

CHAPTER 17.10 DEFINITIONS

17.10.00 INTENT

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

17.10.10 MEANING OF WORDS GENERALLY

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

17.10.20 MEANING OF COMMON WORDS

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. The word “shall” is mandatory and the word “may” is permissive.
- D. The word “building” includes the word “structure.”
- E. The phrase “used for” includes the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- F. The word “land” and “property” are used interchangeably unless the context clearly indicates to the contrary.
- G. The word “person” may be taken for persons, associations, firms, partnerships or corporations.

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

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

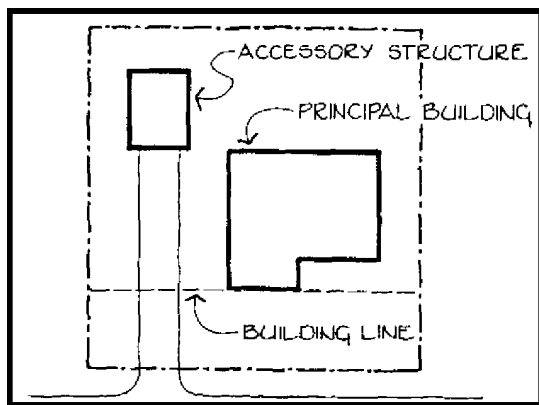
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

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

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

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



Accessory Structure Example

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

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

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

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

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

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

Adjacent Lot: Adjacent means the same as abutting lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

Appeal, floodplain: A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or a request for a variance.

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

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

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

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

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

Average Daily Traffic (ADT): Two-direction, 24-hour total count of vehicles crossing a line perpendicular to the road on an average weekday.

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

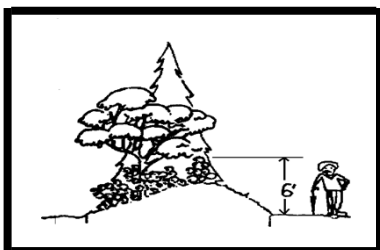
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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



Berm Example

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

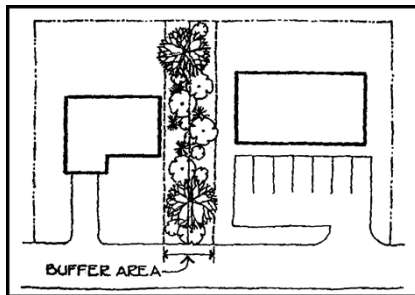
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

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.



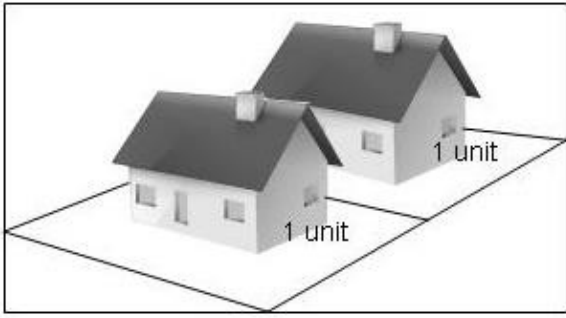
Buffer Example

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

Building Types:

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

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



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

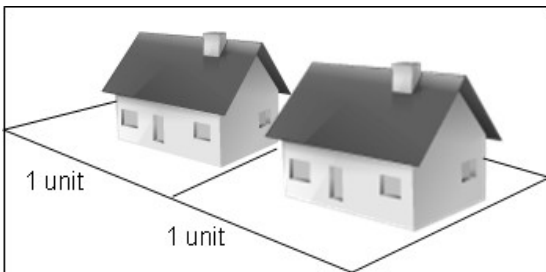


B. Residential: That group of building types comprising the following:

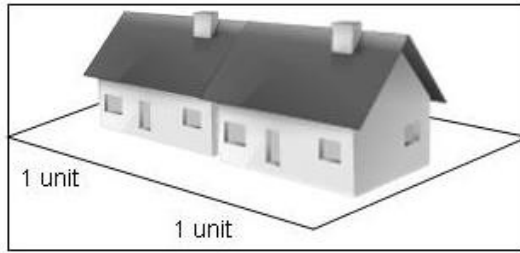
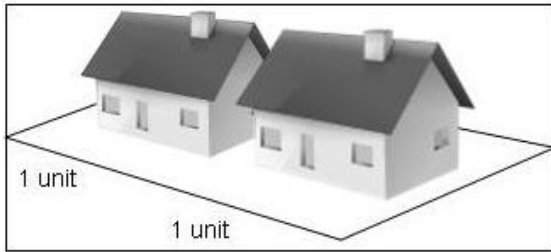
- 1. Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



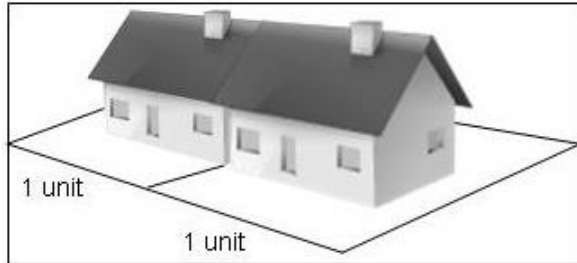
- 2. Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



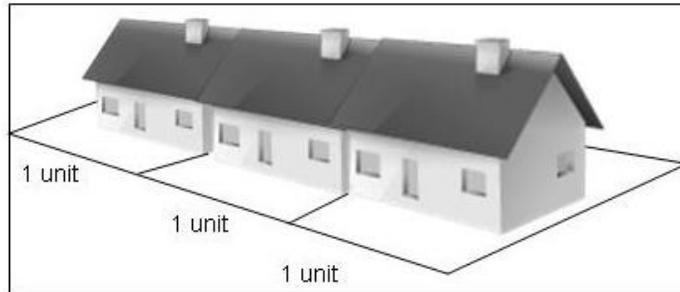
- 3. Duplex:** A dwelling containing two independent dwelling units.



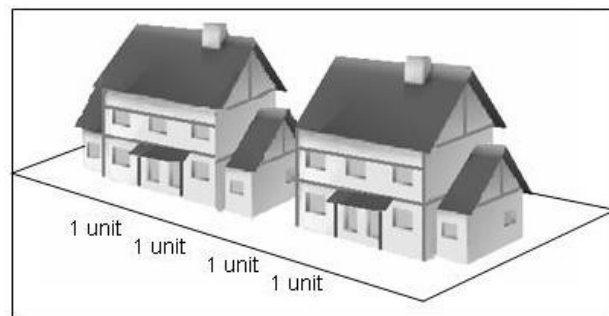
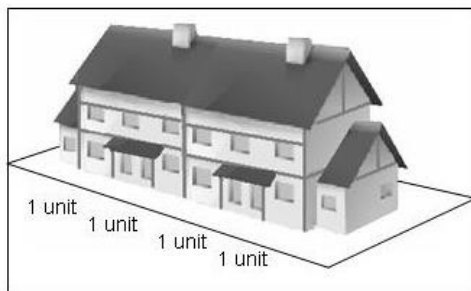
- 4. Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



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



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



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

C. The following commonly used terms are **not** considered building types for purposes of this Code.

1. **Cluster:** An arrangement of building types designed to retain open space areas equal to or greater than the cumulative total open space areas normally required and maintaining the permitted gross density of a site.
2. **Condominium:** A form of ownership where the owner has a deed to a volume of space, and is governed by the provisions of ORS Chapter 100.

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

Building Height: See Height of Buildings definition.

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

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

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

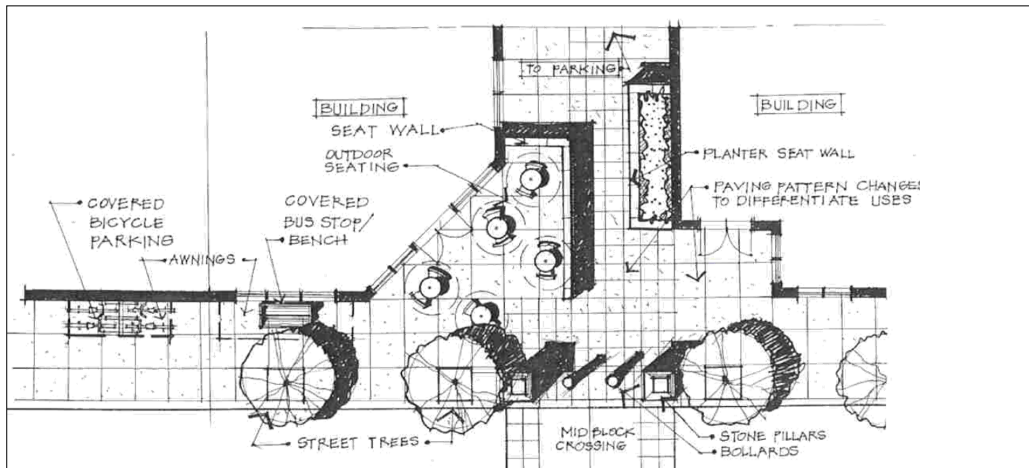
Cemetery: Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

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

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

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



Civic Space Example

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

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

Commission: The Planning Commission.

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

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

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

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

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

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

Congregate Housing: A structure containing two or more dwelling units or rooming units limited in occupancy to persons 55 years or older or handicapped persons, their spouses, except for rooms or units occupied by resident staff personnel, providing indoor, conveniently located,

shared food preparation service, dining areas, and common recreation, social and service facilities for the exclusive use of all residents.

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

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

Contiguous: The same as abutting.

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

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

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



Gables (cross-gables) Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

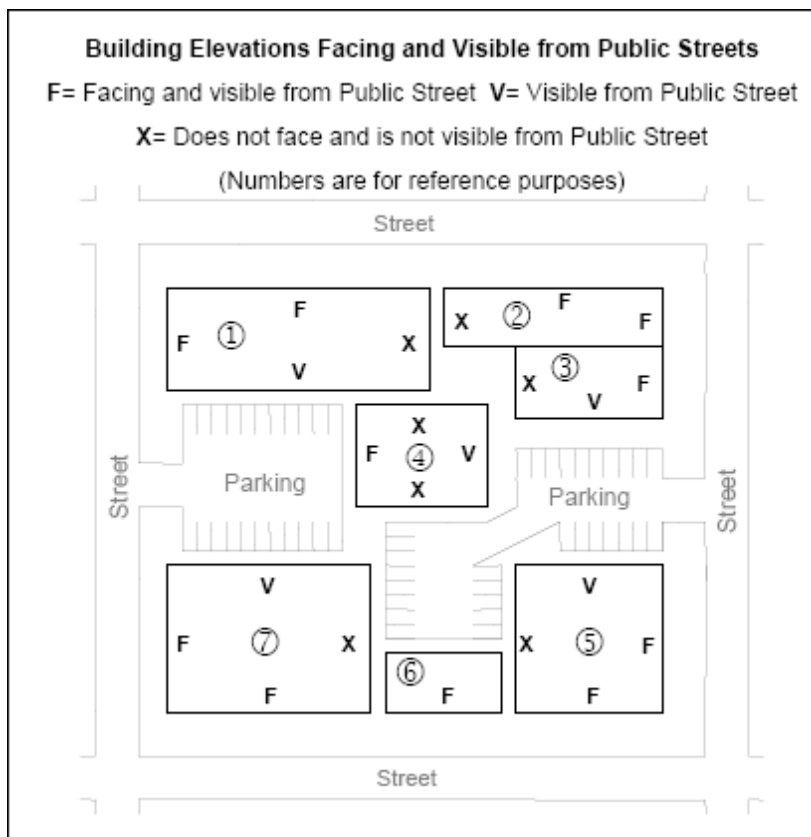
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

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

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

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

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



Facing and visible from a Public Street example

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.

Fast-Food Restaurant – This type of restaurant is characterized by a large carryout clientele and high turnover rates for eat-in customers. These limited service eating establishments do not provide table service.

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

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

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

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

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



Flag Lot Example

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

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

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

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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

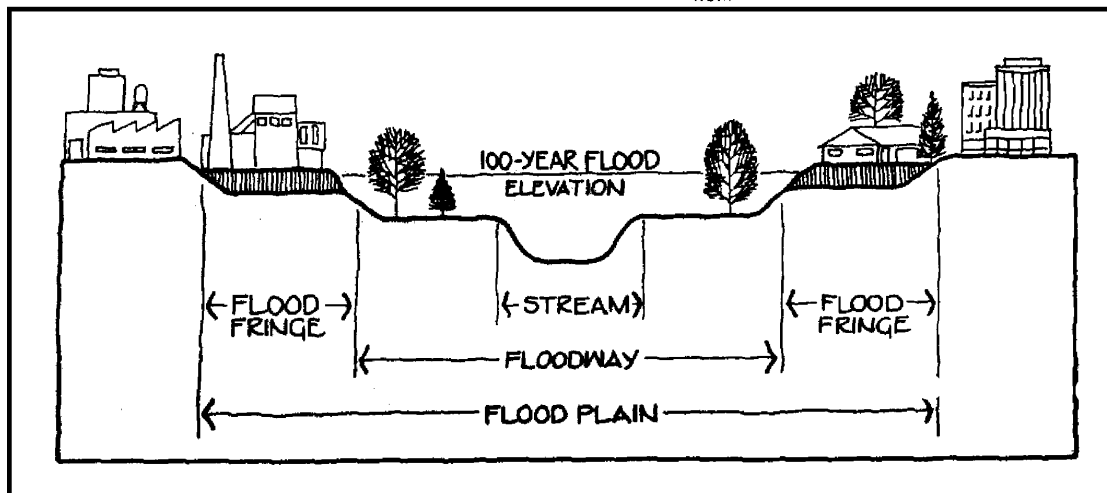
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

- **Buildable Areas:** Accessible lands of less than 25% slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).
- **Restricted Development Areas:** As shown on the City of Sandy Zoning Map including:
 1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in section 17.60.30.

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

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



Floodway Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Half-Street improvement: A $\frac{1}{2}$ street improvement includes curb and pavement 2 feet beyond the centerline of the right-of-way. A $\frac{3}{4}$ street improvement includes curbs on both sides of the street and full pavement between curb faces.

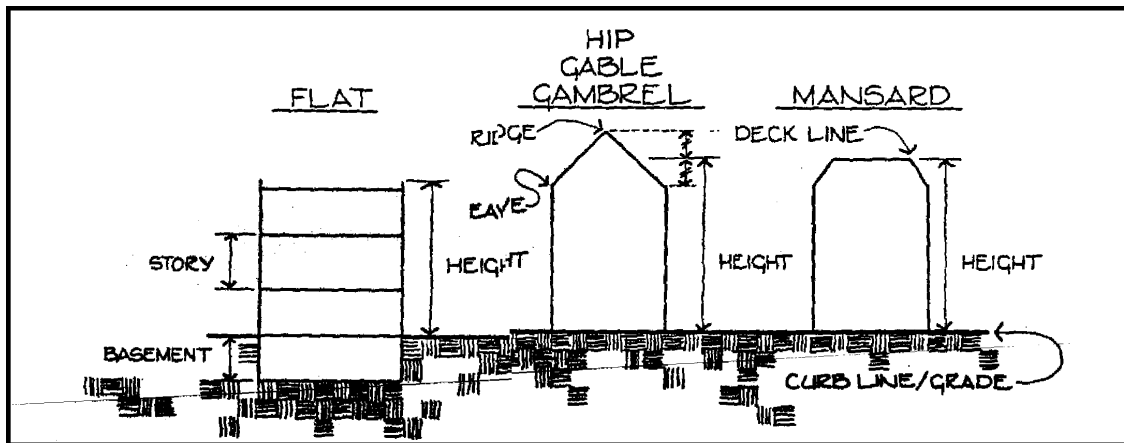
Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

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

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

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

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

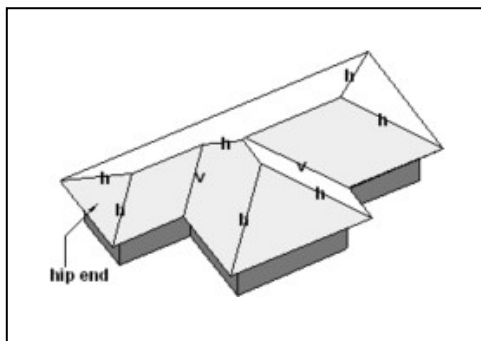


Determining Building Height Example

High-Turnover Sit Down Restaurant – This type of restaurant consists of a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. This restaurant type is different than fast-food and quality restaurants as defined in the Institute of Transportation Engineers, Trip Generation manual.

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

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



Hipped Roof Example

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

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

Historic Resource Alteration, Minor: Means exterior alteration which does not change the appearance or material of the landmark or contributing resource as it exists, or duplicates or

restores the affected exterior features and material as determined from historic photos, building plan or other evidence or original features or material.

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

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

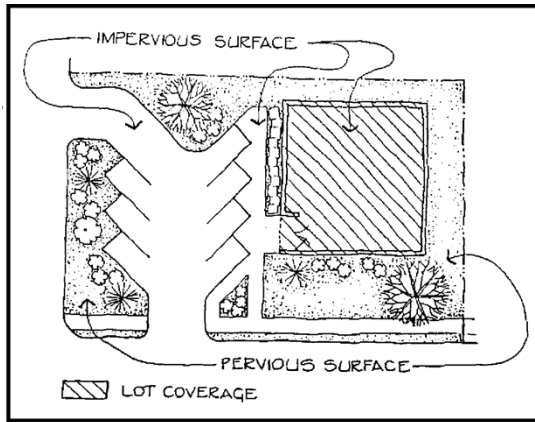
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

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



Impervious Surface Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

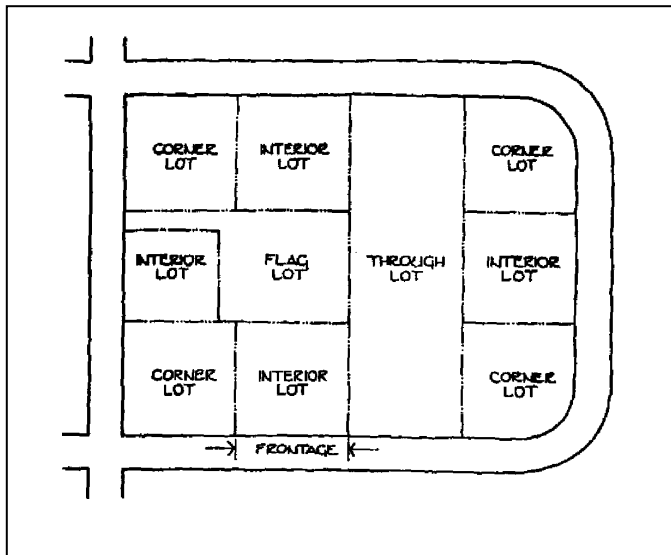
Lien Foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

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

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

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

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



Lot Corner Example

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

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

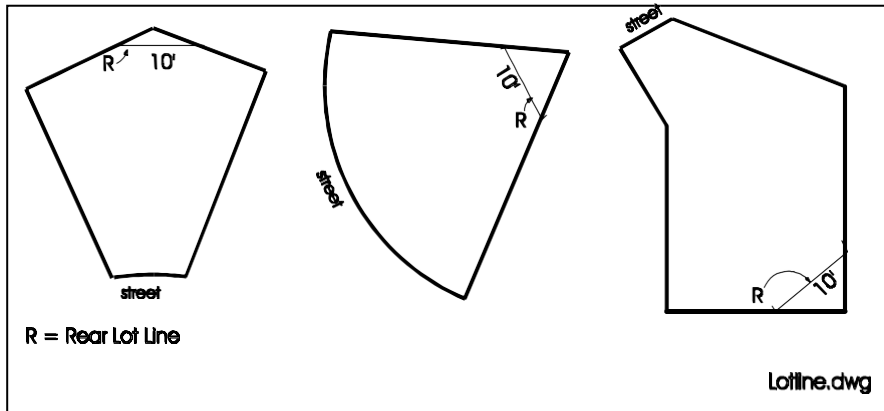
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

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

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

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



Rear Lot Line Example

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

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

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

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

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

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

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



Mansard Roof Example

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

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

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

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

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

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

Medical Facility: A building or portion of a building designed and used for the diagnosis and treatment of human patients or animals including clinic, hospital, and laboratory, but excluding medical marijuana facility, as authorized by state law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

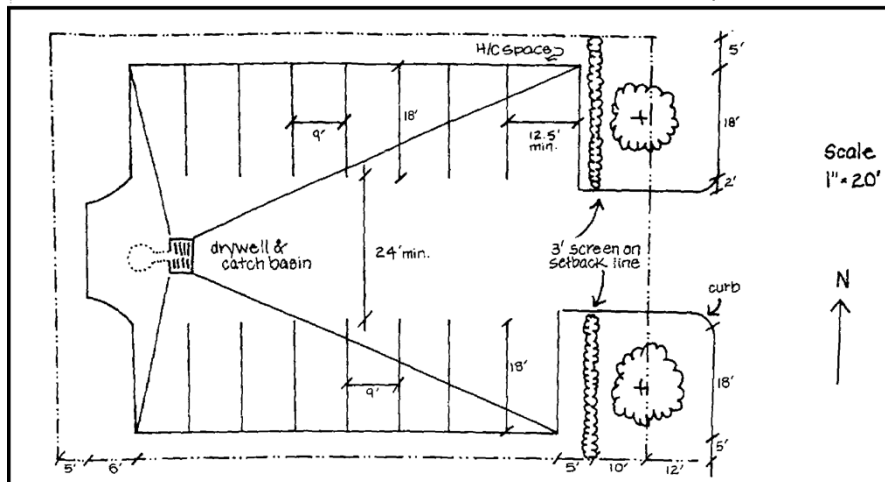
Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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

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

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

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



Typical Parking Area Example

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

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

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

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



Pergola Example

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

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

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

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

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

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

Practicable: Capable of being effected, feasible.

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

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

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

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

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, maintenance holes, valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas); and transportation improvements identified in the adopted Transportation System Plan.

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

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

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

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park: Any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for recreational vehicles of the general

public as temporary living quarters, for recreation or vacation purposes. An RV park is intended for use on a temporary basis by campers, vacationers, or travelers.

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

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

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

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

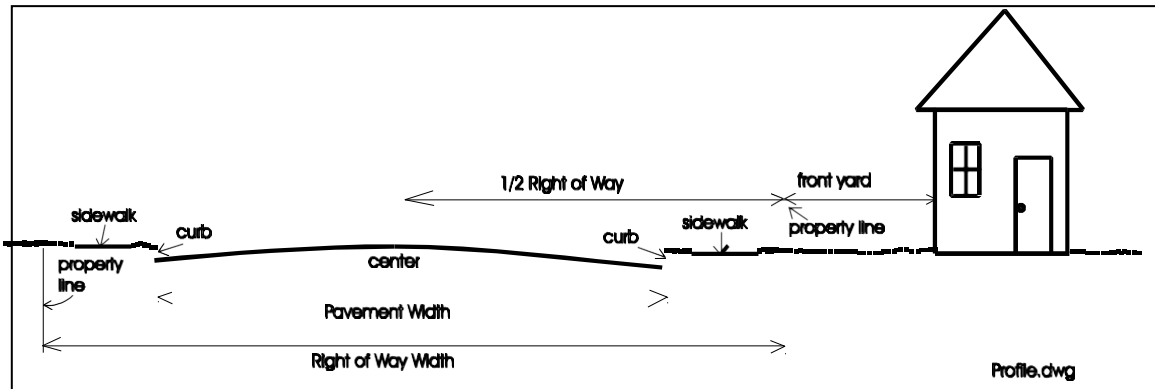
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825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

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

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

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

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



Right-of-way example

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

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

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



Rusticated stone work example

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

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

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

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

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

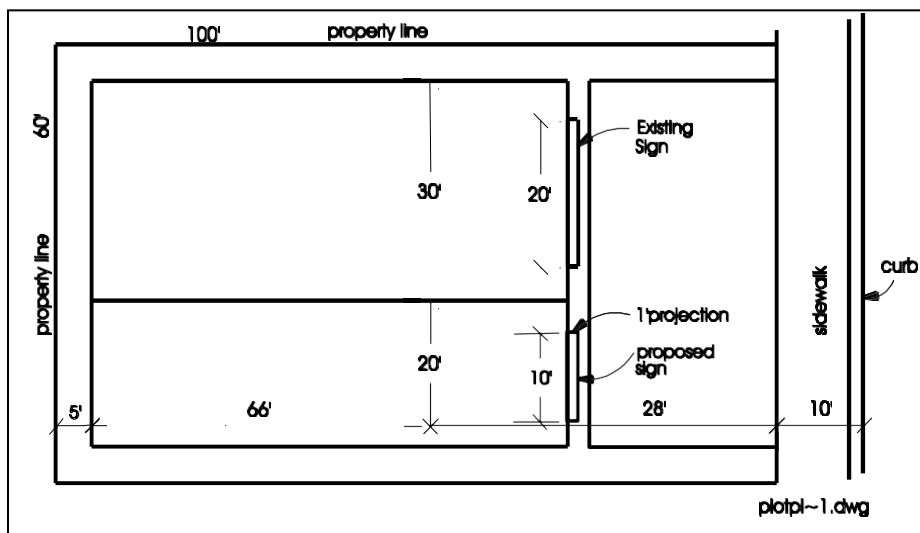
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

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

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

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

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



Site Plan Example

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

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

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

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



Split-face Concrete Example

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

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

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

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

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

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

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

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

- A. Arterial, Major:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. Arterial, Minor:** These interconnect and support the major arterial system and link major commercial, residential, industrial, and institutional areas.
- C. Residential Minor Arterial:** A hybrid between minor arterial and collector street which allows moderate to high traffic volumes on streets where over 90 percent of the fronting lots are residential. Intended to provide some relief to the strained arterial system while ensuring a safe residential environment. Right-of-way width shall not be less than 62 feet nor more than 82 feet (or 88 feet if it's a green street with swales on both sides), street shall be a 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. Right-of-way width shall not be less than 44 feet nor more than 78 feet (or 82 feet if it's a green street with swales on both sides).
- E. Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged. Right-of-way width shall be 50 feet (or up to 56 feet if it's a green street with swales on both sides). Average daily traffic (ADT) shall not exceed 1,000 vehicles/day. Proposed projects that result in more than 1,000 ADT on an existing or proposed local street shall be modified to not exceed the 1,000 ADT threshold on the local street or the proposal may be processed through the procedures in Chapter 17.66 of the Sandy Development Code. Proposed outright permitted projects in the C-1, Central Business District, are exempt from adherence to the ADT standards on local streets.
- F. Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end. A cul-de-sac shall not exceed 400 feet in length nor serve more than 20 dwelling units unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.
- G. Green Street:** A street with a water quality treatment and/or conveyance swale on either one or both sides. Swales shall be a minimum of 8 feet wide. ADT standards and dimensional standards shall adhere to the above classifications depending on the street classification.

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

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

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

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

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Director or their designee and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

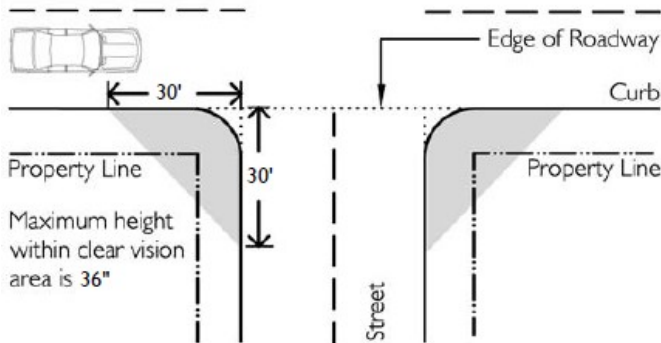
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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

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

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

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



Vision Clearance Example

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

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

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

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

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

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

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

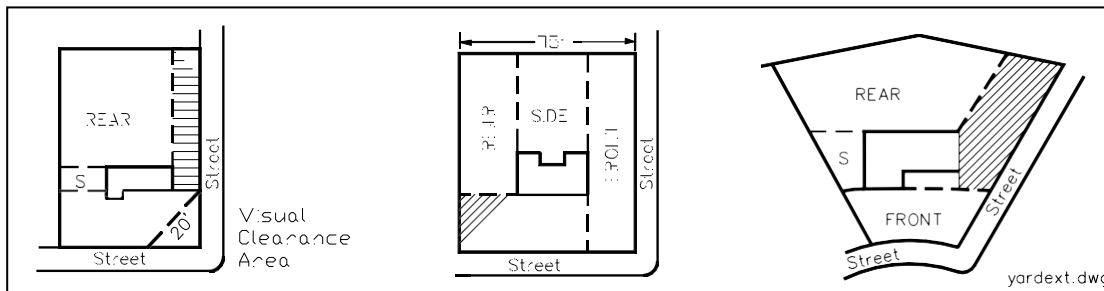
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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

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

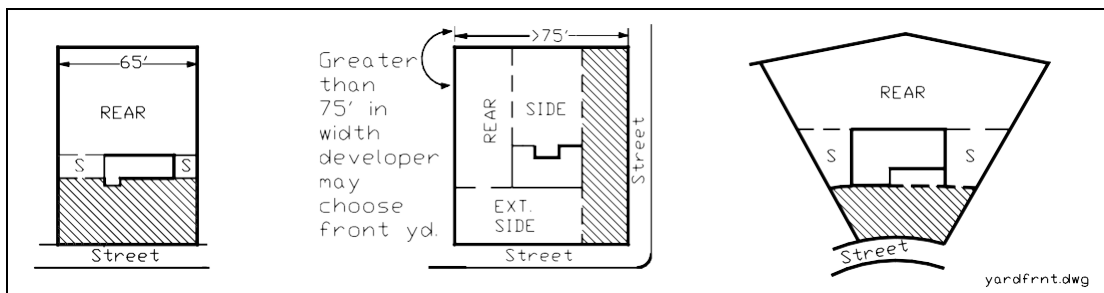
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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



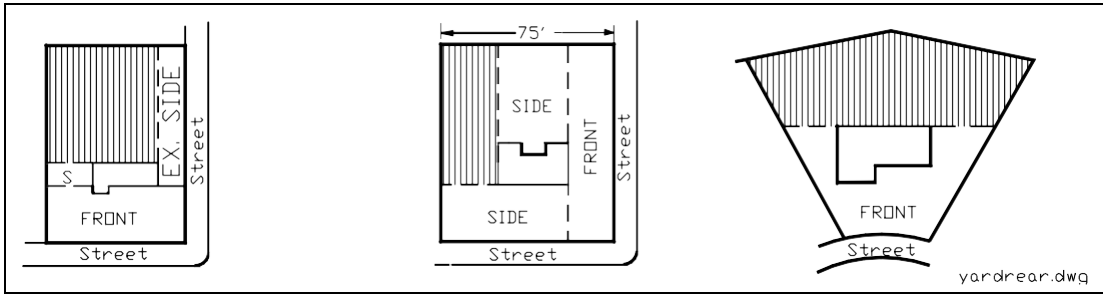
Side Yard (Exterior) Example

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



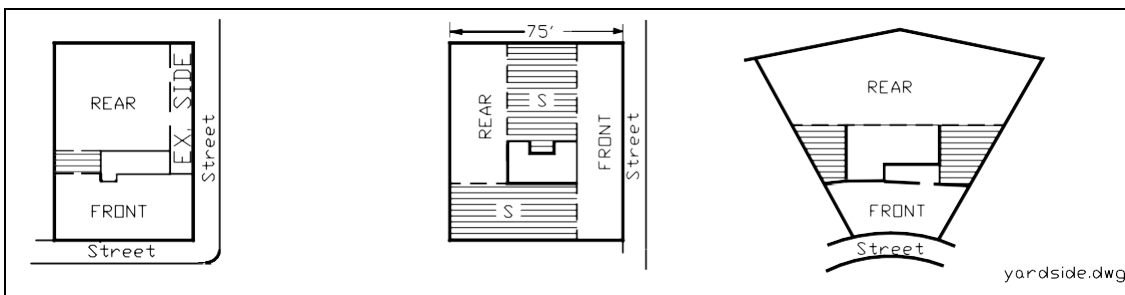
Front Yard Example

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



Rear Yard Example

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



Side Yard Example

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

**CHAPTER 17.12
PROCEDURES FOR DECISION MAKING**

17.12.00 TYPES OF PROCEDURES FOR TAKING PUBLIC ACTION

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

17.12.10 TYPE I – Administrative Review

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

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

Type of Applications:

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

17.12.20 TYPE II – Noticed Administrative Review

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

Types of Applications:

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

17.12.30 TYPE III

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

Types of Applications:

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

17.12.40 TYPE IV

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

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

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

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

- A. The City Council shall consider the recommendation of the Planning Commission and shall conduct a public hearing pursuant to Chapter 17.20. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.
- B. To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.
- C. To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.

D. Types of Applications

1. Appeal of Planning Commission decision
2. Comprehensive Plan text or map amendment
3. Zoning District Map changes
- ~~4. Planned Developments~~
- ~~5.4.~~ Village Specific Area Plan (master plan)
- ~~6.5.~~ Annexations
- ~~7.6.~~ Extension of City Services Outside the City Limits
- ~~8.7.~~ Vacating of Public Lands and Plats
- ~~9.8.~~ Zoning Map Overlay Districts

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

**CHAPTER 17.26
ZONING DISTRICT AMENDMENTS**

17.26.00 INTENT

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

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

17.26.10 BACKGROUND

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

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

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

17.26.20 COMPREHENSIVE PLAN & CORRESPONDING ZONING MAP DESIGNATIONS

PLAN MAP DESIGNATION	ZONING MAP DESIGNATION
RESIDENTIAL	RESIDENTIAL
LDR – Low Density Residential	SFR Single Family (3-5.8 units/net acre)
	R-1 Low Density (5-8 units/net acre)
MDR – Medium Density	R-2 Medium Density (8-14 units/net acre)
HDR – High Density	R-3 High Density (10-20 units/net acre)
COMMERCIAL	C-1 Central Business District
	C-2 General Commercial
	C-3 Village Commercial
INDUSTRIAL	INDUSTRIAL
	I-1 Industrial Park
	I-2 Light Industrial
	I-3 Heavy Industrial

17.26.30 LEGISLATIVE AMENDMENT PROCEDURES

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

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

17.26.40 QUASI-JUDICIAL AMENDMENT PROCEDURES

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

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

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

- B. Review Criteria. Quasi-judicial zoning district changes shall be reviewed to:
 - 1. Determine the effects on City facilities and services;
 - 2. To assure consistency with the purposes of this chapter;
 - 3. To assure consistency with the policies of the Comprehensive Plan;
 - 4. To assure consistency with the Statewide Planning Goals as may be necessary, and any other applicable policies and standards adopted by the City Council.
- C. Application Requirements. An application for quasi-judicial zoning district change shall be made on forms provided by the Director and shall include the following where applicable:
 - 1. Description of the land (address, lot, block, or similar description);
 - 2. Narrative addressing how the application meets the review criteria;
 - 3. Maps, drawings, and such other information as may be needed for an adequate review of the application;
 - 4. List of affected property owners, from current Clackamas County Assessor's Office records, within 300 feet of the boundaries of the parcel(s) proposed for a zoning district change; and
 - 5. If a proposed zoning district change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents.

- D. Acceptance of Application

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

17.26.50 STAFF EVALUATION

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

17.26.60 ACTION BY THE HEARING BODY

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

17.26.70 NOTICE OF DECISION

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

17.26.80 APPEALS

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

17.26.90 EFFECTIVE DATE

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

**CHAPTER 17.30
ZONING DISTRICTS**

17.30.00 ZONING DISTRICT DESIGNATIONS

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

DISTRICT	SYMBOL
Parks and Open Space	POS
Residential	
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 net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas consistent with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Calculation of Net Site Area (NSA): Net site area should be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 17.40
HIGH DENSITY RESIDENTIAL (R-3)

17.40.00 INTENT

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

17.40.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single Detached, if located on an existing lot of record; ~~or in conjunction with a planned development;~~
- ~~2. Single Detached (Zero Lot Line), if located in conjunction with a planned development;~~
- ~~3.~~ 2. Single Attached Zero Lot Line;
- ~~4.~~ 3. Duplex;
- ~~5.~~ 4. Row houses;
- ~~6.~~ 5. Multi-family dwellings;
- ~~7.~~ 6. Manufactured home parks;
- ~~8.~~ 7. Boarding houses and rooming houses;
- ~~9.~~ 8. 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 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

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

3. Other uses similar in nature.

B. Conditional Uses:

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

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 <ul style="list-style-type: none"> - Front yard - Rear yard - Side yard (interior) - Corner Lot - Garage 	10 ft. minimum 15 ft. minimum 5 ft. minimum ¹ 10 ft. minimum on side abutting the street ² 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 Setbacks	25% minimum 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.

CHAPTER 17.44
GENERAL COMMERCIAL - C-2

17.44.00 INTENT

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

17.44.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:

1. Multi-family dwellings above a commercial business.

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

1. Retail businesses, including but not limited to:
 - a. Automotive fueling station;
 - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
 - c. Convenience market/store;
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
 - f. Grocery store or supermarket;
2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - i. Self-service storage;
 - j. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Nursery/greenhouse;
8. Outdoor recreation;
9. Overnight lodging;
10. Park and ride station;
11. Parking lot or garage (when not an accessory use);

12. Public park, plaza, playground or recreation area, and buildings;
13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

C. Accessory Uses Permitted Outright:

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

17.44.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

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

B. Conditional Uses:

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

17.44.30 DEVELOPMENT REQUIREMENTS

A.

Lot Area	No minimum
Lot Dimension	No minimum
Setbacks ¹	
Front	10 ft. minimum; 50 ft. maximum
Side	None
Rear	None
Corner	15 ft.
Outside Display/Sales Lot Area	80% maximum
Lot Coverage - Impervious Area	No maximum
Landscaping	20% (includes required civic space in Section 17.90.120)
Structure Height	55 ft.
Off-Street Parking	See Chapter 17.98

¹ Unless abutting a more restrictive zoning district, or as required under Section 17.90.120 Design Standards for C-2.

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

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

**CHAPTER 17.48
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 in buildings with less than 60,000 square ft. of gross floor area:

1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room;
2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - i. Self-service storage;
 - j. Social organization;
3. Retail businesses, including but not limited to:
 - a. Automotive fueling station;
 - b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental;
 - c. Convenience market/store;
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
 - f. Grocery store or supermarket;
4. Bus station or terminal;
5. Group care and assisted living;
6. Overnight lodging;
7. Minor public facility;
8. Nursery/greenhouse;
9. Outdoor recreation;

10. Park and ride station;
11. Parking lot or garage (when not an accessory use);
12. Public park, plaza, playground or recreation area, and buildings;
13. Trucking terminal, distribution center, or transit center;
14. Warehousing and distribution facilities for wholesale merchandise;
15. Wholesale lumber or building materials yard;
16. Other uses similar in nature.

B. Accessory Uses Permitted Outright:

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

17.48.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

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

B. Conditional Uses:

1. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area;
2. Major public facility;
3. Medical marijuana grow site;
- ~~4. Planned unit developments, including but not limited, to single-family attached and detached residential and multi-family developments, in conjunction with recreation or supportive commercial facilities. Residential uses are limited to a maximum of 50% of the total gross acreage;~~
- ~~5.4.~~ Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
- ~~6.5.~~ Other uses similar in nature.

17.48.30 DEVELOPMENT REQUIREMENTS

A.

Lot Area – Park	No minimum
Lot Area - Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks	
Front	10 ft. minimum; 50 ft. maximum
Side	None - Unless abutting a more restrictive district; if abutting, the min. setback is 30 ft.
Rear	None
Corner	15 ft.
Lot Coverage	80% maximum
Landscaping Requirement	20% minimum (includes required civic space per Section 17.90.120)

Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

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

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

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

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

CHAPTER 17.54
SPECIFIC AREA PLAN OVERLAY

17.54.00 SPECIFIC AREA PLAN DEVELOPMENT AND APPROVAL PROCESS

- A. Purpose. The purpose of a specific area plan overlay zone is to allow development and approval of specific area plans in the city. A specific area plan is a master plan coordinating and directing development in terms of transportation, utilities, open space and land use, however, no phasing or timeline is required. Specific area plans may be located anywhere within the Urban Growth Boundary and are intended to promote coordinated planning concepts and pedestrian-oriented mixed-use development.
- B. Initiation. The process to establish a specific area plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the specific area plan process. If owners request initiation of a specific area plan process, the City Council may require an application fee to cover the cost of creating the plan.
- C. Advisory Committee. The City Council may appoint an advisory committee to guide development of the plan. The advisory committee may include persons representing affected property owners, neighbors, city staff, agencies, special districts and the community at large. The role of the committee is advisory to the Planning Commission and the City Council.
- D. Adoption. A specific area plan shall be adopted through a Type IV process, and shall be evaluated for compliance with the criteria for zoning district amendments and/or comprehensive plan amendments where applicable.
- E. Map identification. A specific area plan overlay zone is identified on the City of Sandy Zoning Map with a specific border around the perimeter of the plan area and a letter “S” depicted approximately in the center of the plan area. A report that includes the specific area plan and relevant development standards shall be adopted as an exhibit to the ordinance approving the overlay zone district.
- F. Comprehensive Plan Amendment. A specific area plan is similar to a master plan and does not automatically require a comprehensive plan amendment. A comprehensive plan amendment shall only be required if a need for such an amendment is identified during development of the specific area plan.
- G. Compliance with Specific Area Plan Standards and Procedures. New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan. Base zone and land division standards shall apply where no different standard is referenced for the specific plan area.
- H. Specific Area Plan Standards. Specific standards for adopted specific area plans are defined below.

17.54.10 SPECIFIC AREA PLAN CONTENT

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

- A. Plan Objectives. A narrative shall set forth the goals and objectives of the plan.
- B. Site and Context. A map of the site and existing context shall identify the project area.

- C. Land Use Diagram. The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the specific area plan.
- D. Density. If residential uses are proposed, a narrative shall describe planned residential densities.
- E. Facilities Analysis. The plan shall include an analysis of the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the specific plan area and needed to support the land uses and densities described in the plan. A review of existing facilities master plans shall be sufficient if these master plans indicate there is adequate capacity to serve the specific plan area.
- F. Circulation/Transportation Diagram. The circulation diagram shall indicate the proposed street pattern for the specific area plan area, including pedestrian pathways and bikeways. Design standards and street cross sections shall be included, if different than normal City standards.
- G. Market Analysis. Specific 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. zero lot line; 20 ft. row house	40 ft. single family detached; 30 ft. duplex; 20 ft. zero lot line and row house	40 ft. single family detached; 20 ft. zero lot line, 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 17.60
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). This chapter is also intended to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a Special Flood Hazard Area;
- H. Notify those who occupy flood hazard areas that they assume responsibility for their actions; and
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.60.10 INTERPRETATION AND MAPPING

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

- A. FSH Overlay District. The only areas subject to the restrictions and prohibitions of the FSH overlay district are those indicated on the City of Sandy Zoning Map on file in the Planning Department and areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study (FIS) for Clackamas County, Oregon and Incorporated Areas," dated January 18, 2019, with accompanying Flood Insurance Rate Maps (FIRMs). This chapter does not regulate lots or parcels entirely outside the FSH Overlay District.

1. The FIS and FIRMs are hereby adopted by reference and declared to be a part of Section 17.60 and are on file at the City of Sandy.

B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.

C. Interpretation

All provisions of the FSH overlay code shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. Area of Special Flood Hazard boundaries and elevations as determined by the January 18, 2019 FIS for Clackamas County and Incorporated Areas.
3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

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

- A. Restricted Development Areas. Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:
1. Slopes of 25% or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least 10 feet.
 2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
 3. Required setback areas as defined in Section 17.60.30.
- B. Permitted Uses. Permitted uses within restricted development areas are limited to the following:
1. Open space and trails provided they are constructed consistent with standards on file in the Planning Department.
 2. Removal of refuse and permitted fill.
 3. Planting of native vegetation species included on a list maintained by the Director.
 4. Removal of non-native / invasive vegetation, dead or dying trees or vegetation that is hazardous to the public.
 5. Removal of up to two trees of 6 inches or greater dbh in a calendar year, provided that each tree removed is replaced with two native trees, each of which must be 1.5 inches or greater caliper and placed within the restricted development area of the site.
 6. Construction or expansion of public facilities or private roads necessary to support permitted development.
 7. Construction or expansion of a single-family residence on a lot-of-record, under the following prescribed conditions:
 - a) The applicant must demonstrate that the lot has received planning approval from either Clackamas County or the City of Sandy and that there is insufficient buildable land on the same lot to allow the proposed construction or expansion.
 - b) The site review, engineering, erosion control, water quality and re-vegetation standards of this chapter have been fully satisfied.
 - c) The residence or addition has been sited so as to minimize excavation and disturbance to native vegetation on restricted development areas.
 - d) The maximum impervious surface coverage resulting from development on restricted development areas shall be 2,500 square feet. Exception: This standard may be exceeded to allow a superior private driveway design and location that reduces adverse impacts to protected areas. To exceed the standard, the applicant must demonstrate that a longer driveway will avoid required setbacks from protected water features, and that driveway construction will either: (a) more closely follow hillside contours and thereby reduce overall cut and fill area by at least 20%; or (b) avoid tree clusters and thereby reduce the number of 6-inch or greater dbh trees that must be removed by at least 20%.
 - e) The option of an adjustment under Section 17.60.100 has been considered as a means of avoiding or minimizing impacts on restricted development areas.
 - f) Development shall not result in cuts or fills in excess of 3 feet except for basement construction unless specifically approved by the Director.
 8. Replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling.

9. Repair or stabilization of unstable slopes.
10. Stream bank restoration, subject to a stream bank restoration plan. This plan must:
 - a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.
 - b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
 - c) Reduce the steepness of the bank along reaches that have been highly eroded.
 - d) Reduce the velocity of water carried by the stream.
 - e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.
11. Maintenance of existing landscaping on existing lots of record is permitted and is exempt from the requirements of the FSH Overlay District.
12. Appurtenant structures as permitted under Section 17.60.70(J).

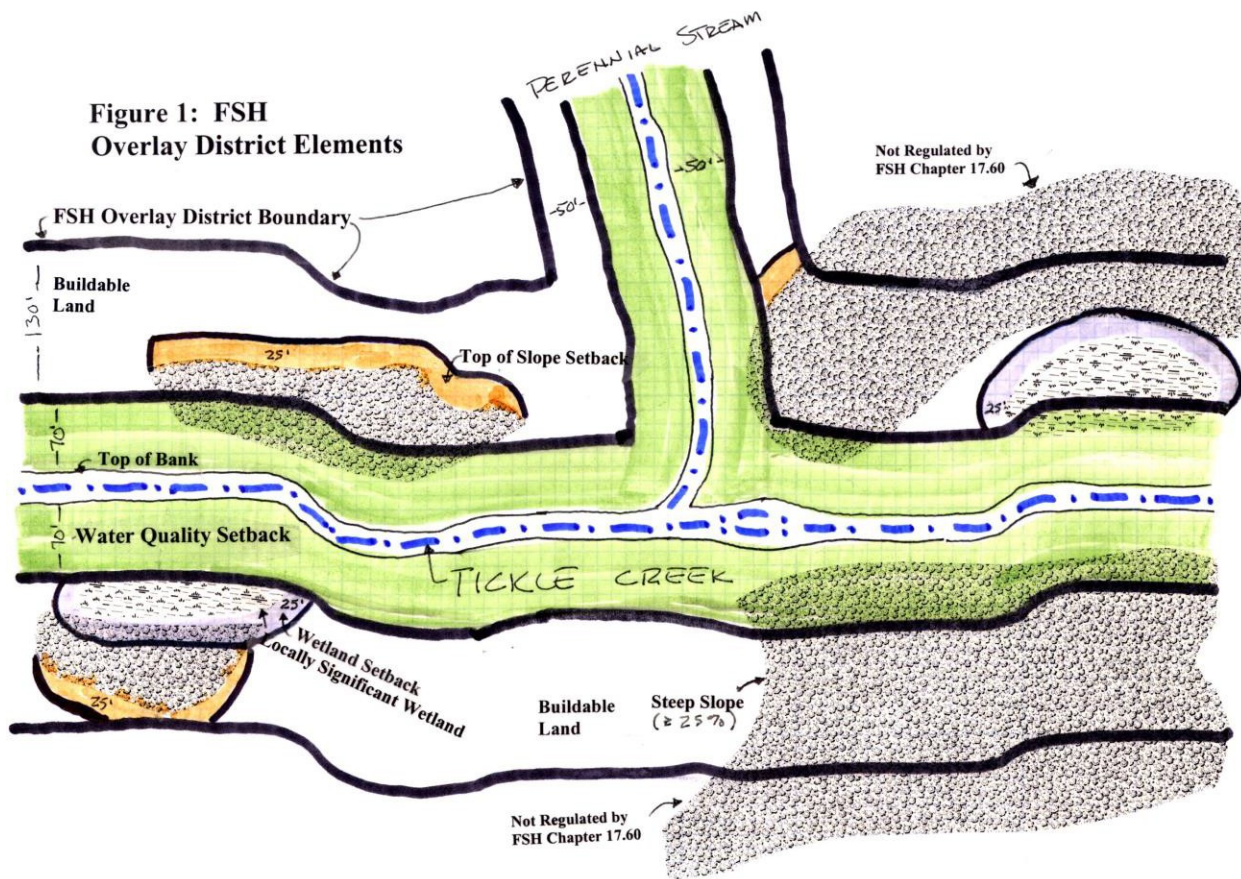
C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

17.60.30 REQUIRED SETBACK AREAS

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

- A. Required Setbacks. The required special setback(s) shall be:
1. 80 feet from the top of bank of Tickle Creek;
 2. 50 feet from top of bank along other perennial streams, except for “No Name Creek” east of Towle Drive, as provided in Section 17.60.30.C.2 below.
 3. 25 feet around the edge of any mapped locally significant wetland; and
 4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

Figure 1: FSH Overlay District Elements



- B. Minimize Impacts. Natural vegetation shall be preserved and enhanced and excavation minimized within required water quality setback areas.
- C. Exceptions, Intent. Exception 1 below recognizes that existing hillside, stormwater detention and erosion control measures are sufficient to maintain water quality and quantity in areas of steep slopes separated from streams and wetlands by improved public streets in existing rights-of-way. Exception 2 recognizes that “No Name Creek” east of Towle Drive has been severely impacted by culverting, erosion and invasive plants, and has only a few remaining infill sites adjacent to its banks. This exception is intended to encourage appropriate development of these infill sites and the opening and restoration of this stream reach over time.
1. Land lying within the FSH overlay district, but upland from an existing public right-of-way with an improved public street, shall not be subject to the steep slope restrictions of this chapter. Such land shall remain subject to applicable Section 17.56 Hillside Regulations and shall comply with required setbacks set forth in subsection 17.60.30.A.3 above.
 - a. Applications for development that include only areas that meet this exception and have existing improved public streets and have no locally significant mapped wetlands are not subject to the provisions of this chapter.
 2. The required setback for “No Name Creek” east of the Towle Drive crossing may be reduced to 25 feet, subject to approval of a “stream bank restoration plan” that meets the standards of Section 17.60.20.B.10.

17.60.40 REVIEW PROCEDURES

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

- A. Type I Procedure. The following uses shall be reviewed under a Type I procedure:
1. Planting of native plant species identified on the Native Plant list on file with the Director.
 2. Removal of permitted fill.
 3. Removal of non-native / invasive vegetation, dead or dying vegetation that is hazardous to the public, or up to two trees of 6 inches or greater dbh in a calendar year.
 4. Appurtenant structures as permitted under Section 17.60.70(J).
- B. Type II Procedure. The following uses shall be reviewed under a Type II review procedure:
1. Construction or expansion of major public facilities identified in sanitary, storm, water or street or parks master plans or of minor public facilities necessary to support development, where no other practical alternative exists.
 2. Construction or expansion of trails.
 3. Construction, expansion or replacement of a new single-family residence within a restricted development area or floodway on a lot of record.
 4. Repair and stabilization of unstable slopes. If emergency slope stabilization is required and authorized by the City Engineer, Type II review shall be required within 60 days of having taken the emergency action.
 5. Stream bank restoration plans.
 6. Exemption of Type II development applications from one or more required reports.
 7. Development that is completely outside restricted development areas, as determined by the Director based on site-specific information provided by the applicant consistent with Section 17.60.10.C. Such site-specific information shall remain valid for five years from the date approved by the Director, provided that topographical or hydrological changes have not occurred on the site that could invalidate such information.
 8. Development requests that are similar in scope and impact, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.
- C. Type III Procedure. The Planning Commission shall review all other public and private development requests under a Type III procedure.
- D. Establishment of Development Permit. A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed

structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically the following information is required:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement of all structures).
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria detailed in Section 17.60.70(F) below.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.60.50 SPECIAL REPORTS

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

The Director may require one 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 impacts are minimal and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00.

- A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.
- B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of

Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.

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

17.60.60 APPROVAL STANDARDS AND CONDITIONS

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

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.
 2. Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.
 3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.
 4. Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.
 5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.
 6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
- B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:

1. The permit requirements of Chapter 17.60 have been satisfied;
 2. All other required state and federal permits have been obtained; and,
 3. The site is reasonably safe from flooding.
- C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.
- D. Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the Area of Special Flood Hazard.

- A. Residential and Non-residential Structures. No new residential structures (including manufactured dwellings) with the exception of 17.60.40(B)(3), non-residential structures or critical facilities shall be permitted in the Area of Special Flood Hazard.
- B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.
- C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.
1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Facilities and roads located within a floodway may be permitted only where a registered professional engineer certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Utilities necessary to serve permitted development, or a single family home on a legally-approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
 2. Water supply and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to floodwaters, streams and wetlands.
 3. On-site septic systems, waste disposal systems, and private wells shall be prohibited within the FSH overlay district.

- D. Structural Elevation Report. An application for any substantially improved structure, nonresidential structure or manufactured dwelling within the area of special flood hazard shall include the elevation, referenced to mean sea level, of the lowest floor, of the bottom of the lowest horizontal structural member (for manufactured dwellings), or the elevation to which the structure will be flood-proofed. The elevation of the lowest floor, and any basement area and the elevation of the service facilities/mechanical equipment shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation certificate.
- E. Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)). Improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Materials used shall be resistant to flood damage;
 3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
 4. The lowest floor (including basement) shall be elevated at least one foot above the base flood level;
 5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Existing Non-Residential Structures. Improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a) above;
 2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the

applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.

Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Director for verification.

G. Recreational Vehicles. Recreational Vehicles within the floodplain shall comply with one of the following:

1. Be located on the site for fewer than 180 consecutive days; and
2. Be fully licensed and ready for highway use; or
3. Meet the elevation and anchoring requirements for manufactured homes dwellings and permit requirements of NFIP Regulations.

H. Anchoring. All new construction and substantial improvements (including manufactured dwellings) shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

I. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
3. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

J. Appurtenant Structures (Detached Garages and Storage Structures).

Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;
6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);

7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and
8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

Detached garages, storage structures and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards of Chapter 17.60.

17.60.80 NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

- A. Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.
- D. Obtain and maintain the following for public inspection and make available as needed:
 1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.
 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 17.60.70(F).
 3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

17.60.90 WATER QUALITY TREATMENT FACILITIES

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

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

17.60.100 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.
- B. Density Maximum. The maximum gross density for the buildable area of the site shall not exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.
- C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the ~~PD (planned development)~~ or SAP (specific area plan) process.
- D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.110 ADJUSTMENTS

Variations 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 identified impacts resulting from development on otherwise restricted development areas.

17.60.120 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 17.64 PLANNED DEVELOPMENT

17.64.00—INTENT

The Planned Development regulations are intended to:

- ~~A. Refine and implement village development patterns designated “V” on the Comprehensive Plan Map.~~
- ~~B. Allow the relocation of zones within designated villages, provided that the overall intent of the village designation is maintained.~~
- ~~C. Allow a mixture of densities between base zones within the planned development.~~
- ~~D. Promote flexibility in site planning and architectural design, placement, and clustering of structures.~~
- ~~E. Provide for efficient use of public facilities and energy.~~
- ~~F. Encourage the conservation of natural features.~~
- ~~G. Provide usable and suitable recreation facilities and public or common facilities.~~
- ~~H. Allow coordination of architectural styles, building forms and relationships.~~
- ~~I. Promote attractive and functional business environments in non-residential zones, which are compatibility with surrounding development.~~

17.64.10—GENERAL PROVISIONS

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

17.64.20—AREAS OF APPLICATION

~~Planned developments are allowed in all zones.~~

17.64.30—DEVELOPMENT STANDARDS

- ~~A. Variation from Development Code Standards Generally. The development standards of the base zone, overlay zone or planned development overlay apply unless they are superseded by the standards of this chapter, or are modified during a Planned Development review. The Planned Development and Specific Area Plan review processes allow modification of development code standards that are dimensional and/or quantitative, however a base zone’s minimum density is not eligible for modification under any circumstances, including a modification under Chapter 17.66.~~

~~B. Minimum Site Area. A planned development may be established on any parcel of land, or on more than one parcel of land if those parcels are abutting.~~

~~17.64.40 — DENSITY CALCULATION~~

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

~~A. Residential Zones. The calculation is based on a determination of gross site area and the acreage of any restricted development areas (as defined by Chapter 17.60). A specific determination of density shall be made pursuant to Chapter 17.30. When a PD is located in more than one “R” zone, the total allowed number of units is the sum of the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.~~

~~B. Commercial and Industrial Zones. The allowed density is only restricted by the provisions of the base zone with respect to parking, setbacks, landscaping, etc., or as modified during Detailed Development Plan review.~~

~~C. Increase in Density. An increase in density of up to 25% of the number of dwelling units may be permitted upon a finding that the Planned Development is outstanding in planned land use and design, and provides exceptional advantages in living conditions and amenities not found in similar developments constructed under regular zoning.~~

~~D. Density Transfer. A transfer of density may be allowed by the Planning Commission when consistent with the review criteria of Chapter 17.64.100 C. Density may be transferred across zone district boundaries.~~

~~E. Reconfiguration of Village Zones. Reconfiguration of the base zones within a Village may be modified through the Conceptual Development review process, provided that no more than a 20% change in acreage results between existing and proposed residential and non-residential zones. The intent of this provision is to allow flexibility and potential for improved Village design through the planned development process.~~

~~17.64.50 — OPEN SPACE AND PARKLAND~~

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

~~A. Residential Zones. A minimum of 25% of the total site area.~~

~~B. Commercial or Industrial Zones. A minimum of 15% of the total tract area.~~

~~C. Payment in Lieu of Dedication. At the city’s discretion only, the city may accept payment of a fee in lieu of land dedication. The amount of the fee in lieu of land dedication (in dollars per acre) shall set by City Council Resolution or determined by a current land appraisal. The City may also allow open space land donation requirements to be fulfilled on another parcel.~~

~~D. The following factors shall be used in the choice of whether to accept land or cash in lieu:~~
~~a. The topography, geology, access to, parcel size, and location of land to be dedicated;~~
~~b. Potential adverse/beneficial effects on environmentally sensitive areas;~~

- ~~e. 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.~~
- ~~7. Within 12 months of approval of a Major Modification, the applicant shall file a Detailed Development Plan. The Detailed Development Plan shall incorporate any modification or condition required by approval of the Conceptual Development Plan as modified.~~

~~17.64.110 — DETAILED DEVELOPMENT PLAN PROCEDURE~~

- ~~A. If the Detailed Development Plan will involve the subdivision of land, the applicant shall prepare and submit a tentative subdivision plat along with the Detailed Development Plan to be considered at the same time.~~
- ~~B. The Planning Commission shall review the Detailed Development Plan at a public hearing and may approve, approve with modifications or deny the application.~~

~~17.64.120 — DETAILED DEVELOPMENT PLAN APPLICATION~~

~~A Detailed Development Plan is intended as a master plan for land use, transportation and utility placement within a planned development. A Detailed Development Plan application follows an approved Conceptual Development Plan or both applications may be submitted simultaneously. Where land divisions are proposed, the Detailed Development Plan shall be combined with a Tentative Subdivision Plat application according the requirements of Chapter 17.100. An application for a Detailed Development Plan shall be reviewed in accordance with the following procedures:~~

- ~~A. Application Requirements. An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan as listed above and shall also include the following:~~
 - ~~1. Graphic Requirements~~
 - ~~a) Topographic contours at two-foot intervals for slopes under 15 percent and at five-foot intervals for slopes at or greater than 15 percent. A grading plan is required to show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters.~~
 - ~~b) Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, gross density per acre (for residential developments).~~
 - ~~c) Detailed utility plan indicating how sanitary sewer, water, storm sewer, and drainage systems will function.~~
 - ~~d) Location of existing utilities, including existing fire hydrants, overhead utility lines in the abutting right of way, easements and walkways.~~
 - ~~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 17.84 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 is exempt from this chapter, with the exception of 17.84.30 Pedestrian and Bicyclist Requirements.

17.84.20 TIMING OF IMPROVEMENTS

- A. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
 - 1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to approval of the final plat.
 - 2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or financially guaranteed in accordance with the provisions of Chapter 17 prior to temporary or final occupancy of structures.

- B. Where specific approval for a phasing plan has been granted for a ~~planned development~~ ~~and/or~~ subdivision, improvements may similarly be phased in accordance with that plan.

17.84.30 PEDESTRIAN AND BICYCLIST REQUIREMENTS

- A. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:
 - 1. Sidewalks shall be a minimum of five (5) ft. wide on local streets. The sidewalks shall be separated from curbs by a tree planting area that provides separation between sidewalk and curb, unless modified in accordance with Subsection 3 below.
 - 2. Sidewalks along arterial and collector streets shall be separated from curbs with a planting area, except as necessary to continue an existing curb-tight sidewalk. The planting area shall be landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of six (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 four (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, tracts, 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, rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide with eight (8) feet of pavement.
 3. 12 ft. wide pathways shall be provided in areas with high bicycle volumes or multi-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 (5) 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 (5) 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 17.84.90(D).

- 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

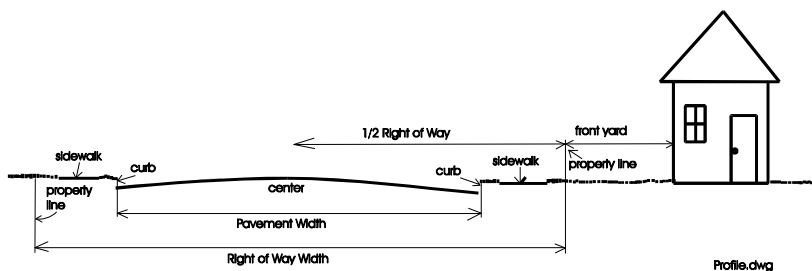
- A. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and/or shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the transit agency. School bus pull-outs and/or shelters 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. Transportation Impact Study (No Dwellings). For development applications that do not propose any dwelling units, the City may require a transportation impact study that evaluates the impact of the proposed development on the transportation system. Unless the City does not require a transportation impact study, the applicant shall prepare the study in accordance with the following:
 - 1. A proposal establishing the scope of the study shall be submitted for review to the City Traffic Engineer. The scope shall reflect the magnitude of the project in accordance with accepted transportation planning and engineering practices. Large projects shall assess intersections and street segments where the development causes increases of more than 20 vehicles in either the AM or PM peak hours. Once the City Traffic Engineer has approved the scope of the study, the applicant shall submit the results of the study as part of its development application. Failure to submit a required study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering.
 - 2. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.

- B. Transportation Impact Study (Dwellings). For development applications that propose dwelling units, an applicant must submit a transportation impact study unless the application is exempt from this requirement pursuant to subsection (B)(6), below. Failure to submit the study will result in an incomplete application. A traffic impact study shall bear the seal of a Professional Engineer licensed in the State of Oregon and qualified in traffic or civil engineering. The applicant shall prepare the study in accordance with the following:
1. The study area must include all existing and proposed site accesses and all existing and proposed streets and intersections where the development adds more than 20 vehicles during any peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The determination of peak hour vehicle addition shall include the cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years.
 2. The study must analyze existing conditions and projected conditions upon completion of the proposed development.
 3. The study must be performed for the weekday a.m. peak hour (one hour between 7 a.m. and 9 a.m.) and p.m. peak hour (one hour between 4 p.m. and 6 p.m.). Analysis of other time periods may be required for uses that generate their highest traffic volumes at other times of the day or on weekends.
 4. The study must demonstrate that the transportation impacts from the proposed development will comply with the City's level-of-service and average daily traffic standards and the Oregon Department of Transportation's mobility standard.
 5. If the study identifies level-of-service conditions less than the minimum standard established in the development code or the Sandy Transportation System Plan, or fails to demonstrate that average daily traffic on existing or proposed streets will meet the ADT standards established in the development code or fails to meet the Oregon Department of Transportation's mobility standard, the applicant shall propose improvements and funding strategies for mitigating identified problems or deficiencies that will be implemented concurrent with the proposed development.
 6. A transportation impact study is not required under this section if:
 - a) The cumulative impact of the proposed development and development on abutting properties that received a certificate of occupancy or recorded a plat within the past 5 years will generate no more than 20 vehicle trips in any weekday a.m. or p.m. peak hour as determined by using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual; or
 - b) The proposed development completed a transportation impact study at the time of annexation within the past 5 years and that study assessed the impact of the same or more dwelling units than proposed under the new land use action; or
 - c) The application only proposes to convert an existing detached single family dwelling to a duplex.
- C. Transportation Impact Study (Dwellings) – Discretionary Track. As an alternative to the process outlined in Section 17.84.50(B), an applicant may choose to follow the process in Section 17.84.50(A).
- D. 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 1,500 ft. for reasonable traffic progression.
- E. 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 two rights-of-way.
 3. Cul-de-sacs shall not exceed 400 ft. in length nor serve more than 20 dwelling units, unless a proposal is successfully processed through the procedures in Chapter 17.66 of the Sandy Development Code.. 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.
- F. 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 three-quarter-street improvements (i.e., curb face to curb face) may be requested by the developer per Chapter 12 of the SMC.
 5. A half-street improvement includes curb and pavement 2 feet beyond the center line of the right-of-way. A three-quarter-street improvement includes curbs on both sides of the side and full pavement between curb faces.



- G. 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 a turn-around, 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.
- H. 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.
- I. 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.
- J. 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 are 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 and collector 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.

- K. Private streets may be considered within a development site provided all the following conditions are met:
1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
 2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowner's association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and
 3. Where a private street is installed in connection with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

17.84.60 PUBLIC FACILITY EXTENSIONS

- A. All development sites shall be provided with public water, sanitary sewer, broadband (fiber), and storm drainage.
- B. Where necessary to serve property as specified in "A" above, required public facility installations shall be constructed concurrent with development.
- C. Off-site public facility extensions necessary to fully serve a development site and adjacent properties shall be constructed concurrent with development.
- D. As necessary to provide for orderly development of adjacent properties, public facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).
- E. All public facility installations required with development shall conform to the City's facilities master plans.
- F. Private on-site sanitary sewer and storm drainage facilities may be considered provided all the following conditions exist:
1. Extension of a public facility through the site is not necessary for the future orderly development of adjacent properties;
 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above);
 3. The facilities are designed and constructed in accordance with the Uniform Plumbing Code and other applicable codes, and permits and/or authorization to proceed with construction is issued prior to commencement of work.

17.84.70 PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, broadband (fiber), street, bicycle, or pedestrian

improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

17.84.80 FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telephone, cable television, and natural gas services (hereinafter referred to as “franchise utilities”).

- A. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created within a subdivision shall have an individual service available or financially guaranteed prior to approval of the final plat.
- B. Where necessary, in the judgment of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.
- C. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:
 - 1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);
 - 2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 17.84.50 F above); and,
 - 3. The development is non-residential.
- D. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of 17.84.70 prior to occupancy of structures.
- E. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:
 - 1. Poles for street lights and traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;
 - 2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation

impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

- F. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.
- G. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with the development in accordance with the following:
 - 1. The developer shall coordinate with the City Engineer to determine the location of future street light poles. The street light plan shall be designed to provide illumination meeting standards set by the City Engineer.
 - 2. The developer shall make arrangements with the serving electric utility for trenching prior to installation of underground conduit for street lighting.

17.84.90 LAND FOR PUBLIC PURPOSES

- A. Easements for public sanitary sewer, water, storm drain, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way in accordance with the following:
 - 1. When located between adjacent lots, easements shall be provided on one side of a lot line.
 - 2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- B. Public utility easements with a minimum width of eight (8) 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 one (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 to the City's standard construction specifications. Actual mailbox units shall conform to 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.

Mail delivery facilities may not be placed on arterial or collector streets or in sight distance zones or vision clearance areas.

**CHAPTER 17.86
PARKLAND and OPEN SPACE**

17.86.00 INTENT

The availability of parkland and open space is a critical element in maintaining and improving the quality of life in Sandy. Land that features trees, grass and vegetation provides not only an aesthetically pleasing landscape but also buffers incompatible uses, and preserves sensitive environmental features and important resources. Parks and open space, together with support facilities, also help to meet the active and passive recreational needs of the population of Sandy. This chapter implements policies of Goal 8 of the Comprehensive Plan and the Parks Master Plan by outlining provisions for parks and open space in the City of Sandy.

17.86.10 MINIMUM PARKLAND DEDICATION REQUIREMENTS

Parkland Dedication: New residential subdivisions, ~~planned developments~~, multi-family or manufactured home park developments shall be required to provide parkland to serve existing and future residents of those developments. Multi-family developments which provide some "congregate" services and/or facilities, such as group transportation, dining halls, emergency monitoring systems, etc., but which have individual dwelling units rather than sleeping quarters only, are considered to be multi-family developments for the purpose of parkland dedication. Licensed adult congregate living facilities, nursing homes, and all other similar facilities which provide their clients with individual beds and sleeping quarters, but in which all other care and services are communal and provided by facility employees, are specifically exempt from parkland dedication and system development fee requirements.

1. The required parkland shall be dedicated as a condition of approval for the following:
 - a. Tentative plat for a subdivision or partition;
 - ~~b. Planned Development conceptual or detailed development plan;~~
 - be. Design review for a multi-family development or manufactured home park; and
 - cd. 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:

Required parkland dedication (acres) = (proposed units) x (persons/unit) x 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

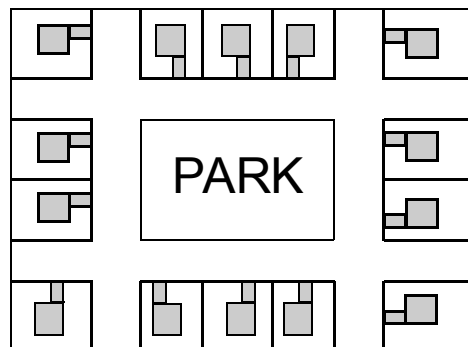
Persons per unit, age distribution, and local conditions change with time. The specific formula for the dedication of land will, therefore, be subject to periodic review and amendment.

- b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan¹. This standard represents the citywide land-to-population ratio for city parks, and may be adjusted periodically through amendments to the Parks Master Plan.

17.86.20 MINIMUM PARKLAND STANDARDS

Land required or proposed for parkland dedication shall be contained within a continuous unit and must be suitable for active use as a neighborhood or mini-park, based on the following criteria:

1. Homes must front on the parkland as shown in the example below:



2. The required dedication shall be contained as a contiguous unit and not separated into pieces or divided by roadways.
3. The parkland must be able to accommodate play structures, play fields, picnic areas, or other active park use facilities. The average slope of the active use parkland shall not exceed 15%.
4. Any retaining wall constructed at the perimeter of the park adjacent to a public right-of-way or private street shall not exceed 4 feet in height.

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.

5. Once dedicated, the City will assume maintenance responsibility for the neighborhood or mini parkland.

17.86.30 DEDICATION PROCEDURES

Prior to approval of the final plat, the developer shall dedicate the land as previously determined by the City in conjunction with approval of the tentative plat. Dedication of land in conjunction with multi-family development shall be required prior to issuance of permits and commencement of construction.

A. Prior to acceptance of required parkland dedications, the applicant/developer shall complete the following items for all proposed dedication areas:

1. The developer shall clear, fill, and/or grade all land to the satisfaction of the City, install sidewalks on the park land adjacent to any street, and seed the park land; and,
2. The developer shall submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.

B. Additional Requirements

1. In addition to a formal dedication on the plat to be recorded, the subdivider shall convey the required lands to the city by general warranty deed. The developer of a multi-family development or manufactured home park shall deed the lands required to be dedicated by a general warranty deed. In any of the above situations, the land so dedicated and deeded shall not be subject to any reservations of record, encumbrances of any kind or easements which, in the opinion of the Director, will interfere with the use of the land for park, open space or recreational purposes.

The subdivider or developer shall be required to present to the City a title insurance policy on the subject property ensuring the marketable state of the title.

2. Where any reservations, encumbrances or easements exist, the City may require payment in lieu of the dedication of lands unless it chooses to accept the land subject to encumbrances.

C. Phased Developments. In a phased development, the required park land for the entire development shall be dedicated prior to approval of the final plat for the first phase. Improvements to the land as required by 17.86.30 (A.1.) shall be made prior to approval of the final plat for the phase that includes the park land.

17.86.40 CASH IN LIEU OF DEDICATION

At the city's discretion only, the city may accept payment of a fee in lieu of land dedication. The city may require payment in lieu of land when the park land to be dedicated is less than 3 acres. A payment in lieu of land dedication is separate from Park Systems Development Charges, and is not eligible for a credit of Park Systems Development Charges. The amount of the fee in lieu of land dedication (in dollars per acre) shall be set by City Council Resolution, and it shall be based on the typical market value of developed property (finished lots) in Sandy net of related development costs.

1. The following factors shall be used in the choice of whether to accept land or cash in lieu:
 - a. The topography, geology, access to, parcel size, and location of land in the development available for dedication;
 - b. Potential adverse/beneficial effects on environmentally sensitive areas;
 - c. Compatibility with the Parks Master Plan, Public Facilities element of the Comprehensive Plan, and the City of Sandy Capital Improvements Program in effect at the time of dedication;
 - d. Availability of previously acquired property; and
 - e. The feasibility of dedication.
2. Cash in lieu of parkland dedication shall be paid prior to approval of the final plat or as specified below:
 - a. 50 percent of the payment shall be paid prior to final plat approval, and
 - b. The remaining 50 percent of the payment pro-rated equally among the lots, plus an administrative surcharge, shall be paid as specified by City Council Resolution.

17.86.50 MINIMUM STANDARDS FOR OPEN SPACE DEDICATION

The applicant through a subdivision or design review process may propose the designation and protection of open space areas as part of that process. This open space will not, however, be counted toward the parkland dedication requirement of Sections 17.86.10 through 17.86.40.

1. The types of open space that may be provided are as follows:
 - a. Natural Areas: areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas or areas replanted with native vegetation after construction.
 - b. Greenways: linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths or footpaths. Connecting greenways between residences and recreational areas are encouraged.

2. A subdivision or design review application proposing designation of open space shall include the following information as part of this application:
 - a. Designate the boundaries of all open space areas; and
 - b. Specify the manner in which the open space shall be perpetuated, maintained, and administered; and
 - c. Provide for public access to trails included in the Park Master Plan, including but not limited to the Tickle Creek Path.
3. Dedication of open space may occur concurrently with development of the project. At the discretion of the city, for development that will be phased, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.
4. Open space areas shall be maintained so that the use and enjoyment thereof is not diminished or destroyed. Open space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:
 - a. Dedication to the City of Sandy or an appropriate public agency approved by the City, if there is a public agency willing to accept the dedication. Prior to acceptance of proposed open space, the City may require the developer to submit a Phase I Environmental Site Assessment completed by a qualified professional according to American Society of Testing and Materials (ASTM) standards (ASTM E 1527). The results of this study shall indicate a clean environmental record.
 - b. Common ownership by a homeowner's association that assumes full responsibility for its maintenance;
 - c. Dedication of development rights to an appropriate public agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility will remain with the property owner; and/or
 - d. Deed-restricted private ownership preventing development and/or subsequent subdivision and providing for maintenance responsibilities.
5. In the event that any private owner of open space fails to maintain it according to the standards of this Code, the City of Sandy, following reasonable notice, may demand that the deficiency of maintenance be corrected, and may enter the open space for maintenance purposes. All costs thereby incurred by the City shall be charged to those persons having the primary responsibility for maintenance of the open space.

CHAPTER 17.98
PARKING, LOADING, AND ACCESS REQUIREMENTS

17.98.00 INTENT

The intent of these regulations is to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests/visitors, 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 vehicles and bicycles and loading facilities for vehicles is a continuous obligation. 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. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10 (D.), (E.) and (F.) does not apply to commercial uses in the Central Business District (C-1).
- E. Increased Intensity. When increased intensity requires no more than four (4) 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 four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.
- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.

- H. Inoperative Motor Vehicles. In all residential zoning districts, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.
- I. Truck Parking. In all 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 on the premises where such use is conducted.
- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential ~~planned developments,~~ subdivisions, and partitions to include a site plan depicting all of the following:
1. Location and dimension of required parking spaces as specified in Section 17.98.200.
 2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 3. Location and design of parking courts (if applicable).
- N. Location of Required Parking.
1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes 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. Bicycle parking required for all uses in all districts shall be provided on the development site in accordance with Section 17.98.160 below.
- O. Unassigned Parking in Residential Districts.
1. Multi-family dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces and be located to be available for use by all occupants and guests of the development.
 2. Multi-family dwelling units with more than 10 required bicycle parking spaces may provide shared outdoor bicycle parking. The shared bicycle parking shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants and guests of the development.

P. Fractions. When the sum of the required vehicle and bicycle parking spaces is a fraction of a space (0.5 or more of a space) a full space shall be required.

Q. Maximum Parking Allowed. Commercial or Industrial zoned properties shall not be permitted to exceed the minimum off-street vehicle parking required by Section 17.98.20 by more than 30 percent.

17.98.20 OFF-STREET PARKING REQUIREMENTS

A. **Off Street Parking Requirements.** Off street parking shall conform to the following standards:

1. Commercial uses in the Central Business District (C-1) are exempt from off street parking requirements. Residential uses in the Central Business District (C-1) have to provide off street parking per this section but may get a reduction per Section 17.98.30 (B.).
2. All square footage measurements are gross square feet of total floor area.
3. 24 lineal inches of bench shall be considered 1 seat.
4. Except as otherwise specified, parking for employees shall be provided based on 1 space per 2 employees for the largest shift in addition to required parking specified in Sections 8 – 11 below.
5. Where less than 5 parking spaces are required, then only one bicycle space shall be required except as otherwise modified in Sections 8 – 11 below.
6. In addition to requirements for residential off-street parking, new dwellings shall meet the on-street parking requirements in Section 17.98.200.
7. Uses that rely on square footage for determining parking requirements may reduce the overall square footage of the use by deducting bathrooms, mechanical rooms, and other auxiliary rooms as approved by the Director.

8.

Residential Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached/Attached	2 per dwelling unit	Exempt
Duplexes	2 per dwelling unit	Exempt
Manufactured Home Park	2 per dwelling, plus 1 visitor space for each 10 vehicle spaces	Exempt
Multi-Family Dwellings	1.5 per studio unit or 1-bedroom unit 2.0 per 2-bedroom unit or greater	1 per dwelling unit
Congregate Housing, Retirement Homes, Intermediate Care Facilities, Group Care Facilities, and Halfway Houses	1 per each 3 residents, plus 1 per 2 employees	5% or 2 whichever is greater

9.

Community Service, Institutional and Semi-Public Uses	Number of Parking Spaces	Number of Bicycle Spaces
Administrative Services	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater

Community Recreation Buildings, Library, or Museum	1 per 250 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Church, Chapel, Auditorium, or Fraternal Lodge without eating and drinking facilities	1 per 4 fixed seats or 1 per each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	5% or 2 whichever is greater
Hospitals	1 per examine room or bed, and 1 per 4 seats in waiting room or chapel, plus 1 per 2 employees	5% or 2 whichever is greater
Commercial Daycare	2 for the facility, plus 1 per employee on the largest shift	2
School – Preschool/Kindergarten	2 per classroom, plus 1 per 2 employees	2
School – Elementary or Middle School/Junior High	2 per classroom, plus 1 per 2 employees	5% or 2 whichever is greater
School – Senior High, Vocational or College	6 per classroom, plus 1 per employee on the largest shift	5% or 2 whichever is greater

10.

Commercial Uses	Number of Parking Spaces	Number of Bicycle Spaces
Retail Sales, General or Personal Services, Professional Offices, Shopping Centers, Grocery Stores, Convenience Stores	1 per 400 sq. ft., plus 1 per 2 employees	5% or 2 whichever is greater
Retail Sales of Bulky Merchandise (examples: furniture or motor vehicles)	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Eating or Drinking Establishments	1 per 250 sq. ft. of gross floor area or 1 per 4 fixed seats or stools, plus 1 per 2 employees	5% or 2 whichever is greater
Funerals and Interment Services: Crematory and Undertaking <i>Interring and Cemeteries are exempt</i>	1 per 4 fixed seats or 1 space for each 50 sq. ft. of public assembly area where there are no fixed seats, plus 1 per 2 employees	2
Fuel Sales (without store)	1 per employee on the largest shift	2
Medical or Dental Office or Clinic	1 per examine room or bed, and 1 per 4 seats in waiting room, plus 1 per 2 employees	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, plus 1 per 2 employees	5% or 2 whichever is greater
Campground or RV Park	1 per designated space, plus 1 visitor space for each 8 designated spaces, plus 1 per 2 employees	Exempt
Hotel or Motel	1 per guest room or suite, plus 1	2

	per 2 employees	
--	-----------------	--

11.

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 1,000 sq. ft., plus 1 per 2 employees	2
Sales, Storage, Rental, and Repairs of: Heavy Equipment, or Farm Equipment	1 per 1,000 sq. ft., plus 1 per 2 employees	2
Storage, Distribution, Warehousing, or Manufacturing establishment; trucking freight terminal	1 per employee on the largest shift	2

17.98.30 REDUCTION OF PARKING REQUIREMENTS

A. Transit Amenity Reduction.

1. Any existing or proposed use in the C-2, C-3, or I-1 Zoning Districts subject to minimum parking requirements and located within 400 feet of an existing transit route may reduce the number of required parking spaces by up to 10 percent 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 percent of the total area dedicated for transit oriented purposes.
2. Required parking spaces may be reduced at a ratio of 1 parking space for each 100 square feet of transit amenity space provided above and beyond the minimum requirements.
3. Uses, which are not eligible for these reductions, include truck stops, building materials and lumber sales, nurseries and similar uses not likely to be visited by pedestrians or transit customers.

B. Residential uses in the Central Business District and Village Commercial District Reduction. Required off-street parking for residential uses in the C-1 and C-3 Zoning District may be reduced by 25 percent.

17.98.40 SHARED USE OF PARKING FACILITIES

- A. Except for single family dwellings (both attached and detached) and duplexes, required parking facilities may be located on an adjacent parcel of land or separated only by an alley or local street, provided the adjacent parcel is maintained in the same ownership as the use it is required to serve or a shared parking agreement that can only be released by the Director is recorded in the deed records of Clackamas County.

- B. In the event that several parcels occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the uses computed separately.
- C. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the needs of the facilities do not materially overlap (e.g., uses primarily of day time versus night time uses) and provided that such right of joint use is evidenced by a deed, lease, contract or similar written instrument recorded in the deed records of Clackamas County 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 duplexes, required off-street parking may be located in a driveway.
- C. Parking areas shall be setback from a lot line adjoining a street the same distance as the required building setbacks. Regardless of other provisions, a minimum setback of 5 feet shall be provided along the property fronting on a public street. The setback area shall be landscaped as provided in this code.

17.98.60 DESIGN, SIZE AND ACCESS

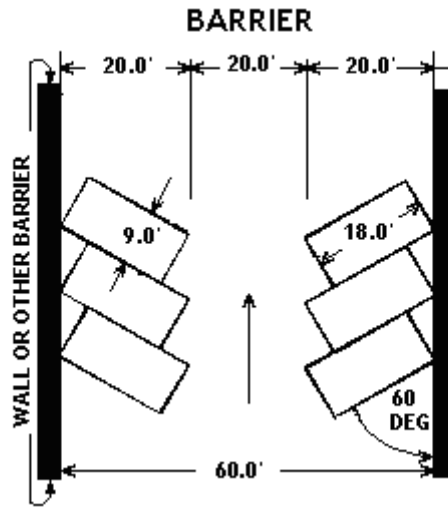
All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

- A. Parking Lot Design. All areas for required parking and maneuvering of vehicles shall have a durable hard surface such as concrete or asphalt.
- B. Size of Space.
 1. A standard parking space shall be 9 feet by 18 feet.
 2. A compact parking space shall be 8 feet by 16 feet.
 3. Accessible parking spaces shall be 9 feet by 18 feet and include an adjacent access aisle meeting ORS 447.233. Access aisles may be shared by adjacent spaces. Accessible parking shall be provided for all uses in compliance with the requirements of the State of Oregon (ORS 447.233) and the Americans with Disabilities Act.
 4. Parallel parking spaces shall be a length of 22 feet.
 5. No more than 40 percent of the parking stalls shall be compact spaces.

C. Aisle Width.

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

45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, 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 be based on a traffic impact analysis and parking

and circulation plan and 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. At the Director's discretion 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 signs 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

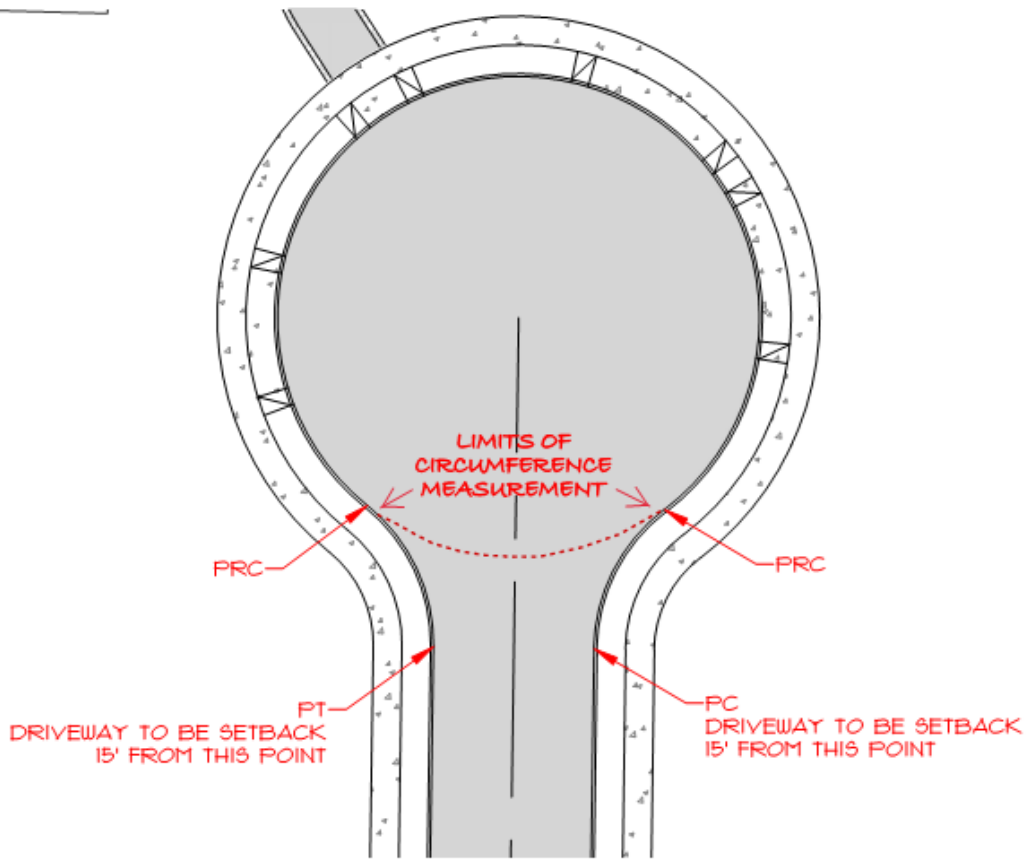
- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling shall have a minimum width of 10 feet. The driveway approach within the public right-of-way shall not exceed 24 feet in width measured at the bottom of the curb transition. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall be paved with asphalt or concrete. Shared driveway approaches may be required for adjacent lots in cul-de-sacs in order to maximize room for street trees and minimize conflicts with utility facilities (power and telecom pedestals, fire hydrants, streetlights, meter boxes, etc.)
- C. A driveway for a two-family dwelling shall have a minimum width of 20 feet. The driveway approach in the public right-of-way shall not exceed 24 feet in width as measured in section B above. A driveway approach shall be constructed in accordance with applicable city standards and the entire driveway shall 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 as approved by the Director.

- E. No driveway shall exceed a grade of 15 percent at any point along the driveway length, measured from the right-of-way line to the face of garage or furthest extent of the driveway.
- F. The nearest edge of a driveway approach shall be located a minimum of 15 feet from the point of curvature or tangency of the curb return on any street.
- G. The sum of the width of all driveway approaches within the bulb of a cul-de-sac as measured in section B above shall not exceed fifty percent of the circumference of the cul-de-sac bulb. The cul-de-sac bulb circumference shall be measured at the curb line and shall not include the width of the stem street. The nearest edge of driveway approaches in cul-de-sacs shall not be located within 15 feet of the point of curvature, point of tangency or point of reverse curvature of the curb return on the stem street.

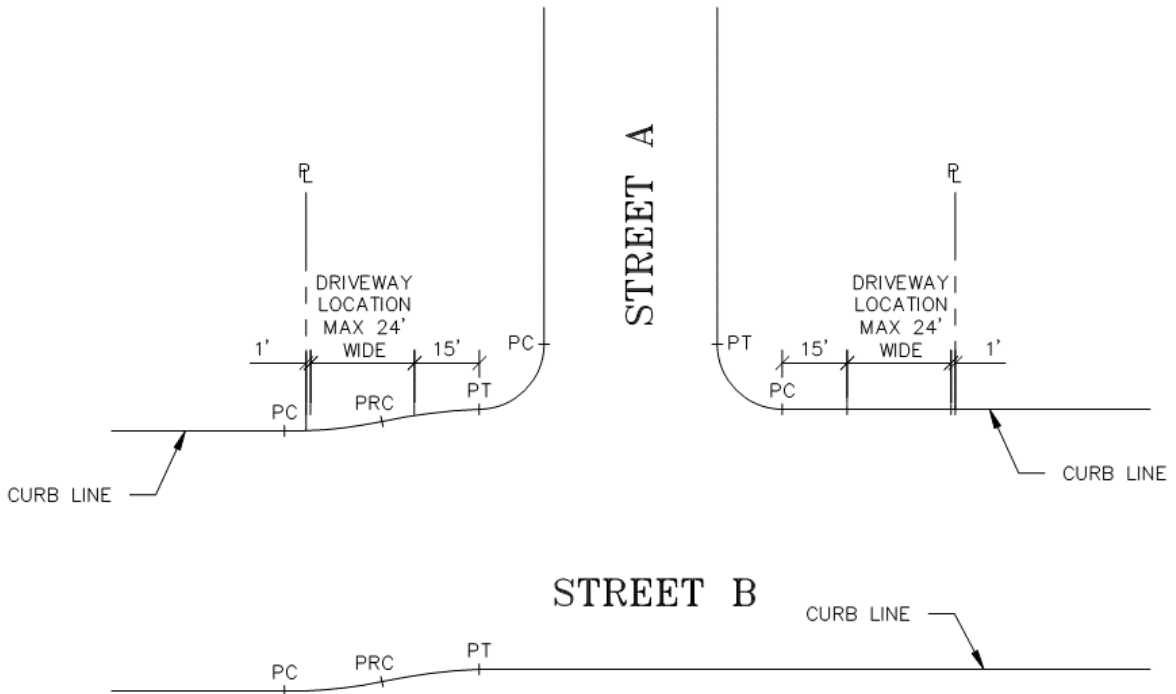
Acronyms on the next page:
PT = point of tangency
PC = point of curvature
PRC = point of reverse curvature

- H. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. 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.
- I. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

CUL-DE-SAC EXHIBIT



DRIVEWAY LOCATION EXHIBIT



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 feet 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 percent 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 percent of the area devoted to parking facilities. The landscaping shall be uniformly distributed throughout the parking area and may consist of trees, shrubs, and ground covers.
- D. Parking areas shall be divided into bays of not more than 20 spaces in parking areas with 20 or more spaces. Between, and at the end of each parking bay, there shall be planters that have a minimum width of 5 feet and a minimum length of 17 feet for a single depth bay and 34 feet for a double bay. Each planter shall contain one major structural tree and ground cover. Truck parking and loading areas are exempt from this requirement.
- E. Parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as specified in Chapter 17.92.
- F. Wheel stops, bumper guards, or other methods to protect landscaped areas and pedestrian walkways shall be provided. No vehicle may project over a property line or into a public right-of-way. Parking may project over an internal sidewalk, but a minimum clearance of 5 feet for 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

The Dark Sky Ordinance in Chapter 15 of the municipal code applies to all lighting. Artificial lighting shall be provided in all required off-street parking areas. Lighting shall be directed into the site and shall be arranged to not produce direct glare on adjacent properties. Light elements shall be shielded and shall not be visible from abutting residential properties. Lighting shall be provided in all bicycle parking areas so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or vehicle parking lots during all hours of use.

17.98.160 BICYCLE PARKING FACILITIES

Multi-family developments, industrial, commercial and community service uses, transit transfer stations, and park and ride lots shall meet the following standards for bicycle parking facilities. The intent of this section is to provide secure bicycle parking that is visible from a building's primary entrance and convenient to bicyclists.

A. Location.

1. Bicycle parking shall be located on-site, convenient to primary building entrances, and have direct access to both the public right-of-way and to the main entrance of the primary structure.
2. Bicycle parking areas shall be visible from building interiors where possible.
3. For facilities with multiple buildings or parking lots, bicycle parking shall be located in areas of greatest use and convenience to bicyclists.
4. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas by curbing or other barrier to prevent damage to parked bicycles.
5. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.

B. Bicycle Parking Space Dimensions.

1. Each required bicycle parking space shall be at least 2 ½ feet by 6 feet. If bicycle parking is covered, vertical clearance of 7 feet shall 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.

3. Bicycle racks shall be securely anchored to the ground or a structure and shall be designed to hold bicycles securely.
4. All outdoor bicycle parking facilities shall provide adequate shelter from precipitation where possible.

D. **Signing.** Where bicycle facilities are not directly visible from the public right-of-way, primary structure entry, or civic space then directional signs shall be provided to direct bicyclists to the bicycle parking facility.

E. **Exemptions.** Temporary uses and other uses identified in Section 17.98.20 as not requiring bicycle parking are exempt from Section 17.98.160.

17.98.170 CARPOOL AND VANPOOL PARKING

New industrial, commercial, and community service uses with more than 100 employees shall meet the following minimum requirements for carpool and vanpool parking.

A. **Number and Marking.** At least 10 percent of the employee parking spaces shall be marked and signed for use as a carpool/vanpool space. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only".

B. **Location.** Designated carpool/vanpool parking spaces shall be the closest employee parking spaces to the building entrance normally used by employees except for any handicapped spaces provided.

17.98.180 SCHOOL DESIGN REQUIREMENTS

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school having a capacity greater than 50 students.

17.98.190 OFF-STREET LOADING FACILITIES

B. All commercial and industrial uses that anticipate loading and unloading of products/materials shall provide an off-street area for loading/unloading of products/materials.

C. 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.

D. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.

E. 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.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

A. Residential On-Street Parking Requirements. Residential on-street parking shall conform to the following standards:

1. In addition to required off-street parking, all new residential ~~planned developments~~, subdivisions and partitions shall provide one (1) on-street parking space within 300 feet of each dwelling except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling.
2. The location of residential on-street parking shall be reviewed for compliance with this section through submittal of a Residential Parking Analysis Plan as required in Section 17.98.10(M).
3. Residential on-street parking shall not obstruct required clear vision areas and shall not violate any local or state laws.
4. Parallel residential on-street parking spaces shall be a minimum of 22 feet in length.
5. Residential on-street parking shall be measured along the curb from the outside edge of a driveway wing or curb cut. Parking spaces shall be set back a minimum of 15 feet from the point of tangency or curvature at an intersection and may not be located within 10 feet of a fire hydrant.
6. Portions of residential on-street parking required by this section may be provided in parking courts that are interspersed throughout a development when the following standards are met:
 - a. No more than ten (10) parking spaces shall be provided in a parking court, except parking courts that utilize backing movements into the right-of-way in which case the parking court shall be limited to two (2) parking spaces;
 - b. Parking spaces within a parking court shall be nine (9) feet wide and 18 feet in depth. In no instance shall a vehicle or any appurtenances parked in a parking court protrude into the public right-of-way;
 - c. Notwithstanding Section 17.98.70, vehicles parked in a parking court on a local street as defined in the Transportation System Plan are permitted to back onto the public right-of-way from the parking court so long as the parking court is limited to two (2) parking spaces;
 - d. A parking court shall be located within 300 feet of the dwellings requiring parking in accordance with the requirements of Section 17.98.10(M);
 - e. No more than two (2) parking courts shall be provided within a block, with only one (1) parking court provided along a block face;
 - f. A parking court shall be paved in compliance with the standards of this chapter and constructed to the grading and drainage standards in 17.98.140;
 - g. A parking court adjacent to a public right-of-way, shall be privately owned and maintained;
 - h. If a parking court is adjacent to a private drive, it shall be privately owned and maintained. For any parking court there shall be a legal recorded document which includes:
 - A legal description of the parking court;
 - Ownership of the parking court;
 - Use rights; and
 - A maintenance agreement and the allocation and/or method of determining liability for maintenance of the parking court;

- i. A parking court shall be used solely for the parking of operable passenger vehicles.

CHAPTER 17.100 LAND DIVISION

17.100.00 INTENT

The intent of this chapter is to implement the Comprehensive Plan, to provide procedures, regulations, and design standards for land divisions and associated improvements and to provide for orderly and efficient land division patterns supported by a connected system of streets, fiber (broadband), water supply, sanitary sewer and stormwater 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, dimensional standards, setbacks, and building height are established in applicable 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, other than for 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 plat and conditions, the Director shall have the authority to approve 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 Replat). 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 an 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. Two (2) 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, are classified as Type II, major partitions.

- 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 sanitary sewer, water and stormwater drainage facilities proposed to serve the property 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. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
6. 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 exempt 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, sanitary 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.
 - 7. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.

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 stormwater 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, and 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 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 Chapter 17.12 and the following approval criteria:
1. The proposed subdivision is consistent with the density, setback and dimensional standards of the base zoning district, ~~unless modified by a Planned Development approval.~~
 2. The proposed subdivision is consistent with the design standards set forth in this chapter.
 3. The proposed street pattern is connected and consistent with the Comprehensive Plan or official street plan for the City of Sandy.
 4. Traffic volumes shall not exceed average daily traffic (ADT) standards for local streets as detailed in Chapter 17.10, Definitions.
 5. Adequate public facilities are available or can be provided to serve the proposed subdivision.
 6. All proposed improvements meet City standards.
 7. 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 subdivision 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 two (2) years 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, grant an extension of the tentative plat approval for up to one (1) additional year. The one year extension by the Director is the maximum extension that may be granted for a subdivision.
- 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 lines 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 that is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
 - d) Other certificates now or hereafter required by law.
8. Supplemental Information with Plat. The following data shall accompany the final plat:
 - a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the tract.
 - b) Sheets and drawings showing the following:
 - 1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - 2) The computation of distances, angles and courses shown on the plat.
 - 3) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
 - c) A copy of any deed restrictions applicable to the subdivision.
 - d) A copy of any dedication requiring separate documents.
 - e) A list of all taxes and assessments on the tract which have become a lien on the tract.
 - f) A certificate by the engineer that the subdivider has complied with the improvement requirements.
9. Certification by the City Engineer or by the owner of a privately owned domestic water supply system, that water will be available to the property line of each and every lot depicted in the final plat.

K. Technical Plat Review. Upon receipt by the City, the plat and supplemental information shall be reviewed by the City Engineer and Director through a Type I procedure. The review shall focus on conformance of the final plat with the approved tentative plat, conditions of approval and provisions of city, county or state law applicable to subdivisions.

1. The City Engineer may make field checks as needed to verify that the final plat is sufficiently correct on the ground, and City representatives may enter the subdivision property for this purpose.
2. If the City Engineer or Director determines that full conformance has not been made, they 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, a digital copy of the plat and a digital copy of any recorded documents shall be delivered to the Director 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 30 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

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. An applicant is required to prepare and submit a transportation impact study in accordance with the standards of Chapter 17.84 unless those standards exempt the application from the requirement.:
 - 1.
- 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 that have no future street plan. Streets shall terminate at other streets or at parks, schools or other public land within a neighborhood.

Local streets shall align and connect with other roads when crossing collectors and arterials per the criteria in Section 17.84.50K(5)(e).

Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops, and existing or planned neighborhood activity centers, such as schools, shopping areas and parks.

G. Exemptions.

1. A future street plan is not required for partitions of residentially zoned land when none of the parcels may be redivided under existing minimum density standards.
2. Standards for street connections do not apply to freeways and other highways with full access control.
3. When street connection standards are inconsistent with an adopted street spacing standard for arterials or collectors, a right turn in/right turn out only design including median control may be approved. Where compliance with the standards would result in unacceptable sight distances, an accessway may be approved in place of a street connection.

17.100.110 STREET STANDARDS AND CLASSIFICATION

Street standards are illustrated in the figures included at the end of this chapter. Functional definitions of each street type are described in the Transportation System Plan as summarized below.

- A. Major arterials are designed to carry high volumes of through traffic, mixed with some unavoidable local traffic, through or around the city. Major arterials should generally be spaced at 1-mile intervals.
- B. Minor arterials are designed to collect and distribute traffic from major and minor arterials to neighborhood collectors and local streets, or directly to traffic destinations. Minor arterials should generally be spaced at 1-mile intervals.
- C. Residential minor arterials are a hybrid between minor arterial and collector type streets that allow for moderate to high traffic volumes on streets where over 90% of the fronting lots are residential.
- D. Collector streets are designed to collect and distribute traffic from higher type arterial streets to local streets or directly to traffic destinations. Collector streets should generally be spaced at 1/2-mile intervals.
- E. Local streets provide direct access to abutting property and connect to collector streets. Local streets shall be spaced no less than 8 and no more than 10 streets per mile, except as the city may otherwise approve through an adjustment or variance pursuant to Chapter 17.66. Local streets shall not exceed the ADT standards set forth in Chapter 17.10, except that the ADT standard for local streets shall not apply to outright permitted development within the C-1 zone.
- F. Cul-de-sacs and dead end streets are discouraged. If deemed necessary, cul-de-sacs shall be as short as possible and shall not exceed 400 feet in length.
- G. Public access lanes are designed to provide primary access to a limited number of dwellings when the construction of a local street is unnecessary.

- H. Alleys are designed to provide access to multiple dwellings in areas where lot frontages are narrow and driveway spacing requirements cannot be met.

17.100.120 BLOCKS AND ACCESSWAYS

- A. Blocks. Blocks shall have sufficient width to provide for two tiers of lots at appropriate depths. However, exceptions to the block width shall be allowed for blocks that are adjacent to arterial streets or natural features.
- B. Residential Blocks. Blocks fronting local streets shall not exceed 400 feet in length, unless topographic, natural resource, or other similar physical conditions justify longer blocks. ~~Blocks may exceed 400 feet if approved as part of a Planned Development, Specific Area Plan, adjustment or variance.~~
- C. Commercial Blocks. Blocks located in commercial districts shall not exceed 400 feet in length.
- D. Pedestrian and Bicycle Access Way Requirements. In any block in a residential or commercial district over 600 feet in length, a pedestrian and bicycle accessway with a minimum improved surface of 10 feet within a 15-foot right-of-way or tract shall be provided through the middle of the block. To enhance public convenience and mobility, such accessways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through greenway systems.

17.100.130 EASEMENTS

A minimum eight (8) foot public utility easement shall be required along property lines abutting a right-of-way for all lots within a partition or subdivision. Where a partition or subdivision is traversed by a watercourse, drainage way, channel or stream, the land division shall provide a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as determined needed for water quality and quantity protection.

17.100.140 PUBLIC ALLEYS

- A. Public alleys shall have a minimum width of 20 feet. Structural section and surfacing shall conform to standards set by the City Engineer.
- B. Existing alleys may remain unimproved until redevelopment occurs. When development occurs, each abutting lot shall be responsible for completion of improvements to that portion of the alley abutting the property.
- C. Parking within the alley right-of-way is prohibited except as provided in Section 17.100.140(D) below.
- D. An alley with a minimum width of 28 feet may permit parallel parking on one side of the alley only.

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of two (2) dwelling units.

A. Criteria for Approval

Shared private drives may be approved by the Director when one or more of the following conditions exist:

1. Direct access to a local street is not possible due to physical aspects of the site including size, shape, or natural features.
2. The construction of a local street is determined to be unnecessary.

B. Design

1. A shared private drive constructed to city standards shall not serve more than two (2) dwelling units.
2. A shared access easement and maintenance agreement shall be established between the two units served by a shared private drive. The language of the easement and maintenance agreement shall be subject to approval by the Director. Such easements shall be recorded in the Deed Records of Clackamas County.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.
4. Shared private drives shall be fully improved with an all weather surface (e.g. concrete, asphalt, permeable pavers) in conformance with city standards. The pavement width shall be 20 feet.
5. Parking shall not be permitted along shared private drives at any time and shall be signed and identified accordingly.

17.100.160 PUBLIC ACCESS LANES

Public access lanes are designed to provide primary access to a limited number of dwellings where the construction of a local street is not necessary. Public access lanes are intended to serve a maximum of six (6) dwelling units.

A. Criteria for Approval

Public access lanes may be approved by the Director when certain conditions exist which make the construction of a standard local street unnecessary. Approval of public access lanes shall be based on one or more of the following:

1. Physical conditions such as natural features, unusual lot size, shape, or other unique features prevent the construction of a local street.
2. It is determined that construction of a local street is not necessary to facilitate orderly development of a future street system.
3. It is determined that there are no logical extensions of an existing local street to serve the site.

B. General Provisions

1. A public access lane may serve a maximum of six (6) dwelling units.
2. Public access lanes are subject to spacing requirements of Section 17.100.120.
3. Public utility easements shall be provided where necessary in accordance with Section 17.100.130.

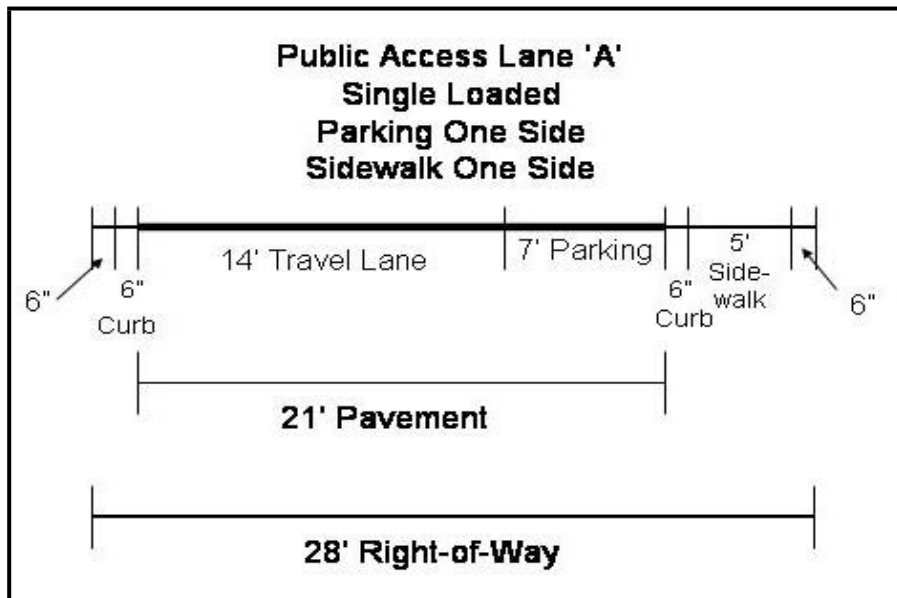
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting may be required in public access lanes for traffic and pedestrian safety.

C. Public Access Lane Design

1. Public Access Lane ‘A’ (Figure 17.100 - A)

- a) Public access lane ‘A’ is designed to be single loaded and provide access to lots located on one side of the lane only.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.
- c) Curbside sidewalks on the side of the lane which abuts lot frontage are along public access lanes to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on one side of a public access lane ‘A’ as shown in Figure 17.100 - A. Parking shall be permitted on the side of the lane that abuts lot frontages only. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – A: Public Access Lane ‘A’

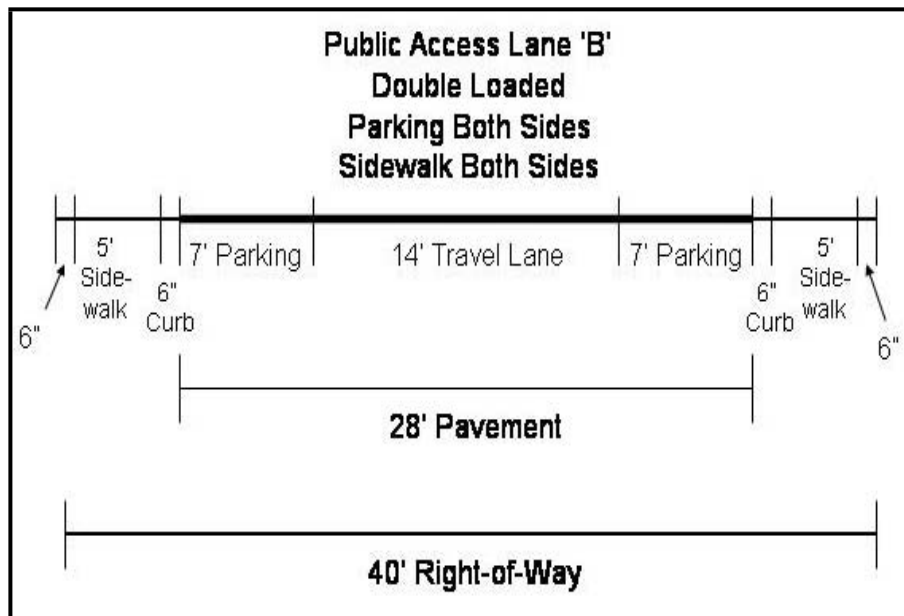


2. Public Access Lane Option ‘B’ (Figure 17.100 - B).

- a) Public access lane ‘B’ is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

- c) Curbside sidewalks are required along both sides of the access lane to achieve specified dimensions.
- d) Planter strips are not required along public access lanes due to the minimal lots served. Lots abutting a public access lane are required to have street trees planted in accordance with Section 17.100.290.
- e) Parking is permitted on both sides of a public access lane 'B' as shown in Figure 17.100 - B. Signage shall be displayed to indicate the parking regulations along the lane and in the turnaround.

Figure 17.100 – B: Public Access Lane 'B'



17.100.170 FLAG LOTS

Flag lots can be created where it can be shown that no other street access is possible to achieve the requested land division. The flag lot shall have a minimum street frontage of 15 feet for its accessway. The following dimensional requirements shall apply to flag lots:

- A. Setbacks applicable to the underlying zoning district shall apply to the flag lot.
- B. The access strip (pole) may not be counted toward the lot size requirements.
- C. The accessway shall have a minimum paved width of 10 feet.

17.100.180 INTERSECTIONS

- A. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. No more than two streets shall intersect at any one point unless specifically approved by the City Engineer. The city engineer may require left turn lanes, signals, special

crosswalks, curb extensions and other intersection design elements justified by a traffic study or necessary to comply with the Development Code.

- B. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections of rights-of-way) of 20 feet, unless otherwise approved by the City Engineer. When a local or neighborhood collector enters on to a collector or arterial street, the curve radius shall be a minimum of 30 feet, unless otherwise approved by the City Engineer.

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

The City Engineer shall specify the type and location of traffic control signs, street signs and/or traffic safety devices.

17.100.200 STREET SURFACING

Public streets, including alleys, within the development shall be improved in accordance with the requirements of the City or the Oregon Standard Specifications. All streets shall be paved with asphaltic concrete or Portland cement concrete surfacing. Where required, speed humps shall be constructed in conformance with the City's standards and specifications.

17.100.210 STREET LIGHTING

A complete lighting system (including, but not limited to: conduits, wiring, bases, poles, arms, and fixtures) shall be the financial responsibility of the subdivider on all cul-de-sacs, local streets, and neighborhood collector streets. The subdivider will be responsible for providing the arterial street lighting system in those cases where the subdivider is required to improve or fronts on an arterial street. Standards and specifications for street lighting shall conform to IESNA roadway illumination standards and the City's streetlighting guidelines

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel that 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 not take access from major arterials, minor arterials or collector streets if access to a local street exists. 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 traffic conflicts on such streets. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on minor or major arterials.

17.100.230 WATER FACILITIES

Water lines and fire hydrants serving the subdivision or partition, and connecting the development to City mains, shall be installed to provide adequate water pressure to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves, service laterals, meter boxes and other required appurtenances shall be in accordance with American Water Works Association and the Oregon Standard Specifications standards of the Fire District, the City, and the Oregon Health Authority Drinking Water Services section.

If the City requires the subdivider to install water lines in excess of eight inches, the City may participate in the oversizing costs. Any oversizing agreements shall be approved by the City manager based upon council policy and dependent on budget constraints. If required water mains will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement for the proportionate share of the cost.

17.100.240 SANITARY SEWERS

Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design of sanitary sewers shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

If required sewer facilities will directly serve property outside the subdivision, the City may enter into an agreement with the subdivider setting forth methods for reimbursement by nonparticipating landowners for the proportionate share of the cost of construction.

17.100.250 SURFACE DRAINAGE AND STORM SEWER SYSTEM

- A. Drainage facilities shall be provided within the subdivision and to connect with off-site drainage ways or storm sewers. Capacity, grade and materials shall be by a design approved by the city engineer. Design of drainage within the subdivision shall take into account the location, capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
- B. In addition to normal drainage design and construction, provisions shall be taken to handle any drainage from preexisting subsurface drain tile. It shall be the design engineer's duty to investigate the location of drain tile and its relation to public improvements and building construction.
- C. The roof and site drainage from each lot shall be discharged to either curb face outlets (if minor quantity), to a public storm drain or to a natural acceptable drainage way if adjacent to the lot.

17.100.260 UNDERGROUND UTILITIES

All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical, fiber, cable, and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company.

17.100.270 SIDEWALKS

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

17.100.280 BICYCLE ROUTES

If appropriate to the extension of a system of bicycle routes, existing or planned, the Director or the Planning Commission may require the installation of bicycle lanes within streets. Separate bicycle access ways may be required to reduce walking or cycling distance when no feasible street connection is available.

17.100.290 STREET TREES

Where planting strips are provided in the public right-of-way, a master street tree plan shall be submitted and approved by the Director. The street tree plan shall provide street trees approximately every 30' on center for all lots.

17.100.300 EROSION CONTROL

Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1000 square feet of land area.

17.100.310 REQUIRED IMPROVEMENTS

The following improvements shall be installed at no expense to the City, consistent with the standards of Chapter 17.84, except as otherwise provided in relation to oversizing.

- A. Lot, street and perimeter monumentation
- B. Mailbox delivery units
- C. Sanitary sewers
- D. Stormwater drainage facilities
- E. Sidewalks
- F. Street lights
- G. Street name signs
- H. Street trees
- I. Streets
- J. Traffic control devices and signs
- K. Underground communication lines, including broadband (fiber), telephone, and cable.
Franchise agreements will dictate whether telephone and cable lines are required.
- L. Underground power lines
- M. Water distribution lines and fire hydrants
- N. Fiber (broadband)

17.100.320 IMPROVEMENT PROCEDURES

Improvements installed by a land divider either as a requirement of these regulations or at their own option shall conform to the 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 for a period of one (1) 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. Subdividers may elect to provide a subdivision maintenance bond equal to ten (10) percent of the value of the public improvements for a period of two (2) years following acceptance by the City.
- E. As-constructed plans in both digital and hard copy formats shall be filed with the City Engineer upon completion of the improvements.

17.100.330 OPTIONS FOR IMPROVEMENTS

Before the signature of the City Engineer is obtained on the final partition or subdivision plat, the applicant shall install the required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of the improvements required with the tentative plat approval. These procedures are more fully described as follows:

- A. Install Improvements. The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. If this procedure is to be used, the subdivision plat shall contain all the required certifications except the County Surveyor. 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 County Surveyor 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 bond equal to 110 percent of the value of the guaranteed improvements shall be required. Performance bonds shall be issued by a surety registered to do business in Oregon. The value of the guaranteed improvements may include engineering, construction management, legal and other related expenses necessary to complete the work. 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. The performance bond described in section B above shall be required under the improvement district procedure. The formation of a Local Improvement District (LID) is entirely within the discretion of the City.

17.100.340 PERFORMANCE GUARANTEE

If the applicant chooses to utilize the opportunities provided under "A" or "B" above, the applicant shall provide a performance guarantee equal to 110 percent 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 an irrevocable letter of credit in compliance with the International Chamber of Commerce Uniform Customs and Practice for Documentary Credits, UCP 600 or most current revision, has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer. The amount of the letter of credit shall equal 110% of the value of the improvements to be guaranteed; or
 3. 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.

Title 13 - WATER AND SEWER^[1]

Footnotes:

--- (1) ---

Cross reference— For provisions relating to systems development charges, see Ch. 15.28 of this Code.

CHAPTER 13.04 - WATER SYSTEM—RULES AND REGULATIONS

Sec. 13.04.010. - Application for water use.

Application for the use of water shall be made on forms furnished by the city. Said application shall be made at the time a building or plumbing permit is applied for. The applicant or applicants shall agree to conform to the rules and regulations of the city, now or hereafter in effect, as a condition for the use of water.

(Ord. No. 10-73, § 2, 1973; Ord. No. 38-75, § 1, 1975; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.020. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.020, which pertained to inspection of a premises with a pending application for use of water, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.030. - Restriction on water use.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his or her application. No user of water will be entitled to supply water in any way to other persons or users.

(Ord. No. 10-73, § 4, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.040. - Connection.

The materials for the connection to the public water supply system, including the meter, shall be and remain the property of the city. All connections to public water mains shall be done under the direction of the public works director, or their designee. The meter shall be placed in the public right-of-way or in a dedicated utility easement. Water service laterals and connections are those pipes and connections which convey water from the public water main to the water meter. All public water mains, service laterals, connections and appurtenances shall be under the exclusive control and ownership of the city, and no person, other than the public works director or their designee, will be permitted to install any service laterals or connections or make any repairs or alterations or changes in any public water lines, service laterals, connections and meters.

(Ord. No. 10-73, § 5, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.045. - Changes in service.

When new buildings are to be erected on the site of old ones or it is desired to increase the size or change the location of an existing service connection, or where a service connection to any premises is abandoned or no longer in use, a new service shall be required, as needed, upon application of the occupant and upon payment for a new connection including all applicable Systems Development Charges. Water service shall be considered abandoned if utility bills, including any unpaid balance remain unpaid for 12 consecutive billing cycles.

(Ord. No. 10-73, § 5A, 1973; Ord. No. 38-75, § 2, 1975; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.050. - Placement of stop and waste cocks.

All private service pipes from the property line shall be properly installed and at all times maintained in good order by the owner with no leakage or wasting of water.

(Ord. No. 10-73, § 6, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.060. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.060, which pertained to leaks excavation by the public works superintendent, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.070. - Separate service for each house—Exception.

A separate service and meter will be required for each parcel or legal lot of record that is to be supplied with water.

(Ord. No. 10-73, § 8, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.080. - Conditions under which water will not be furnished.

Water will not be furnished where there are active or potential, unprotected cross-connections as defined in Chapter 13.06.

(Ord. No. 10-73, § 9, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.090. - Plumber—Prohibited actions.

No plumber or other person will be allowed to make any alteration in any conduit, pipe or other fixture connecting with the city mains or to turn water off or on the premises at the meter without permission from the city.

(Ord. No. 10-73, § 10, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.100. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.100, which pertained to the required plumber report of work done, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.110. - Interrupted service.

The water may at any time be shut off from the mains, without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages.

(Ord. No. 10-73, § 12, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.120. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.120, which pertained to city-worker access to structures receiving water from the mains, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.130. - Monthly reports by administrative office.

The administrative office shall prepare a monthly report indicating: the number of customers (by customer class); the amount of water produced and sold, together with such other data as the council may require.

(Ord. No. 10-73, § 14, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.140. - Records.

Utility staff shall, as a part of their duties, record the address, parcel number, meter number of all premises where water is furnished by the city, and shall furnish a record of such to utility billing staff for purposes of accurate billing. Utility staff shall also keep and maintain accurate hard copies and digital records of all pipes, valves, fittings, hydrants, services and other appurtenances within the water system.

(Ord. No. 10-73, § 15, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.150. - Use of fire hydrants.

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned by the city or connected to the public water system without first obtaining written permission from the city. The provisions of this section shall not apply to emergency or other uses by the Sandy Rural Fire Protection District No. 72. The city may require that accurate records or estimates of City water used for fire suppression, training or other uses by the Sandy Rural Fire Protection District No. 72 be submitted on a regular basis but not more frequently than monthly.

(Ord. No. 10-73, § 16, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.160. - Fire protection service.

A. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building

shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that unapproved connections have been added to the system or that registration has been recorded on the meter or detector check, the immediate installation of a billing meter on the fire service line may be required by the city at the sole expense of the owner or agent.

- B. No charge shall be made for water used in the extinguishing of fires if the owner or agent reports such use to the city in writing within ten days of such usage. A minimum service charge for fire protection purposes established by Council resolution may be billed each month to the owner or agent of the property supplied.

(Ord. No. 10-73, § 17, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.170. - Use of private water and city water.

Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily between the city water supply and that of a private water supply. Where such connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross-connection has been completely and permanently severed.

(Ord. No. 10-73, § 18, 1973)

Sec. 13.04.180. - Water for building purposes on meter basis.

If the owner or agent of any premises applies for water service and the meter has been installed, water shall be furnished for building purposes at meter rates, to be charged against the premises.

(Ord. No. 10-73, § 19, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.190. - Ownership, damage and registration of meters.

All meters of the city water system are the property of the city, and any repairs to said meters shall be made by the city. If a meter is burned out by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, the city will repair or replace the meter, and the cost of such repairs or replacement shall be charged against the owner of the property and if not paid within 30 days, shall then become a lien against said property. When a meter fails to register accurately, the charge shall be either based on the average quantity of water used, as shown by the meter when in order, or if there is no such average consumption, then the quantity of water used during the same billing cycle in the prior year shall be used. If freezing or snowing weather shall make reading of the meters impracticable, an estimated reading shall be made by the city during the time such conditions exist. Estimated readings for other just conditions affecting reading of a meter shall be made only on approval of the city.

(Ord. No. 10-73, § 20, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.200. - Services outside the city.

- A. Excess water of the city, as determined by the council, may be served to individual users, companies or water districts outside the city boundaries, under such rates, charges and rules as the council may from time to time prescribe, or as outlined under special contracts. All regulations now or hereafter

that affect the users inside the city shall apply to users outside the city, except as provided by the council. Service to users outside the city shall at all times be subject to the prior superior right of the residents of the city to said water. The city shall have the right to refuse to sell water to consumers who do not comply with the requirement of this section.

- B. The city may require annexation prior to service extension if such annexation is practical and in the best interest of the city. If annexation is not required, the owner must enter into an agreement for future annexation to the city, upon the city's request in an agreement form, satisfactory to the city attorney. The water service extension will be installed to city standards. A person or persons requesting service extension will bear all costs of the extension of the service, including, but not limited to, the cost of public lines and any oversizing as specified by the public works director. A water service connection will be provided only for a permitted use as identified in the Clackamas County Development Code and the City Comprehensive Plan. The extension of water service facilities shall follow an approved shadow plat design for future extension of infrastructure for the site, which meets the satisfaction of the city. No service extension shall conflict with existent natural hazards and/or goals criteria.

(Ord. No. 10-73, § 21, 1973; Ord. No. 5-93, § 1, 1993; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.210. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.210, which pertained to mandated reports for water-distributing entities besides the city, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.220. - Regulations pertaining to inadequate supply or shortages of water.

- A. Upon determination that water consumption exceeds availability and/or water storage within the system is approaching the minimum required to meet fire protection and other essential requirements, as determined by the city manager, the city manager shall have authority to request voluntary reduction of water use by customers, including but not limited to the following specific actions:
1. Requesting patrons to limit landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
 2. Requesting voluntary compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered days, and odd numbered addresses on odd numbered days);
 3. Requesting other voluntary measures on the part of city customers.
- B. Upon determination of serious water shortages by the city council, the city council may declare an emergency restricting certain uses. Pursuant to such action the city council may impose the following measures:
1. Prohibiting landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
 2. Requiring compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered dates, and odd numbered addresses on odd numbered days.);
 3. Restricting other outdoor uses as determined by the city council.
- C. Upon determination of critical water shortages by the city council, the city council may declare an emergency prohibiting certain uses. Pursuant to such action by the city council it shall be expressly prohibited to:

1. Water, sprinkle or irrigate lawns, grass or turf unless:
 - a. It is new lawn, grass or turf that has been seeded or sodded after March 1 of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established,
 - b. Lawn, grass or turf that is part of a commercial sod farm,
 - c. High use athletic fields that are used for organized play,
 - d. Golf tees and greens, and
 - e. Park and recreation areas deemed by the city council to be of a particular significance and value to the community that would allow exception to the prohibition;
 2. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas unless:
 - a. In the opinion of the city council there is a demonstrable need in order to meet public health, safety requirements including but not limited to alleviation of immediate fire or sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality,
 - b. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction and not solely for aesthetic purposes;
 3. Washing cars, trucks, trailers, tractors, or other land vehicles or boats or other water borne vehicles except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism unless the city council finds that the public health, safety and welfare is contingent upon frequent vehicle cleaning such as cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law.
- D. Upon determination that the restrictions and/or prohibitions permitted pursuant to this section have not reduced water consumption to the level necessary to eliminate emergency water conditions, the city council may as an additional conservation measure adopt a temporary conservation water rate schedule. The city council may do so by the passage of a resolution.
- E. Any violation of the restrictions or prohibitions permitted by this section shall be enforced by the city as follows:
1. The city shall personally deliver a notice of violation to the occupant of the premises. If the occupant is not present, the city may post the same on the premises advising the user of the violation and warning the user of what specific sanctions may be imposed if the violations continue. The city shall also mail the notice of violation by regular mail to the occupant at the address of the subject premises where the violation has occurred.
 2. The following penalties may be imposed if violations continue:
Second violation: \$100.00 fine.
Third violation: \$300.00 fine.
Fourth and subsequent violations: \$500.00 fine.

In the case of continuing violations, the city also has the authority to discontinue water service.

(Ord. No. 10-73, § 23, 1973; Ord. No. 12-92, § 1, 1992)

Sec. 13.04.230. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.04.230, which pertained to water for motor power, and derived from Ord. No. 10-73, adopted in 1973.

Sec. 13.04.240. - Private pipe or main—Council permission required.

No person shall be permitted to lay any private pipes or mains in or upon any public right-of-way, street or road in the city without issuance of a revocable permit by the council.

(Ord. No. 10-73, § 26, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.04.250. - Violation—Penalty.

Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff or any other part of the water system belonging to the city, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court of said city be fined in the sum of not more than \$100.00 for each offense, or by imprisonment for a period of not more than ten days, or by both fine and imprisonment.

(Ord. No. 10-73, § 25, 1973)

CHAPTER 13.06 - CROSS-CONNECTIONS

Sec. 13.06.010. - Purpose and scope.

The purpose of this chapter is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.020. - Definitions.

Backflow shall mean the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

Backflow prevention device (approved) shall mean a device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of back-flow prevention devices by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an "approved testing laboratory," recommending such approval.

Backflow prevention device (type) shall mean any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

Contamination shall mean the entry into or presence in a public water supply of any substance which may be deleterious to health and/or quality of the water.

Cross-connection shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

Director shall mean the director of public works of the City of Sandy, or authorized agent.

Hazard, degree of shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

Hazard, health shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

Hazard, plumbing shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

Hazard, pollutional shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Hazard, system shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

Health Division Officer shall mean the Oregon State Health Division Officer, or authorized agent.

Potable water supply shall mean any system of water supply intended or used for human consumption or other domestic use.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.030. - Cross-connections.

The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules chapter 333 Public Water Systems Section 42-230. The director shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter. The building official is authorized to enforce the provisions of this chapter in the inspection of existing, new, and remodeled buildings.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.040. - Use of backflow prevention devices.

- A. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this chapter. Service of water to any premises shall be discontinued by the city if a back-flow prevention device required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the

director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

- C. An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- D. Backflow prevention devices shall be installed under circumstances including but not limited to the following:
 - 1. Premises having an auxiliary water supply;
 - 2. Premises having cross-connections that are not correctable, or intricate planning arrangements which make it impractical to ascertain whether or not cross-connections exist;
 - 3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
 - 4. Premises having a history of cross-connections being established or reestablished;
 - 5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
 - 6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result;
 - 7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:
 - a. Hospitals, mortuaries, clinics,
 - b. Laboratories,
 - c. Metal plating industries,
 - d. Piers and docks,
 - e. Sewage treatment plants,
 - f. Food or beverage processing plants,
 - g. Chemical plants using a water process,
 - h. Petroleum processing or storage plants,
 - i. Radioactive material processing plants or nuclear reactors,
 - j. Facilities with fire service lines as specified by Oregon State Health Division,
 - k. Others specified by the city.
- E. The type of protective device required shall depend on the degree of hazard which exists:
 - 1. An air-gap separation or a reduced-pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.
 - 2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principle backflow prevention device shall be installed.

- F. Backflow prevention devices required by this chapter shall be installed under the supervision, and with the approval, of the city.
- G. Any protective device required by this chapter shall be approved by the director.
- H. These devices shall be furnished and installed by and at the expense of the customer.
- I. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the director deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the director. It shall be the duty of the director to see that these timely tests are made. The customer-user shall notify the director in advance when the tests are to be undertaken so that the director or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the director.
- J. No underground sprinkling device will be installed without adequate backflow prevention devices.
- K. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.050. - Cross-connection inspection.

- A. No water shall be delivered to any structure hereafter built within the City of Sandy or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.
- B. Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the director, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.
- C. Inspections shall be made at the discretion of the director of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the city.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.060. - Liability.

This chapter shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections.

(Ord. No. 9-82, § 1(part), 1982)

Sec. 13.06.070. - Penalties.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the city, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be

punished by a fine in a sum not exceeding \$500.00 or imprisonment for a term not exceeding ten days, or by both fine and imprisonment.

(Ord. No. 9-82, § 1(part), 1982)

CHAPTER 13.08 - WATER SYSTEM—CONNECTION CHARGES AND RATES

Sec. 13.08.010. - Connection charges.

When an application for water service has been made, as provided for in Chapter 13.04, a connection charge for each living unit as established by the city council by resolution, plus the cost of meter and connections, system development charges and applicable installation charges at the actual cost of same or at city's established fee schedule, shall be paid for connections inside the city limits. The connection fee for connections outside the city limits shall be set by the city council by resolution for each living unit, plus the cost meter and connections, system development charges and applicable charges for installation at the actual cost of same or at the city's established fee schedule.

(Ord. No. 973, § 2, 1973; Ord. No. 3875, § 3, 1975; Ord. No. 279, § 1, 1979; Ord. No. 1480, § 1, 1980; Ord. No. 387, § 1(A), 1987; Ord. No. 18-93, § 8, 1993; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.08.020. - Water charges to premises: payment/delinquent charges.

All charges for furnishing water through the City's utility system with the exception of rental premises, shall be chargeable to the premises where the water is supplied. Charges for rental premises shall be charged to the owner of the premises who must consent to responsibility for charges where water is supplied. Whenever any charge for furnishing to any premises should not be paid within 15 days after the same becomes due and payable, the city may terminate water service to such premises, and water shall not be furnished again thereto until all outstanding obligations for water supplied to such premises have been paid in full. Written notice of termination of water service for non-payment of water charges shall be given to the owner or occupant by regular mail, or by posting on the premises at least ten days in advance of such termination of service. In the case of rental premises, the aforesaid notice shall be given both to the tenant and to the owner of the premises. For the purposes of this chapter, the terms "owner" and "tenant" shall have the meaning as defined in ORS 91.705

(Ord. No. 9-73, § 3, 1973; Ord. No. 3-87, § 1(B), 1987; Ord. No. 11-91, § 2, 1991; Ord. No. 18-93, § 9, 1993; Ord. No. 2001-02; Ord. No. 10, 2016; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.08.050. - Water rates.

- A. Water rates, as permitted by this section are based upon actual costs of service, as reflected in the methodologies contained in the city's current utility rate model.
- B. The water rates permitted by this section include a number of components. These components include the following:
 1. A monthly service charge for each individual customer class;
 2. A monthly service charge by meter size, with different rates for inside and outside city customers;
 3. A volume charge per each 100 cubic foot unit of consumption, with different rates for inside and outside city customers based upon individual customer classes;

4. An inside/outside rate differential setting total outside city rates at the sum of 50 percent over total inside city rates.

C. The monthly charges for individual water rate components shall be set by the city council by resolution.

(Ord. No. 973, § 1, 1973; Ord. No. 2-79, § 2, 1979; Ord. No. 14-80, § 2, 1980; Ord. No. 19-81, § 1, 1981; Ord. No. 3-87, § 1(D), 1987; Ord. No. 9-90, § 1, 1990; Ord. No. 6-91, § 1, 1991; Ord. No. 13-92, § 1, 1992; Ord. No. 18-93, § 10, 1993; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.08.060. - Testing meters.

When any water customer makes a complaint that the consumption amount for any particular billing cycle is excessive, the city will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested, he will be required to make a deposit in an amount established by the city council by resolution to cover the cost of making such test. The meter will then be tested by an independent third-party. Should the meter upon testing show a registration in excess of three percent of actual usage, the amount deposited will be refunded and the bill for the period in question adjusted accordingly. The excess registration not to exceed the two previous billing cycles shall be credited to the account. Where no error is found, the amount deposited will be retained to cover the expense of testing.

(Ord. No. 973 § 8, 1973; Ord. No. 18-93, § 11, 1993; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.08.070. - Use of funds.

Water service charges as and when collected shall be paid into a fund designated as the water fund. Payment of the operational costs of the city's water system costs associated with improvements of the city's water system shall be made from said funds. Moneys received in this fund are to be invested by the city manager in such manner as the council may from time to time direct.

(Ord. No. 9-73, § 10, 1973; Ord. No. 2-76, § 1, 1976; Ord. No. 1-80, § 1, 1980; Ord. No. 3-87, § 1(E), 1987)

Sec. 13.08.080. - Water shut-off on failure to comply.

On failure to comply with the rules and regulations established herein, or any of them as conditions to the use of water, or failure to pay water rates or other charges in the time and manner provided, the water may be shut off until payment is made in the amount due. Additionally, a reconnection fee will be charged for expenses of turning the service off and on.

These reconnection fees shall be established by resolution by the city council.

(Ord. No. 9-73, § 5, 1973; Ord. No. 8-82, 1982; Ord. No. 3-87, § 1(F), 1987; Ord. No. 18-93, § 12, 1993)

Sec. 13.08.090. - Violation—Penalty.

Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.

(Ord. No. 9-73, § 9, 1973)

CHAPTER 13.12 - SANITARY SEWER SYSTEM—RULES AND REGULATIONS^[2]

Footnotes:

--- (2) ---

State Law reference— For the statutory authority of a city to construct a sewage system partially within and partially outside its limits, see ORS 224.020; for provisions regulating subsurface sewage disposal, see ORS 454.605.

Sec. 13.12.010. - Application for sewer connection or repair.

- A. No private sanitary sewer or sewer lateral shall be built, repaired, extended or connected to any public sanitary sewer unless and until an application has been made and plans for same submitted to and approved by the city.
- B. All applications for sewer connection permits shall be made by the property owner or by the person, firm, or company employed to perform the work. The plan shall show the whole course of the private sewer from its connection with the house or building to the public sewer and show the location of all branches.
- C. In reviewing sewer connection applications the city council shall consider the following:
 - 1. The impact of the use of the capacity (both present and future) of the sewage treatment plant;
 - 2. The impact of the use on the sewer system and remaining capacity to serve other undeveloped (but serviced) or re-developable property within the city;
 - 3. The impact of the use on other municipal services;
 - 4. Pending annexation applications;
 - 5. The economic benefit to the community from the proposed use;
 - 6. Assessed value of the proposed use;
 - 7. Number and type of jobs generated.

(Ord. No. 5-88, § 1, 1988; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.020. - Permit.

The city shall issue a permit therefor upon payment of the city's sewer connection fee and applicable system development charges, which sum shall be paid and collected before the permit shall be issued or any construction or work performed.

(Ord. No. 3-73, § 2, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.030. - Connection.

Wherever there is now or may hereafter be constructed in any right-of-way, street or easement, a public sewer for the purpose of conveying wastewater, the owner(s) of improved property abutting on, adjacent to or along the side of such sewer line and/or within 200 feet of the terminal end of same, must connect and maintain a sewer connection with such sewer if the property poses a public health risk due to a failing or improperly maintained on-site sewage disposal system as determined by county or state public health officials. Whenever Clackamas County Water Environment Services, the Oregon

Department of Environmental Quality or the city shall notify in writing the owner or owners of improved property as stated, it shall be the duty of the owner or owners to make a sewer connection application and file plans therefor in the manner provided and complete such connection within 60 days from the date of such notice, unless good and sufficient reasons prevail, whereby the city council may approve an extension of time.

(Ord. No. 3-73, § 3, 1973; Ord. No. 99-4, 1999; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.040. - Reserved.

Editor's note— [Ord. No. 2021-02](#), § 1, adopted March 15, 2021, repealed § 13.12.040, which pertained to pipe specifications for sewer pipes, and derived from Ord. No. 3-73, adopted in 1973.

Sec. 13.12.050. - Joints.

All joints shall be gas and watertight, in accordance with the testing and acceptance procedures in the Oregon Plumbing Specialty Code.

(Ord. No. 3-73, § 5, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.060. - Connections to the main sewer.

Where no public lateral is extended to a property, the main sewer shall be tapped and a lateral extended to the property. All service laterals shall be made under the supervision of the city engineer, public works director or someone under their direction. If the city makes the connection, it shall be done in accordance with the city's established fee schedule or at the actual cost of the lateral extension. If the property owner or their agent makes the connection such work shall comply with the standards and specifications of the City and the most recent version of the Oregon Standard Specifications for Construction.

(Ord. No. 3-73, § 6, 1973; Ord. No. 33-75, § 1, 1975; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.070. - Excavations.

All excavations in public rights-of-way, streets or easements for sewer lateral connections shall be performed under the supervision and monitoring of the city engineer, public works director, or someone else under their direction. All trenches shall be carefully backfilled to prevent sags or changes in grade of the lateral. The entire sewer connection shall meet the approval of the city before any sewage is allowed to pass through to the public sewer. The city may require low-pressure air testing and video inspection of all sewer connections to ensure a water tight connection. Reasonable notice shall be given to the city to inspect all sewer connections before their completion and while said connections are still uncovered.

(Ord. No. 3-73, § 7, 1973; Ord. No. 33-75, § 2, 1975; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.080. - Prohibited discharges.

The city shall have the right to refuse to issue a sewer connection permit, or the city shall have the right to disconnect and plug any existing sewer connection in case it is found that any of the following will be or have been discharged into the public sewer:

- A. Ashes, cinders, sand, earth, coal, sawdust, wood chips, garbage, rubbish, rags, metal or any other material, liquid or chemical that would form a deposit or obstruction in the sewer or damage its flow capacity;
- B. Grease, gasoline, oil, oil sludge, or other similar materials from wash racks, garages, machine shops and other establishments. An approved and properly sized grease trap or interceptor constructed to meet the approval of the city shall be required in any sewer connected to all wash racks, garages, machine shops, laundries, creameries, hotels, restaurants and other food service establishments that may waste fats, oils and grease, gasoline, cleaning fluids, inflammable liquids and similar material;
- C. Paints, asphalt, bitumen, coal tar and other similar substances;
- D. Wheat, flour, grain, fruit pits, fruit skins, vegetable parings and other similar material, except the waste liquid from processing;
- E. Garbage, tin cans, bottles, rubbish and other similar materials;
- F. Any waste material or liquid which in the judgement of the city may obstruct or injure the sewers or which does not yield readily to treatment by the process used in the sewage treatment plant. No acid, corrosive liquid, germicide or antiseptic of such strength and quantity as to interfere with bacterial action in the sewage treatment plant shall be discharged into public sewers;
- G. Discharges of materials listed in sections A., C., D., E. and F., above, may be permitted if such discharges are properly pre-treated to be reduced to levels at or below that of standard residential wastewater as defined in Section 13.16.020.B. or upon issuance of a discharge permit approved by the City Engineer or their designee.

(Ord. No. 3-73, § 8, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.090. - Separate connections.

Separate sewer connections shall be provided for each parcel. Party sewers serving more than one dwelling or parcel are prohibited. Existing party sewers may be allowed if all parties served by a common lateral sign and record an agreement outlining responsibilities for repairs, replacement and maintenance.

(Ord. No. 3-73, § 9, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.100 - On-site sewage disposal systems.

Where there are existing on-site sewage disposal systems in use prior to the provision of public sewer service a new sewer connection shall run direct from the home or building to the public sewer lateral. Immediately after connection, the on-site disposal system shall be abandoned or decommissioned in accordance with Oregon Department of Environmental Quality and/or Clackamas County Water Environment Services guidelines. All on-site systems shall be replaced with public sewer connections per the requirements of Section 13.12.030.

(Ord. No. 3-73, § 10, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.110. - Outdoor toilets.

No outdoor toilet or privy shall be permitted in the city except in an emergency situation during a construction project or other unusual circumstances. Authorization for such must be granted by the city.

(Ord. No. 3-73, § 11, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.120. - Illegal hookups.

No spring, creek, surface water drainage, downspout, refrigerator, cooler, open fixtures, steam exhaust boiler, blow-off, or drip pipes shall be connected to the city sewer system without permission and the approval of the city.

(Ord. No. 3-73, § 12, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.130. - Unauthorized personnel.

No unauthorized person or persons shall enter into, obstruct or damage any manhole, sewer, pump station or anything pertaining to the city's sewer system. No unauthorized person or persons shall enter the sewer treatment plant enclosure or structures or tamper or interfere or damage same in any manner. No person or persons shall interfere with or obstruct any city official or city employee when installing, operating, repairing, maintaining or inspecting any sewer, manhole, pump station, or the sewage treatment plant or when inspecting any private sewer connection.

(Ord. No. 3-73, § 13, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.140. - Replacements on private property.

To the fullest extent allowed by law, and with at least 24 hour prior notice unless an emergency exists, the building official, the city engineer, public works director or any other authorized city employee or person shall have the right to enter upon the premises and enter any house or building connected to the sewage collection and conveyance system during normal working hours, 8:00 a.m. to 5:00 p.m., for the purpose of inspection of sewers, drains, traps and plumbing fixtures connected therewith. Inspections include closed circuit television inspection of sewers using cameras inserted at the building cleanout or launched from the public sewer lateral. If it is found from such inspection or otherwise that any provision of this chapter is not being complied with in any respect, or that any part of the drainage system is in need of cleaning out or repair, the city shall serve notice upon the owner and upon the tenant or occupant, specifying the work to be done to make the installation, system or condition comply with state law, the Oregon Plumbing Specialty Code and city ordinances and standards.

(Ord. No. 3-73, § 14, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.150. - Appeal from official decision.

Appeal may be made to the city council from any ruling or decision by the City either granting or refusing a sewer connection permit.

(Ord. No. 3-73, § 15, 1973; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.160. - Location map.

It shall be the duty of the city to maintain accurate hard copy and digital records of all sanitary sewer mains, manholes, cleanouts, laterals, pump stations and appurtenances.

(Ord. No. 3-73 § 16, 1973; Ord. No. 33-75, § 3, 1975; [Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.12.170. - Violation—penalty.

Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$300.00, or by imprisonment for not more than 100 days, or both.

(Ord. No. 3-73, § 17, 1973)

Sec. 13.12.180. - Recovery of damages.

Any person or persons who, as a result of violating any of the provisions of this chapter, cause any expenses, loss or damages to the city shall immediately become liable to the city for the full sum of such expenses, loss or damages. The city council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city.

(Ord. No. 3-73, § 18, 1973)

CHAPTER 13.14 - INFILTRATION AND INFLOW

Sec. 13.14.010. - Notification, sources of infiltration and inflow.

All property owners identified by the city as contributors to excessive or improper infiltration or inflow to the collection system and treatment works shall be advised in writing of infiltration and inflow issues. This chapter does not apply to discharges to the public storm drainage system authorized under chapters 13.18 and 13.20 of this title.

- A. Drainage or inflow from roofs, foundation drains, low-point drains, gutters, uncontaminated cooling water or surface or ground water drains shall not be permitted to enter the city's sanitary sewer system. Leaks or infiltration due to cracked or damaged pipe, non-watertight joints or fittings and connections in or on private sewer laterals, including but not limited to building and side sewers, into the city's sanitary sewer system shall not be permitted. Neither temporary nor permanent drainage or pumped discharges from excavations into the city's sanitary sewer system shall be allowed. Overflows or drains from private or public swimming pools, fountains or water features into the city's sanitary sewer system shall not be permitted without prior written approval of the city.

([Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.14.020. - Abatement plans, corrections and actions taken.

Any such properties causing inflow from stormwater runoff, or infiltration from groundwater including but not limited to sources described in section 13.14.010.A. shall be provided an opportunity in which to correct and eliminate the infiltration and inflow sources in a timely manner as identified by the city.

- A. Upon notification by the city of a source of infiltration or inflow originating on their property a property owner or an agent authorized to act on their behalf shall submit a written plan within ten business days of the date of the notification letter from the city which shall include steps and actions to be undertaken to correct and eliminate sources of infiltration and inflow.
- B. Upon correction and elimination of identified infiltration and inflow sources, each property owner shall promptly notify the city of corrective actions that have been taken, or are in progress, which action shall be specified in the reply to the city.

([Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.14.030. - Failure to correct or eliminate infiltration and inflow sources, abatement by city.

In the event of infiltration or inflow into the sanitary sewer system of the city continuing beyond the time identified for correction by the city, it is declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs. The assessment shall be levied by the filing of statement of the costs together with the description of the name of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall enter such assessment as a lien against the property in the lien docket of the city. An administrative fee of \$50.00 shall be charged and collected by the city in addition to the other direct and incidental costs of abatement to cover the cost of notification, administration and abatement. Nothing in this subsection limits the city from pursuing any other remedy that is available to the city to correct or eliminate infiltration or inflow into the city's sanitary sewer system.

([Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

Sec. 13.14.040. - Additional administrative standards, procedures and criteria.

The City Council may by motion direct city staff to establish additional administrative standards, procedures and criteria for infiltration and inflow correction, elimination and abatement for the purpose of preventing and removing infiltration and inflow from the city's sanitary sewer system.

([Ord. No. 2021-02](#), § 1(Exh. A), 3-15-2021)

CHAPTER 13.16 - SANITARY SEWER SYSTEM—CONNECTION FEES AND CHARGES

Sec. 13.16.010. - Authority and intent.

Pursuant to the statutes of the state and the powers granted in the Charter of the city, the city declares its intention to continue operation and maintenance of sanitary sewers, sewage pump stations, sewage treatment plants and outfall sewers; to extend and expand the existing sewerage system of said city, and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the city.

(Ord. No. 4-73, § 1, 1973)

Sec. 13.16.020. - Definitions.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in five days at 20 degrees centigrade, expressed in milligrams per liter (mg/l).

ERU (denoting equivalent residential unit) shall mean the unit of sewage which incurs the same cost for operation and maintenance as the average volume of domestic waters discharged from a single-family residence in the sewage collection and treatment service area. In the city one ERU shall be equivalent to 92,000 gallons/year (250 gallons/day) of sewage flow, 190 pounds of BOD/year (250 mg/l per day) and 190 pounds of SS/year (250 mg/l per day).

Sanitary sewer means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes, from residences, business buildings, institutions and industrial establishments.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Sewerage system means all publicly owned facilities for collecting, pumping, treating and disposing of sewage.

SS (denoting suspended solids) means solids that either float on the surface of (or are in suspension in) the water sewage or other liquids and which are removable by laboratory filtering.

(Ord. No. 5-88, § 2, 1988)

Sec. 13.16.030. - Charges levied and imposed.

All houses, buildings or properties used for human occupation, employment, recreation or other purposes which are required to connect to the sanitary sewer collection system under the provisions of this chapter shall pay a systems development charge based on the number of equivalent residential units (ERU) generated by the type of use. ERUs for each type of use shall be calculated according to the following chart:

Type of Use	ERUs
Single-family, duplex, triplex	1 per household unit
Multi-family (4 or more units)	0.7 per household unit
Manufactured homes	1 per household unit
Room and board facilities	1 per 3 tenants
Motels	1 per 3 motel units
Restaurants	1 per 8 seats
Taverns, bar/lounge	1 per 15 seats
Hospitals and similar institutions	1 per 3 beds
Auto service stations	1 per 3 pumps
Car washes	1 per 250 gallons/day of water consumption
Theaters and other meeting places	1 per 250 seats

Churches	1 per 200 seats
Laundromats	1 per 2 washers
Bakeries	1 per 3 employees
Mortuaries	1 per 6 employees
Elementary schools and middle schools without showers	1 per 40 students
Middle schools with showers and high schools	1 per 20 students
Colleges	1 per 20 students
Office, retail	1 per 8 employees or 1,500 sq. ft. of office space if 6,000 sq. ft. of retail space, whichever results in the greater number of units
Other commercial	1 per 8 employees or 250 gallons per day of water consumption, whichever results in the greater number of units
Industrial and high volume dischargers	1 per 250 gallons of metered wastewater discharge per day. If metered wastewater discharge is not available, 1 per 250 gallons per day of metered water consumption or 1 per 8 employees, which-ever results in the greater number of units

When calculating ERUs for all user classes except multi-family, fractions will be rounded to the nearest full ERU. Multi-family ERUs will be calculated to the nearest tenth.

For expansions of existing uses a fractional ERU may be calculated based on the table above. In all other cases the minimum number of ERUs will be one.

Where there is no user class established for a new customer, the city manager shall evaluate and assign the appropriate numbers of ERUs.

(Ord. No. 5-88, § 3, 1988; Ord. No. 18-96, §§ 1—3, 1997)

Sec. 13.16.040. - Rates.

The bimonthly service charge for all sanitary sewer system users shall be reviewed annually. Sewer rates shall be set by resolution of the city council.

(Ord. No. 473, § 4, 1973; Ord. No. 479, § 1, 1979; Ord. No. 1680, § 1, 1980; Ord. No. 20-81, § 1, 1981; Ord. No. 2-87, § 1, 1987; Ord. No. 9-90, § 2, 1990)

Sec. 13.16.050. - Payment and collections.

- A. Every person subject to a charge hereunder shall pay the same when due to the administrative office.
- B. Sewer service charges as and when collected shall be paid into a fund designated as the "sewer revenue fund." Payment of the costs of sewage collection and treatment, maintenance of sewage facilities, repairs and administrative costs therefor shall be made from said fund.
- C. Sewer service charges as hereinbefore provided shall be collected monthly and if not paid on or before 30 days after the date of billing, said charges shall be deemed to be delinquent.
- D. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served with sewage disposal facilities when such a delinquency as defined in subsection C of this section exists.

(Ord. No. 4-73, § 5, 1973; Ord. 6-85 § 2, 1985)

Sec. 13.16.060. - Enforcement.

- A. The administrative office of the city may use such means of collection as may be provided by the laws of the state or permitted by the charter and ordinances of the city.
- B. Any delinquencies may be certified to the tax assessor of Clackamas County and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected and paid over.
- C. In the event it becomes necessary to certify the service charges and delinquent charges established because of the nonpayment thereof, there shall be added to such charges a penalty in the amount of ten percent thereof.

(Ord. No. 4-73, § 6, 1973)

Sec. 13.16.070. - Protection from damage.

No person or persons shall unlawfully, maliciously, willfully, or as a result of gross negligence on his or their part break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city.

(Ord. No. 4-73, § 7, 1974)

Sec. 13.16.080. - Disbursement.

The council, by resolution or motion duly adopted, shall from time to time, and not less than once each fiscal year, direct the transfer of funds from the account to all or any of the following:

- A. The account or accounts for the construction, operation or maintenance of the sewerage system;
- B. The account or accounts for the payment of principal and interest on maturing sewer bonds;
- C. The account or accounts established for a sinking fund to meet future interest and principal obligations on sewer bonds.

(Ord. No. 4-73, § 8, 1973)

Sec. 13.16.090. - Powers and authority of inspectors.

The building official, city engineer and other duly authorized employees or representatives of the city shall be permitted to enter upon all properties for the purpose of inspection in accordance with this chapter during normal working hours, 8:00 a.m. to 5:00 p.m., and except upon emergencies, the giving of 24 hour notice.

(Ord. No. 4-73, § 9, 1973)

Sec. 13.16.100. - Violation—Penalty.

- A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or by imprisonment for not more than 100 days, or both.
- B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.

(Ord. No. 4-73, § 10, 1973)

Sec. 13.16.110. - Recovery of damages.

Any person or persons who, as the result of violating any of the provisions of this chapter, cause any expenses, loss or damage to the city, shall immediately become liable to the city for the full sum of such expense, loss or damage. The council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city.

(Ord. No. 4-73, § 11, 1973)

CHAPTER 13.18 - STORM WATER MANAGEMENT

Sec. 13.18.00. - Intent.

The intent of these regulations is to:

- A. Minimize storm water runoff.
- B. Reduce storm water peak flows and volumes to pre-development conditions.
- C. Increase groundwater recharge and evapotranspiration.
- D. To minimize the discharge of pollutants to receiving water bodies.

Sec. 13.18.10. - Definitions.

Best management practice (BMP) non-structural: Strategies implemented to manage storm water runoff that focus on pollution prevention such as alternative site design, minimizing impervious surfaces, land use ordinances, education and good housekeeping measures.

Best management practice (BMP) structural: Engineered or manufactured devices or structures implemented to manage, treat or reduce storm water runoff and pollution.

BOD: Biochemical Oxygen Demand, the amount of oxygen used by microorganisms in the breakdown or decay of organic matter in a water body.

Building: Any structure for the shelter, support or enclosure of persons, animals, or property. When separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

Detention: The temporary storage and slow release of storm water following a precipitation event by means of an excavated pond, enclosed depression, piping or tanks. Detention is used for storm water storage and peak flow reduction.

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

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. For purposes of this section development also includes the redevelopment of existing developed sites.

Director: The City of Sandy Public Works Director and the director's duly appointed designees.

Impervious: Any material that impedes or prevents the natural filtration of water into the soil.

Imperviousness: The degree to which a site or material is impervious.

Impervious surface: A surface that cannot be penetrated by water, preventing infiltration and generating runoff.

Impervious surface areas: Areas of impervious material including but not limited to: roofs, driveways, patios, sidewalks, parking areas, sports courts, non-porous concrete or asphalt streets.

Infiltration: The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground.

Land disturbing activity: Any clearing, grading, stripping, excavation, fill, or any combination thereof.

Lot: A parcel of land occupied or intended for occupancy by one main building, together with any accessory buildings.

Off-site storm water facility: Any storm water facility located outside the boundaries of a specific development site but designed to manage storm water discharge from that development.

On-site storm water facility: Any storm water management facility necessary to manage storm water within an individual development project and located wholly within the project boundaries.

Point source: Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.

Pollutant: Any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture and industrial waste, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Porous pavement and paving: Alternatives to conventional asphalt and concrete utilizing a variety of porous media that allows water to infiltrate.

Public works department: The City of Sandy Public Works Department.

Redevelopment: Any development that requires demolition or removal of existing structures or impervious surfaces on a site, and replacement with new development, structures and impervious

surfaces. Maintenance activities such as pavement overlays of existing impervious surfaces are not considered redevelopment.

Retention: The collection and storage of storm water runoff without subsequent discharge to surface waters.

Site: That portion of the lot or parcel upon which a building and appurtenances are to be placed or are already existing, including adequate areas for parking, maneuvering, driveways, clearance, and proper drainage.

Site expansion: The addition of new building(s), structures, parking lot(s), or any other new impervious surface to the site. Construction of any new impervious surface on an area previously pervious, which does not meet the definition of redevelopment, as defined in this section shall be considered as expansion.

Storm frequency: The average recurrence interval, in years, between rainfall events, which equal or exceed the given event. The magnitude and frequency of the anticipated rainfall events are based on statistical data recorded and maintained by the National Climatic Data Center. For example a two-year frequency storm is a storm of an intensity which has a 50 percent chance of occurring in any year, or is expected to occur on the average, at least once in two years, and of a duration, which will produce the peak rate of runoff for the watershed of interest.

Storm water conveyance: Any feature of the landscape or earth, manmade or natural, which collects and or carries water in a concentrated flow.

Storm water management plan: A plan designed and submitted in accordance with the City of Portland Storm water Management Manual, (September 2002 or latest revisions) to minimize water quality impacts, prevent off-site sediment transport and manage storm water runoff.

Storm water management: The qualitative and quantitative measures for managing storm water runoff. Qualitative measures consist of vegetative, structural, and other measures which manage or treat pollutants carried or generated by surface runoff. Quantitative measures consist of vegetative and structural measures which manage the increased volume and rate of surface runoff caused by man-made changes to the land and have the effect of maintaining the predevelopment patterns of flood magnitude and frequency.

Storm water runoff: The water from precipitation that flows across the land surface and is not infiltrated, evaporated, or otherwise stored within the contributing drainage area of a site.

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.

TSS: Total Suspended Solids.

Sec. 13.18.20. - Applicability.

It is the policy of the city that all developed land within the city limits shall have sufficient storm water management systems in place to provide adequate protection of life, property and natural resources. To this end, as a minimum, all land disturbing activity subject to this chapter, shall provide sufficient management of post-development runoff from the two-year, five-year ten-year, and 25-year frequency storms such that the discharge rates of post-development storm water runoff do not exceed the pre-development rates. In certain cases, depending on the capacity of downstream drainage facilities, (or in cases where the storm drainage system receiving runoff from the site is only designed to accept street runoff only), a higher standard of retention and/or detention may be required by the City.

Sec. 13.18.30. - Area of application.

A. Exemptions:

1. Developments such as subdivisions ~~of planned unit developments~~ with city-approved storm water management systems that meet the standards of this chapter.

2. Single-family dwellings on legal lots of record.
 3. Areas of the city, as determined by the director, where flow control is not needed or desirable.
- B. Water quality treatment facilities may be required for land use developments, under any of the following conditions.
1. Any portion of the development site is within the FSH overlay district.
 2. The development may otherwise cause significant degradation of water quality in the receiving stream as a result of erosion, sedimentation or transport of water-borne pollutants without detention or treatment.
 3. The development site has an existing or proposed impervious surface area greater than 5,000 square feet.
 4. The development involves impervious parking or storage areas, fuel storage or dispensing areas; vehicle storage, wash, maintenance or dismantling areas; or mechanical equipment storage or maintenance areas.
 5. The development involves site expansion.
 6. Infiltration is proposed for storm water management.

Sec. 13.18.40. - Acceptable storm water quality facilities.

The following storm water quality treatment methods and facilities are acceptable to the City:

- A. *Detention and sedimentation*: Detention of storm water runoff allows for the settling of fine particles and sediment, and the pollutants associated with these particles.
- B. *Filtration*: Filtration of storm water is provided by flowing water through various types of media, such as vegetation, sand or synthetic materials, which absorb and filter out pollutants.
- C. *Retention/Infiltration*: Retention or infiltration facilities allow for temporary storage and disposal of storm water by allowing the water to percolate into the ground.
- D. *Oil and Water Separation*: Various types of commercially-available oil and water separators that use sedimentation, separate chambers, baffles, plates and or physical-chemical processes to separate water from oil products.

Different types of storm water facilities can be combined to meet the performance standard. Other storm water quality facilities not included in the above list may be approved by the city engineer. Design and performance criteria for acceptable storm water quality facilities are contained in Storm water Management Manual, City of Portland, (September, 2002).

Sec. 13.18.50. - General design standards.

- A. The location of the facility shall be consistent with applicable standards of the Sandy Development Code.
- B. The facility shall be designed by a registered Professional Engineer.
- C. On-site or off-site storm water management facilities shall be located as close as is practicable to the development, and storm water management facilities shall avoid a negative impact on nearby streams, wetlands, groundwater, and other water bodies.
- D. Direct storm water discharges to stream channels, seasonal drainages and active waterways are to be avoided. Where soil conditions permit and where runoff velocities and erosive forces can be minimized or eliminated storm water discharges should travel overland to take maximum advantage of infiltration opportunities.
- E. All local, state, and federal permit requirements related to implementation of storm water management facilities must be met by the owner/operator prior to facility use.

- F. Discharges from on-site facilities shall be conveyed via an approved drainage facility or storm water conveyance.
- G. The quality of storm water leaving the site after development shall be equal to or better than the quality of storm water leaving the site before development, to the maximum extent practicable, based on the following criteria:
 - 1. Water quality control facilities required for development shall be designed, installed and maintained in accordance with the Storm water Management Manual, which is based on achieving at least 70 percent removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the Storm water Management Manual.
 - 2. Land use activities that may be pollution sources shall be required to implement additional Best Management Practices for pollution control, including but not limited to, those management practices specified in the Storm water Management Manual.
 - 3. Facilities shall be designed to safely conduct the less frequent, higher flows through or around facilities without damage to the facilities.
 - 4. Storm water for any parcel created after the effective date of this Chapter shall be fully treated on-site or within the original parcel from which the new parcel was created, or in a privately developed off-site facility with sufficient capacity, as determined by the City.

Sec. 13.18.60. - Storm water quality treatment performance standard.

All developments shall treat 80 percent of the average annual volume of storm water runoff for the site. This standard can be met by installing storm water quality treatment facilities to satisfy the following design criteria:

- A. Detention based storm water quality control: The required design volume for detention-based control is equal to the entire runoff volume that would occur from a site with a 1.2-inch, 12-hour storm. The draw-down time for the entire volume must be greater than or equal to 48 hours. For the lower half of the detention volume, the draw-down time must be greater than 36 hours. Additional design criteria for inlet and outlet spacing and design, as well as guidelines for calculating volumes, are contained in the Public Works Department Standards.
- B. Flow-through based storm water quality control: the required design flow rate for treatment is the runoff that would be produced from a rainfall intensity of 0.2 inches/hour for on-line facilities, and 0.11 inches/hour for off-line facilities. This rate must be maintainable for a minimum of three hours. Additional design criteria for flow calculation, as well as specific treatment criteria for various types of storm water facilities (e.g., infiltration and storm water filters), are contained in the Public Works Standards.
- C. Combination detention based on flow-through based storm water quality control: Detention facilities may be combined with flow-through facilities. The applicant must demonstrate that the combined system could sufficiently treat storm water runoff for the runoff produced by the flow-through treatment rates of 0.2 inches/hour (on-line facilities), occurring for a three-hour period.

Storm water quality facilities selected for the site shall be appropriate to treat expected storm water pollutants based on the intended use of the site under full build-out conditions.

Sec. 13.18.70. - Pretreatment for storm water infiltration systems.

When proposed for use as a storm water quality facility, infiltration systems shall include appropriate pretreatment to remove pollutants expected from the intended use of the site under full build-out conditions.

Sec. 13.18.80. - Review procedures.

Review of storm water management plans is not a limited land use decision and shall be processed in the same manner as a building permit.

Sec. 13.18.90. - Approval or denial of storm water management plan.

After receipt of a complete storm water management plan, the director may order a technical review of the plan by a qualified professional consultant-selected by the City. The cost of any such review shall be borne by the applicant.

- A. Following completion of the technical review of the plan, the director shall:
 - 1. Approve the application and indicate on the plans in writing if the plan as submitted conforms to the applicable technical guidelines. The City of Portland Storm water Management Manual shall be the recognized authority; or
 - 2. Return the plan to the applicant for required revisions.
- B. The approved plan shall not be changed, modified, or altered without authorization from the director and shall be constructed as planned.
 - 1. Such approval shall be a condition of subdivision or site plan approval.

Sec. 13.18.100. - Submission requirements.

The application shall provide sufficient information to evaluate the applicant's intent to include on-site storm water quality controls in order to reduce or eliminate the discharge of sediments and other storm water pollutants to the storm sewer or natural drainage channel (e.g., stream). The information contained in a storm water management plan shall include, at a minimum:

- A. Site plan showing:
 - 1. Location of the development site showing property lines, adjacent roads and streets and the development site boundaries.
 - 2. North arrow, scale, date.
 - 3. Locations of the storm water quality facilities (including inlet and outlet structures) with relation to buildings and other structures.
 - 4. Storm sewer system for the site.
 - 5. Natural watercourses (e.g., streams, wetlands, bogs and marshes) affecting the site.
 - 6. Existing and proposed drainage channels (temporary and permanent) and direction of flow.
 - 7. Direction of surface water flows.
 - 8. Identification of any rivers, streams, wetlands, channels, ditches, or other watercourses and associated setbacks on and immediately adjacent to the development site regulated by Chapter 13.60.
 - 9. Delineation of any wetlands, including both inventoried wetlands (LWI) and locally significant wetlands (LSW).
 - 10. Documentation of conformance with applicable Sandy Development Code provisions.
- B. Topographic Plan, certified by a registered engineer or land surveyor showing:
 - 1. Topographic map delineating the drainage area served by each storm water quality facility.
 - 2. Calculations and estimated volume to be captured, conveyed and treated by each facility.
 - 3. The size and physical configuration (with supporting calculations) of each facility.
 - 4. Design details for any flow bypass or diversion devices.

In addition any data required for submission in the City of Portland Storm water Management Manual may also be required.

- C. Submittals for storm water management facilities, including construction and installation requirements, and manufacturer's data, as appropriate.
- D. A statement of the intended use of the site for full build-out conditions and the appropriateness of the selected storm water quality facilities for treating the storm water pollutants expected in relation to the land use.
- E. The maintenance methods and frequencies necessary to ensure optimum performance of the storm water quality facilities over their projected life. Following a review of this information, the City shall work with the developer to determine maintenance responsibilities, and may require a maintenance agreement for the proposed storm water quality facilities.

Sec. 13.18.110. - Applicant's responsibility and maintenance.

- A. Maintenance of private storm water quality system shall be the responsibility of the property owner. Maintenance responsibility shall include all elements of the system up to the point of connection with the public storm water system. Such connection shall be subject to the City's approval.
- B. Maintenance requirements shall be specified in an approved maintenance plan at the time of project acceptance.
- C. Private storm water quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance.

Sec. 13.18.120. - Warning and disclaimer of liability.

The degree of storm water management required by this chapter is considered reasonable for regulatory purposes and is based on common engineering and scientific practices. This chapter does not imply that areas approved for development will be free from surface water stagnation or non-point source pollution or that all water treatment projects to control the quantity and quality of runoff can be constructed cost-effectively. This chapter shall not create city liability for damage resulting from reliance on the provisions of this Section or any administrative decision lawfully made hereunder.

Sec. 13.18.130. - Referenced regulations.

All referenced regulations are available as specified below:

- A. *Storm water Management Manual*. The Storm water Management Manual is maintained by the Public Works Department and is available for review at City Hall.

CHAPTER 13.20 - STORMWATER UTILITY

Sec. 13.20.010. - Intent and scope.

- A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair stormwater management systems within the city limits consistent with city policy, intergovernmental agreements and state law. Stormwater management systems are defined as those natural or man-made facilities used to convey stormwater from public or private places to appropriate destinations with minimal adverse impact. Included in the stormwater management system are drainage ditches, swales, culverts, manholes, pipes, detention ponds, streams, creeks, sumps, storage facilities, curbs, gutters, catchment basins, pump stations, and any other facility necessary for the conveyance or treatment of stormwater.
- B. The Council finds, determines and declares the necessity of providing for the city's stormwater management systems by the formation of a stormwater utility.
- C. Prohibited Activities. No person shall cause pollution of any waters of the city's stormwater management system or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the city's stormwater management system by any

means. Wastes which are unlawful to discharge or cause to be discharged directly or indirectly into the city stormwater management system shall include, but not be limited to, the following:

1. Any discharge having a visible sheen such as, but not limited to, petroleum-based products;
2. Any discharge having a pH of less than 6.0 standard units (S.U.) or greater than 9.0 S.U.;
3. Any discharge that contains toxic chemicals in toxic concentrations;
4. Any discharge that contains visible floating solids;
5. Any discharge which causes or may cause visible discoloration (including, but not limited to, dyes and inks) of the receiving waters;
6. Any discharge which causes or may cause damage to the city's stormwater management system;
7. Any discharge which causes interference in the city's stormwater management system system;
8. Any discharge which causes or may cause a nuisance or a hazard to the city's stormwater management system, city personnel or the receiving waters;
9. Any discharge with a temperature greater than 150 degrees Fahrenheit;
10. Any discharge (other than noncontact cooling water) from commercial or industrial operations such as, but not limited to, concrete waste, rug and carpet cleaning waste, or paint clean-up waste;
11. Any discharge containing human or animal waste or other waste intended for the sanitary sewer system.

(Ord. No. 05, 2008)

Sec. 13.20.020. - Definitions.

Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter.

Development shall be as defined in SMC 13.18.10

Director shall mean the City Director of Public Works or the person designated by the Director.

Duplex shall be as defined in SMC 17.10.30.B.3.

Equivalent residential unit (ERU) shall mean an area which is estimated to place approximately equal demand on the public storm drainage facilities as defined in SMC 17.10.30.B.1. One ERU shall be equal to 2,750 square feet of impervious surface.

Impervious surfaces shall be as defined in SMC 13.18.10.

Improved property shall mean any area which has been altered such that the runoff from the site is greater than that which could historically have been expected. Such a condition shall be determined by the Director.

Manufactured home park shall be as defined in SMC 17.10.30.B.7. as "Mobile home court, park or subdivision".

Multiple-family unit (MFU) shall be as defined in SMC 17.10.30.B.6. as a "Multi-Family Dwelling".

Open drainage way shall mean a natural or constructed path, ditch or channel which has the specific function of transmitting natural stream water or storm water from a point of higher elevation to a point of lower elevation.

Person responsible shall mean the owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of an improvement on the property.

Runoff control shall mean any measure approved by the Director that reduces storm water runoff from land surfaces on which development exists.

Single family dwelling (SFD) shall be as defined in SMC 17.10.30.B.1. as "dwelling, single-detached" or individual units of "Condominiums". A SFD is presumed to have 2,750 square feet of impervious surface area for purposes of this chapter. The term SFD shall be inclusive of those units identified as detached single-family residences, (attached, detached, zero-lot line), unit ownerships, and condominiums, and etc.

Storm drainage facilities shall mean any structure(s) or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including, but not limited to, pipes, sewers, gutters, manholes, catch basins, ponds, open drainage-ways and their appurtenances. Tickle Creek, No-Name Creek, their tributaries and creeks excluded by action of the Council are not storm drainage facilities.

Stormwater shall mean water from precipitation, surface or subterranean water from any source, drainage and non-septic waste water.

(Ord. No. 05, 2008)

Sec. 13.20.030. - Findings.

- A. The City provides a valuable public service by providing storm drainage facilities for the collection and disposal of storm water discharged from properties and public rights-of-way within the City. The storm drainage facilities constitute a public utility owned and operated by the City. The utility exists for the benefit of any person within the City who desires public storm drainage facilities available for the diversion, collection and/or disposal of storm drainage and other runoff water from the person's property and represents a municipal service in a developed urban environment which is essential to the public health, safety and welfare.
- B. Persons who use the public storm drainage facilities ought to be charged fees that reflect the costs of the use relative to the management, maintenance, extension and construction of the public storm drainage facility as a public utility in the City.
- C. Accordingly, the structure of the storm drainage utility is intended to be a fee for service and not a charge against property. Although this structure is intended to constitute a service fee, even if it is viewed as a fee against property or against the person responsible, as a direct consequence of ownership of that property, the utility's fee structure should allow the person responsible to have the ability to control the amount of the fee. Similarly, the utility fee structure should reflect the actual cost of providing the service. The actual costs may include all costs the utility might incur were it in private ownership.
- D. Persons using water from the City potable water facilities use substantial amounts of water for irrigating lawns and gardens, washing structures, sidewalks, driveways and parking lots, and for other activities which result in the discharge of runoff into the public storm drainage facilities. These uses of water demonstrate a substantial relationship between persons' use of these water facilities and their use of the public storm drainage facilities.

(Ord. No. 05, 2008)

Sec. 13.20.040. - Stormwater management policies.

- A. The City shall maintain public storm drainage facilities located on City property, City right-of-way or City easements. Public storm drainage facilities to be managed by the City include, but are not limited to;
1. Open drainageways, swales and detention ponds when located on City property, City right-of-way or City easement;
 2. Piped drainage systems and related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the Director;
 3. Roadside drainage ditches and swales along improved and unimproved City streets;
 4. Flood control facilities (levees, dikes, overflow channels, detention basins, retention basins, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the City.
 5. Stormwater management, conveyance, treatment and detention facilities serving multiple single-family residences under separate ownership.
- B. Storm drainage facilities not to be maintained by the City include, but are not limited to:
1. Stormwater management facilities not located on City property, City right-of-way, or City easement;
 2. Private parking lot stormwater management facilities;
 3. Roof, footing, and area drains;
 4. Stormwater management facilities not designed and constructed for use by the general public;
 5. Driveway approach culverts;
 6. Stormwater management, conveyance, treatment and detention facilities serving sites under single ownership.

(Ord. No. 05, 2008)

Sec. 13.20.050. - Establishment of a stormwater utility fee.

There is established a stormwater utility fee to be paid by the account holder for each developed property within the corporate limits of the city. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, equip, operate, maintain and repair the city's storm sewer systems. Fees for users shall be based upon impervious surface area and individual mitigation efforts, if any. The council, by resolution, shall establish the amount and effective date of the fee and may, from time to time, by resolution change the amount of the fee.

(Ord. No. 05, 2008)

Sec. 13.20.060. - Use of stormwater utility fee.

There is established a stormwater fund, and all stormwater utility fees collected by the city shall be paid into the fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (including renewal, replacement and improvement) of the city's stormwater management system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the stormwater management system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement to such fund if additional stormwater utility funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the

cost of accounting, management and other administrative costs attributable to the stormwater management system.

(Ord. No. 05, 2008)

Sec. 13.20.070. - Calculation of stormwater utility fee.

- A. The amount of the monthly stormwater utility fee shall be determined by resolution approved by the council based upon the amount of impervious surface per location.
- B. All single-family residential users shall be deemed to have 2,750 square feet of impervious surface area.
- C. Whenever a non-single-family residential stormwater utility customer takes measures to mitigate the effect of storm water flow from the impervious surface of their site, the public works director, shall upon written request determine the percent of impervious surface which has been reduced, eliminated or mitigated and a proportional reduction in the stormwater utility fee shall be made, but in no event shall the fee be reduced more than 33 percent.
- D. The stormwater utility fee shall not be imposed on impervious surfaces of a public street, road or highway.

(Ord. No. 05, 2008)

Sec. 13.20.080. - Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

(Ord. No. 05, 2008)

Sec. 13.20.090. - Billings and collection.

- A. The stormwater utility fee shall be billed and collected with the monthly city utility bill.
- B. Stormwater utility fees as hereinbefore provided shall be collected monthly and if not paid on or before 30 days after the date of billing, said charges shall be deemed to be delinquent.
- C. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served by the stormwater management system when such a delinquency as defined in subsection B. of this section exists.
- D. Any charge due hereunder which is not paid when due may be recovered from the account holder in an action at law by the city.
- E. The stormwater utility fee shall be due when the account holder receives service from the stormwater management system.
- F. For purposes of this section any site with impervious surface coverage is considered to be served by the stormwater management system.

(Ord. No. 05, 2008)

Sec. 13.20.100. - Administration.

- A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The finance director shall be responsible for the billing and collection of funds.

(Ord. No. 05, 2008)

Sec. 13.20.110. - Violations.

- A. Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.
- B. When the director finds that a customer has violated or continues to violate any provision of this chapter, a stormwater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that customer a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the customer to the director. Submission of this plan in no way relieves the customer of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. No. 05, 2008)