures or spaces.

I. Driveways and parking areas shall not be included as open space.

J. All areas not occupied by paved roadways, walkways, patios, or buildings shall be landscaped.

K. All landscaping shall be continually maintained, including necessary watering, weeding, pruning and replacing.

17.92.20 MINIMUM IMPROVEMENTS - LANDSCAPING AND SCREENING

The minimum landscaping area of a site to be retained in landscaping shall be as follows:

Zoning District or Use	Percentage
R3	25%
Manufactured Home Park	20%
C1 Central Business District	10%
C2 General Commercial	20%
C3 Village Commercial	10%
I1 Industrial Park	20%
I2 Light Industrial	15%
I3 Heavy Industrial	10%

17.92.30 REQUIRED TREE PLANTINGS

Planting of trees is required for all parking lots with 4 or more parking spaces, public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

The City maintains a list of appropriate trees for street tree and parking lot planting situations. Selection of species should be made from the city-approved list. Alternate selections may be approved by the Director following written request. The type of tree used shall determine frequency of trees in planting areas. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Area/Type of Planting	Canopy	Spacing
Street Tree	Medium	30 ft. on center
Street Tree	Large	50 ft. on center
Parking Lot Tree	Medium	1 per 8 cars
Parking Lot Tree	Large	1 per 12 cars

Trees may not be planted:

- Within 5 ft. of permanent hard surface paving or walkways, unless specific species, special planting techniques and specifications approved by the Director are used.
- Unless approved otherwise by the City Engineer:
 - Within 10 ft. of fire hydrants and utility poles
 - Within 20 ft. of street light standards
 - Within 5 ft. from an existing curb face
 - Within 10 ft. of a public sanitary sewer, storm drainage or water line
- Where the Director determines the trees may be a hazard to the public interest or general welfare.
- Trees shall be pruned to provide a minimum clearance of 8 ft. above sidewalks and 12 ft. above street and roadway surfaces.

17.92.40 IRRIGATION

Landscaping shall be irrigated, either with a manual or automatic system, to sustain viable plant life.

17.92.50 TYPES AND SIZES OF PLANT MATERIALS

A. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, or evergreen ground cover except as otherwise authorized by [Chapter 17.92.10 F](#).

B. Plant Materials. Use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged where possible.

C. Trees shall be species having an average mature spread of crown greater than 15 feet and having trunks which can be maintained in a clear condition with over 5 feet of clear

wood (without branches). Trees having a mature spread of crown less than 15 feet may be substituted by grouping the same so as to create the equivalent of a 15-foot crown spread.

D. Deciduous trees shall be balled and burlapped, be a minimum of 7 feet in overall height or 1 ½ inches in caliper measured 6 inches above the ground, immediately after planting. Bare root trees will be acceptable to plant during their dormant season.

E. Coniferous trees shall be a minimum five feet in height above ground at time of planting.

F. Shrubs shall be a minimum of 1 gallon in size or 2 feet in height when measured immediately after planting.

G. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen within 2 years after planting.

H. Vines for screening purposes shall be a minimum of 1 gallon in size or 30 inches in height immediate after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

I. Groundcovers shall be fully rooted and shall be well branched or leafed. If used in lieu of turf in whole or in part, ground covers shall be planted in such a manner as to provide complete coverage in one year.

J. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryes and fescues used within the local landscape industry.

K. Landscaped areas may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, bark dust, decorative hard paving and gravel areas, interspersed with planted areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscape area.

17.92.60 REVEGETATION IN UNLANDSCAPED OR NATURAL LANDSCAPED AREAS

A. Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted.

B. Plant material shall be watered at intervals sufficient to assure survival and growth.

C. The use of native plant materials or plants acclimatized to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

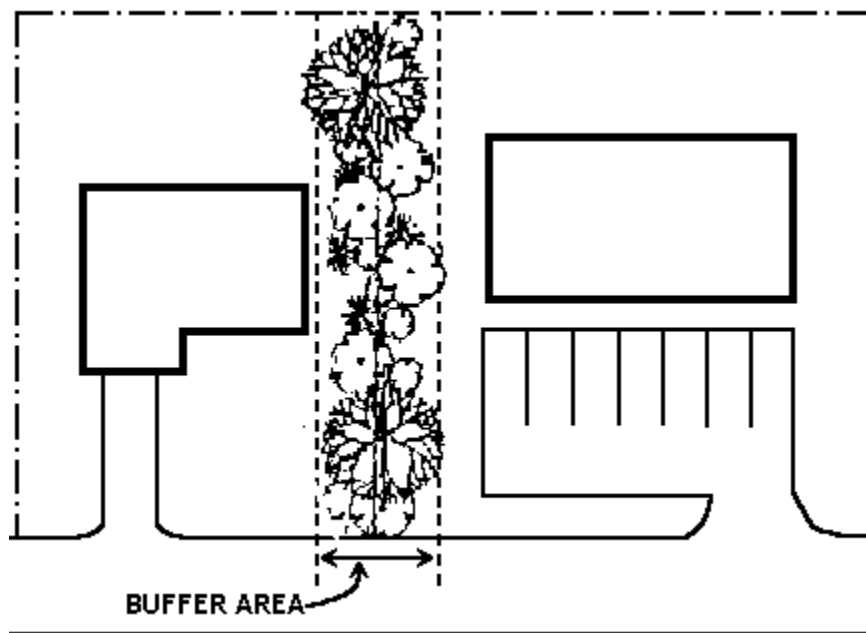
17.92.70 LANDSCAPING BETWEEN PUBLIC RIGHT-OF-WAY AND PROPERTY LINES

Except for portions allowed for parking, loading, or traffic maneuvering, a required setback area abutting a public street and open area between the property line and the roadway in the public street shall be landscaped. That portion of the landscaping within the street right-of-way shall not count as part of the lot area percentage to be landscaped.

17.92.80 BUFFER PLANTING - PARKING, LOADING AND MANUEVERING AREAS

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

Buffering is required in conjunction with issuance of construction permits for parking areas containing 4 or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying ground cover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements. Exception: truck parking lots are exempt from parking bay buffer planting requirements.



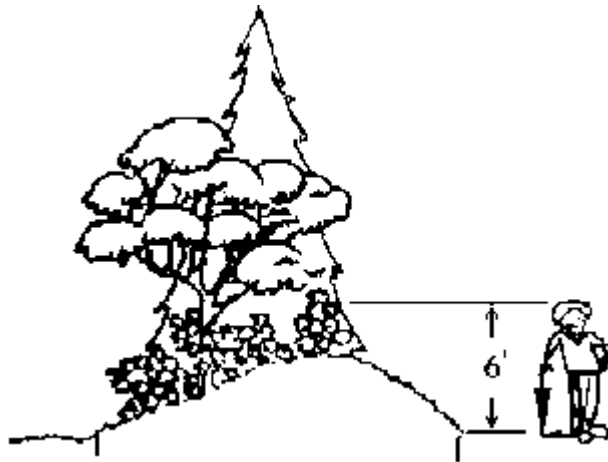
17.92.90 SCREENING (HEDGES, FENCES, WALLS, BERMS)

Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

A. Height and Opacity. Where landscaping is used for required screening, it shall be at least 6 ft. in height and at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site.**B. Chain Link Fencing.** A chain link fence with slats shall qualify for screening only if a landscape buffer is also provided in compliance with 17.92.00 above.

C. Height Measurement. The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas.

D. Berms. Earthen berms up to 6 ft. in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs, and trees.



E. Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

17.92.100 SCREENING OF SERVICE FACILITIES

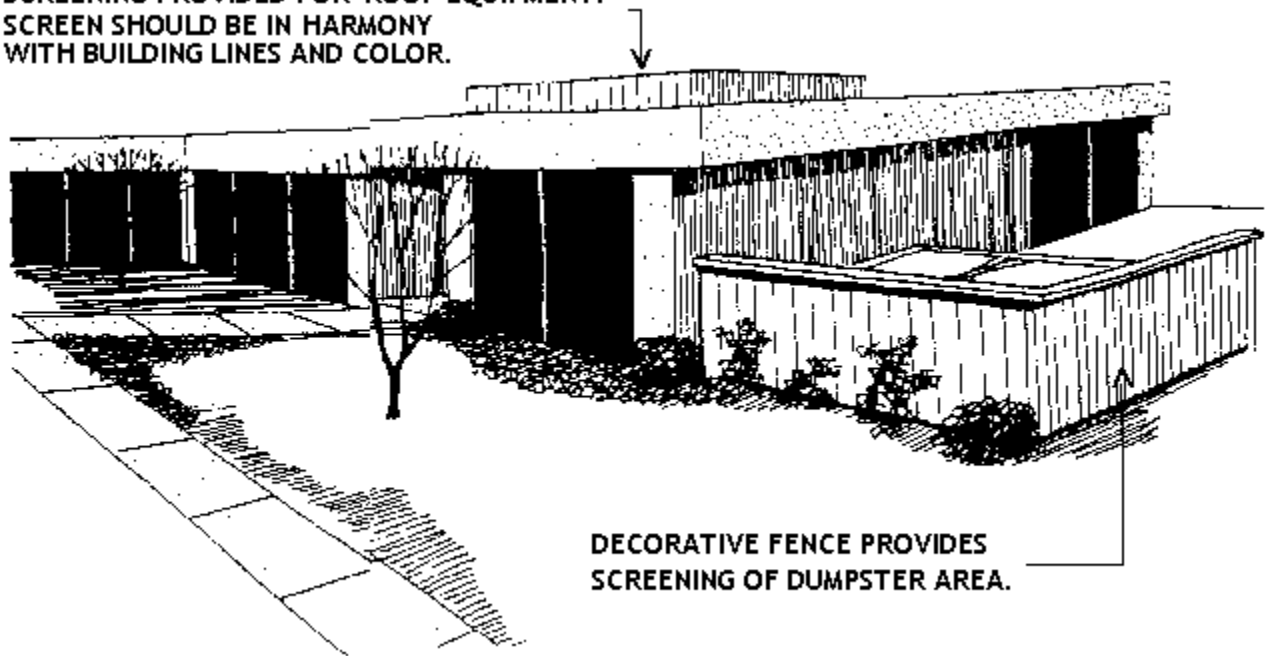
Site-obscuring shrubbery or a berm, wall or fence shall be placed along a property line between residential and commercial and industrial zones and around unsightly areas such

as trash and recycling areas, gas meters, ground level air conditioning units, disc antennas exceeding 36 inches in diameter and equipment storage or an industrial or commercial use with outside storage of equipment or materials.

17.92.110 OUTDOOR STORAGE

All outdoor storage areas for commercial, industrial, public and semi-public uses are to be entirely screened by a sight obscuring fence, vegetative materials, or other alternative deemed appropriate by the Director. Exceptions to the preceding requirements include: new or used cars, cycles and trucks (but not including car parts or damaged vehicles); new or used boat sales; recreational vehicle sales; new or used large equipment sales or rentals; manufactured home sales; florists and plants nurseries.

**SCREENING PROVIDED FOR ROOF EQUIPMENT.
SCREEN SHOULD BE IN HARMONY
WITH BUILDING LINES AND COLOR.**



**DECORATIVE FENCE PROVIDES
SCREENING OF DUMPSTER AREA.**

17.92.130 PERFORMANCE BOND

If weather conditions or other circumstances beyond the control of the developer or owner make completion of the landscaping impossible prior to desired occupancy, an extension of up to 6 months may be applied for by posting "security" equal to 120% of the cost of the landscaping, assuring installation within 6 months. "Security" may consist of a performance bond payable to the city, cash, certified check, time certificates of deposit, assignment of a saving account, letter of credit, or other such assurance of access to funds necessary for completion as shall meet the approval of the City Attorney. Upon acceptance of the security, the developer or owner may be allowed occupancy for a period of up to 180 days. If the installation of the landscaping improvement is not

completed within 180 days, the City shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation by the city, any portion of the remaining security minus administrative charges of 30% shall be returned to the owner. Costs in excess of the posted security shall be assessed against the property and the City shall thereupon have a valid lien against the property, which will come due, and payable.

17.92.140 GUARANTEE

All landscape materials and workmanship shall be guaranteed by the installer and/or developer for a period of time not to exceed two years. This guarantee shall insure that all plant materials survive in good condition and shall guarantee replacement of dead or dying plant materials.

Chapter 17.94 DRIVE-UP USES

17.94.00 INTENT

These provisions are established to ensure safe, functional drive-up uses while not impeding flow of traffic. For purposes of this section, a vehicle shall be considered no less than twenty feet in length.

The width and turning radius of drive-up aisles shall be approved through the Type I design review process.

17.94.10 APPLICABILITY

These regulations govern all drive-up uses in all zoning districts.

17.94.20 MINIMUM REQUIREMENTS

A. Parking maneuvers shall not occur in the stacking area. The stacking area shall not interfere with safe and efficient access to other parking areas on the site or adjacent properties.

B. Drive-up aisles and windows must be located a minimum of fifty feet from residential zones to avoid adverse impacts.

C. All restaurant facilities, except short term food service, providing drive-up service shall provide at least two designated parking spaces immediately beyond the service window or provide other satisfactory methods to allow customers requiring excessive waiting time to receive service while parked.

D. The grade of the stacking area to the drive-up shall not exceed a slope of twelve percent.

E. The drive-up shall be designed to provide as much natural ventilation as possible to eliminate the buildup of exhaust gasses.

F. The sound level of communications systems shall not exceed fifty-five decibels at the property line and shall otherwise comply with provisions of the Sandy Municipal Code regarding sound levels.

17.94.30 STACKING DISTANCE

Drive-up window uses shall provide a minimum stacking area clear of the public right-of-way and parking lot aisles from the window serving the vehicles as follows:

A. Banks. Each lane shall provide a minimum capacity for 5 vehicles.

B. Restaurants. Each lane shall provide a minimum capacity for 8 vehicles.

C. Short-Term Food Service. Each lane shall provide a minimum capacity for 3 vehicles. Short Term Food Service is defined as a facility serving espresso, ice cream, or other single-service product. A maximum of one designated parking space located at the end of the stacking area may be substituted for one required stacking space for small convenience food stops only.

D. Other Drive-up Uses:

1. Automotive Fueling Stations. Each lane shall provide a minimum capacity for 4 vehicles.

2. Other Uses. Each lane shall provide a minimum capacity for 2 to 8 vehicles, as determined through the design review process.

Chapter 17.96 MANUFACTURED DWELLING PARK STANDARDS

17.96.00 INTENT

These provisions are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide affordable quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development.

17.96.10 AREA REQUIREMENTS

A. Minimum Size for Manufactured Dwelling Park = 1 acre.

B. Minimum Size for Manufactured Home Space = 2,000 sq. ft.

Note: ORS 446.100(x) requires that the space be at least 30 ft. wide and 40 ft. long.

17.96.20 PERMITTED STRUCTURES

A. Manufactured Homes and Mobile Homes (as defined in [Chapter 17.10](#) - Definitions)

B. Accessory Structures. Structures customarily incidental to the primary use in accordance with [Chapter 17.74](#).

17.96.30 SETBACK AND SEPARATION FOR THE PARK PERIMETER

A. Setback Between Park Structures and Abutting Properties. Between abutting property and any dwelling or accessory park structure or a park road there shall be a minimum setback equal to the rear yard setback specified by the district of the abutting property but in no case shall the setback be less than 5 ft.

B. Setback Between Park Structures and a Public Street Right-of-Way. Between the public right-of-way and any dwelling or accessory structure there shall be an average setback along the public street of 20 feet with a minimum setback equal to the front yard setback of the district.

17.96.40 PARK PERIMETER TREATMENT

A. Perimeter Treatment. An applicant can choose one of two options for perimeter treatment.

1. Option I - Abutting Public Streets. On lands adjacent to public streets a 6-ft. high site-obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.

a. Fencing. Any fence shall have an average 15-ft. setback from the public right-of-way and shall meet vision clearance requirements. Fencing closer than 15 ft. to the public right-of-way shall be subject to the district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.

b. Earth Sculpting. Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 ft. in 2 years. This combination is subject to the following standards:

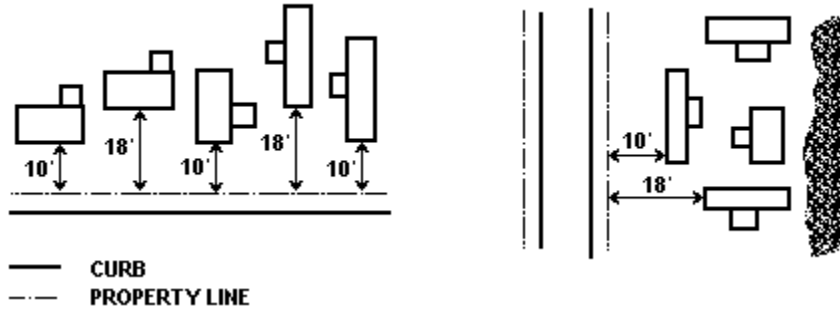
i. The earth sculpting, as a minimum, shall include a berm whose form does not have a slope over 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

ii. At least one row of deciduous and/or evergreen shrubs spaced not more than 5 ft. apart shall be placed on this berm.

iii. Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

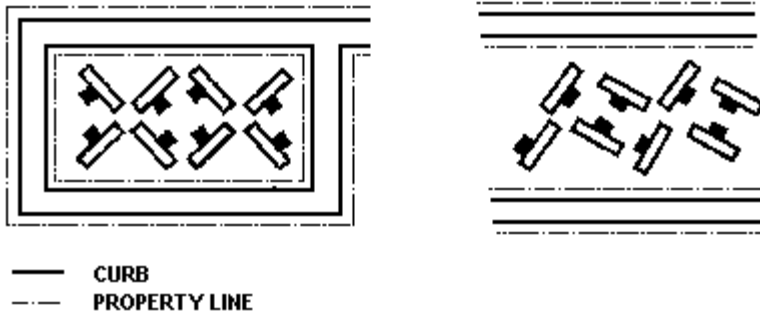
2. Option II - Perimeters Abutting other Zoning Districts:

a. A manufactured home space that abuts the perimeter setback shall be a minimum of 4,000 sq. ft.



b. Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street, or

c. An alternative the above is to utilize a uniform setback but provide a substantial acute or obtuse angle from the street, such as indicated below, or



d. A third alternative is to establish an 8-ft. minimum building offset by utilizing attached garages or triple wide expansions.

B. Driveway access on local public streets may occur at the maximum frequency of one access for every two dwellings. Access from individual dwellings shall not be permitted on arterial streets. Access to collector streets shall be subject to review and approval of the City Engineer.

17.96.50 SETBACK AND SEPARATION FOR STRUCTURES WITHIN THE PARK

Setbacks and separation for structures within a manufactured home park shall comply with applicable ORS statutes.

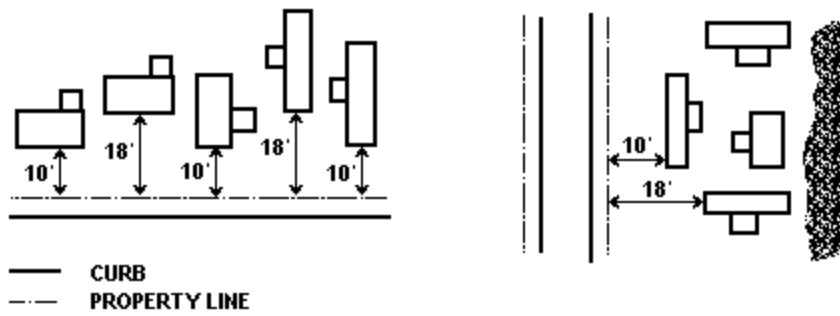
17.96.60 SITE DEVELOPMENT STANDARDS

A. Parking and Accessways

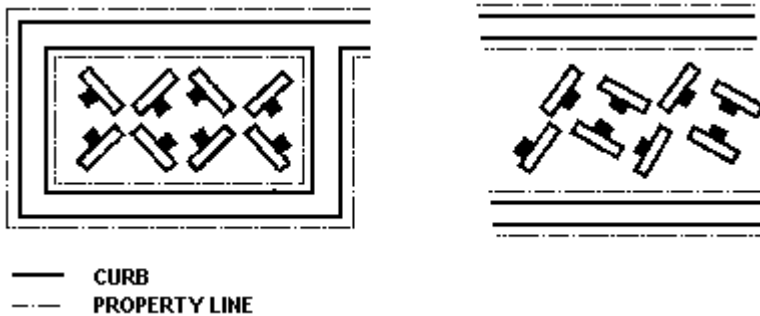
1. **Parking.** Off-street parking facilities shall be provided on-site in accordance with [Chapter 17.98](#).
2. **Street Widths.** The minimum width for manufactured home park streets shall be 20 ft. Streets serving more than 12 dwelling spaces shall be a minimum of 24 ft. in width. Streets serving more than 30 dwelling spaces shall be a minimum of 28 ft. in width. If on-street parking is permitted, ORS 446.095(1) requires a minimum width of 30 feet.
3. **Private Street Standards.** Streets shall be paved to standards adopted by the City Engineer.
4. **Dead End Streets.** Cul-de-sacs over 400 ft. in length shall have a standard cul-de-sac bulb with a 38-ft. curbside radius. Shorter dead end streets shall have a turn-around approved by the City Engineer.
5. **Walks.** Paved walks, at least 5 ft. wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units with the public sidewalk system.
6. **Lighting.** Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
7. **Street Signs.** Street identification signs shall be provided according to applicable City requirements.
8. **Fire Access.** Access for fire protection services shall permit fire apparatus to approach within 100 ft. of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 ft. wide.

B. Siting of Dwellings Within the Park

1. Dwellings shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street.

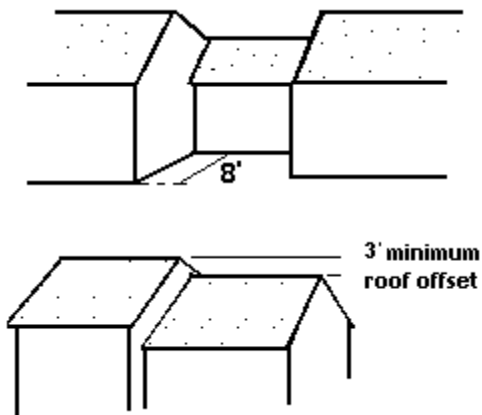


2. An alternative to the above is to utilize a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the park street.



3. Each dwelling should include, at a minimum, 2 of the following design features:

- a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Pillars or posts
 - f. Bay or bow windows
 - g. Eaves of 12 inches or greater
 - h. Off-set of 16 inches or greater on building face or roof
4. No more than 3 identical units may be placed side by side.



C. Public and Private Facilities

1. Each manufactured dwelling park space shall be provided with water, sanitary sewer, storm drainage and street facilities, natural gas services and underground electrical power, telecommunication, and cable television in accordance with the requirements of [Chapter 15.20](#).
2. Applications for manufactured dwelling parks that would adjoin an open, natural drainageway or would be located in a floodplain shall be reviewed in accordance with [Chapter 17.60](#) - Flood, Slope and Hazard provisions.

D. Play Areas. Separate play areas shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each manufactured dwelling space has a minimum size of 4,000 sq. ft. Any required play area shall not be less than 2,500 sq. ft. in area with no dimension less than 30 ft. There shall be at least 100-sq. ft. of play area provided for each manufactured dwelling space occupied by children. In the case of a large development, two or more play areas may be developed, provided that no individual play area is less than 2,500 sq. ft.

E. Space Coverage. A dwelling and any other attached or detached structures shall not occupy more than 60 percent of a manufactured dwelling space used in conjunction with such dwelling.

F. Decks. Each manufactured dwelling stand shall be provided with one or more, at least semi-private or private, outdoor living area adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material totaling at least 120 sq. ft. of area and not less than 8 ft. wide in any dimension.

G. Skirting. Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.

17.96.70 LANDSCAPE PLAN

A landscape plan is required prior to issuance of the building permit for the manufactured home park. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed for removal or retention on the site, the location and design of landscaped areas, the varieties, quantities, and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information.

A. Plant Coverage and Maintenance. Required landscape areas shall be covered by living plant material capable of attaining 90 percent ground coverage within 3 years and shall be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.

B. Plantings in Perimeter Area. In addition to the requirements specified in perimeter treatments above and in [Chapter 17.92 - Landscaping and Screening](#), landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce negative visual effects of roads and vehicle storage areas located within the park.

C. Plantings Along Park Street

1. **Street Trees.** Street trees shall be provided in accordance with [Chapter 17.92 - Landscaping, Buffering, and Screening](#).

2. **Planting Continuity.** Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.

3. **Street Focal Points.** The real or apparent end of a street provides a focused view, which shall be heavily vegetated either with foreground plants or (as below) with background plants.



4. **Planting for Energy Efficiency.** Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter.

Chapter 17.98
PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations are to provide adequate capacity and appropriate location and design of on-site parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

A. Provision and Maintenance. The provision of required off-street parking for motor vehicles and bicycles, and loading facilities for motor vehicles is a continuing obligation of the property owners. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.

B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.

C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.

D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification.

E. Increased Intensity. When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than two spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.

F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary occupancy and/or final building inspection.

H. Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.

I. Truck Parking. In residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming and truck gardening on the premises where such use is conducted.

J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.

K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

M. Location of Required Parking

1. Vehicle parking required for residential uses, except for residential uses in the Central Business District, shall be provided on the development site of the primary structure. Except where permitted by 17.98.40 below, required parking for all other uses in other districts shall be provided on the same site as the use or upon abutting property.

2. On-street parking shall not be utilized to meet the minimum requirements, except where otherwise modified in another section. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is no controlled intersection within 100 ft. of the subject property.

3. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.60 below.

N. Unassigned Parking in Residential Districts

1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of

the total required parking spaces and be located to be available for use by all occupants and guests of the development.

2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

O. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

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

Q. Maximum Parking Allowed. No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 17.98.20 below.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. All square footage measurements are gross square feet of total floor area.

B. 18 lineal inches of bench shall be considered 1 seat.

C. Parking for employees shall be provided based on 1 space per 2 employees in addition to required parking specified in Section D.

D. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Section E.

E.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached	2 per dwelling	0
Single Family Attached	2 per dwelling	0
Duplexes	2 per dwelling	0
Manufactured Home Park	2 per dwelling + 1 visitor space for each 10 dwelling spaces	0
Multi-Family Dwellings	1.5 per dwelling + 1 visitor space for each 10 dwelling	1 per dwelling unit

	spaces	
Congregate Housing, Retirement Homes, Intermediate Care Facilities, and Halfway Houses	1 per each 3 residents	10% or 2 spaces whichever is greater
Group Care Facilities	1 per 1000 sq. ft.	10% or 2 spaces whichever is greater

F.

Community Service, Institutional and Semi-Public Uses	Number of Parking Spaces	Number of Bicycle Spaces
Administrative Services	1 per 400 sq. ft.	5% or 2 whichever is greater
Community Recreation Buildings	1 per 200 sq. ft.	5% or 2 whichever is greater
Church, chapel, auditorium	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats	5% or 2 whichever is greater
Day Care/Small Schools	2 per classroom	5% or 2 whichever is greater
Library or Museums	1 per 300 sq. ft.	30%
Lodge, Fraternal and Civic Assembly with/or without eating and drinking facilities	1 per 4 fixed seats or 1 for each 50 sq. ft. of public assembly area where there are no fixed seats	5% or 2 whichever is greater
Hospitals	1 per 1000 sq. ft.	5% or 2 whichever is greater
Preschool/Kindergarten	2 per classroom	10% or 2 whichever is greater
School - Elementary	2 per classroom	8 per classroom

School – Middle School/Junior High	3 per classroom	8 per classroom
School – Senior High	6 per classroom	8 per classroom
School – Vocational or College	6 per classroom	8 per classroom

G.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Retail Sales, general or personal services	1 per 200 sq. ft.	5% or 2 whichever is greater
Shopping centers	1 per 300 sq. ft.	5% or 2 whichever is greater
Retail Sales, Bulky Merchandise (examples: furniture or motor vehicles)	1 per 800 sq. ft.	5% or 2 whichever is greater
General, professional or banking offices and services	1 per 300 sq. ft.	5% or 2 whichever is greater
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools	5% or 2 whichever is greater
Grocery Store; Food and Beverage Retail Sales, Convenience Store	1 per 400 sq. ft.	5% or 2 whichever is greater
Funerals and Interment Services: Crematory and Undertaking Interring and Cemeteries are exempt	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats	5% or 2 whichever is greater
Fuel Sales	1 per 400 sq. ft.	5% or 2 whichever is greater

Medical or dental office or clinic	1 per 300 sq. ft.	5% or 2 whichever is greater
Participant Sports or Recreation: Indoor or Outdoor; Spectator Sports; Theater or similar use	1 per 4 fixed seats or 1 space per 4 participants based on projected participant capacity	5% or 2 whichever is greater
Transient Habitation: Campground or RV Park	1 per designated space + 1 visitor space for each 8 spaces	Exempt
Hotel or Motel	1 per guest room or suite	Exempt

H.

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

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.

1. Any existing or proposed use subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10% by providing a transit stop and related amenities including a public plaza, pedestrian sitting areas, or additional landscaping provided such landscaping does not exceed 25% of the total area dedicated to for transit oriented purposes.

2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.

3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Central Business District. Required off-street parking for commercial uses may be reduced by 25% in recognition of available on-street parking.

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

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

17.98.40 SHARED USE OF PARKING FACILITIES

A. Except for residential uses, required parking facilities may be located on an adjacent parcel of land or separated only by an alley, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve.

C. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.

C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses)) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use.

17.98.50 SETBACKS

A. Parking areas, which abut a residential zoning district, shall meet the setback of the most restrictive adjoining residential zoning district.

B. Required parking shall not be located in a required front or side yard setback area abutting a public street except in industrial districts. For single family and two-family dwellings, required parking may be located in front of a garage.

C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

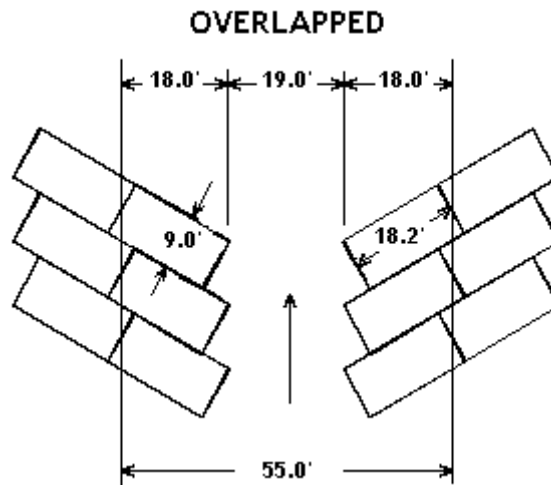
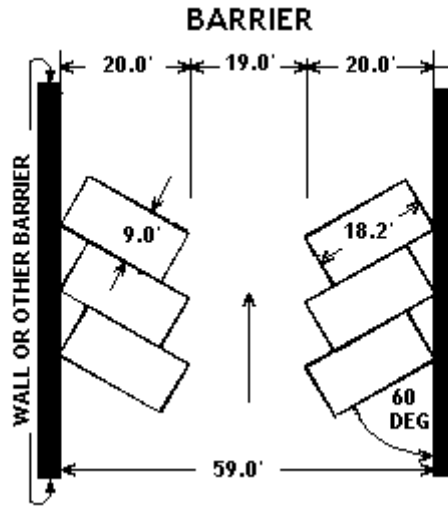
A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.

B. Size of Space.

1. A standard parking space shall be 9 feet by 18 feet.
2. A compact parking space shall be 8 feet by 16 feet.
3. Handicapped parking spaces shall be 13 feet by 18 feet.
4. For parallel parking the length of the space shall be increased to 22 feet.
5. No more than 35% of the parking stalls shall be compact spaces.

C. Aisle Width.

1. 25' in width for 90 parking
2. 20' in width for 60 parking
3. 20' in width for 45 parking
4. 12' for parallel parking on one side
5. 16' for parallel parking on both sides



17.98.70 ON-SITE CIRCULATION

A. Groups of more than 3 parking spaces shall be permanently marked.

B. Backing and Maneuvering. Except for a single family dwelling or two family dwelling, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

A. Location and design of all accesses to and/or from arterials and collectors (as

designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. Development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner sign an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder's Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

A. A driveway to an off-street parking area shall be improved from the public roadway to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.

B. A driveway for a single-family dwelling shall have a minimum width of 10 feet.

C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. A driveway approach must be constructed in accordance with applicable city standards and the entire driveway must be paved with asphalt or concrete.

D. Driveways, aisles, turnaround areas and ramps shall have a minimum vertical clearance of twelve feet for their entire length and width but such clearance may be reduced in parking structures.

E. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length.

F. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

17.98.110 VISION CLEARANCE

A. Except within the Central Business District, vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards in [Chapter 17.74](#) and taking into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

B. Traffic control devices, streetlights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

17.98.120 LANDSCAPING AND SCREENING

A. Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with zoning district requirements and [Chapter 17.98](#). Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft. depth of buffer plantings adjacent to the right-of-way.

B. When parking in a commercial or industrial district adjoins a residential zoning district, a sight-obscuring screen that is at least 80% opaque when viewed horizontally from between 2 and 8 feet above the average ground level shall be required. The screening shall be composed of materials that are an adequate size so as to achieve the required degree of screening within 3 years after installation.

C. Except for a residential development which has landscaped yards, parking facilities shall include landscaping to cover not less than 10% of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.

D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.

E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in [Chapter 17.92](#).

F. Wheel stops, bumper guards, or other method to protect landscaped areas shall be provided. No vehicle may project over a property line or a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for safe pedestrian circulation is required.

17.98.130 PAVING

A. Parking areas, driveways, aisles and turnarounds shall be paved with concrete, asphalt or comparable surfacing, constructed to city standards for off-street vehicle areas.

B. Gravel surfacing shall be permitted only for areas designated for non-motorized trailer or equipment storage, propane or electrically powered vehicles, or storage of tracked vehicles.

17.98.140 DRAINAGE

Parking areas, aisles and turnarounds shall have adequate provisions made for the on-site collection of drainage waters to eliminate sheet flow of such waters onto sidewalks, public rights-of-way and abutting private property.

17.98.150 LIGHTING

Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES.

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities.

A. Location.

1. Bicycle parking shall be located on-site, convenient to building entrances, and have direct access to both the public right-of-way and to the main entrance of the principal structure.
2. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
3. Bicycle parking may be provided within the public right-of-way in areas without building setbacks, subject to the approval of the appropriate governing official and provided it meets the other bicycle parking requirements.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If covered, vertical clearance of 7 feet must be provided.
2. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking. Vertical or upright bicycle storage structures are exempted from the parking space length.

C. Security.

1. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (i.e., a "rack") upon which the bicycle can be located.
2. Racks requiring user-supplied locks shall accommodate both cable and U-shaped locks. Racks shall be designed and installed to permit the frame and both wheels to be secured, with removal of the front wheel, or the frame and one wheel to be secured, if both wheels remain on the bicycle.
3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely by means of the bicycle frame.

D. Signing. Where bicycle facilities are not directly visible and obvious from the public right-of-way, entry or directional signs shall be provided to direct bicyclists from the public right-of-way to the bicycle parking facility.

E. Exemptions. Temporary street side sales and temporary uses such as fireworks stands, Christmas tree sales lots, single-family and two-family residences are exempt from the standards.

17.98.170 ACCESSIBLE (HC) PARKING FACILITIES.

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

17.98.180 CARPOOL AND VANPOOL PARKING.

New industrial, commercial, and community service uses with more than 50 employees shall meet the following minimum requirements for carpool and vanpool parking.

A. Number and Marking. At least 10% but not less than 1 of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only".

B. Location. Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.190 SCHOOL DESIGN REQUIREMENTS.

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 25 students.

17.98.200 OFF-STREET LOADING FACILITIES

A. The minimum area required for commercial and industrial loading spaces is as follows:

1. 250 square feet for buildings of 5,000 to 19,000 square feet of gross floor area.
2. 500 square feet for buildings of 20,000 to 49,999 square feet of gross floor area
3. 750 square feet for buildings in excess of 50,000 square feet of gross floor area.

B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.

C. Loading areas shall be screened from public view from public streets and adjacent properties except in industrial districts and shall require the same screening as parking lots.

D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

E. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.

F. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

Chapter 17.100 LAND DIVISION

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, water supply, sewage and drainage facilities.

The division of land is the initial step in establishing Sandy's ultimate development pattern. The framework of streets, blocks and individual lots is implemented through the land division process. Density, units per gross acre, and dimensional standards are established in zoning district regulations.

This chapter presents the review procedures, design standards and improvement requirements for land divisions. Procedures for replats and property line adjustments are also addressed in this chapter.

17.100.10 GENERAL PROVISIONS

A. No land shall be divided prior to approval of a minor partition, major partition or subdivision in accordance with this Code.

B. No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of a lot with less than the minimum lot, yard or setback requirements of the zoning district.

C. Land division is processed by approval of a tentative plan prior to approval of the final land division plat or map. Where a Type II or Type III procedure is required for land division approval, that procedure shall apply to the tentative plan approval. As long as there is compliance with the approved tentative plan and conditions, the Director shall have the authority to approval final plats and maps for land divisions through a Type I procedure.

17.100.20 LAND DIVISION CLASSIFICATION - TYPE I, II OR III

PROCEDURES

A. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the Development Code and this chapter.

B. Type I Land Division (Minor Partition). A minor partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.

C. Type II Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist and the resulting parcels/lots comply with the standards of the zoning district and this chapter. Satisfactory street conditions exist when the Director determines one of the following:

1. Existing streets are stubbed to the property boundaries and are linked by the land division.
2. An existing street or a new proposed street need not continue beyond the land division in order to complete an appropriate street system or to provide access to adjacent property.
3. The proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan or an officially adopted City street plan.

D. Type II Land Division (Minor Revised Plat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, when the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six (6) lots.

E. Type III Land Division (Major Partition or Subdivision). A major partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist or the resulting parcels/lots do not comply with the standards of the zoning district and this chapter. The Director shall determine if unsatisfactory street conditions exist based on one of the following criteria:

1. The land division does not link streets that are stubbed to the boundaries of the property.
2. An existing street or a new proposed street will be extended beyond the boundaries of the land division to complete a street system or provide access to adjacent property.
3. The proposed street layout is inconsistent with a street pattern adopted as part of the Comprehensive Plan or officially adopted City street plan.

F. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the subdivision does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension or modification of a street shall be processed as a major replat.

17.100.30 PROPERTY LINE ADJUSTMENT

Approval of a property line adjustment is required to move a common boundary between two parcels or lots. A Type I property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway, or right-of-way dedication or improvements are required.

A. Application Requirements. Property line adjustment applications shall be made on forms provided by the city and shall be accompanied by:

1. Eight copies of the property line adjustment map
2. The required fee
3. Any data or narrative necessary to explain the application

B. Map Information. The property line adjustment map and narrative shall include the following:

1. The names, addresses and phone numbers of the owner(s) of the subject parcels and authorized representative
2. Scale of the drawing using an engineer's scale
3. North arrow and date
4. Legal description of the property
5. Dimensions and size of the parcels involved in the property line adjustment
6. Approximate locations of structures, utilities, rights-of-way and easements
7. Points of access, existing and proposed
8. Any natural features such as waterways, drainage area, significant vegetation or rock outcroppings
9. Approximate topography, particularly noting any area of steep slope

C. Approval Criteria. The Director shall approve a request for a property line adjustment if the following criteria are satisfied:

1. No additional parcels are created
2. All parcels meet the density requirements and dimensional standards of the base zoning district.
3. Access, utilities, easements, and proposed future streets will not be adversely affected by the property line adjustment.

D. Final Approval. Three paper copies of the final map shall be submitted within one year of approval of the property line adjustment. The final map shall include a boundary survey, which complies with ORS Chapters 92 and 209. The approved final map, along with required deeds, must be recorded with Clackamas County.

17.100.40 MINOR AND MAJOR PARTITIONS

Approval of a partition is required for a land division of 3 or fewer parcels in a calendar year. Partitions, which do not require creation or extension of a street for access is, classified as a Type I minor partition. Partitions, which require creation or extension of a street for access is classified as a Type II, major partition.

A. Preapplication Conference. The applicant for a minor or major partition shall participate in a preapplication conference with city staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. A preapplication conference is required.

B. Application Requirements. Partition applications shall be made on forms provided by the planning department and shall be accompanied by:

1. Eight copies of the tentative plan for the minor or major partition
2. The required fee
3. Any data or narrative necessary to explain the application
4. List of affected property owners

C. Tentative Partition Plan. The tentative plan shall be a minimum of 8 1/2 x 11 inches in size and shall include the following information:

1. The date, north point, engineering scale, and legal description

2. Name and address of the owner of record and of the person who prepared the partition plan
3. Zoning, size and dimensions of the tract to be partitioned
4. Size, dimensions and identification of proposed parcels (Parcel 1, Parcel 2, Parcel 3)
5. Approximate location of any structures on the tract to be partitioned, including setbacks to proposed parcel boundaries
6. Location, names and widths of streets, sidewalks and bikeways within the tract to be partitioned and extending 400 feet beyond the tract boundaries
7. Location, width and purpose of existing and proposed easements on the tract to be partitioned
8. Location and size of sewer, water and drainage facilities proposed to serve the tract to be partitioned
9. Natural features such as waterways, drainage area, significant vegetation or rock outcroppings
10. Approximate topography, particularly noting any area of steep slope
11. A plan for future parcel redivision, if the proposed parcels are large enough to be redivided under the comprehensive plan or zoning designation

D. Approval Criteria. The Director or Planning Commission shall review the tentative plan for a minor or major partition based on the classification procedure (Type I, II or III) and the following approval criteria:

1. The proposed partition is consistent with the density, setback and dimensional standards of the base zoning district.
2. The proposed partition is consistent with the design standards set forth in this chapter.
3. Adequate public facilities are available or can be provided to serve the proposed partition.
4. All proposed improvements meet City standards.
5. The plan preserves the potential for future redivision of the parcels, if applicable.

E. Conditions. The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative partition plan as deemed necessary. In no event, however, shall the Director or Planning

Commission require greater dedications or conditions than could be required if the entire tract were subdivided.

F. Approval of Tentative Partition Plan. When a tentative partition plan has been approved, all copies shall be marked with the date and conditions of approval. One copy shall be returned to the applicant, one copy shall be sent to the county and one copy shall be retained by the city.

G. Approval Signatures for Final Partition Map. Following review and approval of a final partition map, the Director shall:

1. Review Plat for Accuracy. The Director may require field investigations to verify that the plat survey is accurate. The applicant shall be notified and afforded an opportunity to make corrections if needed.
2. Sign the plat to certify that the map is approved.
3. Notify the applicant that the partition map and accompanying documents have been approved and are ready for recording with the Clackamas County Recorder.
4. Deliver the signed original to the applicant who shall deliver the original and two exact copies to the County Recorder's office. One recorded copy shall be returned to the City of Sandy immediately after recording is completed.

H. Effective Date for Final Partition Map Approval. The partition shall become final upon recording of the approved partition map together with any required documents with the County Recorder. Work specifically authorized following tentative approval may take place prior to processing of the final partition map. The documents effectuating a partition shall become null and void if not recorded with the County Recorder within one year following approval.

I. Improvements. The same improvements shall be installed to serve each parcel of a partition as required of a subdivision. Improvement standards are set forth in Section 17.90. If the Director and City Engineer find a need to vary the improvement standards for a partition, the application shall be processed through a Type III hearing and may except specific improvements.

J. Exceptions to Improvements. Exceptions to improvements may be approved in transition areas or other areas as deemed appropriate by the city. In lieu of excepting an improvement, the Planning Commission may recommend to the city council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

17.100.50 NONRESIDENTIAL PARTITIONS OR SUBDIVISIONS

This section includes special provisions for partitions or subdivisions of land that is zoned for commercial or industrial use.

A. Principles and Standards. In addition to the standards established for partitions or subdivisions, the applicant for a nonresidential partition or subdivision shall demonstrate that the street, parcel and block pattern proposed is adapted to uses in the vicinity. The following principles and standards shall be observed:

1. Proposed commercial and industrial parcels shall be suitable in area and dimensions to the types of development anticipated.
2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.
3. Special requirements may be imposed by the city with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the city with respect to the installation of public utilities, including but not limited to water, sewer, and stormwater drainage facilities.
5. Efforts shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision. Such efforts may include the provision of extra depth in parcels backing up on existing or potential residential development and landscaped buffers.
6. Streets carrying nonresidential traffic, particularly truck traffic, should not normally be extended through adjacent residential areas.

17.100.60 SUBDIVISIONS

Approval of a subdivision is required for a land division of 4 or more parcels in a calendar year. A two-step procedure is required for subdivision approval: (1) tentative plat review and approval; and (2) final plat review and approval.

A. Preapplication Conference. The applicant for a subdivision shall participate in a preapplication conference with city staff to discuss procedures for approval, applicable state and local requirements, objectives and policies of the Sandy Comprehensive Plan, and the availability of services. The preapplication conference provides the opportunity to discuss the conceptual development of the property in advance of formal submission of the tentative plan in order to save the applicant unnecessary delay and cost.

B. Application Requirements for a Tentative Plat. Subdivision applications shall be made on forms provided by the planning department and shall be accompanied by:

1. 20 copies of the tentative plat

2. Required fee and technical service deposit
3. 20 copies of all other supplementary material as may be required to indicate the general program and objectives of the subdivision
4. Preliminary title search
5. List of affected property owners

C. Format. The Tentative Plat shall be drawn on a sheet 18 x 24 inches in size and at a scale of one inch equals one hundred feet unless an alternative format is approved by the Director at the preapplication conference. The application shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8 1/2 x 11, suitable for reproduction.

D. Data Requirements for Tentative Plat.

1. Scale of drawing, north arrow, and date.
2. Location of the subdivision by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract.
3. A vicinity map, showing adjacent property boundaries and how proposed streets may be extended to connect to existing streets.
4. Names, addresses, and telephone numbers of the owner(s) of the property, the engineer or surveyor, and the date of the survey.
5. Streets: location, names, paved widths, alleys, and right-of-way (existing and proposed) on and within 400 feet of the boundaries of the subdivision tract.
6. Easements: location, widths, purpose of all easements (existing and proposed) on or serving the tract.
7. Utilities: location of storm drainage, sanitary sewers and water lines (existing and proposed) on and abutting the tract. If utilities are not on or abutting the tract, indicate the direction and distance to the nearest locations.
8. Ground elevations shown by contour lines at two-foot vertical intervals for ground slopes of less than 10 percent and at ten-foot vertical intervals for ground slopes exceeding 10 percent. Ground elevation shall be related to an established benchmark or other datum approved by the Director.
9. Natural features such as marshes, rock outcroppings, watercourses on and abutting the property, location of wooded areas.

10. Approximate location of areas subject to periodic inundation or storm sewer overflow, location of any floodplain or flood hazard district.
11. Location, width, and direction of flow of all water courses.
12. Identification of the top of bank and boundary of mandatory setback for any stream or water course.
13. Identification of any associated wetland and boundary of mandatory setback.
14. Identification of any wetland and boundary of mandatory setback.
15. Location of at least one temporary bench mark within the tract boundaries.
16. Existing uses of the property, including location and present use of all existing structures to remain on the property after platting.
17. Lots and Blocks: approximate dimensions of all lots, minimum lot sizes, and proposed lot and block numbers.
18. Existing zoning and proposed land use.
19. Designation of land intended to be dedicated or reserved for public use, with the purpose, conditions, or limitations of such reservations clearly indicated.
20. Proposed development phases, if applicable.
21. Any other information determined necessary by the Director at the preapplication conference, such as a soil report or other engineering study, traffic analysis, floodplain or wetland delineation, etc.

E. Approval Criteria. The Director or Planning Commission shall review the tentative plat for the subdivision based on the classification procedure (Type II or III) set forth in Section 17.--.30 and the following approval criteria:

1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, unless modified by a Planned Development approval.
2. The proposed subdivision is consistent with the design standards set forth in this chapter.
3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.

4. Adequate public facilities are available or can be provided to serve the proposed subdivision.
5. All proposed improvements meet City standards.
6. The phasing plan, if requested, can be carried out in a manner that meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.

F. Conditions. The Director or Planning Commission may require dedication of land and easements and may specify such conditions or modifications of the tentative plat as deemed necessary.

G. Improvements. A detailed list of required improvements for the subdivisions shall be set forth in the approval and conditions for the tentative plat.

H. Tentative Plat Expiration Date. The final plat shall be delivered to the Director for approval within one year following approval of the tentative plat, and shall incorporate any modification or condition required by approval of the tentative plat. The Director may, upon written request of the subdivider, grant an extension of the tentative plat approval for up to one additional year.

I. Submission of Final Plat. The applicant shall survey the subdivision and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

J. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the subdivision:

1. Tract boundary lines, right-of-way lines of streets and property line with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord. All information shown on the face of the plat shall be mathematically perfect.

2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.

3. Any building setback lines if more restrictive than the city zoning ordinance.

4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
5. Easements and any other areas for public use dedicated without any reservation or restriction.
6. A copy of any deed restrictions written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
7. The following certificates that may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
 - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d. Other certificates now or hereafter required by law.
8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b. Sheets and drawings showing the following:
 - i. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - ii. The computation of distances, angles and courses shown on the plat.
 - iii. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c. A copy of any deed restrictions applicable to the subdivision.
 - d. A copy of any dedication requiring separate documents.
 - e. A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f. A certificate by the engineer that the subdivider has complied with the improvement requirements.

9. Certification by the city engineer or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.

K. Technical Plat Review. Upon receipt by the city, the plat and supplemental information shall be reviewed by the city engineer and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.

1. The city engineer may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and city representatives may enter the subdivision property for this purpose.

2. If the city engineer or Director determines that full conformance has not been made, he shall advise the subdivider of the changes or additions that must be made and shall afford the subdivider an opportunity to make the changes or additions.

3. All costs associated with the technical plat review and recording shall be the responsibility of the applicant.

L. Approval of Final Plat. The signatures of the Director and the city engineer shall indicate approval of the final plat. After the plat has been approved by all city and county officials, two prints of all data (plat face, dedications, certificates, approvals and one copy of recorded restrictive and protective covenants) shall be returned to the city engineer within 20 working days of recording.

M. Recording of Final Plat. Approval of the plat by the city shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the plat to the county assessor and the county governing body for signatures as required by ORS 92.100. The plat shall be prepared as provided by ORS 92.080. Approval of the final plat shall be null and void if the plat is not submitted for recording within thirty days after the date the last required approving signature has been obtained.

17.100.70 LAND DIVISION DESIGN STANDARDS

All land divisions shall be in conformance with the requirements of the applicable base zoning district and this chapter, as well as with other applicable provisions of this Code. Modifications to these requirements may be accomplished through a Planned Development. The design standards in this section shall be used in conjunction with street design standards included in the City of Sandy Transportation System Plan and standards and construction specifications for public improvements as set forth in adopted Public Facilities Plans and the Sandy Municipal Code.

17.100.80 CHARACTER OF THE LAND.

Land which the Director or the Planning Commission finds to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the partition or subdivision and the surrounding areas, shall not be developed unless adequate methods are formulated by the subdivider and approved by the Director or the Planning Commission to solve the problems created by the unsuitable land conditions.

17.100.90 ACCESS CONTROL GUIDELINES AND COORDINATION

A. Notice and coordination with ODOT required. The city will coordinate and notify ODOT regarding all proposals for new or modified public and private accesses on to Highways 26 and 211.

B. It is the city policy to, over time, reduce noncompliance with the Oregon Highway Plan Access Management Policy guidelines.

C. Reduction of compliance with the cited State standards means that all reasonable alternatives to reduce the number of accesses and avoid new non-complying accesses will be explored during the development review. The methods to be explored include, but are not limited to: closure, relocation, and consolidation of access; right-in/right-out driveways; crossover easements; and use of local streets, alleys, and frontage roads.

17.100.100 STREETS GENERALLY (Ord. 2002-13)

No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets shall be graded and improved in conformance with the City's construction standards, approved by the City Engineer, in accordance with the construction plans.

A. Street Connectivity Principle. The pattern of streets established through land divisions should be connected to: (a) provide safe and convenient options for cars, bikes and pedestrians; (b) create a logical, recognizable pattern of circulation; and (c) spread traffic over many streets so that key streets (particularly U.S. 26) are not overburdened.

B. Transportation Impact Studies. Transportation impact studies may be required by the city engineer to assist the city to evaluate the impact of development proposals, determine reasonable and prudent transportation facility improvements and justify modifications to the design standards. Such studies will be prepared in accordance with the following:

1. A proposal established with the scope of the transportation impact study shall be coordinated with, and agreed to, by the city engineer. The study requirements shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. A professional civil or traffic engineer registered in the State of Oregon shall prepare such studies.

2. If the study identifies level-of-service conditions less than the minimum standards established in the Sandy Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered as part of the land use decision for the proposal.

C. Topography and Arrangement. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers and to the pattern of existing and proposed land uses.

D. Street Spacing. Street layout shall generally use a rectangular grid pattern with modifications as appropriate to adapt to topography or natural conditions.

E. Future Street Plan. Future street plans are conceptual plans, street extensions and connections on acreage adjacent to land divisions. They assure access for future development and promote a logical, connected pattern of streets. It is in the interest of the city to promote a logical, connected pattern of streets. All applications for land divisions shall provide a future street plan that shows the pattern of existing and proposed future streets within the boundaries of the proposed land divisions, proposed connections to abutting properties, and extension of streets to adjacent parcels within a 400 foot radius of the study area where development may practically occur.

F. Connections. Except as permitted under Exemptions, all streets, alleys and pedestrian walkways shall connect to other streets within the development and to existing and planned streets outside the development and to undeveloped properties which have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

1. Where practicable, local roads shall align and connect with other roads when crossing collectors and arterials.

2. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

3. Exemptions.

a. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.

b. Standards for street connections do not apply to freeways and other highways with full access control.

c. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in

unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION (Ord. 2002-13)

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are summarized below.

A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.

B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic designations. Minor arterials should generally be spaced at 1-mile intervals.

C. Collector streets are designed to collect and distribute traffic from higher type arterial streets to neighborhood access streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.

D. Local streets are designed to provide direct access to abutting property and connect to collector streets. A general spacing of 8-10 local streets per mile is recommended.

E. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.

17.100.120 BLOCKS AND ACCESSWAYS

A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.

B. Residential Blocks. Blocks fronting local streets should generally not exceed 400 feet in length, unless topographic, natural resource or other similar physical conditions justify longer blocks. Blocks may exceed 400 feet if approved as part of a planned development, Specific Area Plan, adjustment or variance.

C. Commercial Blocks. Blocks located in commercial districts shall not generally exceed 400 feet in length.

D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middles of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum five-foot utility easement shall be required along the front, side and rear property lines for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 ALLEYS

A. New alleys shall have a minimum width of 16 feet. Installation of an overlay of asphalt concrete or material approved by the City Engineer shall be required at time of development of the alleys.

B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.

C. Parking within the alley right-of-way is prohibited.

17.100.150 SHARED PRIVATE DRIVES

When the size and shape of the lot makes separate drives impossible, the Director may approve shared drives when the following conditions are met:

A. The private drive does not serve more than six (6) dwelling units.

B. A homeowner's association, or other mechanism found acceptable to the Director, is created to maintain the drive.

C. All utilities, except the private drive, shall have separate connections to the public system, or if shared utilities are allowed; an access agreement shall be secured to allow public access on the drive for operation and maintenance of the utilities.

D. Any utilities or facilities shared by two or more property owners shall meet established City standards.

E. Private drives serving two or more dwellings shall be fully improved with hard surface pavement with a width of:

- 20 feet when accommodating two-way traffic, or
- 15 feet when accommodating one-way traffic.

17.100.160 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.170 INTERSECTIONS

A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.

B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.180 STREET SIGNS

The subdivider shall pay the cost of street signs prior to the issuance of a Certificate of Substantial Completion. The City shall install all street signs and upon completion will bill the developer for costs associated with installation. In addition, the subdivider may be required to pay for any traffic safety devices related to the development. The City Engineer shall specify the type and location of the street signs and/or traffic safety devices.

17.100.190 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the standards of the Oregon State Highway Department. An overlay of asphalt concrete, or material approved by the City Engineer, shall be placed on all streets within the development. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.200 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles,

arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve an arterial street. Standards and specifications for street lighting shall be coordinated with the utility and any lighting district, as appropriate.

17.100.210 LOT DESIGN

A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.

B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.

C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel which is of a size to warrant division into not more than two parcels.

D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

E. Lots shall avoid deriving access from major or minor arterials. When driveway access from major or minor arterials may be necessary for several adjoining lots, the Director or the Planning Commission may require that such lots be served by a common access drive in order to limit possible traffic hazards on such streets. Where possible, driveways should be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.220 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with the standards of the Fire District, the City, and the State.

If the city requires the subdivider to install water lines in excess of eight inches, the city may participate in the oversizing costs. Any oversizing agreements shall be approved by the city manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the city may

enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.230 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the city may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.240 SURFACE DRAINAGE AND STORM SEWER SYSTEM

A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.

B. Repealed in its entirety Ord. 2003-5

C. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.

D. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100.250 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.260 SIDEWALKS

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

17.100.270 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.280 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.290 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.300 REQUIRED IMPROVEMENTS

The following improvements shall be installed no expense to the city, consistent with the design standards of [Chapter 17.84](#), except as otherwise provided in relation to oversizing.

- A. Drainage facilities
- B. Lot, street and perimeter monumentation
- C. Mailbox delivery units
- D. Sanitary sewers
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic signs
- K. Underground communication lines, including telephone and cable
- L. Underground power lines

M. Water distribution lines and fire hydrants

17.100.310 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at his own option shall conform to the design standards of [Chapter 17.84](#) and improvement standards and specifications adopted by the city. Improvements shall be installed in accordance with the following general procedure:

A. Improvement work shall not start until plans have been checked for adequacy and approved by the city engineer. To the extent necessary for evaluation of the proposal, improvement plans may be required before approval of the tentative plan of a partition or subdivision.

B. Improvement work shall not start until after the city is notified. If work is discontinued for any reason it shall not resume until the city is notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer.

D. All improvements installed by the subdivider shall be guaranteed as to workmanship and material for a period of one year following acceptance by the City Engineer. Such guarantee shall be secured by cash deposit in the amount of the value of the improvements as set by the City Engineer.

E. A map showing public improvements as built shall be filed with the city engineer upon completion of the improvements.

17.100.320 OPTIONS FOR IMPROVEMENTS

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor and the Board of County Commissioners. The City shall keep the subdivision plat until the improvements have been completed and approved by the City Engineer. Upon City Engineer's approval, the City shall forward the final subdivision plat for certification by the Board of County Commissioners and then to the County Clerk for recording; or

B. Agree to Install Improvement. The applicant may execute and file with the City an agreement specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the applicant. A performance guarantee shall be required. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions; or

C. Form Improvement District. The applicant may have all or part of the public improvements constructed under an improvement district procedure. Under this procedure the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting forth a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area to be improved. A performance guarantee shall be required under the improvement district procedure. The formation of a LID is entirely within the discretion of the city.

17.100.330 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110% of the cost of the improvements to assure full and faithful performance thereof, in one of the following forms:

A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

B. In lieu of the surety bond, the applicant may:

1. Deposit with the City cash money to be released only upon authorization of the City Engineer;
2. Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements to be released only upon authorization of the City Engineer;
3. Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be utilized only upon authorization of the City Engineer; or
4. Provide bonds in a form approved by the City Attorney.

C. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.

D. If the applicant fails to carry out provisions of the agreement and the City has expenses resulting from such failure, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expense incurred, the remainder shall be released. If the amount of the performance guarantee is less than the expense incurred, the applicant shall be liable to the City for the difference.

Chapter 17.102 URBAN FORESTRY

(Ordinance 2002-10)

17.102.00 INTENT

A. This chapter is intended to conserve and replenish the ecological, aesthetic and economic benefits of urban forests, by regulating tree removal on properties greater than one acre within the Sandy Urban Growth Boundary.

B. This chapter is intended to facilitate planned urban development as prescribed by the Sandy Comprehensive Plan, through the appropriate location of harvest areas, landing and yarding areas, roads and drainage facilities.

C. This chapter shall be construed in a manner consistent with Chapter 17.60 Flood and Slope Hazard Overlay District. In cases of conflict, Chapter 17.60 shall prevail.

17.102.10 DEFINITIONS

Technical terms used in this chapter are defined below. See also Chapter 17.10, Definitions.

Urban Forestry Related Definitions:

- **Diameter at Breast Height (DBH):** The diameter of a tree inclusive of the bark measured 4½ feet above the ground on the uphill side of a tree.
- **Hazard Tree:** A tree located within required setback areas or a tree required to be retained as defined in 17.102.50 that is cracked, split, leaning, or physically damaged to the degree that it is likely to fall and injure persons or property. Hazard trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazard trees.

- **Protected Setback Areas:** Setback areas regulated by the Flood and Slope Hazard Ordinance (FSH), Chapter 17.60 and 70 feet from top of bank of Tickle Creek and 50 feet from top of bank of other perennial streams outside the city limits, within the urban growth boundary.
- **Tree:** For the purposes of this chapter, tree means any living, standing, woody plant having a trunk 11 inches DBH or greater.
- **Tree Protection Area:** The area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur.
- **Tree Removal:** Tree removal means to cut down a tree, 11 inches DBH or greater, or remove 50 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Tree removal includes topping but does not include normal trimming or pruning of trees.

17.102.20 APPLICABILITY

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

A. General: No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.

1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

B. Exceptions: The following tree removals are exempt from the requirements of this chapter.

1. Tree removal as required by the city or public utility for the installation or maintenance or repair of roads, utilities, or other structures.
2. Tree removal to prevent an imminent threat to public health or safety, or prevent imminent threat to public or private property, or prevent an imminent threat of serious environmental degradation. In these circumstances, a Type I tree removal permit shall be applied for within seven days following the date of tree removal.

17.102.30 PROCEDURES AND APPLICATION REQUIREMENTS

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

A. Type I Permit. The following applications shall be reviewed under a Type I procedure:

1. Tree removal on sites within the city limits under contiguous ownership where 50 or fewer trees are requested to be removed.
 2. Removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property.
 3. Removal of up to two trees per year, six inches DBH or greater within the FSH Overlay District as shown on the City Zoning Map and described in Chapter 17.60.
 4. Tree removal on sites outside the city limits and within the urban growth boundary and outside protected setback areas.
 5. Removal of up to two trees per year outside the city limits within the UGB and within protected setback areas.
- B. An application for a Type I Tree Removal permit shall be made upon forms prescribed by the City to contain the following information:
1. Two copies of a scaled site plan to contain the following information:
 - a. Dimensions of the property and parcel boundaries.
 - b. Location and species of trees 11" DBH or greater to be retained.
 - c. Location and type of tree protection measures to be installed.
 2. A brief narrative describing the project.
 3. Estimated starting and ending dates.
 4. A scaled re-planting plan indicating ground cover type, species of trees to be planted, and general location of re-planting.
 5. An application for removal of a hazard tree within a protected setback area or a tree required to be retained as defined in Chapter 17.102.50 shall also contain a report from a certified arborist or professional forester indicating that the condition or location of the tree presents a hazard or danger to persons or property and that such hazard or danger cannot reasonably be alleviated by treatment or pruning.
- C. **Type II Permit. The following applications shall be reviewed under a Type II procedure:**
1. Tree removal on sites under contiguous ownership where greater than 50 trees are requested to be removed as further described below:

- a. Within City Limits: outside of FSH Restricted Development Areas as defined in Chapter 17.60.
- D. An application for a Type II Permit shall contain the same information as required for a Type I permit above in addition to the following:
- a. A list of property owners on mailing labels within 200 feet of the subject property.
 - b. A written narrative addressing permit review criteria in 17.102.40.
- E. Type III Permit. The following applications shall be reviewed under a Type III procedure:**
- 1. Request for a variance to tree retention requirements as specified in Section 17.102.50 may be permitted subject to the provisions of 17.102.70.
- F. An application for a Type III Permit shall contain the same information as required for a Type I permit in addition to the following:
- a. A list of property owners on mailing labels within 300 feet of the subject property.
 - b. A written narrative addressing applicable code sections 17.102.50, 17.102.60, and 17.102.70.

17.102.40 PERMIT REVIEW

An application for a Type II or III tree removal permit shall demonstrate that the provisions of Chapter 17.102.50 are satisfied. The Planning Director may require a report from a certified arborist or professional forester to substantiate the criteria for a permit.

A. The Director shall be responsible for interpreting the provisions of this chapter. The Director may consult with the Oregon Department of Forestry in interpreting applicable provisions of the Oregon Forest Practices Act (OAR Chapter 629). Copies of all forestry operation permit applications will be sent to the Oregon Department of Forestry and Department of Revenue. The City may request comments from the Oregon Department of Forestry, the Oregon Department of Fish & Wildlife or other affected state agencies.

B. Expiration of Tree Removal Permits. Tree removal permits shall remain valid for a period of one year from the date of issuance or date of final decision by a hearing body, if applicable. A 30-day extension shall be automatically granted by the Planning Director if requested in writing before the expiration of the permit. Permits that have lapsed are void.

17.102.50 TREE RETENTION AND PROTECTION REQUIREMENTS

A. Tree Retention: The landowner is responsible for retention and protection of trees required to be retained as specified below:

1. At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.
2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
3. Trees proposed for retention shall be healthy and likely to grow to maturity, and be located to minimize the potential for blow-down following the harvest.
4. If possible, at least two of the required trees per acre must be of conifer species.
5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.

B. Tree Protection Area: Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.

1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.
2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.
3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.

C. Inspection. The applicant shall not proceed with any tree removal or construction activity, except erosion control measures, until the City has inspected and approved the installation of tree protection measures. Within 15 days of the date of accepting an application for a Type I permit, the city shall complete an onsite inspection of proposed activities and issue or deny the permit. Within 15 days of issuing a Type II or Type III permit, the city shall complete an onsite inspection of proposed activities.

For ongoing forest operations, the permit holder shall notify the city by phone or in writing 24 hours prior to subsequent tree removal. The city may conduct an onsite re-inspection of permit conditions at this time.

17.102.60 TREE REPLANTING REQUIREMENTS

1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.
2. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.
4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.
5. Tree Removal not associated with a development plan must be replanted following the provisions of OAR Chapter 629, Division 610, Section 020-060

17.102.70 VARIANCES

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and
2. The substitution more nearly meets the intent of this ordinance due to:
 - a. The location of the existing and proposed new trees, or
 - b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or
 - c. An undue hardship is caused by the requirement for retention of existing trees.
 - d. Tree removal is necessary to protect a scenic view corridor.

17.102.80 ENFORCEMENT

The provisions of Chapter 17.06, Enforcement, shall apply to tree removal that is not in conformance with this chapter. Each unauthorized tree removal shall be considered a separate offense for purposes of assigning penalties under Section 17.06.80. Funds generated as a result of enforcement of this ordinance shall be dedicated to the Urban Forestry Fund established under Section 17.102.100 below.

17.102.90 APPLICABILITY OF THE OREGON FOREST PRACTICES ACT

The following provisions of the Oregon Forest Practices Act (OAR Chapter 629) are adopted by reference for consideration by the City in the review of Forest Operations Plans. Although the Director may seek advice from the Department of Forestry, the Director shall be responsible for interpreting the following provisions.

Division 610 - Reforestation Stocking Standards. Where reforestation is required, the provisions of OAR Chapter 629, Division 610, Section 020-060 shall be considered by the Director, in addition to the requirements of Section 17.102.60.

Division 615 - Treatment of Slash. Slash shall not be placed within the protected setback areas. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 615 in determining how to dispose of slash.

Division 620 - Chemical and Other Petroleum Products Rules. The storage, transferring, cleaning of tanks and mixing of chemicals and petroleum products shall occur outside the protected setback areas. Aerial spraying shall not be permitted within the Urban Growth Boundary. Otherwise, the provisions of Chapter 629, Division 620 shall apply.

Division 625 - Road Construction and Maintenance. Forest roads, bridges and culverts shall not be constructed within the protected setback areas, except where permitted within the FSH overlay area as part of an approved urban development. Otherwise, the Director shall consider the provisions of OAR Chapter 629, Division 625 in the review of road, bridge and culvert construction.

Division 630 - Harvesting. Forest harvesting operations, including but not limited to skidding and yarding practices, construction of landings, construction of drainage systems, treatment of waste materials, storage and removal of slash, yarding and stream crossings, shall not be permitted within protected setback areas. Otherwise, the provisions of Chapter 629, Division 630 shall apply.

17.102.100 URBAN FORESTRY FUND CREATED

In order to encourage planting of trees, the City will create a fund or account to be used for tree planting in rights-of-way, city parks, riparian areas, and other public property. The source of funds will be donations, grants, and any other funds the City Council may designate.