



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, April 19, 2021

Meeting Time: 7:00 PM

Page

1. MEETING FORMAT NOTICE

The City Council will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

- To login to the electronic meeting online using your computer, click this link: <https://us02web.zoom.us/j/89963107166>
- If you would rather access the meeting via telephone, dial (253) 215-8782. When prompted, enter the following meeting number: 899 6310 7166
- If you do not have access to a computer or telephone and would like to take part in the meeting, please contact City Hall by Friday April 16th and arrangements will be made to facilitate your participation.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. CHANGES TO THE AGENDA

5. PUBLIC COMMENT

PLEASE NOTE: there will be opportunities to provide public comments on the HB 2001 code amendments, the Full Faith and Credit Obligations, and Ordinance 2021-10 later in the agenda.

The Council welcomes your comments on other topics at this time. Please see the instructions below:

- If you are participating online, click the "raise hand" button and wait to be recognized.
- If you are participating via telephone, dial *9 to "raise your hand" and wait to be recognized.

6. RESPONSE TO PREVIOUS PUBLIC COMMENTS

7. CONSENT AGENDA

- 7.1. **City Council Minutes** 4 - 20
[City Council - 05 Apr 2021 - Minutes - Pdf](#)
- 7.2. **Board Governance and Structure Amendments** 21 - 36
- Resolution 2021-07
 - Resolution 2021-08
 - Resolution 2021-09
 - SandyNet Advisory Board Bylaws
- [Board Governance and Structure Amendments - Pdf](#)

8. RESOLUTIONS

- 8.1. **Resolution 2021-06** 37 - 45
Authorizing Full Faith and Credit Obligations, Series 2021
- (This agenda item will include an opportunity for public comment)
- [Resolution 2021-06, Full Faith and Credit Obligations, Series 2021 - Pdf](#)

9. OLD BUSINESS

- 9.1. **PUBLIC HEARING (continued): House Bill 2001 Code Amendments** 46 - 262
Consideration of Discretionary Changes
[20-032 DCA HB 2001 Code Amendments - Pdf](#)
[Staff Presentation Slides](#)
- 9.2. **Ordinance 2021-10** 263 - 264
Repealing Title 18 of the Sandy Municipal Code
- (This agenda item will include an opportunity for public comment)
- [Ordinance 2021-10: Repealing Title 18 of the Sandy Municipal Code - Pdf](#)

10. NEW BUSINESS

- 10.1. **Proposed Pool Reopening Task Force** 265 - 267
[Proposed Pool Reopening Task Force - Pdf](#)
- 10.2. **Guaranteed Maximum Price Proposal for Basin 8 Inflow and Infiltration Rehabilitation Project** 268 - 271
[Guaranteed Maximum Price Proposal for Basin 8 Inflow and Infiltration Rehabilitation](#)

[Project - Pdf](#)

- 10.3. **City Manager Authority Delegation for Existing Wastewater Treatment Plant Improvements Project**

272 - 273

[Request to Authorize City Manager to Procure Equipment and Negotiate Guaranteed Maximum Price \(GMP\) Agreements for the Existing Wastewater Treatment P - Pdf](#)

11. REPORT FROM THE CITY MANAGER

12. COMMITTEE /COUNCIL REPORTS

13. STAFF UPDATES

- 13.1. [Monthly Reports](#)

14. ADJOURN



MINUTES
City Council Meeting
Monday, April 5, 2021 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, Richard Sheldon, Councilor, Kathleen Walker, Councilor, Carl Exner, Councilor, and Don Hokanson, Councilor

COUNCIL ABSENT:

STAFF PRESENT: Jordan Wheeler, City Manager, Jeff Aprati, City Recorder, Mike Walker, Public Works Director, David Doughman, City Attorney, Greg Brewster, IT/SandyNet Director, Tyler Deems, Deputy City Manager / Finance Director, Shelley Denison, Associate Planner, Andi Howell, Transit Director, and Ernie Roberts, Police Chief

MEDIA PRESENT: Sandy Post

1. MEETING FORMAT NOTE

The City Council conducted this meeting electronically using the Zoom video conference platform. A recording of the meeting is available on the City's YouTube channel: https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. Homelessness Taskforce

Staff Report - 0401

The **City Manager** introduced the topic, and the **Police Chief** provided background and context on the challenge of homelessness in Sandy, including camping on public property, the need for innovative solutions, pending bills in the Legislature that could affect operations, and evolving case law.

Bill Stewart with the Clackamas County District Attorney's Office explained the successes of the Law Enforcement Assisted Diversion (LEAD) program and partnerships with local non-profits to provide services and perform a case management role. Other programs that have shown success include community courts, mobile shower carts with service connections, and Metro's Supportive Housing Services. Emily Matasar with Beery, Elsner, and Hammond

provided detail on case law developments regarding the right to sleep and keep warm on public property if no other resources are available, and the effort in the Legislature to codify these rights. Maggie Holm of the Social Services Task Force spoke about the group's efforts to coordinate resources in the community and the need for collaboration.

The Council discussed various aspects of the homelessness issue, including:

- Perceived inability of the City's code to address the issue
- Pending state legislation regarding camping on public property
- Developments in federal case law regarding the right to camp
- Challenges presented by Sandy's geography and the physical distance from social services
- Lack of desire to receive assistance among certain individuals
- Possibilities for preemptively addressing issues through proactive social services
- Need to partner with local services providers to leverage the full range of community resources
- Options regarding ODOT and other property owners regarding chronic nuisances
- Using transit to connect individuals with centralized resources rather than trying to provide all resources locally
- The need for a hybrid approach including fixing shortcomings in the city code now and providing long-term solutions through service connections

3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. Pledge of Allegiance

5. Roll Call

6. Changes to the Agenda

7. Public Comment

Nina Alter: raised concerns with how the discussion on homelessness was framed, as more of an 'us' versus 'them' dynamic. She emphasized the importance of empathizing with the lived experiences of people who are homeless and of exercising patience and understanding given the enormous challenges many such individuals face.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

(No comments at 3/15/21 meeting)

9. Presentation

9.1. Wastewater Improvements: Detailed Discharge Alternatives Evaluation

Staff Report - 0405

Representatives from Murraysmith provided a presentation on the detailed discharge alternatives evaluation; part of the City's Wastewater System Improvements Project. Presentation slides and a draft executive summary of their report were included in the agenda packet.

The Council discussed the following issues related to the presentation:

- Pipe alignment challenges related to the terrain regarding land stability, water, and ecological factors
- Land acquisition costs
- Engagement with the Parks and Trails Advisory Board regarding the portion of the alignment passing through Sandy River Park
- Groundwater infiltration considerations
- The City's partnership with Tracker's Earth and their particular needs/interests
- Potential irrigation opportunities with neighboring property owners (golf course)
- The need for contingency budgeting
- Water flow limitations and river temperature considerations
- Importance of constructing a robust system with adequate capacity for future decades
- Inflow and infiltration challenges during winter months and the need for innovative solutions

10. Consent Agenda

10.1. City Council Minutes

10.2. Policy for Pesticide Use in City Parks

Staff Report - 0403

Moved by Richard Sheldon, seconded by Laurie Smallwood

Approve the Consent Agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,

Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

11. Old Business

11.1. Wastewater Rate Model Update

Staff Report - 0402

Representatives from FCS Group provided an overview of the rate model update. Kevin Hanway also provided information regarding the City's WIFIA financing application. Presentation slides were included in the agenda packet.

The Council asked about the anticipated total cost of the wastewater system improvements. The **City Manager** indicated that cost figures are not yet final due to the ongoing planning and study necessary regarding temperature mitigation and discharge alternatives.

Further Council discussion ensued regarding the following topics:

- Merits of making investments now for future needs, versus possible delaying the expenditures
- Importance of rate discipline for underwriters
- WIFIA credit worthiness considerations and technical parameters

11.2. Full Faith & Credit Obligations, Series 2021

Staff Report - 0404

The **Deputy City Manager** summarized the staff report. Presentation slides were included in the agenda packet. Lauren MacMillan with Piper Sandler provided a presentation regarding the full faith and credit bond process.

The Council inquired about the following issues:

- The precise cost of the 362nd and Bell extension project vis a vis SDC funding and the Transportation System Plan
- Possible bond repayment funding sources
- Use of Vehicle Registration Fee funds for capital projects versus ongoing maintenance
- Possibility of reimbursement mechanism to allow future developers to pay for previous improvements

11.3. Resolution 2021-05

Authorizing Loan From the Clean Water State Revolving Loan Fund

Staff Report - 0399

The **Public Works Director** summarized the staff report.

Moved by Jeremy Pietzold, seconded by Carl Exner

Adopt Resolution 2021-05.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

12. New Business

12.1. Advisory Bodies Governance and Structure

8 - 17

Staff Report - 0400

The **City Recorder** summarized the staff report. Presentation slides are attached to these minutes.

Councilors offered the following feedback regarding the proposed board framework and governance resolution:

- Specify the need to adhere to public meetings law in the governance resolution
- Retain flexibility regarding appointing council and staff liaisons
- Specify that the Mayor may appoint members of project advisory committees
- Specify interest rather than expertise in the Arts Advisory Board bylaws
- Change the word 'fiber' to 'telecommunications' in the SandyNet Advisory Board bylaws

The Council discussed specifying that Arts Advisory Board may not receive City funds, but ultimately did not adopt this provision

[Boards slides](#)

12.2. Bee City USA Discussion

Councilor Exner and the **Associate Planner** provided an overview of the Bee City USA proposal. They stated the benefits of adopting City policies to support pollinators and noted that World Bee Day is upcoming on May 20th.

Councilor Walker stated her preference that the matter be handled by the

existing Parks and Trails Advisory Board, which includes subject matter experts, rather than creating a new committee. **Council President Pietzold** praised the staff effort dedicated to the matter thus far.

Moved by Laurie Smallwood, seconded by Don Hokanson

Endorse the effort to become a Bee City USA affiliate.

CARRIED.

13. Report from the City Manager

- Upcoming resignation of the Community Services Director
- New signage to be installed regarding left turns from Hwy 211 to Hwy 26
- Thanks to all who assisted with the ARPA funding requests
- Covered Structure grants proceeding: Le Happy, Sandlandia, Red Shed

14. Committee /Council Reports

Councilor Walker:

- Recreational Trails Program grant applications will be due at the end of April
- SOLVE cleanup event is upcoming
- The Development Code needs to be updated as soon as possible

Councilor Exner:

- The lack of inventory is driving the high cost of housing in the community.

Councilor Sheldon:

- A joint meeting with the Planning Commission would be helpful

Councilor Hokanson:

- The Aquatics work group will likely take the form of a Task Force
- Appreciation for the website improvements

Councilor Smallwood:

- Upcoming meeting with community groups and Commissioner Shull regarding Portland Water Bureau filtration project
- Recent C4 meeting did not involve east county issues

Council President Pietzold:

- Tourism grant opportunities - recent application regarding Jonsrud Viewpoint
- Economic Development Committee meeting on April 7th

Mayor Pulliam

- Tragic loss sustained by the Mayton family
- Council's role regarding policy vs. administration
- Need for continuing the conversation on homelessness
- Upcoming State of the City address
- Opportunities for federal funding related to infrastructure
- Importance of emergency preparedness
- Success of the covered structure program

15. Staff updates

15.1. [Monthly Reports](#)

16. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati

Draft



Advisory Bodies Governance and Structure

April 5, 2021

Advisory Bodies Governance and Structure

- Phase 1: Completed
 - Correct Planning Commission seat terms: 03/02/2020
 - Establish seat terms for Parks and Trails Advisory Board: 04/20/2020
 - Correct Arts Commission and Library Board seat terms: 06/01/2020
 - Establish seat terms for Transit Advisory Board: 12/21/2020

Advisory Bodies Governance and Structure

- Phase 2: Current
 - Replace ADMIN 100 (standards for board governance)
 - Clarify parameters for different types of bodies
 - Address existing boards that lack resolutions and bylaws
 - Create new bodies desired by Council

New Board Governance Resolution

- Authority through Council resolution, not administrative policy
- Applies to all bodies (unless specifically stated)
- Resolution elements
 - Seat terms: 4 years, staggered groups
 - Vacancy procedures: Interview panels, Council appointment
 - Bylaws requirements
 - Code of Conduct adherence
 - Liaisons

New Board Framework

- Statutory Bodies: Planning Commission and Budget Committee. These bodies have a degree of independent decision-making authority. Established by ordinance.
- Advisory Boards: Formal bodies that conduct public meetings, operate under bylaws, and have members appointed by the Council to specific seats with terms. Established by Council resolution.
- Task Forces: A flexible category operating on a limited timescale for a specific purpose. They generally do not have bylaws or conduct public meetings. Established by Council motion.

New Board Framework (cont.)

- City Council Subcommittees: Formed to allow a subset of Councilors to work on or study a specific issue and bring a recommendation back for consideration. Established by Council motion.
- Project Advisory Committees: Formed by the City Manager to provide input and feedback on City projects and initiatives. Membership is flexible and the timeline is temporary (likely the length of the specific project).

Public Meetings Requirements

- ORS 192.610 requires governing bodies, as well as bodies with authority to make recommendations to governing bodies, to conduct noticed public meetings, record minutes, etc.
- This requirement does not apply if the body makes recommendations to an individual official (such as the Mayor).
- Conducting public meetings increases transparency, but also involves significant staff work.

Existing Bodies Needing Action

	Creation Resolution Adopted?	Bylaws Adopted?	Members Recruited?
SandyNet Advisory Board	Yes	No	No
Arts Advisory Board	No	No	No
Economic Development Advisory Board	No	No	Yes
Community Campus / Aquatics	No	No	No

Bylaws Details

- Major Components of Bylaws:
 - Purpose statement
 - Member requirements (residency)
 - Officer elections
 - Meetings / absences

Actions for the Council: 4/5/21

- Review and provide feedback / edits:
 - Governance Resolution
 - Board Framework
 - Draft bylaws and draft resolutions

- Designate three Council Members to serve on interview panels for each of the following bodies:
 - Arts Advisory Board
 - SandyNet Advisory Board

- Receive update on Community Campus / Aquatics



Staff Report

Meeting Date: April 19, 2021
From: Jeff Aprati, City Recorder
SUBJECT: Board Governance and Structure Amendments

BACKGROUND:

The Council reviewed the proposed changes to the City's board governance framework [at its April 5, 2021 meeting](#). The documents, resolutions, and accompanying appendices presented for approval at this meeting have been updated to reflect the feedback received during the April 5 meeting.

Resolution 2021-07: Board Governance Resolution

- Replaces ADMIN 100, an administrative policy that has been used to govern board operations since 2018.
 - Prior to 2018, board parameters were codified in Chapter 2.15 of the municipal code.
- New language in Section 4 clarifies that the prescribed application and interview process is required for statutory bodies and advisory boards, but is optional for other less formal bodies.
- New language in Section 5 specifically addresses public meetings and records requirements for statutory bodies and advisory boards.
- New language in Section 7 states that council and staff liaisons "may" be designated.
- Appendices:
 - Board Operational Framework
 - New language states that Project Advisory Committee members may be appointed by the City Manager or Mayor.

Resolution 2021-08: Public Art Advisory Board

- Added 'Public' to the name to reflect its intent.
- Appendices:
 - Enacting resolution
 - Bylaws
 - Language in the Membership section now states that the board should ideally include members with "interest and/or expertise" in the listed fields, to add flexibility.
 - As noted by Councilor Walker, it is within the Council's authority to amend the bylaws to limit the ability of board members to receive city funds. The draft presented for Council approval does not contain such language, though it could be added in the future.

- NOTE: Ordinance 2021-10 repealing SMC Title 18 is ineligible for the Consent Agenda and is being presented for adoption separately.

Resolution 2021-09: Economic Development Advisory Board

- Appendices:
 - Enacting resolution
 - Bylaws
 - Seat term establishment and appointments

SandyNet Advisory Board

- Document for adoption:
 - Bylaws
 - Language in the Purpose section has been updated to state "telecommunications" rather than "fiber."

RECOMMENDATION:

Staff recommends that the Council adopt Resolution 2021-07, Resolution 2021-08, and Resolution 2021-09; and that the Council approve the proposed bylaws for the SandyNet Advisory Board.

SUGGESTED MOTION:

"I move to adopt Resolution 2021-07, Resolution 2021-08, and Resolution 2021-09; and approve the proposed bylaws for the SandyNet Advisory Board."



NO. 2021-07

A RESOLUTION ESTABLISHING STANDARD PROCEDURES FOR CITY BOARDS

Whereas, the City Council significantly values the input and expertise of its various advisory bodies; and

Whereas, the City Council recognizes the importance of establishing clear policies and procedures to standardize the operations of its various advisory bodies; and

Whereas, the City Council wishes to establish a variety of advisory body classifications to meet the various policy development needs of the City; and

Whereas, the City Council wishes to replace and expand upon the existing advisory body policy document known as "ADMIN 100;"

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy:

SECTION 1: DEFINITIONS

1.1 For the purposes of this Resolution, the term "Board" is intended to apply to all commissions, committees, advisory boards, subcommittees, task forces, and project advisory committees.

SECTION 2: BOARD CATEGORIES

2.1 Each Board will be classified into one of the following categories:

- Statutory Bodies
- Advisory Boards
- Task Forces
- City Council Subcommittees
- Project Advisory Committees

2.2 These categories of Boards will be structured and operate in accordance with the Board Operational Framework, attached herein as Appendix A.

#2021-07

SECTION 3: BOARD SEAT TERMS

3.1 The seat term parameters set forth in this section apply to Statutory Bodies and Advisory Boards.

3.2 Seat terms are four years in length, starting New Year's Day and ending New Year's Eve. (Example: 1/1/2021 through 12/31/2024).

3.3 Seat terms shall exist in two staggered cohorts. Approximately half of the seats on a board are assigned the same term beginning and end date, while the other half share a different term beginning and end date.

3.4 Members appointed to Boards by the City Council are assigned to a specific seat and serve until the expiration of the seat's term. Members appointed to fill vacancies serve for the remainder of the unexpired term.

3.5 Incumbent members may apply for reappointment at the expiration of their existing terms (see Section 4 of this resolution).

3.6 The City Recorder will maintain the official roster of Board seats, terms, and members.

SECTION 4: SEAT VACANCIES

4.1 All applicants seeking appointment to Statutory Bodies and Advisory Boards, whether incumbent members applying for reappointment or new applicants, will undergo the application and interview process outlined in this section.

4.1.1 The City Manager or City Council Members, if selected to serve as Board members, are exempt from the requirements of this section.

4.1.2 The City Council at its discretion may elect to require this process for specific appointments to Boards other than Statutory Bodies and Advisory Boards.

4.2 Prior to the expiration of a seat's term, city staff will proactively publicize the upcoming vacancy and collect applications from interested parties.

4.3 Applicants for seats will be interviewed by a panel consisting of three Council Members and the Chair of the applicable Board. In the event the Chair is the applicant, the Vice Chair will serve on the interview panel. In the event both the Chair and Vice Chair are applicants, the Board will select one of its members to serve on the interview panel.

#2021-07

4.4 Following the interviews, the interview panel, with the assistance of city staff, will provide appointment recommendations to the City Council.

4.5 Appointments will be made by the City Council at a regular public meeting.

SECTION 5: PUBLIC MEETINGS

5.1 All Statutory Bodies and Advisory Boards shall conduct public meetings in accordance with the provisions of Oregon Revised Statutes Chapter 192, and any other public meetings regulations enacted by the State of Oregon.

5.1.1 The City Council at its discretion may also extend this requirement to specific Boards other than Statutory Bodies and Advisory Boards.

SECTION 6: BYLAWS

6.1 All Statutory Bodies and Advisory Boards shall operate under bylaws, in the interest of ensuring structure and consistency.

6.1.1 The Council at its discretion may also extend this requirement to specific Boards other than Statutory Bodies and Advisory Boards.

6.2 Bylaws must be consistent with the Sandy Municipal Code, applicable State laws and regulations, and the provisions set forth in this resolution.

6.3 Unless otherwise stipulated in the Sandy Municipal Code, bylaws must include at least the following:

6.3.1 Meeting attendance requirements

6.3.2 Meeting quorum requirements

6.3.3 Procedures for electing Board officers

6.3.4 Member qualification and/or residency requirements

6.4 Bylaws and amendments thereto must be approved by the City Council before taking effect. Boards may recommend amendments for the Council's consideration.

#2021-07

SECTION 7: MEMBER CONDUCT

7.1 All members of Boards are required to comport themselves in accordance with the City's Boards and Commissions Code of Conduct, originally adopted by the City Council on September 21st, 2020. The Council reserves the authority to make appointment and/or removal decisions based in whole or in part on adherence to the Code of Conduct.

SECTION 8: STAFF AND COUNCIL LIAISONS

8.1 The Mayor may designate a non-voting City Council Liaison to any Board for the purpose of facilitating communication and coordinating policy development.

8.2 The City Manager may designate a non-voting Staff Liaison to any Board for the purpose of providing administrative and logistical support to the body.

8.3 Neither City Council nor Staff Liaisons will be counted toward the constitution of a quorum at any meeting.

SECTION 9: PREEMPTION

9.1 Nothing in this resolution purports to preempt any higher legal authority, including, but not limited to, the Sandy Municipal Code, the Sandy City Charter, Oregon Revised Statutes, or Oregon Administrative Rules.

SECTION 10: REPEAL OF PREVIOUS POLICY

10.1 The City of Sandy Advisory Boards, Commissions and Committee Policy, known as "ADMIN 100," enacted on May 21, 2018, is hereby repealed.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

#2021-07

Jeff Aprati, City Recorder

#2021-07

2021-07: APPENDIX A

SANDY BOARD OPERATIONAL FRAMEWORK

Established: April 19, 2021

	Intended Duration	Membership	Seat Terms	Interview / Application Process Required?	Members Appointed By:	Public Meetings Required?	Official Recommendations Made To:	Bylaws Required?	Body Established Through:	Examples
Statutory Bodies	Permanent	Area residents (as prescribed in Bylaws)	4 years / staggered cohorts	Yes	Council motion	Yes	City Council	Yes	Council ordinance	Planning Commission; Budget Committee
Advisory Boards	Permanent	Area residents (as prescribed in Bylaws)	4 years / staggered cohorts	Yes	Council motion	Yes	City Council	Yes	Council resolution	Library Advisory Board; Public Art Advisory Board
Task Forces	Temporary (until specific purpose is fulfilled)	Flexible, based on purpose. Could include residents, staff, and/or up to 3 Councilors (avoid quorum)	Serve indefinitely until/unless resignation, removal, or Board disbanded	No (unless desired by Council)	Council motion or Mayor appointment	No (can be made public if desired)	Mayor, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	Council motion	Social Services Task force; Interview Panel for committee appointments
City Council Subcommittees	Temporary (until specific purpose is fulfilled)	Up to 3 City Councilors (avoid quorum)	n/a	n/a	Council motion or Mayor appointment	No (can be made public if desired)	Mayor, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	Council motion	Wastewater Project Oversight Committee; Survey Working Group
Project Advisory Committees	Temporary (until specific purpose is fulfilled)	Flexible, based on purpose. Could include residents, staff, and/or up to 3 Councilors (avoid quorum)	n/a	No (unless desired by Council)	City Manager or Mayor	No (can be made public if desired)	City Manager, who then communicates it to the Council (public meetings not necessary)	No (can be established if desired by Council)	City Manager decision	TSP TAC; Parks Master Plan Stakeholder Committee



NO. 2021-08

A RESOLUTION ESTABLISHING THE PUBLIC ART ADVISORY BOARD

Whereas, the City Council recognizes that a robust, dynamic arts community is vital to the quality of life enjoyed by Sandy residents; and

Whereas, Sandy is fortunate to be home to a variety of artists who are willing and able to contribute their talents; and

Whereas, the former Arts Commission provided invaluable service and leadership; and

Whereas, the City Council wishes to reestablish a permanent arts advisory body;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy:

Section 1. The Public Art Advisory Board is hereby established.

Section 2. The Public Art Advisory Board shall operate in accordance with the bylaws set forth in Appendix A, which are hereby adopted.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-08

2021-08: APPENDIX A



PUBLIC ART ADVISORY BOARD BYLAWS

Article I: Name

This body shall be known as the Public Art Advisory Board (Board). It was established by Resolution 2021-08 on April 19, 2021. The Board is an 'Advisory Board,' per the framework established by Resolution 2021-07.

Article II: Purpose

Provide policy recommendations to the City Council on cultural and artistic matters, develop long-term strategies and plans to cultivate art in Sandy, and encourage donations, grants, and other support to expand access to the arts in the community.

Article III: Membership and Terms

The Board is comprised of seven seats, each with a four-year term. The City Council retains sole authority to appoint or remove members. Seat terms, vacancies, applications, and appointment procedures shall be conducted in accordance with the provisions of Resolution 2021-07.

No more than two Board Members may reside outside of the city limits of the City of Sandy. All Board Members must reside within the boundaries of the Oregon Trail School District. To ensure representation of various interests and stakeholders, the Board should ideally include members with interest and/or expertise in at least one of the following areas: Visual arts, Performing arts, Arts administration, Grant writing and management.

Article IV: Officers

The officers of the Board shall be Chair and Vice Chair. Officers shall be elected at the first meeting of each calendar year. Officer terms shall extend for the duration of each calendar year, with no limitation on reelection. The Chair shall preside over meetings and maintain order. The Vice Chair shall preside in the absence of the chair.

Article V: Code of Conduct

Board Members shall abide by the Boards and Commissions Code of Conduct and/or any other such requirements established by the City Council.

Article VI: Meetings

The Board shall meet not less than four times per year. All meetings shall be held in accordance with public meetings law established by the State of Oregon. Meeting dates may be changed or canceled by the Chair, in consultation with the Staff Liaison, with prior notice to the membership. A majority of the voting membership shall constitute a quorum.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term.

Article VII: Amendments

Amendments to these bylaws may be made at the City Council's discretion. The Board may propose recommended changes to the Council.



NO. 2021-09

A RESOLUTION ESTABLISHING THE ECONOMIC DEVELOPMENT ADVISORY BOARD

Whereas, the City Council recognizes the importance of economic development policy in fostering a healthy and vibrant community; and

Whereas, the City Council values the input and expertise of Sandy’s business leaders and believes they are critical stakeholders in forming effective and lasting economic development policy; and

Whereas, the ad hoc Economic Development Committee has made significant contributions to the City over the past several years; and

Whereas, the City Council wishes to create a permanent economic development advisory body;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy:

Section 1. The Economic Development Advisory Board is hereby established.

Section 2. The Economic Development Advisory Board shall operate in accordance with the bylaws set forth in Appendix A, which are hereby adopted.

Section 3. Board seats and terms are hereby established, and members are hereby appointed to seats, as detailed in Appendix B.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

#2021-09

Jeff Aprati, City Recorder

#2021-09



2021-09: APPENDIX A

ECONOMIC DEVELOPMENT ADVISORY BOARD BYLAWS

Article I: Name

This body shall be known as the Economic Development Advisory Board (Board). It was established by Resolution 2021-09 on April 19, 2021. The Board is an 'Advisory Board,' per the framework established by Resolution 2021-07.

Article II: Purpose

Advise the City Council on issues and policies related to economic development including, but not limited to, business recruitment and retention, grant programs and other development incentives, and economic strategic planning.

Article III: Membership and Terms

The Board is comprised of fourteen seats, each with a four-year term. The City Council retains sole authority to appoint or remove members. Seat terms, vacancies, applications, and appointment procedures shall be conducted in accordance with the provisions of Resolution 2021-07.

Board Members and applicants must be owners of businesses located within Sandy city limits, with two Board Members allowed to own a business within the Urban Growth Boundary or Urban Reserve area outside city limits. To ensure representation of various stakeholders in the local economy, the Board should ideally include at least one Member from the following sectors: Retail, Services, Restaurants, Tourism, and Real Estate.

Four of the fourteen Board seats shall be reserved for three members of the City Council and the City Manager, all of whom shall be voting Members.

Article IV: Officers

The officers of the Board shall be Chair and Vice Chair. The Mayor shall appoint the Chair. The Vice Chair shall be elected at the first meeting of each calendar year. Officer terms shall extend for the duration of each calendar year, with no limitation on reelection / reappointment. The Chair shall preside over meetings and maintain order. The Vice Chair shall preside in the absence of the chair.

Article V: Code of Conduct

Board Members shall abide by the Boards and Commissions Code of Conduct and/or any other such requirements established by the City Council.

Article VI: Meetings

The Board shall meet not less than four times per year. All meetings shall be held in accordance with public meetings law established by the State of Oregon. Meeting dates may be changed or canceled by the Chair, in consultation with the Staff Liaison, with prior notice to the membership. A majority of the voting membership shall constitute a quorum.

If a Member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new Member appointed by the Sandy City Council. The new appointee shall fill the former Member's unexpired term.

Article VII: Amendments

Amendments to these bylaws may be made at the City Council's discretion. The Board may propose recommended changes to the Council.

2021-09: APPENDIX B

Economic Development Advisory Board: Proposed Terms

SEAT #	NAME	TERM BEGINS	TERM ENDS
1 (Seat Reserved for Council Member)	Jeremy Pietzold	01/01/2019	12/31/2022
2 (Seat Reserved for Council Member)	Stan Pulliam	01/01/2019	12/31/2022
3 (Seat Reserved for Council Member)	Carl Exner	01/01/2019	12/31/2022
4 (Seat Reserved for City Manager)	Jordan Wheeler	01/01/2019	12/31/2022
5	Khrys Jones	01/01/2019	12/31/2022
6	Hans Wipper	01/01/2019	12/31/2022
7	Bill Schwartz	01/01/2019	12/31/2022
8	Kurt McKnight	01/01/2020	12/31/2023
9	Jason Shuler	01/01/2020	12/31/2023
10	Kathy Stuchlik	01/01/2020	12/31/2023
11	Paul Reed	01/01/2020	12/31/2023
12	Erinn Jakisch Sowle	01/01/2020	12/31/2023
13	Brandon Johnson	01/01/2020	12/31/2023
14	Ernie Brache	01/01/2020	12/31/2023



SANDYNET ADVISORY BOARD BYLAWS

Article I: Name

This body shall be known as the SandyNet Advisory Board (Board). It was established by Resolution 2018-14 on May 22, 2018. The Board is an 'Advisory Board,' per the framework established by Resolution 2021-07.

Article II: Purpose

Advise the City Council on the operations, long-term strategy, growth, and scope of services offered by SandyNet, the City's municipal telecommunications utility, to meet the current and future needs of Sandy and the greater service area.

Article III: Membership and Terms

The Board is comprised of seven seats, each with a four-year term. The City Council retains sole authority to appoint or remove members. Seat terms, vacancies, applications, and appointment procedures shall be conducted in accordance with the provisions of Resolution 2021-07.

No more than two Board Members may reside outside of the city limits of the City of Sandy. All Board Members must reside within the boundaries of the Oregon Trail School District. To ensure representation of various interests and stakeholders, the Board should ideally include members with at least one of the following characteristics: Occupation in relevant technology related field(s); Member of relevant technology-related board, commission, advisory group or council; Business operator/owner.

Article IV: Officers

The officers of the Board shall be Chair and Vice Chair. Officers shall be elected at the first meeting of each calendar year. Officer terms shall extend for the duration of each calendar year, with no limitation on reelection. The Chair shall preside over meetings and maintain order. The Vice Chair shall preside in the absence of the chair.

Article V: Code of Conduct

Board Members shall abide by the Boards and Commissions Code of Conduct and/or any other such requirements established by the City Council.

Article VI: Meetings

The Board shall meet not less than four times per year. All meetings shall be held in accordance with public meetings law established by the State of Oregon. Meeting dates may be changed or canceled by the Chair, in consultation with the Staff Liaison, with prior notice to the membership. A majority of the voting membership shall constitute a quorum.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term.

Article VII: Amendments

Amendments to these bylaws may be made at the City Council's discretion. The Board may propose recommended changes to the Council.



Staff Report

Meeting Date: April 19, 2021

From Tyler Deems, Deputy City Manager / Finance Director

SUBJECT: Resolution 2021-06, Full Faith and Credit Obligations, Series 2021

BACKGROUND:

At the [April 5, 2021 Council Meeting](#), the Council was provided information related to the funding of various capital improvement projects. These projects include the LED Streetlight Conversion, Bell Street/362nd Extension, and Private Sewer Laterals. A brief summary of each project is listed below:

LED Streetlight Conversion

In [November 2019](#), the Council authorized the City Manager to enter into a performance guarantee contract with McKinstry to replace all streetlights owned and operated by the City of Sandy with LED streetlights. The total project cost is \$1,140,000 and is estimated to save approximately \$67,800 per year in utility costs.

Bell Street / 362nd Extension

In [March 2020](#), the Council was provided information regarding the scope of work for the extension of Bell Street/362nd. This has been a goal for a number of decades, and the end result will decrease traffic congestion, improve connectivity and emergency access, and helped encourage development of commercial land. The project began in 2020 with design and engineering work. Since then, the Council has been briefed on various options, and the next steps in the project include acquisition of land, land use approval, and the actual construction of the project. The estimated cost of this project is approximately \$5,490,000.

Private Sewer Laterals

As outlined in the adopted Wastewater System Facilities Plan, the city is working to address the inflow and infiltration (I&I) of water into the city's wastewater collection system. This work is an important factor in reducing the flows to our existing treatment plant in order for the plant to better achieve our permit requirements. As part of the I&I work is address the pipes that are located on private property (private laterals). These laterals connect homes to the city's sewer collection system.

In [May 2020](#), staff presented options to the Council for addressing the work needed on fixing private sewer laterals. The Council decided to have the city pay for the cost of replacing or relining the laterals. In [November 2020](#), the Council authorized the City Manager to enter into an agreement with Oxbow Construction for the collection system improvements, including the replacement of private lateral wastewater connections to

numerous properties within the City of Sandy. This project is expected to cost approximately \$1,930,000 and will be completed over the next few months.

As indicated in the April 5th staff report, the City has hired Piper Sandler and Mersereau Shannon to provide the necessary financial and legal services related to the financing the projects. It was determined that a Full Faith and Credit Obligation (FFCO) with a term of twenty years is the most appropriate method.

Before staff can move forward with the financing of these projects, the Council must adopt a resolution to authorize the financing agreement, designate authorized representative, and other administrative matters. While it is anticipated that the FFCO will only be in the amount of \$7,825,000, the resolution is written to reflect a not to exceed amount of \$8,500,000, which is the total cost of the projects. This will ensure that if there any additional costs with the financing and issuance, staff will not need to come before Council again to amend the resolution. The authorized representatives for the FFCO are Jordan Wheeler, City Manager, and Tyler Deems, Deputy City Manager/Finance Director.

The City Charter mandates that repayment of the FFCO be subject to annual appropriates. As such, the debt service for this obligation has been budgeted for in the upcoming biennium. The Sewer Fund will pay the debt service associated with the private lateral work, and the Street Fund will pay the debt service associated with the streetlight conversion project and the Bell Street/362nd extension.

BUDGETARY IMPACT:

The proceeds from the FFCO will be recognized on or around May 20, 2021. The debt service for this obligation has been budgeted for biennium 2021-23.

RECOMMENDATION:

- Provide an opportunity for any public testimony.
- Adopt Resolution 2021-06 to provide the required financing needed to complete the projects listed above.

SUGGESTED MOTION:

"I move to adopt Resolution 2021-06."



NO. 2021-06

A RESOLUTION OF THE CITY OF SANDY, CLACKAMAS COUNTY, OREGON AUTHORIZING THE EXECUTION AND DELIVERY OF A FULL FAITH AND CREDIT FINANCING AGREEMENT IN AN AMOUNT NOT TO EXCEED \$8,500,000 TO FINANCE CAPITAL PROJECTS; DESIGNATING AN AUTHORIZED REPRESENTATIVE AND SPECIAL COUNSEL; AND RELATED MATTERS.

Whereas, the City of Sandy, Clackamas County, Oregon (the “City”) is authorized pursuant to the Constitution and laws of the State of Oregon, namely, Oregon Revised Statutes (“ORS”) Sections 271.390 and 287A.315 and the City Charter to (1) enter into financing agreements to finance real or personal property the City determines is needed subject to annual appropriation, (2) pledge its full faith and credit and taxing power in connection with such financing agreements subject to annual appropriation, and (3) pay the costs of issuance of such financing agreements; and

Whereas, the City has determined that capital projects are needed including (i) the Bell Street – 362nd Street Extension Project, (ii) wastewater system private laterals projects, (iii) the LED Streetlight Conversion Project (collectively, the “Projects”); and

Whereas, the estimated weighted average life of the financing agreement will not exceed the estimated dollar weighted average life of the Projects; and

Whereas, the City anticipates incurring expenditures (the “Expenditures”) to finance the costs of the Projects and wishes to declare its official intent to reimburse itself for any Expenditures it may make from City funds on the Projects from the proceeds of a financing agreement, the interest on which may be excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); and

Whereas, the City desires to authorize the execution and delivery of a financing agreement(s) to finance the Projects and related matters;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy as follows:

SECTION 1. AUTHORIZATION. The Council hereby authorizes:

A. Financing Agreement. The City authorizes the execution and delivery of a full faith and credit financing agreement(s) subject to appropriation (the “Financing Agreement”) in a form satisfactory to the Authorized Representative (defined herein). The aggregate principal amount of the Financing Agreement may not exceed \$8,500,000 and the proceeds shall be used to

#2021-06

finance the Projects. The Financing Agreement may consist of one or more financing agreements. The Financing Agreement may be issued as taxable and/or tax-exempt obligations at a true effective rate as determined by the Authorized Representative and shall mature on date(s) set by the Authorized Representative.

B. Method of Sale. The Financing Agreement may be entered into directly with a lender (a "Private Placement") or obligations representing the principal amount payable under the Financing Agreement may be sold to an underwriter by negotiated or competitive sale (a "Public Offering"), as determined by the Authorized Representative.

C. Private Placement. The Financing Agreement may include a note and shall be issued at a true effective rate as determined by the Authorized Representative and shall mature on a date set by the Authorized Representative. The Financing Agreement may be entered into with lenders as determined by the Authorized Representative.

D. Public Offering. The City authorizes the issuance and sale of Full Faith and Credit Obligations, Series 2021 (the "Series 2021 Obligations") which shall be issued by the escrow agent, for and on behalf of the City, representing the principal amount payable under the Financing Agreement. The Series 2021 Obligations may be issued in one or more series, shall be issued at a true effective rate as determined by the Authorized Representative and shall mature on dates set by the Authorized Representative. The City authorizes the execution and delivery of an escrow agreement between the City and the escrow agent (the "Escrow Agreement"), in a form satisfactory to the Authorized Representative, pursuant to which the escrow agent shall execute the Series 2021 Obligations representing the principal amount payable under the Financing Agreement, and evidencing the right of the escrow agent to receive the City's Financing Payments under the Financing Agreement.

SECTION 2. SECURITY.

The Financing Agreement shall be payable from the designated funds which are available and the general, non-restricted revenues of the City and other funds which may be available for that purpose, including taxes levied within the restrictions of Sections 11 and 11b, Article XI of the Constitution of the State of Oregon, subject to annual appropriation. The obligation of the City to make payments under the Financing Agreement shall be a full faith and credit obligation of the City, subject to annual appropriation. The Financing Agreement shall not be secured by any real or personal property of the City.

SECTION 3. DESIGNATION OF AUTHORIZED REPRESENTATIVE.

The City hereby authorizes the City Manager, the Deputy City Manager/Finance Director, or the designee of either one of them (the "Authorized Representative") to act as the authorized representative on behalf of the City and determine the remaining terms of the Financing Agreement as delegated herein.

#2021-06

SECTION 4. DELEGATION OF FINAL TERMS AND ADDITIONAL DOCUMENTS.

The Authorized Representative is authorized, on behalf of the City, to:

- A. determine the method of sale, determine the provisions of the notice of sale if sold at a competitive sale, act upon bids received, negotiate the terms of, and execute and deliver a purchase agreement if sold at a negotiated sale, and negotiate the terms of, and execute and deliver documents if privately placed with a lender.
- B. establish the maturity and interest payment dates, dated dates, principal amounts, capitalized interest (if any), optional and/or mandatory redemption provisions, interest rates, denominations, and all other terms under which the Financing Agreement and Series 2021 Obligations shall be issued, sold, executed, and delivered;
- C. negotiate the terms and approve of the Financing Agreement and the Escrow Agreement, if applicable, as the Authorized Representative determines to be in the best interest of the City, and to execute and deliver the Financing Agreement and the Escrow Agreement;
- D. deem final, approve of and authorize the distribution of the preliminary and final Official Statements to prospective purchasers of the Series 2021 Obligations;
- E. determine whether the Series 2021 Obligations shall be Book-Entry certificates and to take such actions as are necessary to qualify the Series 2021 Obligations for the Book-Entry System of DTC, including the execution of a Blanket Issuer Letter of Representations;
- F. apply for ratings for the Series 2021 Obligations and determine whether to purchase municipal bond insurance or other credit enhancement, negotiate and enter into agreements with providers of credit providers, and expend proceeds to pay credit enhancement fees;
- G. designate the Financing Agreement and the Series 2021 Obligations as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”);
- H. approve, execute and deliver a Tax Certificate;
- I. approve, execute and deliver a continuing disclosure certificate pursuant to SEC Rule 15c2-12, as amended (17 CFR Part 240, §240.15c2-12) for each series of Series 2021 Obligations;
- J. engage the services of a lender, underwriter, escrow agents, financial advisors, trustees and any other professionals;

#2021-06

M. determine which fund or funds are available to pay the Financing Agreement; and

N. execute and deliver a certificate specifying the action taken pursuant to this Resolution, and any other documents, agreements or certificates that the Authorized Representative determines are necessary and desirable to issue, sell and deliver the Financing Agreement and Series 2021 Obligations in accordance with this Resolution; and

O. take any other actions which the Authorized Representative determines are necessary or desirable to finance the Projects in accordance with this Resolution.

SECTION 5. MAINTENANCE OF TAX-EXEMPT STATUS.

The City hereby covenants for the benefit of the Owners of the Financing Agreement issued on a tax-exempt basis to use the Financing Agreement proceeds and the Projects financed with such proceeds in the manner required, and to otherwise comply with all provisions of the Code, which are required so that interest paid on the Financing Agreement will not be includable in gross income of the Owners of such Financing Agreement for federal income tax purposes. The City makes the following specific covenants with respect to the Code:

A. The City will not take any action or omit any action if it would cause the Financing Agreement to become arbitrage bonds under Section 148 of the Code.

B. The City shall operate the Projects refinanced with tax-exempt Financing Agreement so that the Financing Agreement do not become “private activity bonds” within the meaning of Section 141 of the Code.

C. The City shall comply with appropriate Code reporting requirements.

D. The City shall pay, when due, all rebates and penalties with respect to the Financing Agreement which are required by Section 148(f) of the Code.

The covenants contained in this Section 5 and any covenants in the closing documents for the Financing Agreement shall constitute contracts with the owners of the Financing Agreement, and shall be enforceable by them. The Authorized Representative may enter into covenants on behalf of the City to protect the tax-exempt status of the Financing Agreement.

SECTION 6. APPOINTMENT OF ESCROW AGENT.

The Authorized Representative is authorized to appoint an Escrow Agent for the issuance of the Series 2021 Obligations.

SECTION 7. APPOINTMENT OF SPECIAL COUNSEL.

#2021-06

The City appoints Mersereau Shannon LLP as special counsel to the City for the issuance of the Financing Agreement and the Series 2021 Obligations.

SECTION 8. CONTINUING DISCLOSURE.

The City covenants and agrees to comply with and carry out all of the provisions of the Continuing Disclosure Agreement to be negotiated with the underwriter. Notwithstanding any other provision of this Resolution, failure by the City to comply with the Continuing Disclosure Agreement will not constitute an event of default; however, any Registered Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and the Continuing Disclosure Certificate.

SECTION 9. PRELIMINARY AND FINAL OFFICIAL STATEMENT.

The City may prepare or cause to be prepared a preliminary official statement for the Series 2021 Obligations which shall be available for distribution to prospective purchasers. In addition, an official statement may be prepared and shall be ready for delivery to the purchasers of the Series 2021 Obligations no later than the seventh (7th) business day after the sale of the Series 2021 Obligations. When the City determines that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the Authorized Representative is authorized to certify the accuracy of the official statement on behalf of the City.

SECTION 10. CLOSING OF THE FINANCING AGREEMENT.

The Authorized Representative is authorized to negotiate the terms and conditions of a commitment letter in the case of a Private Placement or a purchase agreement in the case of a Public Offering. The Authorized Representative is authorized to execute the commitment letter or the purchase agreement, as the case may be, for and on behalf of the City and to execute such additional documents, including a Tax Certificate, and to perform any and all other things or acts necessary for the sale and delivery of the Financing Agreement or Series 2021 Obligations as herein authorized. Such acts of the Authorized Representative are for and on behalf of and are authorized by the Council of the City.

SECTION 11. RESOLUTION TO CONSTITUTE CONTRACT.

In consideration of the purchase and acceptance of any or all of the Financing Agreement or Series 2021 Obligations by those who shall own the same from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the City with the Owners and shall be deemed to be and shall constitute a contract between the City and the Owners. The

#2021-06

covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Financing Agreement or Series 2021 Obligations and the other covenants and agreements herein set forth to be performed by or on behalf of the City shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any of such Financing Agreement and Series 2021 Obligations over any other thereof, except as expressly provided in or pursuant to this Resolution.

SECTION 12. BANK DESIGNATION.

For purposes of paragraph (3) of Section 265(b) of the Code, the Authorized Representative is authorized to designate the Financing Agreement or the Series 2021 Obligations, as the case may be, as a “qualified tax-exempt obligation” provided the Financing Agreement or the Series 2021 Obligations, as the case may be, does not constitute a private activity bond as defined in Section 141 of the Code and not more than \$10,000,000 aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes (excluding, however, private activity bonds other than qualified 501(c)(3) bonds) including the Financing Agreement, or the Series 2021 Obligations, as the case may be, have been or reasonably expects to be issued by the City, including all subordinate entities of the City, if any, during the current calendar year in which the Financing Agreement is entered into.

SECTION 13. INTENT TO REIMBURSE.

The City hereby declares its official intent to reimburse itself with the proceeds of the Series 2021 Obligation proceeds for any of the Expenditures incurred by it prior to the issuance of the Series 2021 Obligations.

SECTION 14. EFFECTIVE DATE.

This resolution shall take effect on the date of its adoption.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

#2021-06

Jeff Aprati, City Recorder

#2021-06



Staff Report

Meeting Date: April 19, 2021
From Emily Meharg, Senior Planner
SUBJECT: 20-032 DCA HB 2001 Code Amendments

BACKGROUND:

I. SUMMARY

For a complete summary and background on House Bill 2001 please refer to the City Council video from March 15, 2021. For a complete list of all legislatively required code modifications please refer to the staff report for March 15, 2021 (Exhibit O). Staff would prefer the City Council to focus the April 19, 2021 discussion on items that are neither legislatively required nor administrative in nature that will provide clarity in the code, but rather the items that are substantive discretionary items. Staff has created seven main topics for discussion.

II. RECOMMENDED DISCUSSION TOPICS:

Topic #1 - Duplex and ADU on the same lot:

HB 2001 does not require a city to allow both a duplex and an ADU on the same lot, but a city can choose to allow both. Regardless of Council's decision, the existing definition of "accessory dwelling unit" needs to be clarified to reflect Council's decision on whether to allow an ADU and a duplex on the same lot, or to just allow an ADU on a lot with a single-family residence. If Council allows an ADU and a duplex on the same lot, staff recommends the definition of "building types, multi-family dwelling" is clarified to specify that an ADU and duplex on the same lot are not considered multi-family for the purposes of the multi-family design standards in Section 17.90.160. *The Planning Commission recommended allowing a duplex and an ADU on the same lot, and the definition of ADU in Chapter 17.10 has been updated accordingly. **Preliminary feedback indicates that Councilor Walker is not in favor of allowing a duplex and ADU on the same lot.***

Topic #2 - Detached and attached duplexes:

HB 2001 requires cities to allow attached duplexes wherever detached single family dwellings are allowed. It is up to each city whether to also allow detached duplexes. The existing Development Code allows both attached and detached duplexes where single family dwellings are allowed, except in the SFR zone. The proposed code amendments will allow duplexes outright in the SFR zone in conformance with HB 2001; however, a city can decide whether to allow both detached and attached duplexes in the SFR zone. A city may also allow additional middle-housing options (triplexes, four-plexes, cottage clusters, etc.) if they choose. *The Planning Commission recommended continuing to*

allow both attached and detached duplexes in all zones that permit single family dwellings but did not make a recommendation to allow additional middle-housing options in zones that don't currently allow them. **Preliminary feedback indicates that Councilor Walker is not in favor of allowing detached duplexes in the SFR zone.**

Topic #3 - Side-by-side and tandem parking:

HB 2001 does not allow a city to require more off-street parking spaces for a duplex than for a single-family residence. This means that the maximum number of off-street parking spaces for a duplex is 2 total (not 2 per unit as written in the existing code). However, a city may require that these spaces shall be side-by-side, and not tandem. *The Planning Commission did not make any recommendations regarding parking layout. Preliminary feedback indicates that Councilor Hokanson is concerned about the long-term viability of tandem parking due to the projected increases in electric vehicles and the need to have charging stations.*

Topic #4 - Increasing the square footage of ADUs:

Though not required by HB 2001, staff recommends increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Increasing the maximum square footage of an ADU may indirectly support HB 2001 by encouraging more people to build ADUs. *The Planning Commission recommended increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Preliminary feedback indicates that Councilor Walker is not in favor of increasing the maximum square footage of an ADU from 600 to 800 square feet.*

Topic #5 - Orientation on Transit Streets:

In accordance with the existing Development Code, conversion of a single-family dwelling to a duplex on a flag lot on a transit street would trigger additional requirements in Chapter 17.82 regarding orientation of the dwelling unit and connection to the sidewalk, which would not be permitted by HB 2001. Staff proposed exempting conversion of a single-family dwelling to a duplex from the standards in Section 17.82.20(A and B), which would be required by HB 2001. In addition, staff is recommending exempting single-family residences and duplexes from the standards in Section 17.82.20(A and B), which is not required by HB 2001, based on the reasoning that requiring a separate pedestrian walkway adjacent to a paved flag seems redundant and would result in increased impervious surface and potentially stormwater movement on to abutting properties. *The Planning Commission recommended keeping the exemptions as proposed by staff.*

Topic #6 - Natural hazard considerations:

HB 2001 contains an exception to the middle housing requirements for areas subject to natural hazards, including flood hazard and other hazards. The City is not required to modify Chapter 17.60 based on the exception, provided the adopted ordinance includes findings related to the hazard. Staff does not recommend broadening permitted uses in the Flood and Slope Hazard (FSH) overlay district and, therefore, recommends not

including the Chapter 17.60 modifications. *This exemption was identified after the Planning Commission hearing.*

Topic #7 - Parks fee in-lieu considerations:

HB 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges (SDCs), property tax exemptions, and construction taxes, but does not require cities to adopt those policies at this point. Currently, the calculation for the City's land component portion of the parks SDC, including the fee-in-lieu option, is contained in Chapter 17.86. Staff proposed a "total persons per unit" of 2 for each duplex dwelling unit for calculating required parkland dedication. (Total duplex would be 4; SFR is 3, for reference.) *The Planning Commission did not review the proposed code changes to Chapter 17.86 as these were identified as needing to be addressed after the Planning Commission hearing. **Preliminary feedback indicates that Council is not in favor of reducing the persons/unit for each unit of a duplex and would like to keep it at 3 rather than 2.***

**RECOMMENDATION:
RECOMMENDATION**

Staff recommends the City Council continue the public hearing and take public testimony, and provide staff feedback on discretionary items so that staff can return with revised code language, an ordinance, and findings at a May City Council meeting. Staff recommends adopting the code changes prior to June 2021 so that the City of Sandy is in compliance with the mandates of House Bill 2001. If the City does not adopt code amendments in compliance with House Bill 2001 with an effective date of June 30, 2021 or earlier, the state's model code will go into effect in Sandy on July 1, 2021.

LIST OF ATTACHMENTS/EXHIBITS:

- A. Chapter 17.10 Code Modifications
- B. Chapter 17.30 Code Modifications
- C. Chapter 17.34 Code Modifications
- D. Chapter 17.46 Code Modifications
- E. Chapter 17.54 Code Modifications
- F. Chapter 17.74 Code Modifications
- G. Chapter 17.82 Code Modifications
- H. Chapter 17.86 Code Modifications
- I. Chapter 17.98 Code Modifications
- J. Chapter 17.100 Code Modifications
- K. Draft ordinance findings
- L. DLCD Documents
- M. Medium Cities Middle Housing Model Code
- N. January 25, 2021 Planning Commission Staff Report
- O. March 15, 2021 City Council Staff Report
- P. Comments from Councilor Walker

Q. Comments from Councilor Hokanson



PROPOSED CODE CHANGES

17-10 CC Hearing draft only revised pages

17-30 CC Hearing Draft

17-34 CC Hearing Draft

17-46 CC Hearing Draft

17-54 CC Hearing Draft

17-74 CC Hearing Draft

17-82 Hearing Draft

17-86 CC Hearing Draft

17-98 CC Hearing Draft

17-100 CC Hearing Draft

**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.

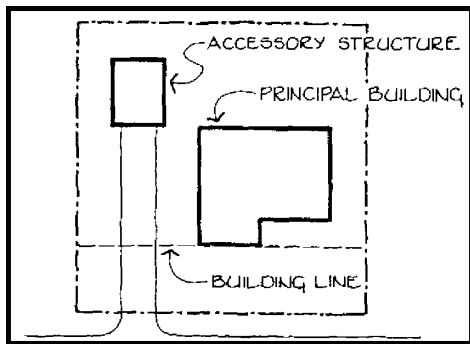
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

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 duplex, or in a separate accessory structure on the same lot as the ~~main~~ single-family dwelling or duplex, 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~~ single-family dwelling or duplex.

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.

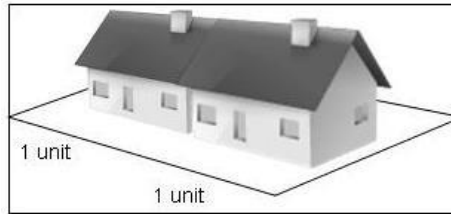
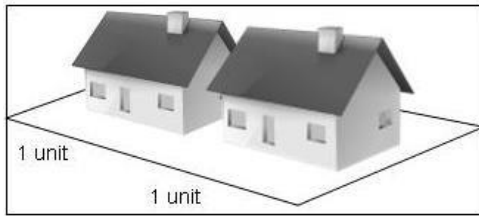
Accessory Use: A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

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.

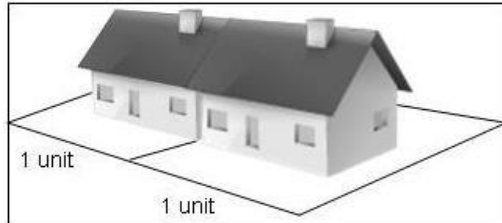
Acre, Net: Net acre means an acre area of land, which does not include in its measurement public streets or other areas to be dedicated or reserved for public use.

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.

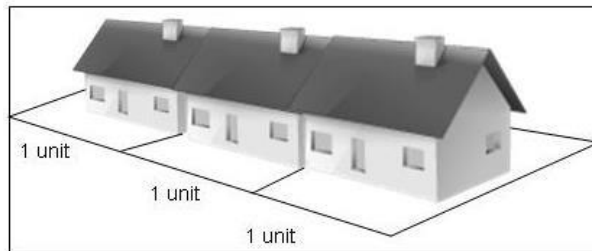
Actual Construction: The placing of construction materials in a permanent position and fastened in a permanent manner.



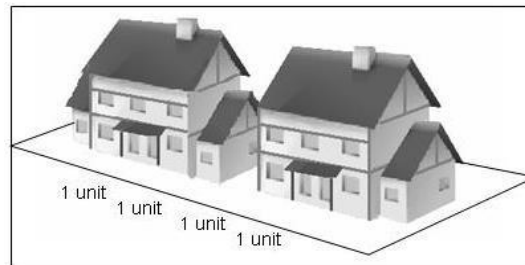
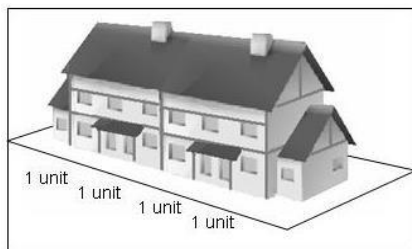
- 4. Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



- 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. [One duplex and one accessory dwelling unit \(ADU\) constructed on a single lot of record are exempt from the additional requirements for multi-family developments in Section 17.90.160.](#)



- 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

EXHIBIT B

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.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e., duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

**CHAPTER 17.34
SINGLE-FAMILY RESIDENTIAL (SFR)**

17.34.00 INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;
- ~~2.3. Duplex.~~

B. Accessory Uses Permitted Outright:

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

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Single detached or attached zero lot line dwelling;
- ~~3. Duplex;~~
- ~~4.3.~~ Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- ~~5.4.~~ Other uses similar in nature.

B. Conditional Uses:

1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling <u>or duplex</u> ----- Other permitted uses	7,500 square ft. No minimum
B. Minimum Average Lot Width ----- - Single detached dwelling <u>or duplex</u>	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.90
D. Minimum Average Lot Depth	No minimum
E. Setbacks (Main Building) Front yard Rear yard Side yard (interior) Corner Lot	10 ft. minimum 20 ft. minimum 7.5 ft. minimum 10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.150) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

17.34.40 MINIMUM REQUIREMENTS

- A. Must connect to municipal water.
- B. Must connect to municipal sewer if service is currently within 200 feet of the site. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
 1. A county septic permit is secured and a copy is provided to the city;
 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

¹ Must comply with clear vision requirements of Chapter 17.74.
17.34 - 2

3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- C. The location of any real improvements to the property must provide for a future street network to be developed.
 - D. Must have frontage or approved access to public streets.

17.34.50 ADDITIONAL REQUIREMENTS

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

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

17.46.00 INTENT

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

17.46.10 PERMITTED USES

A. Primary Uses Permitted Outright – Residential:

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

B. Primary Uses Permitted Outright – Commercial (in buildings with up to 7,500 square ft. of gross floor area):

1. Retail uses, including but not limited to:
 - a. Automotive, trailer, recreational vehicle, motorcycle sales and rental;
 - b. Convenience market/store;
 - c. Eating and drinking establishment including fast-food and high-turnover sit down restaurant but excluding drive-through;
 - d. 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 excluding drive-through;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - i. Social organization;
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site;
 - a. Brewery, distillery, or winery with pub/tasting room;
4. Bus station or terminal;
5. Group care and assisted living;
6. Minor public facility;
7. Overnight lodging;
8. Park and ride station;
9. Parking lot or garage (when not an accessory use);
10. Other uses similar in nature.

C. Accessory Uses Permitted Outright:

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

2. Outdoor display or storage of merchandise covering no more than 10% of the total retail sales area;
3. Accessory dwelling units, detached or attached;
4. Accessory structures;
5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
6. Home businesses;
7. Parking lot or garage (when associated with development).

17.46.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

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

B. Conditional Uses:

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

17.46.30 DEVELOPMENT STANDARDS

A.

Residential - Not in Conjunction with a Commercial Business	
Type	Standard
Lot Dimension	In conformance with Chapter 17.40 (R-3)

Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No minimum
Structure Height	45 ft. maximum
Landscaping	20%
Off-Street Parking	See Chapter 17.98

Commercial	
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100 ft. recommended;
Lot Coverage	No maximum
Setbacks ¹	No minimum; maximum 20 ft.
Structure Height	45 ft.
Landscaping	10% (includes required civic space per 17.90.110.)
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

- 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. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be free-standing. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;
 3. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

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

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 area 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

17.54 - 3

Revised by Ordinance No. 2003-09 effective 10/15/03

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.

17.54 - 4

Revised by Ordinance No. 2003-09 effective 10/15/03

- 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

17.54 - 5

Revised by Ordinance No. 2003-09 effective 10/15/03

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 or duplex;	40 ft. single family detached or ; 50 ft. duplex; 30 ft. zero lot line; 30 ft. row house	40 ft. single family detached or duplex; 30 ft. zero lot line and duplex; 20 ft. row house	40 ft. single family detached or duplex; 20 ft. zero lot line; duplex and row house
Lot Width at Building Line	40 ft. single family detached or duplex	40 ft. single family detached or ; 50 ft. duplex; 20 ft. zero lot line; 20 ft. row house	40 ft. single family detached or duplex; 30 ft. duplex; 20 ft. zero lot line and row house	40 ft. single family detached or duplex; 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 <u>ft.</u> ²
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 and Duplex Design Standards – All single family dwellings, and manufactured dwellings, and duplexes on individual lots of record shall follow the design standard calculations in Chapter 17.90. 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 [shall adhere to the standards in Chapter 17.100, Land Division](#). ~~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 17.74
ACCESSORY DEVELOPMENT
ADDITIONAL PROVISIONS AND PROCEDURES

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director’s determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10 RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

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

Figure 17.74.10-A: Interior Lot

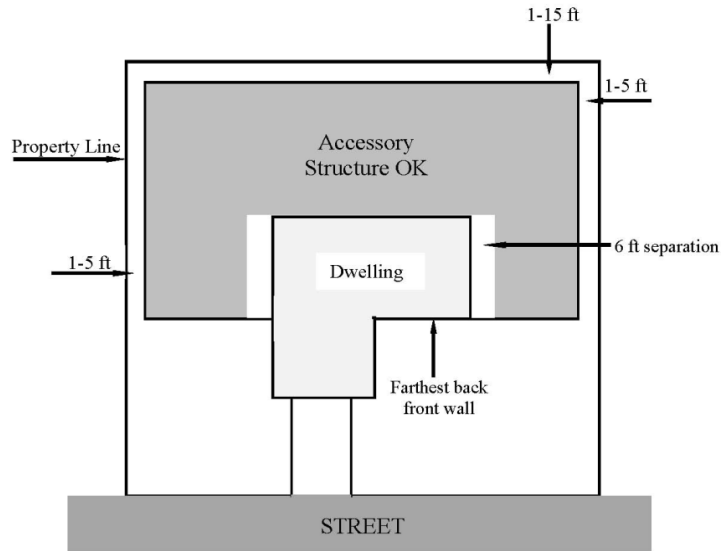
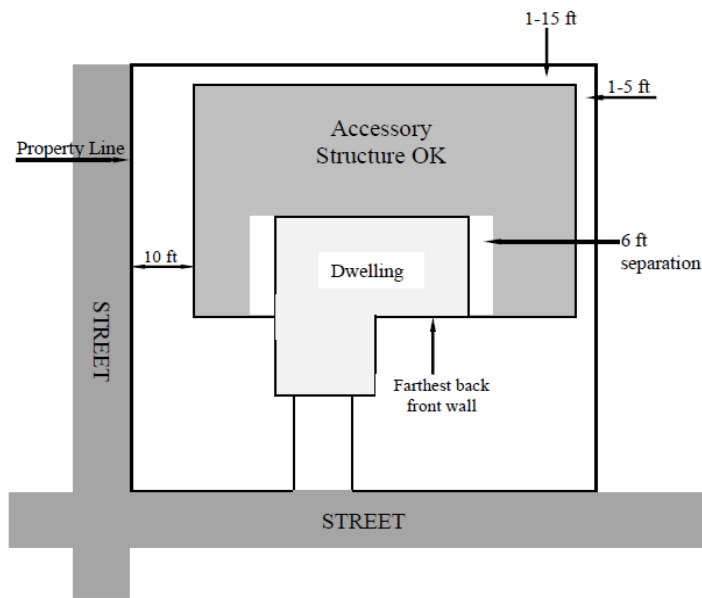


Figure 17.74.10-B: Corner Lot



17.74 - 2

Revised by Ordinance No. 2014-05 (effective 06/02/14)

B. General Standards.

1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - a. Both lots are under the exact same ownership; and
 - b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
 - c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

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

¹ Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

- B. Vertical Projections. Height limitations shall not apply to the following:
1. Fire and parapet walls
 2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
 3. Smokestacks
 4. Steeples
 5. Windmills
 6. Other similar structures

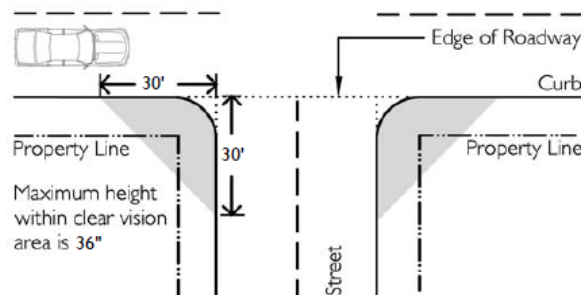
17.74.30 VISION CLEARANCE AREA

- A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the “vision clearance area” between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.
- B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

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

Figure 17.74.20 – Vision Clearance Measurement



- C. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenance.
 2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.

3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

- C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

- D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.

1. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

- F. Fences in excess of 6 ft. in height require a building permit.

17.74.50 DECKS

- A. Decks may encroach into required yard areas as specified in 17.74.20 above.
- B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

- A. Temporary Uses. Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.
- B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.
- C. Portable Outdoor Storage Unit. Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

17.74.70 ACCESSORY DWELLING UNITS

Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and ~~the disabled people with disabilities.~~
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- ~~Foster better housing maintenance and neighborhood stability.~~
- ~~Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.~~
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-800 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98 <u>No minimum</u>
Landscaping	Same as underlying zoning district

~~C. Occupancy Limitations.~~

- ~~1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.~~
- ~~2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit~~

C. Design Standards.

1. The accessory dwelling unit shall ~~remain subordinate~~ be accessory to the ~~principal~~ primary residence.
2. ~~The~~ ADU shall ~~have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk~~ be adequate provisions for ingress and egress, but separation is not required. The pedestrian walkway shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian walkway shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- ~~3. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal primary residence.~~

~~4.3.~~ An ADU may be either stick-built or a modular dwelling unit in compliance with Section 17.90.140, but may not be a single wide manufactured dwelling unit.

~~5.4.~~ Detached ADUs shall ~~be architecturally consistent with the principal primary dwelling unit~~ provide at least three design standards consistent with Section 17.90.150 on the street-facing façade(s) and shall provide at least X percent windows on the ground floor elevation of the street facing façade(s).

~~6.~~ Attached ADUs shall have the appearance of a single family dwelling.

~~7.5.~~ Primary entrances shall not be in front of the ~~principal primary unit~~ residence.

~~DE.~~ Permit Issuance.

1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
2. Required permit information shall be limited to that for single-family dwellings.
3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

~~EF.~~ Additional Requirements.

~~1. Adequate provisions shall be made for drainage. The ADU shall connect to municipal water and sewage wastesanitary sewer if the primary dwelling is connected to the municipal water and sewer system.~~

2. The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.

~~3. ADUs may not be developed for sale and may only be rented.~~

~~4.3.~~ Illegal ADUs may be legalized if they conform, or are brought into conformance with the Sandy Municipal Code and the Oregon Structural Specialty Code, basic zoning, building, plumbing, mechanical and electrical codes.

~~5. ADU requirements shall be recorded as a deed restriction against the property.~~

~~6.4.~~ Periodic review of ADUs shall be conducted by the ~~city~~ City to evaluate and reconsider existing densities.

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations.

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city.
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.

7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - 1) Investigate the complaints;
 - 2) Prepare a report to the Planning Commission; and,
 - 3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a) Generation of excessive traffic;
 - b) Monopoly of on-street parking spaces;
 - c) Frequent deliveries and pickups by motor freight;
 - d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e) Smoke, fumes, or odors in excess of those created by normal residential use;
 - f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a) Approve the use as it exists;
 - b) Require the use to be terminated;
 - c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS

A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.

17.74 - 9

Revised by Ordinance No. 2014-05 (effective 06/02/14)

3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.
10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.

3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

Fire Safety

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

Health and Sanitation

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
26. Sites containing more than one food cart shall provide a restroom facility on-site.
27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
 - a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
 - b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
 - c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.
2. Requirements for properties containing one or more food carts:
 - a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.
3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

2. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.
3. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

CHAPTER 17.82
SPECIAL SETBACKS ON TRANSIT STREETS

EXHIBIT G

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

~~D.~~E.Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Sections 17.82.20(B and C).

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;
 - c. Design review for a multi-family development or manufactured home park; and
 - d. Replat or amendment of any site plan for multi-family development or manufactured home park where dedication has not previously been made or where the density of the development involved will be increased.
2. Calculation of Required Dedication: The required parkland acreage to be dedicated is based on a calculation of the following formula ~~rounded to the nearest 1/100 (0.00) of an acre:~~

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 dwelling unit	3.0
Duplex dwelling unit	2.0*
Standard multi-family unit	2.0
Manufactured dwelling park unit	2.0
Congregate multi-family unit	1.5

[*The total persons per unit for the entire duplex \(both units\) would be 4.](#)

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. [The fee-in-lieu shall be based on the number and type of units proposed at time of plat, but additional fee in-lieu will be necessary and calculated on a per lot basis if any lots are constructed or converted to add additional units. For example, if an existing single family dwelling is converted into a duplex the existing single family home shall receive a credit, but the new unit shall pay the difference in persons per unit. This would equate to 1 proposed unit multiplied by 1 additional person multiplied by 0.0043.](#)

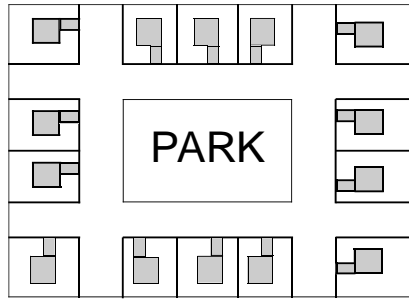
- b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan¹. This standard represents the citywide land-to-population ratio 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:

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.



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.
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

17.86 - 4

Revised by Ordinance No. 2013-03 (effective 07/03/13)

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.

EXHIBIT I

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.

17.98 - 1

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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	1 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

17.98 - 4

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

	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

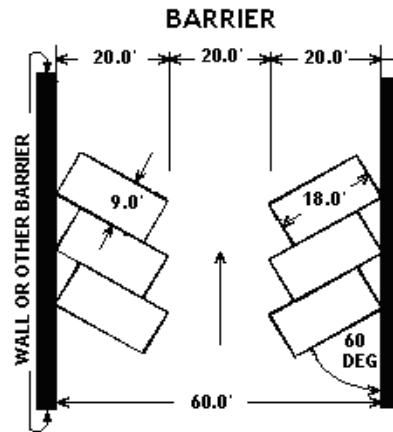
All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

- 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

17.98 - 7

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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 or duplex 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.C.~~ 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.D. 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.E. 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.F. 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

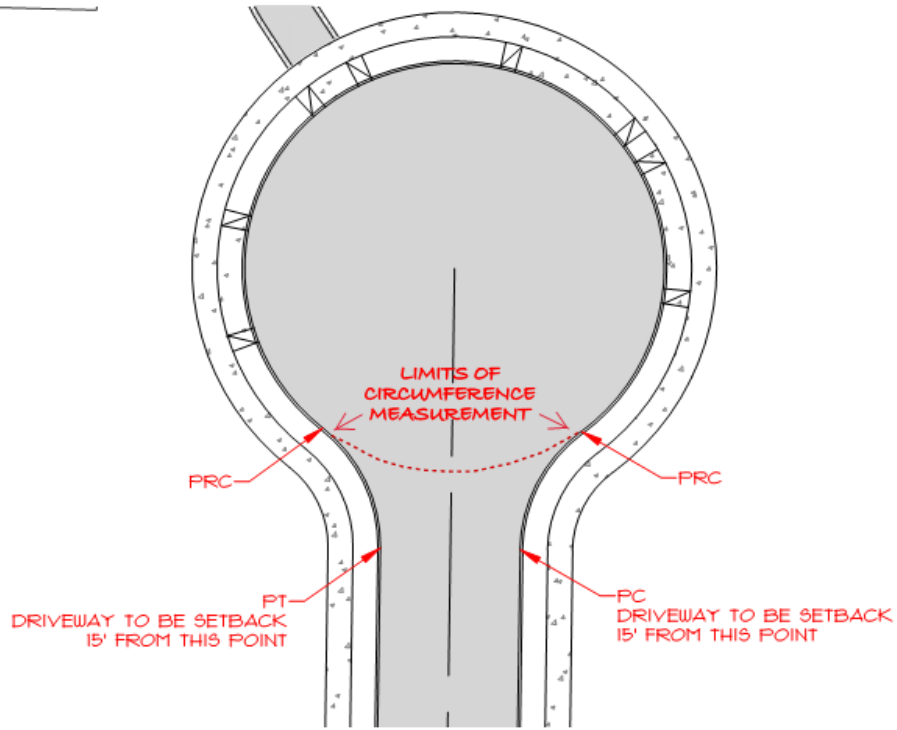
PC = point of curvature

PRC = point of reverse curvature

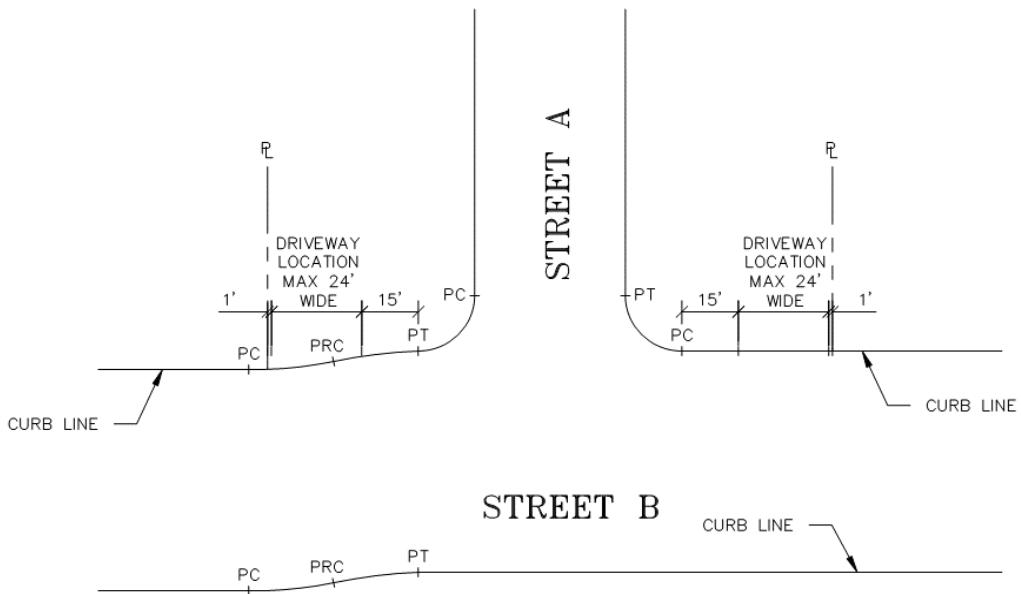
H.G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

H.H. 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 - 10

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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-obscurer 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.

17.98 - 12

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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

- A. 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.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

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~~ single family residence or duplex except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling. Accessory dwelling units, multi-family developments, and conversions of single-family homes to duplexes are exempt from this standard.
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;

17.100 - 2

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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;

17.100 - 3

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 11

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.

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-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.
2. A shared access easement and maintenance agreement shall be established between the ~~two units~~ lots 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.

17.100 - 13

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

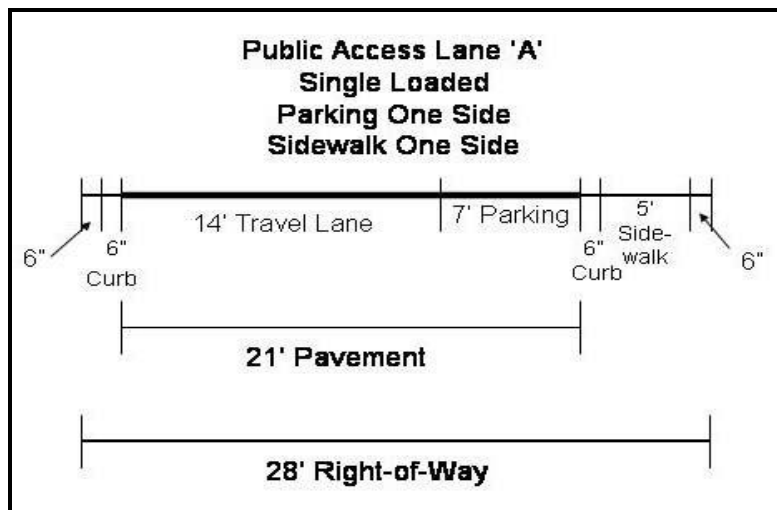
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting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

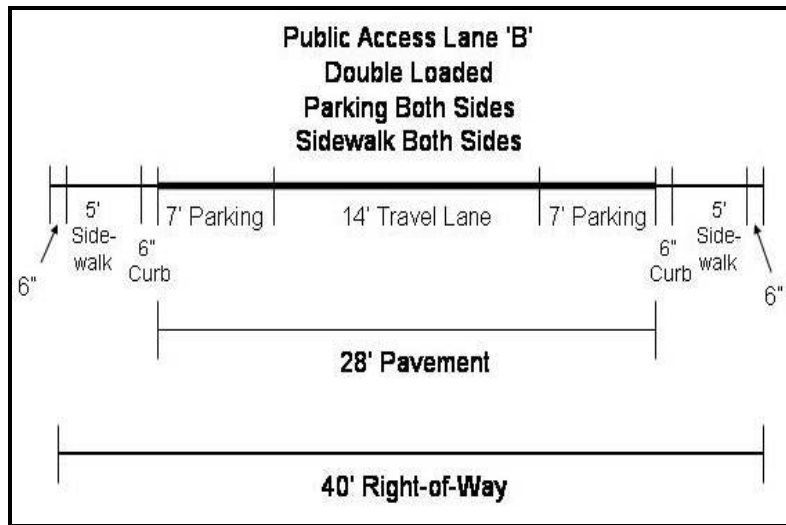
- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

17.100 - 14

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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.

17.100 - 16

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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 - 17

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.



FINDINGS FOR ORDINANCE

Ordinance 2021-03 HB 2001 Findings

EXHIBIT K

**Exhibit K
Ordinance No. 2021-03**

1. Goal 1 – Citizen Involvement. Both the Planning Commission and the City Council held a public hearing prior to adopting the ordinance. The Commission held a public hearing on January 25, 2021. The Council held a public hearing on March 15, 2021. The City provided notice of the public hearings in accordance with state law and the City’s development code. Goal 1 is satisfied.
2. Goal 2 – Land Use Planning. Goal 2 requires the ordinance to be coordinated with other governmental entities and to be supported by an adequate factual base. The City provided 35-day notice to the State of Oregon on December 8, 2020. Goal 2 is satisfied.
3. Goal 3 – Agricultural Lands. Goal 3 does not apply to the decision.
4. Goal 4 – Forest Lands. Goal 4 does not apply to the decision.
5. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces. Goal 5 does not apply to the decision.
6. Goal 6 – Air, Water and Land Resources Quality. Goal 6 does not apply to the decision.
7. Goal 7 – Areas Subject to Natural Hazards. OAR 660-046-0010(3)(c) contains an exception for middle housing in areas subject to natural hazards. The City of Sandy has one natural hazard overlay, the Flood and Slope Hazard (FSH) Overlay, which currently permits construction or expansion of a single-family residence on a lot-of-record under specific prescribed conditions, as well as replacement of a single-family dwelling constructed over substantially the same footprint as the original dwelling. The City considered broadening the allowed uses to include construction, expansion, or replacement of duplexes, in addition to single-family residences; however, the City believes that a duplex would likely accommodate more residents than a single-family residence and, thus, would pose a greater risk to life. The City finds that expanding permitted uses in the FSH to include construction, expansion, or replacement of a duplex presents a greater risk to life or property as it could result in exposing more people to hazards, increasing risk of damage to natural infrastructure, and exacerbating the risk by altering natural resources, hydraulics, or hydrology. In order to reduce additional risk to life or property, the City will not be updating Chapter 17.60 as part of the House Bill 2001 code amendments. Goal 7 is satisfied.
8. Goal 8 – Recreational Needs. No resorts are contemplated or authorized by this decision. The City’s comprehensive plan, parks master plan, and development regulations governing recreational needs (e.g., park dedication/fee in-lieu-of requirements, open space provisions, etc.) are not affected by the decision. The proposed modifications clarify the parks fee in lieu calculation for duplexes. Goal 8 is satisfied to the extent it applies to the decision.
9. Goal 9 – Economic Development. The City has adopted an economic opportunities analysis (“EOA”) as Goal 9 requires. The EOA includes in its analysis all properties within the City’s urban growth boundary, including unincorporated property. Nothing in this text amendment affects any aspect of the EOA. Therefore, Goal 9 is satisfied.

10. Goal 10 – Housing. The City has an adopted buildable lands inventory (BLI) and housing needs analysis (HNA), both of which were completed in 2015. Adoption of these provisions could increase the zoned capacity of lands within the UGB. According to ORS 197.296(6)(b), this could be as great as a three percent increase in capacity, but the City lacks sufficient information on the development status of available lands to develop an accurate estimate. In accordance with House Bill 2003, the City will be updating the BLI and HNA by the end of 2024. The City will further consider the impacts of middle housing ordinances on land capacity in the next Housing Needs Analysis. In preparation for the next HNA, the City of Sandy has hired ECONorthwest to put together a housing strategy memo, which includes information about potential policies that could be implemented to address the City’s housing needs, including but not limited to property tax exemptions, waiving or deferring system development charges, and construction taxes. The policies are organized into the following categories: land use regulations, strategies to increase housing types, strategies to manage short-term rental housing, programs that provide financial assistance, strategies to lower development or operational costs, funding sources to support residential development, and policies to support housing equity. At time of adoption of this ordinance, the housing strategies memo is in draft form but is expected to be completed for a work session on March 15, 2021. Therefore, Goal 10 is satisfied.
11. Goal 11 – Public Facilities and Services. The City has an existing public facilities plan that includes all properties within the City’s urban growth boundary, including islands of unincorporated property. This text amendment will not undermine or contradict any aspect of the existing public facilities plan. Goal 11 is satisfied.
12. Goal 12 – Transportation. Section 3(5) of House Bill 2001 states: “When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.” Thus, House Bill 2001 exempts this consideration. Therefore, Goal 12 is satisfied for the purposes of this decision.
13. Goal 13 – Energy Conservation. The City’s comprehensive plan with respect to Goal 13 and its standards governing energy conservation are not affected by the decision. Goal 13 is satisfied.
14. Goal 14 – Urbanization. The decision does not analyze or expand the City’s urban growth boundary. Goal 14 is not applicable.



SUPPORTING DOCUMENTS

DLCD Documents

Medium Cities Middle Housing Model Code

House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

Ethan Stuckmayer, Senior Housing Planner, ethan.stuckmayer@state.or.us (503) 934-0619



Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.





KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)

Updated Nov. 6, 2019

House Bill 2001 (HB 2001) provides \$3.5 million to DLCD for technical assistance to local governments to:

- 1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or
- 2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

DLCD Required Rulemaking: Who is affected:	Middle Housing Requirements		Infrastructure Deficiency Process
	Medium Cities	Large Cities	Medium & Large Cities
Significant dates:	DLCD Rules and model code adoption December 31, 2020	DLCD Rules and model code adoption December 31, 2020	DLCD Rules adoption [no date specified in bill] Target: July 2020
Local Government Deadlines:	Local Government Adoption of model code or alternative June 30, 2021	Local Government Adoption of model code or alternative June 30, 2022	Medium Cities Extension Requests due by December 31, 2020 Large Cities Extension Requests due by June 30, 2021
Effect of missed deadline:	Model code applies directly	Model code applies directly	No extension granted

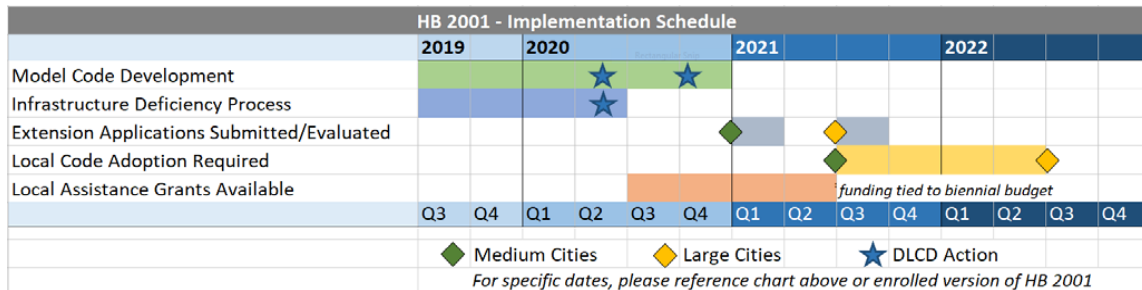
Medium Cities

All Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.	
Middle Housing Requirement	Duplexes to be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

Large Cities

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.	
Middle Housing Requirement	Duplexes (as above) AND triplexes, quadplexes, cottage clusters, and townhouses “in areas zoned for residential use that allow for the development of detached single family dwellings.”

Flexibility *Medium and Large Cities “may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay.”*



Other Provisions in HB 2001

- ✓ A local government may request an extension of time to adopt the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development, along with a plan of actions to remedy the deficiencies in those services.
- ✓ The applications for time extensions based on infrastructure deficiency will be reviewed by DLCD and approved or denied.
- ✓ Housing Needs Analyses, in conjunction with a UGB decision, may not assume more than a three percent increase in housing units produced as a result of the adoption of middle housing regulations unless the local government can show that higher increases have been achieved to date.
- ✓ The bill amends requirements relating to accessory dwelling units (ADUs). The bill states, “Reasonable local regulations relating to siting and design’ [for ADUs] does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.” However, such regulations may be applied if the ADU is used for vacation occupancy.
- ✓ Changes the annual housing production survey required by passage of HB 4006 in 2018. Adds requirement to report on ADUs and units of middle housing, both for market rate housing and for regulated affordable units.
- ✓ Directs the Building Codes Division to develop standards to facilitate conversions of single-family dwellings into no more than four residential dwelling units.
- ✓ Prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood.
- ✓ The bill also notes that the department shall prioritize technical assistance to cities or counties with limited planning staff, or that commit to implementation earlier than the date required by the act.

This fact sheet is intended to summarize key elements of HB 2001. It is not intended to replace a detailed review of the legislation. For specific bill language, please review the enrolled version of the HB 2001:
<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

“HB 2001 is focused on increasing the supply of ‘middle housing’ in Oregon cities – not by limiting construction of single family homes, but by allowing development of duplexes, triplexes, and quadplexes. Through technical assistance and resources for local governments, DLCD joins the effort to help create housing opportunities for all Oregonians.”

- Jim Rue, DLCD Director

For more information visit our website at <http://www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx>

DLCD Staff Contacts:

With questions about local implementation –
[Contact your Regional Representative](#)

Ethan Stuckmayer
Senior Housing Planner
ethan.stuckmayer@state.or.us
503-934-0619

Kevin Young
Senior Urban Planner
kevin.young@state.or.us
503-934-0030

HB 2001 and HB 2003 Frequently Asked Questions

Updated on March 25, 2020

House Bill 2001

Requirements for Duplexes

Which jurisdictions will be required to allow duplexes?

All Oregon cities with a population of 10,000 or more, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000. A list is here:

<https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be allowed?

Duplexes must be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

What is meant by “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings”?

A local government that allows single-family dwellings in a residentially zoned lot or parcel must also allow for the development of a duplex. The local government may regulate the siting and design of the duplex so long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules by the Land Conservation and Development Commission.

How will these requirements affect the development standards in my city/county?

Currently, the Department of Land Conservation and Development is only developing rules for duplex requirements. Once administrative rules are adopted, cities outside Portland Metro with populations between 10,000 and 25,000 (referred to as “Medium Cities”) will be required to adopt compliant development codes by June 30, 2021. Final guidance will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by August 2020.

Requirements for other middle housing types

Which jurisdictions will be required to permit other middle housing types (i.e. triplexes, quadplexes, townhouses, and cottage clusters)?

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000 (referred to as “Large Cities”). A list of these jurisdictions is here: <
https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be permitted?

Middle housing types listed in HB 2001 other than duplexes must be allowed “in areas zoned for residential use that allow for the development of detached single family dwellings.”

What is meant by “in areas zoned for residential use that allow for the development of detached single-family dwellings”?

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. The exact interpretation of “in areas” is pending development through rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

What is meant by “Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay”?

The intent of HB 2001 is make the development of middle housing types equally as feasible as single-family dwellings. As such, standards, approval criteria, or processes that impose additional burden on the development of middle housing types above the burden placed upon single family dwellings in the same zone are considered unreasonable - and therefore not in compliance with the intent of HB 2001.

How will local governments know their regulations would not be determined to result in “unreasonable cost or delay”?

The administrative rules and model code adopted through this rulemaking process by the Land Conservation and Development Commission will provide a set of development standards that are considered to be reasonable. Additionally, the rules will define certain parameters for development regulations which will provide jurisdictions with clear guidance as to what is considered unreasonable cost or delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How will these requirements affect development standards related to:

- Density**
- Dimensional Standards (e.g. setbacks, lot coverage, height)**
- Design and Solar Access**
- Infrastructure and Public Facilities**
- Parking**

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. Once administrative rules are adopted, these cities will be required to adopt a development code compliant with the

HB 2001 law and rules by June 30, 2022. More definitive guidance on how the bill will affect development standards for large cities will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by mid-November of 2020.

Infrastructure-Based Time Extension Request (IBTER)

What if infrastructure is unable to accommodate middle housing types?

A local government may request an extension of time to enact the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development in a specific geographic area. In order for this extension request to be approved by the Department, the local government must also provide a plan of actions to remedy the infrastructure deficiency.

When must an Infrastructure-Based Time Extension Request be submitted?

A “Medium City” must submit an extension request by December 31, 2020. A “Large City” must submit an extension request by June 30, 2021.

What is considered “significantly deficient” infrastructure?

HB 2001 states that local governments may request an infrastructure-based time extension if infrastructure is currently significantly deficient, or is expected to be by December 31, 2023. Of course, the level of deficiency is dependent upon the infrastructure system. The Rulemaking Advisory Committee and the DLCD project team are working with technical experts to determine this criteria. The exact interpretation of this section of the bill is currently under development in rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How much development/redevelopment can be anticipated or assumed for an extension request?

HB 2001 provides at least some guidance as to how much redevelopment a jurisdiction could reasonably anticipate as a result of adopting middle housing development standards. The bill states that a local government may not assume an increase in residential capacity above achieved density by more than 3% for the purposes of accommodating needed housing over a 20-year planning period. For the purposes of calculating if existing infrastructure can accommodate this growth by December 31, 2023, draft administrative rules currently under development have simplified this redevelopment rate to a growth rate of 1% in infill development situations and 3% in greenfield development situations.

How long of an extension can be granted?

A local government is expected to make good faith action to remedy an infrastructure deficiency in a timely manner. The proposed length of the initial time extension is five years, with the opportunity for a one-time additional five year extension.

How does a jurisdiction prepare an IBTER for an area where they do not have ownership or authority over a type of infrastructure such as a State highway or service provider district?

Parameters for ensuring coordination between local governments and service providers is currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Requirements for Accessory Dwelling Units (ADUs)

How will HB 2001 change how ADUs are regulated?

The new law prohibits jurisdictions from requiring owner-occupancy or off-street parking for ADUs. However, such regulations may be applied if the ADU is used for vacation occupancy.

What is the difference between an ADU and a duplex?

There may be rare situations where a proposed development could meet the definition of both a duplex and a single-family dwelling with an internal ADU. In these situations, the property owner will be allowed to elect which definition they wish to apply to their proposed development. The property owner is not allowed to define their proposed development as both or change their election.

Will HB 2001 require jurisdictions to allow both an ADU and duplex on a single lot?

We are currently exploring this legal question as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

What is the Model Code? How will it be applied?

If a jurisdiction does not adopt a compliant development code by the statutory deadline outlined in the bill, then a model ordinance developed by the Land Conservation and Development Commission (LCDC) will apply directly. Currently, there are two model ordinances under development – one applicable to “Medium” cities and another applicable to “Large” Cities.

What is the difference between the Model Code and Administrative Rules?

The purpose of the Model Code is three-fold. Firstly, it provides an ordinance that can apply directly in the event a jurisdiction does not adopt an ordinance that complies with HB 2001. Secondly, local governments can choose to adopt the model code “wholesale” and be assured that the standards are HB 2001-compliant. Thirdly, it defines standards

for minimum compliance to provide guidance to jurisdictions that seek to develop their own middle housing standards.

The administrative rules outline the process and criteria by which the Department of Land Conservation and Development will evaluate middle housing ordinances adopted by local jurisdictions to determine whether they comply with the intent of HB 2001.

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2001?

The required timeline for compliance with HB 2001 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

How will existing and future Codes, Covenants, and Restrictions (CC&Rs) be affected by HB 2001?

HB 2001 prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood. However, existing CC&Rs will remain in place.

What is meant by “clear and objective” standards? Will discretionary review processes for middle housing be allowed under HB 2001?

[OAR 660-008-0015](#) establishes that local governments may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Local governments may adopt and apply an optional alternative approval process based on approval criteria regulating appearance or aesthetics that are not clear and objective if the applicant retains the option of proceeding under the approval process that is clear and objective, the alternative process complies with applicable statewide land use planning goals and rules, and the alternative approval process authorizes a density at or above the density level authorized in the zone under the clear and objective approval process.

In other words, local governments will be able to adopt and apply a discretionary review process for middle housing, but all middle housing development applications must have the option of a clear and objective review path that does not have the effect of unreasonable cost or delay.

How will HB 2001 affect the Urban Growth Boundary (UGB) expansion process?

At periodic review or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government must demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

HB 2001 allows jurisdictions to adopt density expectations assumed to result from the provision of middle housing, but this expectation may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.

For jurisdictions located outside of a metropolitan service district (i.e. Metro), a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

How will HB 2001 affect historic properties and districts?

Parameters for historic properties and districts in the model code and administrative rules are currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Will HB 2001 affect the application of System Development Charges (SDCs), property tax exemptions/freezes, or construction taxes?

As part of the comprehensive plan and development code amendment process, HB 2001 requires local governments to consider ordinances and policies to increase the affordability of middle housing including:

1. Waiving or deferring system development charges
2. Adopting or amending criteria for property tax exemptions or freezes
3. Assessing a construction tax

House Bill 2003

Regional Housing Needs Analysis (RHNA)

What is the Regional Housing Needs Analysis?

The Regional Housing Needs Analysis (RHNA; pronounced “ree-na”) is a statewide needs analysis by region to analyze and quantify the housing shortage and future needs in our state. The methodology for this analysis is currently under development by Oregon Housing and Community Services. HB 2003 requires that this analysis determine housing needs of a region and of each city and Metro for a 20-year period. Additionally, the RNHA will include analysis related to the equitable distribution of publicly supported housing within a region and a housing shortage analysis for each city and Metro.

This is a feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration related to how this analysis might continue to be conducted in the future. HB 2003 requires that the methodology be completed and run by September 1, 2020, with a report due to the Oregon Legislature by March 1, 2021.

What data will be used in this analysis? Will it provide an accurate assessment of regional housing needs?

There is limited availability of statewide data sets that can provide sufficient level of detail to conduct the required analysis. To ensure the analysis provides as accurate of an assessment of regional housing needs as practical, the RHNA will utilize Census American Community Survey Public Use Microdata Sample (PUMS) 5-year data, and the shortage analysis will utilize Census Comprehensive Housing Affordability Strategy (CHAS) data.

Will there be opportunities to include qualitative data in the RHNA? Or is it solely quantitative?

Given the timeline and resource constraints associated with conducting a robust qualitative methodology, the RHNA as required by HB 2003 will be conducted using quantitative data. Recommendations in the legislative report due March 1, 2021 will include considerations of how to improve the process, which may include the incorporation of a qualitative component.

How are the regions defined?

Census American Community Survey Public Use Microdata Sample (PUMS) divides Oregon counties into discrete geographies. While it is possible to combine PUMS regions, it is not advisable to break these regions into smaller subregions. Unfortunately, this means that regional boundaries are limited by the boundaries utilized by PUMS data.

While final regions have not yet been defined, it is clear that boundaries in this first iteration of the RHNA may not fully correspond to what may be perceived as a regional housing market. The legislative report due March 1, 2021 will discuss the limitations of this approach and provide recommendations on creating regions that better reflect regional housing markets throughout the state.

What does “affordability” mean in context of the RHNA?

HB 2003 requires that the analysis must classify housing by “Affordability” which is housing that is affordable to households with:

1. Very low income - income at or below 50 percent of the area median income
2. Low income - income above 50 percent and at or below 80 percent of the area median income
3. Moderate income - income above 80 percent and at or below 120 percent of the area median income
4. High income – income above 120 percent of the area median income

“Area median income” is defined in the bill as the median income for households established by the United States Department of Housing and Urban Development. OHCS defines affordability as a household spending no more than 30% of their gross income on housing costs.

How will this analysis be used?

The purpose of the RHNA as prescribed in HB 2003 is to conduct a one-time feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration. The analysis will summarize the findings of the regional housing needs analysis, estimate of housing stock, housing shortage analysis and estimate of housing necessary to accommodate growth.

The legislative report provided by the Department of Land Conservation and Development will evaluate the methodology and assessment produced by Oregon Housing and Community Services. You can read about the specific requirements of this report in [Section 2](#) of the bill.

Housing Needs Analysis (HNA)

Which jurisdictions are required to conduct a Housing Needs Analysis?

HB 2003 requires adoption of a statewide schedule for cities with a population greater than 10,000 to update a local Housing Needs Analysis (HNA).

When will they need to complete a Housing Needs Analysis?

Cities within Metro will be required to update HNAs every six years, cities outside Metro must update every eight years. You can find a completed Housing Needs Analysis Update Schedule here: <

https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf>

Housing Production Strategy (HPS)

What is a Housing Production Strategy? Which jurisdictions are required to produce a Housing Production Strategy?

HB 2003 requires cities with a population greater than 10,000 to prepare and adopt a housing production strategy, in accordance with rules adopted by DLCD. A Housing Production Strategy (HPS) is an extension of a Housing Needs Analysis and must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA.

When will they need to produce a Housing Production Strategy?

A city is required to adopt a Housing Production Strategy within one year of the adoption of their six or eight year Housing Needs Analysis.

What strategies will a jurisdiction need to incorporate in their HPS?

A housing production strategy (HPS) must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA. This may include:

1. The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable.

2. The creation of financial and regulatory incentives for development of needed housing, including creating incentives for needed housing at higher densities or that is affordable.
3. The development of a plan to access resources available at local, regional, state and national levels to increase the availability and affordability of needed housing.

Currently, the Department of Land Conservation and Development is developing rules that will provide further guidance on specific actions that a jurisdiction can incorporate into Housing Production Strategies they develop and adopt.

Will there be enforcement for jurisdictions to implement strategies identified in their HPS?

Section 6 of [HB 2003](#) establishes Land Conservation and Development Commission (LCDC) enforcement authority to ensure Housing Production Strategy implementation and progress. Specific parameters for enforcement is currently under development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2003?

The required timeline for compliance with HB 2003 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Implementation

Rulemaking

What rules will be adopted for HB 2001 and HB 2003?

In response to HB 2001 and HB 2003, the Land Conservation and Development Commission has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. These include administrative rules for the following elements of HB 2001 and HB 2003:

- Infrastructure Based Time Extension Request
- Middle Housing in "Medium" Cities
- Middle Housing in "Large" Cities
- Housing Production Strategy

To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process. You can find out more information about committee meetings on the [Housing Rulemaking](#) page.

When will Administrative Rules be adopted?

Each set of Administrative Rules has its own timeline for adoption based on statutory deadlines and priorities of LCDC. They are listed below.

Infrastructure Based Time Extension Request – To provide local governments sufficient time to develop an IBTER, LCDC aims to adopt administrative rules by early August 2020.

Middle Housing in “Medium” Cities – The statutory required adoption date for administrative rules is December 31, 2020, but to provide local governments sufficient time to develop and adopt middle housing code, LCDC aims to adopt a model code and administrative rules by early August 2020.

Middle Housing in “Large” Cities – The statutory required adoption date for administrative rules is December 31, 2020. The anticipated date of LCDC rule adoption is November 12-13, 2020.

Housing Production Strategy – There is no statutory deadline for Housing Production Strategy rule adoption. The anticipated date of LCDC rule adoption is November 12-13, 2020.

How do I provide comments to DLCD, the Land Conservation and Development Commission, the Rulemaking Advisory Committee, or the Technical Advisory Committee during the rulemaking process?

You are welcome to submit comments electronically or in-person during the rulemaking process. If you would like to submit comments electronically, please submit them to housing.dlcd@state.or.us. If you would like to attend a Rulemaking or Technical Advisory Committee meeting and submit comments in-person, please visit the [Housing Rulemaking](#) page for additional information on time and location of these meetings.

EXHIBIT M

Medium Cities Middle Housing Model Code

User's Guide:

Oregon House Bill 2001 (2019) (HB 2001) requires that "Medium Cities" (defined as cities with a population of more than 10,000 and less than 25,000 that are not within Metro's jurisdiction) allow a duplex on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings. Duplexes provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-family dwellings.

The bill allows local governments to regulate siting and design of duplexes, provided that the regulations do not, individually or cumulatively, discourage duplex development through unreasonable costs or delay. When regulating siting and design of duplexes, Medium Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.

Medium Cities may develop their own standards in compliance with the requirements of HB 2001. This model code may provide guidance toward that end. However, if Medium Cities do not wish to prepare their own standards or if Medium Cities do not adopt the required code amendments by June 30, 2021, they must directly apply this model code prepared by the Department of Land and Conservation Development (DCLD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Medium Cities throughout the state. The model rules are consistent with the requirements and intent of HB 2001 and are intended to ensure that a duplex is no more difficult to develop than a detached single family home. The model code will be adopted by reference into Oregon Administrative Rules.

To the extent they are applicable, the Administrative Rules contained in Chapter 660, Division 46 apply to and may be used to interpret this model code.

Sections:

- A. Purpose**
- B. Definitions**
- C. Applicability**
- D. Relationship to Other Regulations**
- E. Permitted Uses and Approval Process**
- F. Development Standards**
- G. Design Standards**
- H. Duplex Conversions**
- I. Figures**

A. Purpose

The purpose of this model middle housing code (“code”) is to implement HB 2001, codified in ORS 197.758 et seq, by providing siting and design standards for duplexes developed on lots or parcels that allow for the development of detached single family dwellings.

B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. “Detached single family dwelling” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single family dwellings may be constructed off-site, e.g., manufactured dwellings or modular homes.
2. “Duplex” means two dwelling units on a lot or parcel in any configuration. Figures 1–6 in Section I illustrate examples of possible duplex configurations. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an accessory dwelling unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.
3. “Lot or Parcel” means any legally created unit of land.
4. “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation.

C. Applicability

1. Except as specified in subsection (2) of this section (C), the standards in this code allow for the development of duplexes, including those created through conversion of existing detached single family dwellings, on lots or parcels zoned for residential use that allow for the development of detached single family dwellings.
2. The standards in this code do not allow the following, unless otherwise permitted by the development code:

- Creation of duplexes on lots or parcels on lands that are not zoned for residential use. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.
- Creation of more than two dwelling units on a single lot or parcel.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other standards applicable to a duplex, the standards of this code control.
2. Public Works Standards. Clear and objective exceptions to public works standards granted to single family dwellings shall also be granted to duplexes.
3. Protective Measures. Duplexes shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections).

E. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single family dwellings. Duplexes are subject to the same approval process as that for detached single family dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197.307, if such a process is available.

F. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single family dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single family dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet except for those minimum setbacks applicable to garages and carports.
3. Off-Street Parking. Any off-street parking requirement.

G. Design Standards

New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single family dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

Any design standards that apply only to duplexes are invalid.

H. Duplex Conversions

Conversion of an existing detached single family dwelling to a duplex is allowed, pursuant to Section C, provided that the conversion does not increase nonconformance with applicable clear and objective standards.

I. Figures

The following figures illustrate examples of possible duplex configurations. Other configurations may also be acceptable, provided the development meets the definition of duplex, pursuant to Section B.

Figure 1. Stacked Duplex

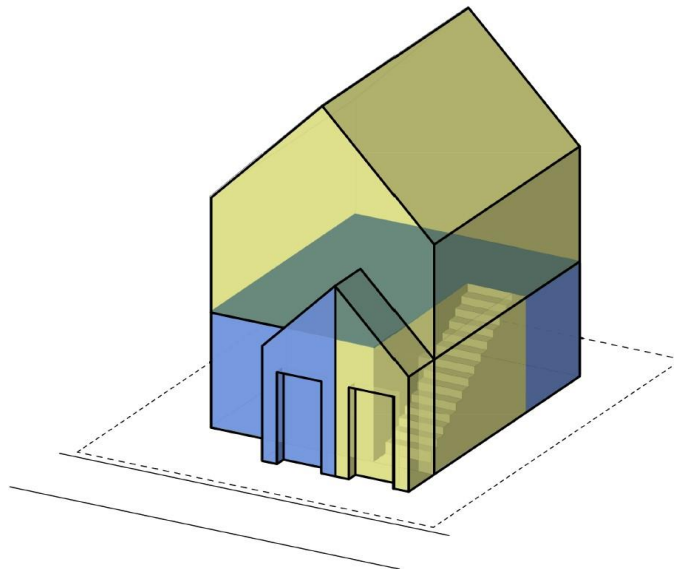


Figure 2. Side-by-Side Duplex

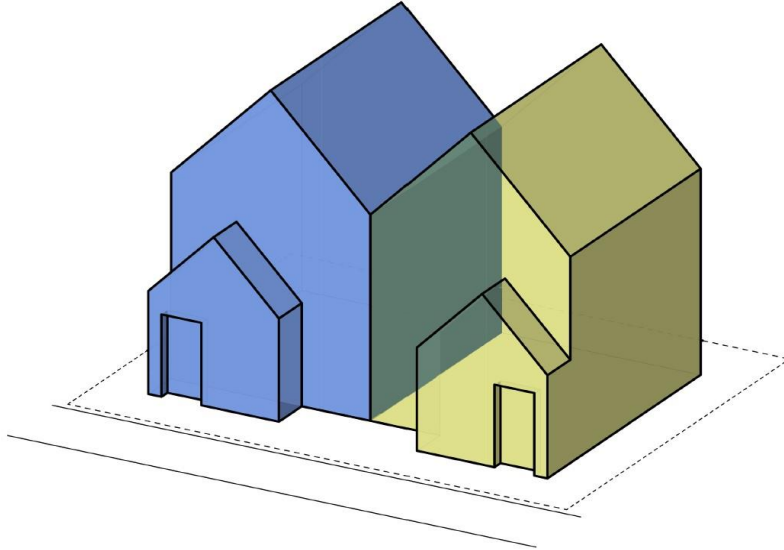


Figure 3. Duplex Attached by Garage Wall

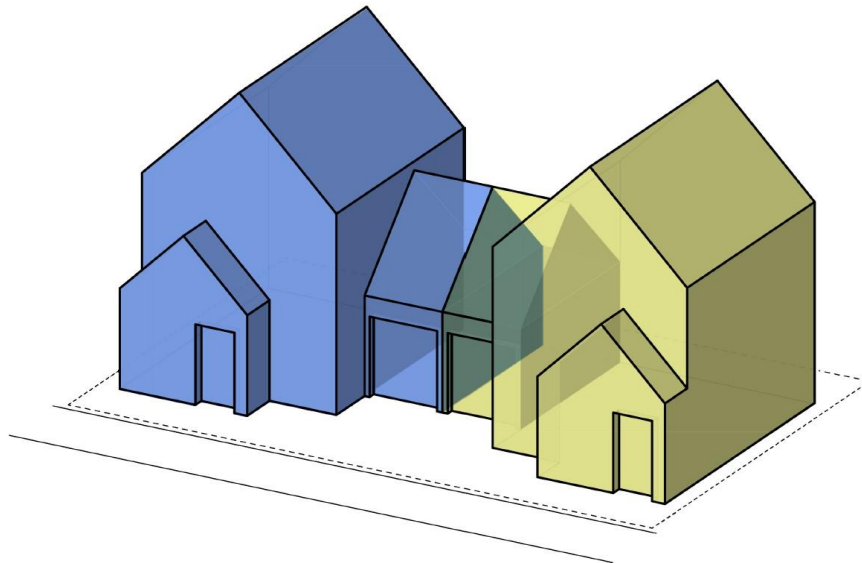


Figure 4. Duplex Attached by Breezeway

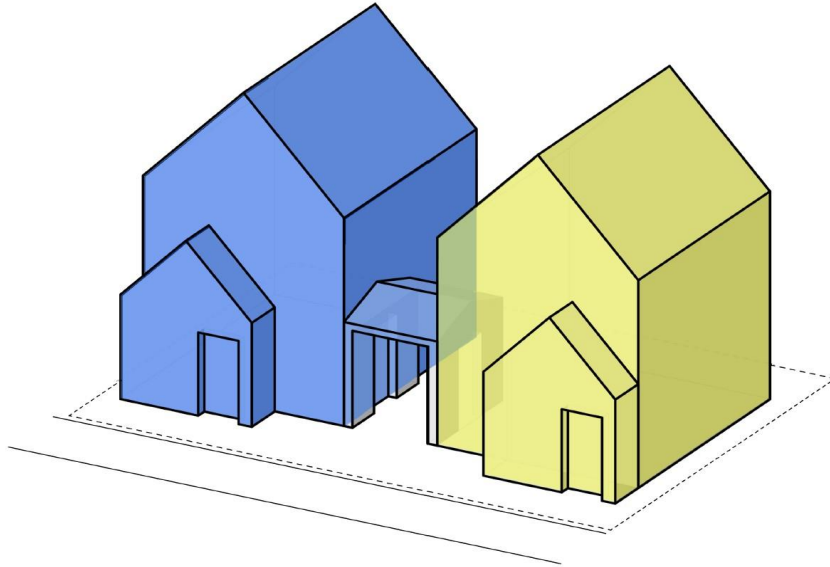


Figure 5. Detached Duplex Units Side-by-Side

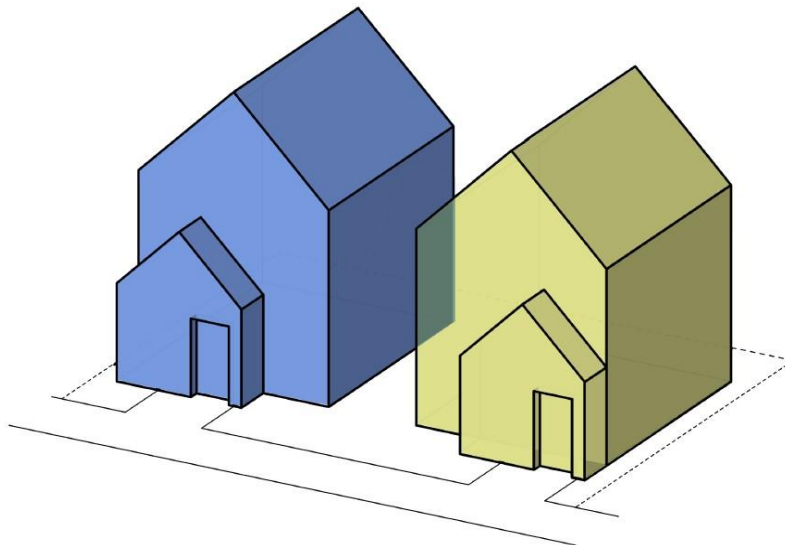
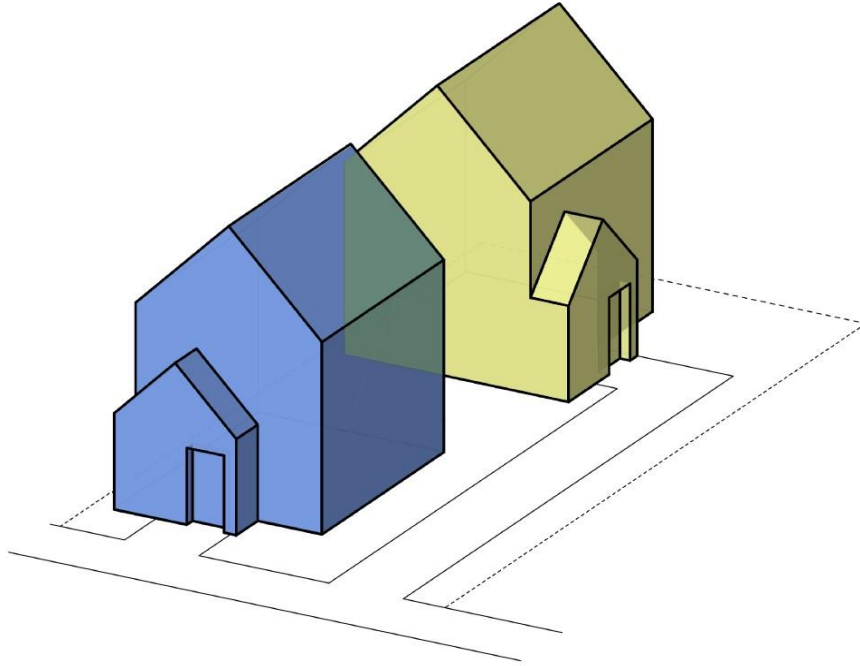


Figure 6. Detached Duplex Units Front and Back





ADDITIONAL SUBMITTALS
Planning Commission (January 25, 2021)
City Council Staff Report (March 15, 2021)

EXHIBIT N



Staff Report

Meeting Date: January 25, 2021
From: Emily Meharg, Senior Planner
SUBJECT: 20-032 DCA HB 2001 Code Amendments

BACKGROUND:

File No. 20-032 DCA amends Chapters 17.30, 17.34, 17.60, 17.74, 17.82, 17.98, and 17.100 of the Development Code, which contain the procedures for zoning districts, single-family residential (SFR), flood and slope hazard (FSH) overlay district, accessory development, transit streets, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with House Bill (HB) 2001. HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

Chapter 17.30 Zoning Districts

- Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- Added "duplex" as a primary use permitted outright.
- Removed "duplex" as a minor conditional use.
- Amended references to "single detached dwelling" for minimum lot area and minimum average lot width to read "single detached dwelling or duplex."
- Clarified requirement related to sanitary sewer connection.

Chapter 17.60 Flood and Slope Hazard (FSH) Overlay District

- Added "or duplex" after all references to single-family dwellings.

Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- Updated off-street parking standard to be "no minimum."
- Deleted text related to occupancy limitations.
- Increased maximum square footage of an ADU to 800 square feet.
- Revised design standards and additional requirements to be clear and objective.

Chapter 17.82 Special Setbacks on Transit Streets

- Exempted single-family residences, duplexes, or single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

Chapter 17.98 Parking, Loading, and Access Requirements

- Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling, and exempted ADUs, multi-family, and conversion of a single-family residence to a duplex from the on-street parking standard.

Chapter 17.100 Land Divisions

- Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

It has recently come to staff's attention that the definition of "accessory dwelling unit" in Chapter 17.10 may limit ADUs to lots with single-family residences. The current definition of an ADU is: "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." HB 2001 requires medium sized cities like Sandy to allow a duplex wherever single-family residences are allowed; however, it does not require a City to allow both a duplex and an ADU. If the Commission wants to allow both a duplex and an ADU on the same lot, the definition of an ADU will likely need to be updated to include reference to a duplex (and potentially even multi-family residential, if so desired). Either way, the definition should be clarified.

RECOMMENDATION:

The Commission's role in this process will be to review the proposed code amendments and forward a recommendation to the City Council.

LIST OF ATTACHMENTS/EXHIBITS:

ATTACHMENTS:

- Chapter 17.30 Code Modifications
- Chapter 17.34 Code Modifications
- Chapter 17.60 Code Modifications
- Chapter 17.74 Code Modifications
- Chapter 17.82 Code Modifications

Chapter 17.98 Code Modifications
Chapter 17.100 Code Modifications
DLCD Documents

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

17.30 - 2

Revised by Ordinance 2013-04 effective 07/03/13

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.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e. duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

17.30 - 3

Revised by Ordinance 2013-04 effective 07/03/13

EXHIBIT B

**CHAPTER 17.34
SINGLE-FAMILY RESIDENTIAL (SFR)**

17.34.00 INTENT

The district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to allow limited development of property while not precluding more dense future development, as urban services become available. Density shall not be less than 3 or more than 5.8 units per net acre.

17.34.10 PERMITTED USES

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Single detached manufactured dwelling subject to design standards in Chapter 17.90;
- ~~2.3. Duplex.~~

B. Accessory Uses Permitted Outright:

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

17.34.20 MINOR CONDITIONAL USES AND CONDITIONAL USES

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Single detached or attached zero lot line dwelling;
- ~~3. Duplex;~~
- ~~4.3.~~ Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- ~~5.4.~~ Other uses similar in nature.

B. Conditional Uses:

1. Community services;
2. Funeral and interment services, cemetery, mausoleum or crematorium;
3. Golf course and club house, pitch-and-putt, but not garden or miniature golf or golf driving range;

17.34 - 1

Revised by Ordinance 2013-11 effective 12/18/13

4. Hospital or home for the aged, retirement, rest or convalescent home;
5. Lodges, fraternal and civic assembly;
6. Major utility facility;
7. Preschool, orphanage, kindergarten or commercial day care;
8. Residential care facility [ORS 443.000 to 443.825];
9. Schools (public, private, parochial or other educational institution and supporting dormitory facilities, excluding colleges and universities);
10. Other uses similar in nature.

17.34.30 DEVELOPMENT STANDARDS

Type	Standard
A. Minimum Lot Area - Single detached dwelling <u>or duplex</u> - Other permitted uses	7,500 square ft. No minimum
B. Minimum Average Lot Width - <u>Single detached dwelling</u> <u>or duplex</u>	60 ft.
C. Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.90
D. Minimum Average Lot Depth	No minimum
E. Setbacks (Main Building) Front yard Rear yard Side yard (interior) Corner Lot	10 ft. minimum 20 ft. minimum 7.5 ft. minimum 10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street (subject to Section 17.90.150) 5 ft. minimum for alley or rear access
G. Projections into Required Setbacks	See Chapter 17.74
H. Accessory Structures in Required Setbacks	See Chapter 17.74
I. Structure Height	35 ft. maximum
J. Building Site Coverage	No minimum
K. Off-Street Parking	See Chapter 17.98

17.34.40 MINIMUM REQUIREMENTS

- A. Must connect to municipal water.
- B. Must connect to municipal sewer if service is currently within 3200 feet of the site. Sites Parcels more than 3200 feet from a municipal sewer, may ~~be approved to~~ connect to a new or existing on-site sewer ~~alternative~~ disposal system provided all of the following are satisfied:
 1. An on-site sewage disposal ~~county-septic~~ permit or permit modification is secured from Clackamas County and a copy is provided to the city;
 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not

¹ Must comply with clear vision requirements of Chapter 17.74.
17.34 - 2
Revised by Ordinance 2013-11 effective 12/18/13

Commented [EM1]: Sean's comment:
I see these as public facilities requirements, but it is unclear to me how they would be applied. The primary applicable rule language is OAR 660-046-0120(7)

"A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the same exceptions to Duplexes."

My primary questions is how connections to water and sewer and frontage/access will be applied. For example, if someone came in wanting to convert their SFD to a duplex, are the requirements here the same that apply to SFD or would they be more restrictive (e.g. requiring two separate connections for water sewer, more frontage/access, etc.)?

Commented [EM2R1]: Kelly or Mike will need to elaborate but my understanding is that these standards are the minimum for whatever is proposed and don't think they treat duplexes any differently than SFR.

limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;

3. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 4. Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- C. The location of any real improvements to the property must provide for a future street network to be developed.
- D. Must have frontage or approved access to public streets.

Commented [EM3]: Mike's comment: "An applicant might not be able to satisfy a. through d. They might be able to satisfy d. but not a. This could get messy since you can have a legal lot of record that is smaller than 1 acre that cannot obtain a new or modified on-site sewage disposal permit under DEQ or Clackamas County regulations."

Commented [EM4]: Check with Mike to see if this can be deleted. Mike says to check with David D. (I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.? Might check with our legal team though.)"

17.34.50 ADDITIONAL REQUIREMENTS

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

17.34 - 3

Revised by Ordinance 2013-11 effective 12/18/13

EXHIBIT C

**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.

Revised by Ordinance No. 2019-01 effective 1/07/19

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:

17.60 - 2

Revised by Ordinance No. 2019-01 effective 1/07/19

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 or duplex 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 or duplex 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.

17.60 - 3

Revised by Ordinance No. 2019-01 effective 1/07/19

- 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.

17.60 - 4

Revised by Ordinance No. 2019-01 effective 1/07/19

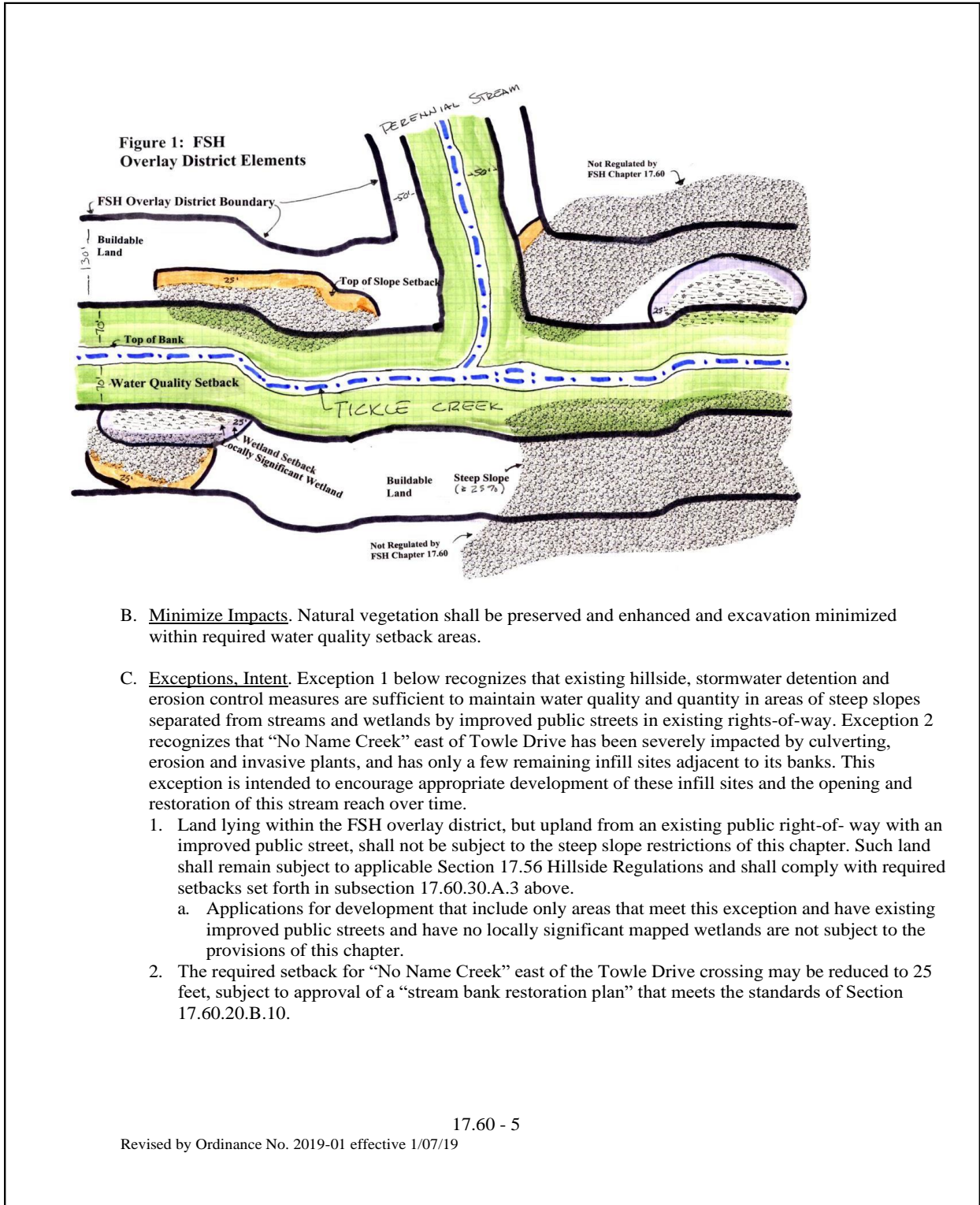


Figure 1: FSH Overlay District Elements

- 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 - 5

Revised by Ordinance No. 2019-01 effective 1/07/19

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 or duplex 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:

17-60 - 6

Revised by Ordinance No. 2008-7 effective 5/19/08

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.

17-60 - 7

Revised by Ordinance No. 2008-7 effective 5/19/08

- 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.

17-60 - 8

Revised by Ordinance No. 2008-7 effective 5/19/08

- 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 or duplex 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

17-60 - 9

Revised by Ordinance No. 2008-7 effective 5/19/08

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 or duplex 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

17-60 - 10

Revised by Ordinance No. 2008-7 effective 5/19/08

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.

17-60 - 11

Revised by Ordinance No. 2008-7 effective 5/19/08

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

17-60 - 12

Revised by Ordinance No. 2008-7 effective 5/19/08

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

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

- A. Adjustment Option. One or more adjustments to the setback, height or lot area standards of the underlying zoning district may be approved to allow development consistent with the intent of the FSH overlay district. The intent of the adjustment process is to reduce adverse impacts on water quantity and quality, locally significant wetlands and perennial streams, and on the potential for slope or flood hazards.
- B. Adjustment Criteria. A special FSH adjustment may be requested when development is proposed within the FSH overlay district. Adjustments are reviewed under the procedure type applicable to the primary application. The applicant shall demonstrate that the following criteria are fully satisfied:
 - 1. The adjustment is the minimum necessary to allow a permitted use, while at the same time minimizing disturbance to restricted development areas.
 - 2. Explicit consideration has been given to maximizing vegetative cover, minimizing excavation and minimizing impervious surface area on restricted development areas.
 - 3. Design options have been considered to reduce the impacts of development, including but not limited to multi-story construction, siting of residences close to streets to reduce driveway distance, maximizing the use of native landscaping materials, minimizing parking area and garage space.
 - 4. In no case shall the impervious surface area (including the building footprint, parking areas, accessory structures, swimming pools and patios) exceed 2,500 square feet of restricted development area except for a private drive that reduces the disturbance to restricted development areas.

5. Assurances are in place to guarantee that future development will not encroach further onto restricted development areas under the same ownership.
6. The Planning Commission or Director may impose any reasonable condition necessary to mitigate 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.

17-60 - 14

Revised by Ordinance No. 2008-7 effective 5/19/08

EXHIBIT D

**CHAPTER 17.74
ACCESSORY DEVELOPMENT
ADDITIONAL PROVISIONS AND PROCEDURES**

17.74.00 INTENT

These provisions are intended to establish the relationship between principal and accessory development and specify criteria for regulating accessory developments.

In addition to uses expressly included in each zoning district as primary or conditional uses each district shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments and the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures set forth in Chapter 17.14 - Request for Interpretation.

17.74.10 RESIDENTIAL ACCESSORY STRUCTURES

Accessory structures (sheds) may be constructed or installed when in conformance with the standards of this section. A detached accessory structure shall be separated from the primary structure by at least six (6) feet. An accessory structure located closer than six (6) feet from the primary structure shall be considered attached and is required to comply with the same setbacks as the primary structure.

A. Detached Accessory Structure Setbacks.

Table 17.74.10 below and Figures 17.74.10-A and B specify setbacks for detached accessory structures. If not specified below, these structures are subject to the standards identified in the respective zoning district where the structure is to be located. For purposes of these regulations, solariums, greenhouses, garages or other enclosed areas which are attached to the residential structure shall not be considered accessory but shall be considered part of the main dwelling. Rigid frame fabric structures are considered accessory structures subject to these standards.

Table 17.74.10: Setbacks for Detached Accessory Structures (Sheds)

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

17.74 - 1

Revised by Ordinance No. 2014-05 (effective 06/02/14)

Figure 17.74.10-A: Interior Lot

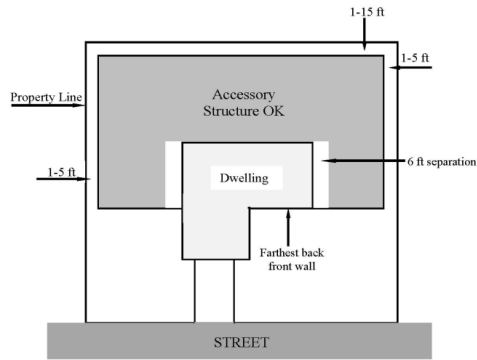
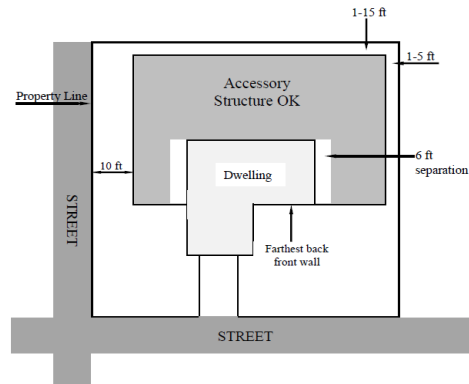


Figure 17.74.10-B: Corner Lot



17.74 - 2

Revised by Ordinance No. 2014-05 (effective 06/02/14)

B. General Standards.

1. No accessory structure shall be located in front of the principal building. If located to the side of the principal building on an interior lot, the structure shall not be placed closer to the front lot line than the farthest back front wall of the principal building.
2. An accessory structure located on the street side of a corner lot shall follow the same setbacks as the principal building (10 feet).
3. The roof of the structure shall be constructed so that water runoff from the structure does not flow onto an abutting parcel.
4. Accessory structures for private vehicle storage which have an entrance from the street side yard (except alleys) shall have a minimum street side yard setback of 20 ft.
5. The total accumulative square footage of all accessory structures on an individual lot shall not exceed 1,200 square feet.
6. No accessory structure shall exceed a maximum height of 16 feet.
7. An accessory structure may be located on an adjacent lot that does not contain a primary structure provided:
 - a. Both lots are under the exact same ownership; and
 - b. A deed restriction is recorded requiring the accessory structure to be removed within 30 days of transfer of ownership of either lot into separate ownership; and
 - c. The accessory structure complies with setback requirements as applied to the lots under same ownership.
8. Exception for Temporary Use of Rigid Frame Fabric Membrane Structures. Exceptions to these standards may be made by the Planning Director for temporary storage of materials for not more than three days within any 30 day period.

17.74.20 PROJECTING BUILDING FEATURES

A. Setback Projections.

The following building features may project into portions of a required yard setback by no more than the amount specified below:

Table 17.74.20: Setbacks for Projecting Building Features

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

¹ Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

² Must maintain a minimum rear yard setback from rear property line of 5 ft.

³ Must maintain a minimum rear yard setback from rear property line of 10 ft.

17.74 - 3

Revised by Ordinance No. 2014-05 (effective 06/02/14)

- B. Vertical Projections. Height limitations shall not apply to the following:
1. Fire and parapet walls
 2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a structure. No penthouse or roof structure or any space above the height limitation shall be allowed for the purpose of providing additional floor space.
 3. Smokestacks
 4. Steeples
 5. Windmills
 6. Other similar structures

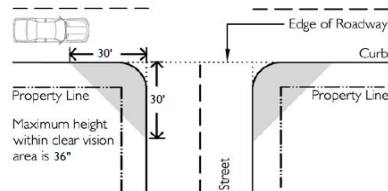
17.74.30 VISION CLEARANCE AREA

- A. A vision clearance area shall be maintained on each corner of property at the intersection of two streets. No visual obstruction (e.g., sign, structure, solid fence, or vegetation) shall be placed or located in the "vision clearance area" between the height of 36 inches (3 feet) and eight and one-half feet (8 1/2) measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified in the table below.
- B. A vision clearance area shall consist of a triangular area formed by the intersection of the curb lines, measured from the street grade at the curb line, or where curbs are absent from the edge of asphalt as specified below.

Table 17.74.30 - Vision Clearance Distances

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

Figure 17.74.20 – Vision Clearance Measurement



- C. The foregoing provisions shall not apply to the following:
1. A public utility pole, signal pole, light pole, or other utility appurtenance.
 2. A tree trimmed (to the trunk) to a line at least 8 1/2 ft. above the level of the intersection.

17.74 - 4

Revised by Ordinance No. 2014-05 (effective 06/02/14)

3. Vegetation that is not planted in the form of a hedge and which is so planted and trimmed to leave at all seasons a clear and unobstructed cross view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this code is adopted.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. A sign mounted 10 ft. or more above the ground with supports that do not encroach into the clear vision area.
8. A signalized intersection.

17.74.40 FENCES AND WINDSCREENS

A. Fences - Residential

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a front yard. The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences - side and rear yards abutting streets. The height of a fence or retaining wall in a side or rear yard abutting a public right-of-way shall not exceed 6 ft.
4. Fences - side and rear yards abutting other lots. The height of a fence or retaining wall in a side or rear yard abutting other lots shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of 6 ft. outside the clear vision area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through-lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. Fences - Commercial/Industrial

1. Fences on corner lots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed 3 ft. in height within the clear vision area.
2. Fences in a front yard (Commercial). The height of a fence or retaining wall in a front yard shall not exceed 4 ft.
3. Fences in a front yard (Industrial). The height of a fence or retaining wall in a front yard shall not exceed 6 ft.
4. Fences - Side and Rear Yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed 8 ft.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the clear vision area. Deciduous trees separated by at least 15 ft. may grow to any height.

- C. Fence Regulations for Recreation Areas. Any recreational court may be enclosed by a wire fence not exceeding 12 ft. in height provided that no part of the court fence is within 20 ft. of any street.

17.74 - 5

Revised by Ordinance No. 2014-05 (effective 06/02/14)

D. Fence Regulations for Swimming Pool/Hot Tub Areas. A swimming pool, hot tub or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than 4 ft. and not more than 8 ft. in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing with a height of not less than 4 feet and not more than 8 feet. The fence or railing shall not have any openings, holes or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.

Commented [EM1]: Gender neutral

Exception: This regulation does not apply to wetland areas and storm water detention facilities. However, fencing requirements may be imposed through the design review process.

E. Wire Fences

Barbed wire fencing may be permitted for agricultural, community service, commercial or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of 6 ft. above the finished ground surface, and does not extend over a public way. The maximum height shall not exceed 8 ft.

1. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits.

F. Fences in excess of 6 ft. in height require a building permit.

17.74.50 DECKS

A. Decks may encroach into required yard areas as specified in 17.74.20 above.

B. Decks greater than 30 inches in height require a building permit for structural and zoning review.

17.74.60 TEMPORARY USES OR STRUCTURES

A. Temporary Uses. Temporary uses, as defined in Chapter 17.10 - Definitions, not located within a structure, may be permitted for a period not to exceed 90 days, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

B. Temporary Structures. Temporary structures in connection with the building or sale of dwellings and land, and construction of industrial or commercial facilities may be permitted, for a period not to exceed 1 year, provided a temporary permit is first obtained under the Type I procedure. Renewal of a temporary permit shall be processed under the Type II procedure and may require a public hearing.

C. Portable Outdoor Storage Unit. Portable outdoor storage units may be placed on a lot, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12 month period.

17.74.70 ACCESSORY DWELLING UNITS

17.74 - 6

Revised by Ordinance No. 2014-05 (effective 06/02/14)

Accessory dwelling unit (ADU) regulations are intended to:

- Provide a cost-effective means of serving development through the use of existing infrastructure, rather than requiring new infrastructure to serve development.
- Increase the supply of affordable housing without government subsidies.
- Benefit older homeowners, single parents, young homebuyers and ~~the disabled people with disabilities.~~
- Integrate affordable housing more uniformly in the community.
- Provide a means for adult children to give care and support to a parent in a semi-independent living arrangement.
- ~~Foster better housing maintenance and neighborhood stability.~~
- ~~Provide the opportunity for increased security and companionship for elderly and other homeowners who fear crime and personal accidents.~~
- Help maintain the Urban Growth Boundary by creating more housing opportunities within existing urban areas.

A. Permitted Zoning Districts. Accessory dwelling units (ADU) are allowed in any zone that allows single family or multi-family housing and within the Central Business District (C-1) and Village Commercial District (C-3).

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-800 sq. ft.
Maximum number of occupants	3
Setbacks	Same as underlying zoning district
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	See Chapter 17.98 <u>No minimum</u>
Landscaping	Same as underlying zoning district

~~C. Occupancy Limitations:~~

- ~~1. The owner of the lot must occupy either the principal residence or the accessory unit except for bona fide temporary absences.~~
- ~~2. Occupancy may be granted without a specific time limitation, but if a written complaint is filed, a public hearing will be scheduled before the Planning Commission, to consider the nature of the violation or complaint and revocation of the permit~~

C. Design Standards.

1. The accessory dwelling unit shall ~~remain subordinate~~ be accessory to the ~~principal primary~~ residence.
2. ~~There ADU shall have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk be adequate provisions for ingress and egress, but separation is not required. The pedestrian walkway shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian walkway shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.~~
3. ~~Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal primary residence.~~

17.74 - 7

Revised by Ordinance No. 2014-05 (effective 06/02/14)

- ~~4.3~~ An ADU may be either stick-built or a modular dwelling unit in compliance with Section 17.90.140, but may not be a single wide manufactured dwelling unit.
- ~~5.4~~ Detached ADUs shall be architecturally consistent with the principal primary dwelling unit provide at least three design standards consistent with Section 17.90.150 on the street-facing façade(s) and shall provide at least X percent windows on the ground floor elevation of the street facing façade(s).
- ~~6~~ Attached ADUs shall have the appearance of a single-family dwelling.
- ~~7.5~~ Primary entrances shall not be in front of the principal primary unit residence.

DE. Permit Issuance.

- 1. A permit to construct or alter a dwelling to accommodate an ADU may be issued under a Type I procedure if the application is in compliance with the ADU standards.
- 2. Required permit information shall be limited to that for single-family dwellings.
- 3. Construction permit fees shall be based on the same fee schedule as a single-family dwelling.
- 4. ADUs may be added to an existing residential dwelling or built concurrently with a new residence.

EF. Additional Requirements.

- ~~1~~ Adequate provisions shall be made for drainage. The ADU shall connect to municipal water and sewage waste sanitary sewer if the primary dwelling is connected to the municipal water and sewer system. Parcels more than 300 feet from a municipal sewer, may connect to a new or existing on-site sewage disposal system provided all of the following are satisfied:
 - a. An on-site sewage disposal permit or permit modification is secured from Clackamas County and a copy is provided to the city;
 - b. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements which directly benefit the property;
 - c. The minimum size of the property is one acre or is a pre-existing buildable lot, as determined by the city;
 - ~~a-d~~ Site consists of a buildable parcel(s) created through dividing property in the city, which is less than five acres in size.
- ~~2~~ The accessory dwelling unit shall meet applicable building code requirements for two-family dwelling units.
- ~~3~~ ADUs may not be developed for sale and may only be rented.
- 3. Illegal ADUs may be legalized if they conform, or are brought into conformance with the Sandy Municipal Code and the Oregon Structural Specialty Code, basic zoning, building, plumbing, mechanical and electrical codes.
- ~~4~~ ADU requirements shall be recorded as a deed restriction against the property.
- ~~5.4~~ Periodic review of ADUs shall be conducted by the city City to evaluate and reconsider existing densities.

Commented [EM2]: Check with Mike to see if this can be deleted. Mike says to check with David D. ("I think so - 17.34.40 is pretty murky. Is it referring to a site that is less than 5 ac. or parcels (partitioned within the site?) that are less than 5 ac.?" Might check with our legal team though.)

Commented [EM3]: Mike's comment: "What about allowing ADUs to connect to the primary dwelling's water and/or sewer system, (i.e. no separate water meter or sewer connection) if permitted by the Oregon State Speciality Code? The primary dwelling owner or the developer can decide if they want a separate water meter and sewer connection. In a Homeowner-developed ADU I assume they would choose the former and a Developer would choose the latter."

17.74.80 HOME BUSINESSES

The provision for a home business is in recognition of the needs of many people who are engaged in small-scale business ventures, which cannot be expanded to a full-scale enterprise. It is the intent of this section that full-scale commercial or professional operations, which would ordinarily be conducted in a commercial or industrial district, continue to be conducted in the

17.74 - 8

Revised by Ordinance No. 2014-05 (effective 06/02/14)

appropriate zoning district and not a dwelling. These regulations apply to family day care businesses.

A. Home Business Regulations.

1. No sign is used other than a nameplate indicating the name of the resident (not the business name) not over two sq. ft. in area.
2. There is no display that will indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
3. There is no outside storage of materials other than plant materials.
4. The home occupation is licensed by the city.
5. There is no more than one non-resident employee working on the site.
6. The building retains the characteristics of a residence.
7. The use does not destroy the residential character of the neighborhood.

B. Complaint Procedures.

1. Complaints on Items 1 through 5 will be handled routinely by the Director.
2. Complaints on Items 6 and 7 will be dealt with as follows:
 - a) Upon receipt of three written complaints specifically stating the nature of the objection from three separate households located within three hundred ft. of the boundary of the affected property, the Director shall:
 - 1) Investigate the complaints;
 - 2) Prepare a report to the Planning Commission; and,
 - 3) Schedule a public hearing before the Planning Commission to make a decision on the validity of the complaint.
3. Standards evaluating complaints shall include:
 - a) Generation of excessive traffic;
 - b) Monopoly of on-street parking spaces;
 - c) Frequent deliveries and pickups by motor freight;
 - d) Noise in excess of that created by normal residential use (either in terms of volume or hours of occurrence);
 - e) Smoke, fumes, or odors in excess of those created by normal residential use;
 - f) Other offensive activities not in harmony with a residential neighborhood.
4. Planning Commission Action. The Planning Commission, upon hearing the evidence may:
 - a) Approve the use as it exists;
 - b) Require the use to be terminated;
 - c) Impose appropriate restriction, such as limiting hours of operation, establishing a phase-out period or other measures insuring compatibility with the neighborhood.

17.74.90 FOOD AND BEVERAGE CARTS

A. Intent

The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. Applicability

The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as

17.74 - 9

Revised by Ordinance No. 2014-05 (effective 06/02/14)

food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV).

C. Permit Required

1. Food and Beverage Carts are required to obtain a Food Cart Permit and a City of Sandy Business License prior to operating.
2. The initial permit review for a Food Cart Permit shall follow a Type II review procedure per the requirements of Chapter 17.18.
3. Food Cart permits are valid for the calendar year in which they are issued and will be renewed through a Type I procedure, except if the use was the subject of a City Code Enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the Type II review procedure.

D. Submission Requirements

An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the Director and include materials listed as follows:

1. A completed General Land Use Application and application fee.
2. List and mailing labels for property owners within 200 feet of the subject property.
3. Site plan drawn to scale including:
 - a. Site dimensions.
 - b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 - c. Number and location of food carts on the site.
 - d. Individual square footage of all food carts.
 - e. Accessible pedestrian route clearances.
 - f. Size, location, and clearances of customer seating areas.
 - g. Vehicular circulation and access points.
 - h. Parking, maneuvering and loading areas.
 - i. Location and design elevation of all structures.
 - j. Location and specification of landscaped areas.
 - k. Location and specifications of food cart pads.
 - l. Location and design of fences and walls.
 - m. Number and location of trash and recycling areas.
 - n. Location and type of auxiliary storage.
4. Pictures or architectural elevations of proposed food cart(s).
5. Proximity to bathroom and written permission, if applicable.
6. Disposal plan for wastewater and gray water.
7. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
8. Written verification that the food cart has been inspected and meets applicable County Health regulations.
9. Any additional information that may be required by the Director to properly evaluate the proposed site plan.

17.74 - 10

Revised by Ordinance No. 2014-05 (effective 06/02/14)

10. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. Standards for Food and Beverage Carts

An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design

1. Drive-through uses are not permitted in food carts.
2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.
3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
4. Carts shall be located at least three (3) feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
5. Carts shall be located at least 5 feet away from other carts.
6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.
7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access.
8. Customer service windows shall be located at least five (5) feet from an active drive aisle used by cars.
9. Carts shall not occupy pedestrian walkways or required landscape areas.
10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.
11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within 1/4 mile of the subject site allowing the food cart operator to share parking facilities.
12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.
13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven (7) feet between the ground and the awning.
14. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.
16. All seating areas shall be located on the subject property at least 10 feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one (1) A-Frame sign.
18. Auxiliary storage shall be provided on site when there are four (4) or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

17.74 - 11

Revised by Ordinance No. 2014-05 (effective 06/02/14)

Fire Safety

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.
20. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the Fire Marshall.
21. Appropriate fire extinguishers are required.
22. Propane tanks shall be stored and handled properly and be located at least 10 feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
23. Carts shall not have any internal floor space available to customers.

Health and Sanitation

24. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one (1) receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one (1) trash receptacle and one (1) recycle receptacle shall be provided in the common seating area.
25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
26. Sites containing more than one food cart shall provide a restroom facility on-site.
27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
28. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

F. Conditions of Permit

The permit issued shall be in a form deemed suitable by the Director. In addition to naming the property owner as permittee and other information deemed appropriate, the permit shall contain the following minimum conditions.

1. Permit requirements:
 - a. Each food cart permit issued shall terminate December 31st of the year in which it is issued.
 - b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.
 - c. The permit is specifically limited to the area approved or as modified by the Director, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas, if provided.

17.74 - 12

Revised by Ordinance No. 2014-05 (effective 06/02/14)

2. Requirements for properties containing one or more food carts:
 - a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a clean and orderly condition. Only those things authorized by the permit and shown on the site plan may be stored on the subject property.
3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in Clackamas County as a Class I – IV mobile food cart. Additionally, each food cart shall be inspected by the Sandy Fire Department once per calendar year, as warranted by the Sandy Fire Department. All food carts are subject to all applicable city, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

G. Denial, Revocation or Suspension of Permit

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

2. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.
3. Reapplication for a food cart, which has been denied or revoked, cannot be made within one (1) year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

17.74 - 13

Revised by Ordinance No. 2014-05 (effective 06/02/14)

**CHAPTER 17.82
SPECIAL SETBACKS ON TRANSIT STREETS**

17.82.00 INTENT

The intent is to provide for convenient, direct, and accessible pedestrian access to and from public sidewalks and transit facilities; provide a safe, pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit street; and, promote the use of pedestrian, bicycle, and transit modes of transportation.

17.82.10 APPLICABILITY

This chapter applies to all residential development located adjacent to a transit street. A transit street is defined as any street designated as a collector or arterial, unless otherwise designated in the Transit System Plan.

17.82.20 BUILDING ORIENTATION

- A. All residential dwellings shall have their primary entrances oriented toward a transit street rather than a parking area, or if not adjacent to a transit street, toward a public right-of-way or private walkway which leads to a transit street.
- B. Dwellings shall have a primary entrance connecting directly between the street and building interior. A clearly marked, convenient, safe and lighted pedestrian route shall be provided to the entrance, from the transit street. The pedestrian route shall consist of materials such as concrete, asphalt, stone, brick, permeable pavers, or other materials as approved by the Director. The pedestrian path shall be permanently affixed to the ground with gravel subsurface or a comparable subsurface as approved by the Director.
- C. Primary dwelling entrances shall be architecturally emphasized and visible from the street and shall include a covered porch at least 5 feet in depth.
- D. If the site has frontage on more than one transit street, the dwelling shall provide one main entrance oriented to a transit street or to a corner where two transit streets intersect.

~~D.~~ Exception for Flag Lots. Single-family homes, duplexes, or a single-family home converted to a duplex on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street are exempt from the standards of Sections 17.82.20(B and C).

EXHIBIT F

**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.

17.98 - 1

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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.

17.98 - 2

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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 linear 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

17.98 - 3

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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

17.98 - 4

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

	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.

17.98 - 5

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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.

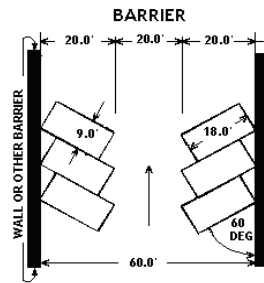
C. Aisle Width.

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

17.98 - 6

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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

17.98 - 7

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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 or duplex 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. C~~ 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.

Commented [BS1]: This is in conflict with OAR 660-046-01 10(3) -

"Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone."

You could address this by either adding duplexes to 17.98.100(B) or constructing this standard to relate to the number of parking spaces provided (since they are the same, they wouldn't affect duplexes differently - and would control scenarios where people elect to provide more parking spaces)

17.98 - 8

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

E.D. 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.E. 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.F. 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

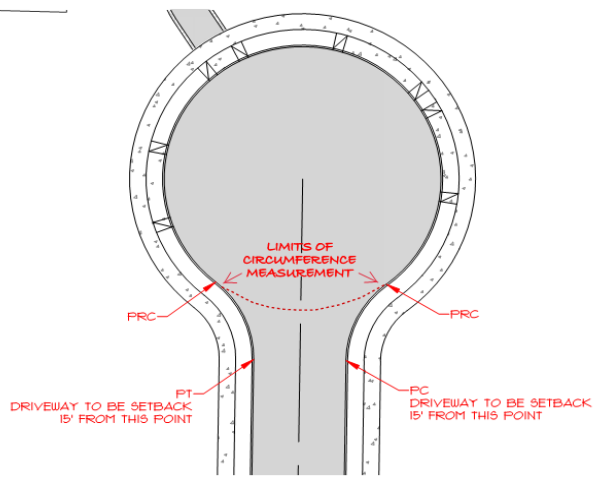
H.G. The location and design of any driveway approach shall provide for unobstructed sight per the vision clearance requirements in section 17.74.30. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

I.H. Driveways shall taper to match the driveway approach width to prevent stormwater sheet flow from traversing sidewalks.

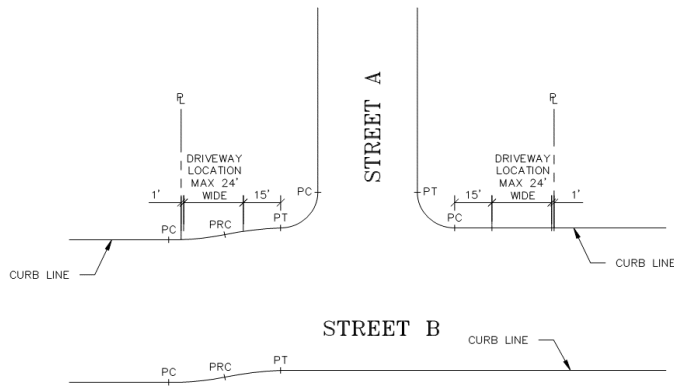
CUL-DE-SAC EXHIBIT

17.98 - 9

Revised by Ordinance No. 2020-06 (effective 05/06/2020)



DRIVEWAY LOCATION EXHIBIT



17.98.110 VISION CLEARANCE

17.98 - 10

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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.

17.98 - 11

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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.

17.98 - 12

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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

- A. 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.
- B. The required loading berth shall be not less than 10 feet in width by 35 feet in length and shall have an unobstructed height clearance of 14 feet.
- C. Loading areas shall be screened from public view from public streets. The loading areas shall be screened from adjacent properties except in industrial districts and shall require the same screening as parking lots.
- D. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.

17.98.200 RESIDENTIAL ON-STREET PARKING REQUIREMENTS

17.98 - 13

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

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~~ single family residence or duplex except as provided in Section 17.98.200(A)(6) below. The 300 feet shall be measured from the primary entrance of the dwelling. Accessory dwelling units, multi-family developments, and conversions of single-family homes to duplexes are exempt from this standard.
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

Commented [BS2]: As discussed via email previously, this section will require reworking to ensure it is in compliance with Division 046. The primary thing here is: ensure whatever standard applies to duplexes - at a minimum - is not more restrictive than what applies to a single-family detached dwellings.

Interpreting this standard to require one space for "each dwelling unit" would be in conflict with HB 2001, because it would require one space for single-family detached dwellings and two spaces for duplexes.

17.98 - 14

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

- 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.

17.98 - 15

Revised by Ordinance No. 2020-06 (effective 05/06/2020)

EXHIBIT G

**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.

17.100 - 1

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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;

17.100 - 2

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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;

17.100 - 3

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 4

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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

17.100 - 5

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 6

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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

17.100 - 7

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 8

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 9

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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).

17.100 - 10

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 11

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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 - 12

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

17.100.150 RESIDENTIAL SHARED PRIVATE DRIVES

A shared private drive is intended to provide access to a maximum of ~~two-four (42) dwelling~~ required off-street parking spaces on a maximum of two legal lots of record. ~~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-four (42) dwelling units~~ required off-street parking spaces on a maximum of two legal lots of record.
2. A shared access easement and maintenance agreement shall be established between the ~~two units~~ lots 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.

17.100 - 13

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

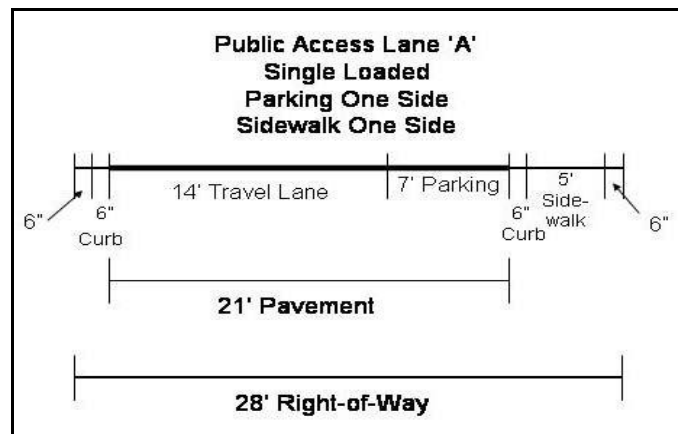
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting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

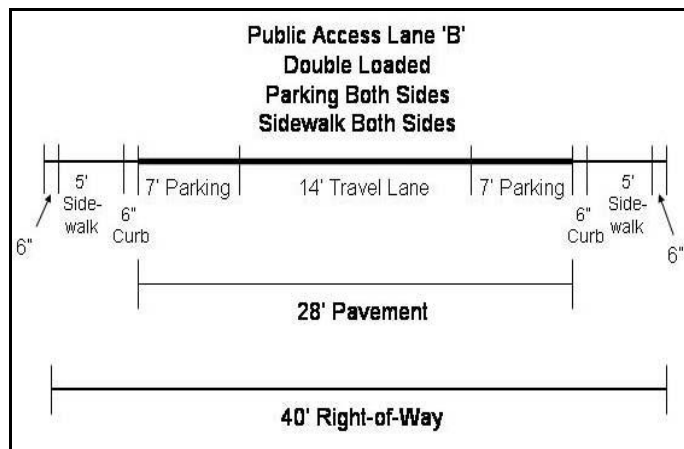
- a) Public access lane 'B' is designed to be double loaded and provide access to lots located on both sides of the lane.
- b) Public access lanes shall be constructed to city standards and must meet the required dimensions as specified in this section.

17.100 - 14

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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

17.100 - 15

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 16

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

- 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 - 17

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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 - 18

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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

17.100 - 19

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

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.

17.100 - 20

Revised by Ordinance No. 2020-024 (effective 09/21/2020)

House Bill 2001: More Housing Choices for Oregonians

In 2019, the Oregon Legislature passed House Bill 2001, a bipartisan bill to help provide Oregonians with **more housing choices**, especially housing choices **more people can afford**.

The new law lets people build certain traditional housing types that already exist in most cities, instead of being limited to a single housing type.

House Bill 2001 requires updates of local rules that have limited what sorts of housing people could build. These limitations have led to increased housing costs.

The Need for More Diverse, Affordable Choices

People need a variety of housing choices. Today, too many Oregonians are paying too much for the housing they have and are limited to renting or buying detached single-unit homes. Meanwhile, the composition of Oregon households is shifting; more than a quarter of households today are a single person living alone.

At different times in their lives, we have different needs. Imagine what sort of housing a young adult might want or be able to afford, or think of the needs of a retired person.

The Bill: Traditional Housing Types Allowed in Most Neighborhoods Soon

Under the bill, by June 30, 2021, Oregon's medium-sized cities must allow Oregonians to build duplexes in areas zoned for single-family dwellings. Most cities already allowed duplexes in certain circumstances.

By June 30, 2022, cities in the Portland Metro region and Oregon's other largest dozen cities (those over 25,000 population), must allow people to build duplexes, triplexes, fourplexes, cottage clusters, and townhouses in residential areas.

These houses can be more affordable and meet the housing needs of many younger people, older people, and people who work hard but can't afford a large detached house of their own.

The bill also provided \$3.5 million for technical assistance to cities, and has other details. Read the bill for details: olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled

Siting and Design Flexibility; Transformation Expected to be Gradual

While the bill re-legalizes certain housing types, the bill is about choices. People can still build detached single-family homes. We expect most homes in residential areas to be built as such.

Cities can set reasonable siting and design requirements on the houses, including making sure there is adequate infrastructure. The bill directs the Department of Land Conservation and Development (DLCD) to help cities figure this out.

While the law allows traditional housing types, DLCD expects the transformation of housing choices to be gradual. Cities have allowed some of these types in certain areas. Not many have been built. Local knowledge of how to build these housing types will grow over time. The building of them will depend on local housing markets.

Learn More and Sign Up to Stay Informed

www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx

Ethan Stuckmayer, Senior Housing Planner, ethan.stuckmayer@state.or.us (503) 934-0619



Before being outlawed, non-single-unit homes have long been built in our cities; this is a Salem triplex.





KEY ELEMENTS OF HOUSE BILL 2001 (Middle Housing)

Updated Nov. 6, 2019

House Bill 2001 (HB 2001) provides \$3.5 million to DLCD for technical assistance to local governments to:

- 1) assist local governments with the development of regulations to allow duplexes and/or middle housing, as specified in the bill, and/or
- 2) assist local governments with the development of plans to improve water, sewer, storm drainage and transportation services in areas where duplexes and other middle housing types would not be feasible due to service constraints.

DLCD Required Rulemaking: Who is affected:	Middle Housing Requirements		Infrastructure Deficiency Process
	Medium Cities	Large Cities	Medium & Large Cities
Significant dates:	DLCD Rules and model code adoption December 31, 2020	DLCD Rules and model code adoption December 31, 2020	DLCD Rules adoption [no date specified in bill] Target: July 2020
Local Government Deadlines:	Local Government Adoption of model code or alternative June 30, 2021	Local Government Adoption of model code or alternative June 30, 2022	Medium Cities Extension Requests due by December 31, 2020 Large Cities Extension Requests due by June 30, 2021
Effect of missed deadline:	Model code applies directly	Model code applies directly	No extension granted

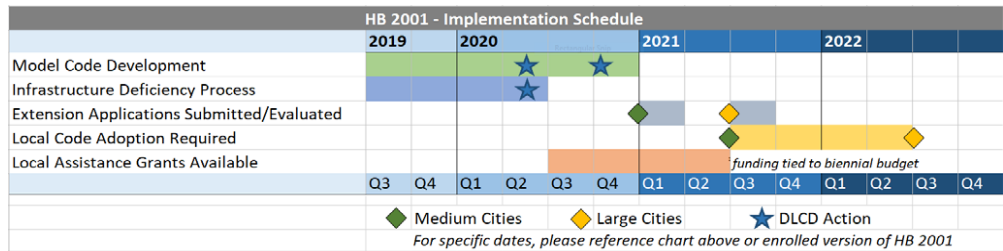
Medium Cities

All Oregon cities outside the Portland Metro boundary with a population between 10,000 and 25,000.	
Middle Housing Requirement	Duplexes to be allowed "on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings."

Large Cities

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000.	
Middle Housing Requirement	Duplexes (as above) <u>AND</u> triplexes, quadplexes, cottage clusters, and townhouses "in areas zoned for residential use that allow for the development of detached single family dwellings."

Flexibility *Medium and Large Cities "may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable cost or delay."*



Other Provisions in HB 2001

- ✓ A local government may request an extension of time to adopt the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development, along with a plan of actions to remedy the deficiencies in those services.
- ✓ The applications for time extensions based on infrastructure deficiency will be reviewed by DLCD and approved or denied.
- ✓ Housing Needs Analyses, in conjunction with a UGB decision, may not assume more than a three percent increase in housing units produced as a result of the adoption of middle housing regulations unless the local government can show that higher increases have been achieved to date.
- ✓ The bill amends requirements relating to accessory dwelling units (ADUs). The bill states, "Reasonable local regulations relating to siting and design' [for ADUs] does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking." However, such regulations may be applied if the ADU is used for vacation occupancy.
- ✓ Changes the annual housing production survey required by passage of HB 4006 in 2018. Adds requirement to report on ADUs and units of middle housing, both for market rate housing and for regulated affordable units.
- ✓ Directs the Building Codes Division to develop standards to facilitate conversions of single-family dwellings into no more than four residential dwelling units.
- ✓ Prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood.
- ✓ The bill also notes that the department shall prioritize technical assistance to cities or counties with limited planning staff, or that commit to implementation earlier than the date required by the act.

This fact sheet is intended to summarize key elements of HB 2001. It is not intended to replace a detailed review of the legislation. For specific bill language, please review the enrolled version of the HB 2001:
<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001>

"HB 2001 is focused on increasing the supply of 'middle housing' in Oregon cities – not by limiting construction of single family homes, but by allowing development of duplexes, triplexes, and quadplexes. Through technical assistance and resources for local governments, DLCD joins the effort to help create housing opportunities for all Oregonians."

- Jim Rue, DLCD Director

For more information visit our website at <http://www.oregon.gov/lcd/JP/Pages/Housing-Choices.aspx>

DLCD Staff Contacts: With questions about local implementation –
[Contact your Regional Representative](#)

Ethan Stuckmayer
Senior Housing Planner
ethan.stuckmayer@state.or.us
503-934-0619

Kevin Young
Senior Urban Planner
kevin.young@state.or.us
503-934-0030

HB 2001 and HB 2003 Frequently Asked Questions

Updated on March 25, 2020

House Bill 2001

Requirements for Duplexes

Which jurisdictions will be required to allow duplexes?

All Oregon cities with a population of 10,000 or more, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000. A list is here: https://www.oregon.gov/lcd/JP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf

Where will they be allowed?

Duplexes must be allowed “on each lot or parcel zoned for residential use that allows for the development of detached single family dwellings.”

What is meant by “a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings”?

A local government that allows single-family dwellings in a residentially zoned lot or parcel must also allow for the development of a duplex. The local government may regulate the siting and design of the duplex so long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules by the Land Conservation and Development Commission.

How will these requirements affect the development standards in my city/county?

Currently, the Department of Land Conservation and Development is only developing rules for duplex requirements. Once administrative rules are adopted, cities outside Portland Metro with populations between 10,000 and 25,000 (referred to as “Medium Cities”) will be required to adopt compliant development codes by June 30, 2021. Final guidance will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by August 2020.

Requirements for other middle housing types

Which jurisdictions will be required to permit other middle housing types (i.e. triplexes, quadplexes, townhouses, and cottage clusters)?

All Oregon cities with a population of more than 25,000, unincorporated areas within the Portland Metro boundary that are served by sufficient urban services, and all cities within the Portland Metro boundary with a population of more than 1,000 (referred to as “Large Cities”). A list of these jurisdictions is here: <

https://www.oregon.gov/lcd/UP/Documents/2019-11-20_CityList_HB2001_HB2003.pdf>

Where will they be permitted?

Middle housing types listed in HB 2001 other than duplexes must be allowed “in areas zoned for residential use that allow for the development of detached single family dwellings.”

What is meant by “in areas zoned for residential use that allow for the development of detached single-family dwellings”?

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. The exact interpretation of “in areas” is pending development through rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

What is meant by “Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay”?

The intent of HB 2001 is make the development of middle housing types equally as feasible as single-family dwellings. As such, standards, approval criteria, or processes that impose additional burden on the development of middle housing types above the burden placed upon single family dwellings in the same zone are considered unreasonable - and therefore not in compliance with the intent of HB 2001.

How will local governments know their regulations would not be determined to result in “unreasonable cost or delay”?

The administrative rules and model code adopted through this rulemaking process by the Land Conservation and Development Commission will provide a set of development standards that are considered to be reasonable. Additionally, the rules will define certain parameters for development regulations which will provide jurisdictions with clear guidance as to what is considered unreasonable cost or delay. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How will these requirements affect development standards related to:

- Density**
- Dimensional Standards (e.g. setbacks, lot coverage, height)**
- Design and Solar Access**
- Infrastructure and Public Facilities**
- Parking**

The Department of Land Conservation and Development has only just begun developing rules for “Large City” middle housing requirements. Once administrative rules are adopted, these cities will be required to adopt a development code compliant with the

HB 2001 law and rules by June 30, 2022. More definitive guidance on how the bill will affect development standards for large cities will be provided with the adoption of administrative rules.

What happens if a jurisdiction does not adopt a compliant development code by the statutory deadline?

If a jurisdiction does not adopt a compliant development code by the statutory deadline, a model ordinance adopted by the Land Conservation and Development Commission (LCDC) will apply directly and will pre-empt any existing local standards regulating duplex development. This model ordinance is under development and expected to be adopted by LCDC by mid-November of 2020.

Infrastructure-Based Time Extension Request (IBTER)

What if infrastructure is unable to accommodate middle housing types?

A local government may request an extension of time to enact the required regulations based on an application identifying an infrastructure constraint (water, sewer, storm drainage, or transportation) to accommodating middle housing development in a specific geographic area. In order for this extension request to be approved by the Department, the local government must also provide a plan of actions to remedy the infrastructure deficiency.

When must an Infrastructure-Based Time Extension Request be submitted?

A “Medium City” must submit an extension request by December 31, 2020. A “Large City” must submit an extension request by June 30, 2021.

What is considered “significantly deficient” infrastructure?

HB 2001 states that local governments may request an infrastructure-based time extension if infrastructure is currently significantly deficient, or is expected to be by December 31, 2023. Of course, the level of deficiency is dependent upon the infrastructure system. The Rulemaking Advisory Committee and the DLCD project team are working with technical experts to determine this criteria. The exact interpretation of this section of the bill is currently under development in rulemaking. More definitive guidance on this phrase will be provided with the adoption of administrative rules.

How much development/redevelopment can be anticipated or assumed for an extension request?

HB 2001 provides at least some guidance as to how much redevelopment a jurisdiction could reasonably anticipate as a result of adopting middle housing development standards. The bill states that a local government may not assume an increase in residential capacity above achieved density by more than 3% for the purposes of accommodating needed housing over a 20-year planning period. For the purposes of calculating if existing infrastructure can accommodate this growth by December 31, 2023, draft administrative rules currently under development have simplified this redevelopment rate to a growth rate of 1% in infill development situations and 3% in greenfield development situations.

How long of an extension can be granted?

A local government is expected to make good faith action to remedy an infrastructure deficiency in a timely manner. The proposed length of the initial time extension is five years, with the opportunity for a one-time additional five year extension.

How does a jurisdiction prepare an IBTER for an area where they do not have ownership or authority over a type of infrastructure such as a State highway or service provider district?

Parameters for ensuring coordination between local governments and service providers is currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Requirements for Accessory Dwelling Units (ADUs)

How will HB 2001 change how ADUs are regulated?

The new law prohibits jurisdictions from requiring owner-occupancy or off-street parking for ADUs. However, such regulations may be applied if the ADU is used for vacation occupancy.

What is the difference between an ADU and a duplex?

There may be rare situations where a proposed development could meet the definition of both a duplex and a single-family dwelling with an internal ADU. In these situations, the property owner will be allowed to elect which definition they wish to apply to their proposed development. The property owner is not allowed to define their proposed development as both or change their election.

Will HB 2001 require jurisdictions to allow both an ADU and duplex on a single lot?

We are currently exploring this legal question as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

What is the Model Code? How will it be applied?

If a jurisdiction does not adopt a compliant development code by the statutory deadline outlined in the bill, then a model ordinance developed by the Land Conservation and Development Commission (LCDC) will apply directly. Currently, there are two model ordinances under development – one applicable to “Medium” cities and another applicable to “Large” Cities.

What is the difference between the Model Code and Administrative Rules?

The purpose of the Model Code is three-fold. Firstly, it provides an ordinance that can apply directly in the event a jurisdiction does not adopt an ordinance that complies with HB 2001. Secondly, local governments can choose to adopt the model code “wholesale” and be assured that the standards are HB 2001-compliant. Thirdly, it defines standards

for minimum compliance to provide guidance to jurisdictions that seek to develop their own middle housing standards.

The administrative rules outline the process and criteria by which the Department of Land Conservation and Development will evaluate middle housing ordinances adopted by local jurisdictions to determine whether they comply with the intent of HB 2001.

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2001?

The required timeline for compliance with HB 2001 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

How will existing and future Codes, Covenants, and Restrictions (CC&Rs) be affected by HB 2001?

HB 2001 prohibits the establishment of new Covenants, Conditions & Restrictions or similar instruments that would prohibit middle housing or ADUs in a residential neighborhood. However, existing CC&Rs will remain in place.

What is meant by “clear and objective” standards? Will discretionary review processes for middle housing be allowed under HB 2001?

[OAR 660-008-0015](#) establishes that local governments may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Local governments may adopt and apply an optional alternative approval process based on approval criteria regulating appearance or aesthetics that are not clear and objective if the applicant retains the option of proceeding under the approval process that is clear and objective, the alternative process complies with applicable statewide land use planning goals and rules, and the alternative approval process authorizes a density at or above the density level authorized in the zone under the clear and objective approval process.

In other words, local governments will be able to adopt and apply a discretionary review process for middle housing, but all middle housing development applications must have the option of a clear and objective review path that does not have the effect of unreasonable cost or delay.

How will HB 2001 affect the Urban Growth Boundary (UGB) expansion process?

At periodic review or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government must demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.

HB 2001 allows jurisdictions to adopt density expectations assumed to result from the provision of middle housing, but this expectation may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.

For jurisdictions located outside of a metropolitan service district (i.e. Metro), a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

How will HB 2001 affect historic properties and districts?

Parameters for historic properties and districts in the model code and administrative rules are currently in development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Will HB 2001 affect the application of System Development Charges (SDCs), property tax exemptions/freezes, or construction taxes?

As part of the comprehensive plan and development code amendment process, HB 2001 requires local governments to consider ordinances and policies to increase the affordability of middle housing including:

1. Waiving or deferring system development charges
2. Adopting or amending criteria for property tax exemptions or freezes
3. Assessing a construction tax

House Bill 2003

Regional Housing Needs Analysis (RHNA)

What is the Regional Housing Needs Analysis?

The Regional Housing Needs Analysis (RHNA; pronounced “ree-na”) is a statewide needs analysis by region to analyze and quantify the housing shortage and future needs in our state. The methodology for this analysis is currently under development by Oregon Housing and Community Services. HB 2003 requires that this analysis determine housing needs of a region and of each city and Metro for a 20-year period. Additionally, the RNHA will include analysis related to the equitable distribution of publicly supported housing within a region and a housing shortage analysis for each city and Metro.

This is a feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration related to how this analysis might continue to be conducted in the future. HB 2003 requires that the methodology be completed and run by September 1, 2020, with a report due to the Oregon Legislature by March 1, 2021.

What data will be used in this analysis? Will it provide an accurate assessment of regional housing needs?

There is limited availability of statewide data sets that can provide sufficient level of detail to conduct the required analysis. To ensure the analysis provides as accurate of an assessment of regional housing needs as practical, the RHNA will utilize Census American Community Survey Public Use Microdata Sample (PUMS) 5-year data, and the shortage analysis will utilize Census Comprehensive Housing Affordability Strategy (CHAS) data.

Will there be opportunities to include qualitative data in the RHNA? Or is it solely quantitative?

Given the timeline and resource constraints associated with conducting a robust qualitative methodology, the RHNA as required by HB 2003 will be conducted using quantitative data. Recommendations in the legislative report due March 1, 2021 will include considerations of how to improve the process, which may include the incorporation of a qualitative component.

How are the regions defined?

Census American Community Survey Public Use Microdata Sample (PUMS) divides Oregon counties into discrete geographies. While it is possible to combine PUMS regions, it is not advisable to break these regions into smaller subregions. Unfortunately, this means that regional boundaries are limited by the boundaries utilized by PUMS data.

While final regions have not yet been defined, it is clear that boundaries in this first iteration of the RHNA may not fully correspond to what may be perceived as a regional housing market. The legislative report due March 1, 2021 will discuss the limitations of this approach and provide recommendations on creating regions that better reflect regional housing markets throughout the state.

What does “affordability” mean in context of the RHNA?

HB 2003 requires that the analysis must classify housing by “Affordability” which is housing that is affordable to households with:

1. Very low income - income at or below 50 percent of the area median income
2. Low income - income above 50 percent and at or below 80 percent of the area median income
3. Moderate income - income above 80 percent and at or below 120 percent of the area median income
4. High income – income above 120 percent of the area median income

“Area median income” is defined in the bill as the median income for households established by the United States Department of Housing and Urban Development. OHCS defines affordability as a household spending no more than 30% of their gross income on housing costs.

How will this analysis be used?

The purpose of the RHNA as prescribed in HB 2003 is to conduct a one-time feasibility study of how to conduct a regional housing needs analysis in Oregon, and the results and recommendations will be returned to the legislature for further consideration. The analysis will summarize the findings of the regional housing needs analysis, estimate of housing stock, housing shortage analysis and estimate of housing necessary to accommodate growth.

The legislative report provided by the Department of Land Conservation and Development will evaluate the methodology and assessment produced by Oregon Housing and Community Services. You can read about the specific requirements of this report in [Section 2](#) of the bill.

Housing Needs Analysis (HNA)

Which jurisdictions are required to conduct a Housing Needs Analysis?

HB 2003 requires adoption of a statewide schedule for cities with a population greater than 10,000 to update a local Housing Needs Analysis (HNA).

When will they need to complete a Housing Needs Analysis?

Cities within Metro will be required to update HNAs every six years, cities outside Metro must update every eight years. You can find a completed Housing Needs Analysis Update Schedule here: <

https://www.oregon.gov/lcd/UP/Documents/Final_HNA_Schedule_20191220.pdf>

Housing Production Strategy (HPS)

What is a Housing Production Strategy? Which jurisdictions are required to produce a Housing Production Strategy?

HB 2003 requires cities with a population greater than 10,000 to prepare and adopt a housing production strategy, in accordance with rules adopted by DLCDC. A Housing Production Strategy (HPS) is an extension of a Housing Needs Analysis and must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA.

When will they need to produce a Housing Production Strategy?

A city is required to adopt a Housing Production Strategy within one year of the adoption of their six or eight year Housing Needs Analysis.

What strategies will a jurisdiction need to incorporate in their HPS?

A housing production strategy (HPS) must include a list of specific actions that the city shall undertake to promote development within the city to address housing needs identified in their HNA. This may include:

1. The reduction of financial and regulatory impediments to developing needed housing, including removing or easing approval standards or procedures for needed housing at higher densities or that is affordable.

2. The creation of financial and regulatory incentives for development of needed housing, including creating incentives for needed housing at higher densities or that is affordable.
3. The development of a plan to access resources available at local, regional, state and national levels to increase the availability and affordability of needed housing.

Currently, the Department of Land Conservation and Development is developing rules that will provide further guidance on specific actions that a jurisdiction can incorporate into Housing Production Strategies they develop and adopt.

Will there be enforcement for jurisdictions to implement strategies identified in their HPS?

Section 6 of [HB 2003](#) establishes Land Conservation and Development Commission (LCDC) enforcement authority to ensure Housing Production Strategy implementation and progress. Specific parameters for enforcement is currently under development as part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

General Questions

If a jurisdiction reaches a statutorily-defined population threshold, when will they be required to comply with HB 2003?

The required timeline for compliance with HB 2003 is currently under development as a part of rulemaking. More definitive guidance on this will be provided with the adoption of administrative rules.

Implementation

Rulemaking

What rules will be adopted for HB 2001 and HB 2003?

In response to HB 2001 and HB 2003, the Land Conservation and Development Commission has initiated rulemaking to begin implementation of the 'middle housing' and housing production strategy requirements. These include administrative rules for the following elements of HB 2001 and HB 2003:

- Infrastructure Based Time Extension Request
- Middle Housing in "Medium" Cities
- Middle Housing in "Large" Cities
- Housing Production Strategy

To advise on this rulemaking, the commission directed DLCD to establish a rulemaking advisory committee. The purpose of the committee is to ensure that both the commission and DLCD hear from a broad group of stakeholders and interested persons during the rulemaking process. You can find out more information about committee meetings on the [Housing Rulemaking](#) page.

When will Administrative Rules be adopted?

Each set of Administrative Rules has its own timeline for adoption based on statutory deadlines and priorities of LCDC. They are listed below.

Infrastructure Based Time Extension Request – To provide local governments sufficient time to develop an IBTER, LCDC aims to adopt administrative rules by early August 2020.

Middle Housing in “Medium” Cities – The statutory required adoption date for administrative rules is December 31, 2020, but to provide local governments sufficient time to develop and adopt middle housing code, LCDC aims to adopt a model code and administrative rules by early August 2020.

Middle Housing in “Large” Cities – The statutory required adoption date for administrative rules is December 31, 2020. The anticipated date of LCDC rule adoption is November 12-13, 2020.

Housing Production Strategy – There is no statutory deadline for Housing Production Strategy rule adoption. The anticipated date of LCDC rule adoption is November 12-13, 2020.

How do I provide comments to DLCD, the Land Conservation and Development Commission, the Rulemaking Advisory Committee, or the Technical Advisory Committee during the rulemaking process?

You are welcome to submit comments electronically or in-person during the rulemaking process. If you would like to submit comments electronically, please submit them to housing.dlcd@state.or.us. If you would like to attend a Rulemaking or Technical Advisory Committee meeting and submit comments in-person, please visit the [Housing Rulemaking](#) page for additional information on time and location of these meetings.

**CITY COUNCIL
MARCH 15, 2021 STAFF REPORT**

SUBJECT: File No. 20-032 DCA HB2001 Code Amendments

AGENDA DATE: March 15, 2021

TO: City Council

FROM: Emily Meharg, Senior Planner

I. SUMMARY

File No. 20-032 DCA amends Chapters 17.10, 17.30, 17.34, 17.46, 17.54, 17.74, 17.82, 17.86, 17.98, and 17.100 of the Development Code, which contain definitions, zoning districts, single-family residential (SFR), village commercial (C-3), specific area plan overlay, flood and slope hazard (FSH) overlay district, accessory development, transit streets, parkland & open space, parking, and land division, respectively. The primary goal of the amendments is to amend the Development Code in compliance with House Bill (HB) 2001. HB 2001 requires medium-sized cities to allow attached duplexes anywhere a detached single-family residence is allowed and prevents cities from applying more restrictive development standards to duplexes than what is applied to single-family residences. This includes among other things design standards, parking requirements, and density thresholds. HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to ADUs.

Chapter 17.10 Definitions

- **Discretionary item:** Clarified the definition of “accessory dwelling unit” to allow an ADU on the same lot as a duplex.
- **Discretionary item:** Clarified the definition of “building types, multi-family dwelling” to specify that an ADU and duplex on the same lot are not considered multi-family for the purposes of the multi-family design standards in Section 17.90.160. (Note: This proposed modification is only needed if Council decides to go with the Planning Commission’s recommendation to allow an ADU on the same lot as a duplex.)

Chapter 17.30 Zoning Districts

- **Legislatively required:** Added a clause stating that duplexes shall be counted the same as a single-family residence for the purpose of calculating density.

Chapter 17.34 Single-family Residential (SFR)

- **Legislatively required:** Added “duplex” as a primary use permitted outright.
- **Legislatively required:** Removed “duplex” as a minor conditional use.
- **Legislatively required:** Amended references to “single detached dwelling” for minimum lot area and minimum average lot width to read “single detached dwelling or duplex.”

Chapter 17.46 Village Commercial (C-3)

- **Legislatively required:** Revised residential primary uses permitted outright to include duplexes above, beside or behind a commercial business.

Chapter 17.54 Specific Area Plan Overlay

- **Legislatively required:** Updated the table in Section 17.54.80 so that duplexes have the same standards as single family residential.
- **Administrative change:** Added duplexes to the single-family residential design standards in Section 17.54.110 and referenced Chapter 17.90 for design standard calculation for single-family residences and duplexes for consistency in review and streamlining reviews.
- **Legislatively required:** Updated language in 17.54.100(E) to reference Chapter 17.100, Land Division, for standards related to private drives that treat duplexes the same as single-family residences.

Chapter 17.74 Accessory Development (specifically Section 17.74.70, ADUs)

- **Legislatively required:** Updated off-street parking standard to be “no minimum.”
- **Legislatively required:** Deleted text related to occupancy limitations.
- **Discretionary item:** Increased maximum square footage of an ADU to 800 square feet.
- **Legislatively required:** Revised design standards and additional requirements to be clear and objective.

Chapter 17.82 Special Setbacks on Transit Streets

- **Legislatively required:** Exempted single-family residences converted to duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).
- **Discretionary item:** Exempted single-family residences and duplexes on a flag lot where the driveway approach to the flagpole is on a transit street and the lot does not have additional frontage on a second transit street from the standards of Sections 17.82.20(B and C).

Chapter 17.86 Parkland & Open Space

- **Administrative change:** Clarified the parkland fee-in-lieu calculation for duplexes and conversions that add additional units and removed the rounding clause from the calculation since rounding doesn't work when calculating the required dedication for the conversion of an SFR to a duplex.

Chapter 17.98 Parking, Loading, and Access Requirements

- **Legislatively required:** Reduced minimum number of required parking spaces for duplexes to 1 per dwelling unit (or 2 total) to match the 2-parking space minimum for SFR.
- **Legislatively required:** Revised code language so driveway requirement for a duplex is the same as for a single-family dwelling.
- **Legislatively required:** Revised residential on-street parking requirement to be the same for a duplex as for a single-family dwelling.
- **Legislatively required:** Exempted ADUs and conversion of a single-family residence to a duplex from the on-street parking standard.
- **Administrative change:** Exempted multi-family from the on-street parking standard. When the on-street parking standards were written in the code, multi-family was never intended to

be included. But since it is not clearly stated and we have received past inquiries/questions we want to add clarity in the code.

Chapter 17.100 Land Divisions

- **Legislatively required:** Revised residential shared private drive language to reference required off-street parking spaces rather than dwelling units so that duplexes are treated the same as single-family residences.

RECOMMENDED DISCUSSION TOPICS:

- HB 2001 does not require a city to allow both a duplex and an ADU on the same lot, but a city can choose to allow both if they choose. *The Planning Commission recommended allowing a duplex and an ADU on the same lot, and the definition of ADU in Chapter 17.10 has been updated accordingly.*
- If Council decides to allow both an ADU and a duplex on a single lot, the three units would technically qualify as multi-family per the definition of multi-family in Chapter 17.10. Staff proposes updating the definition of multi-family to exempt an ADU and duplex on the same lot from the multi-family design standards in Section 17.90.160. *This change was identified by staff after the Planning Commission hearing so the Planning Commission did not make a recommendation.*
- HB 2001 requires cities to allow attached duplexes wherever detached single family dwellings are allowed. It is up to each city whether to also allow detached duplexes. The existing Development Code allows both attached and detached duplexes where single family dwellings are allowed, except in the SFR zone. The proposed code amendments will allow duplexes outright in the SFR zone in conformance with HB 2001; however, a city can decide whether to allow both detached and attached duplexes in the SFR zone. A city may also allow additional middle-housing options (triplexes, four-plexes, cottage clusters, etc.) if they choose. *The Planning Commission recommended continuing to allow both attached and detached duplexes in all zones that permit single family dwellings but did not make a recommendation to allow additional middle-housing options in zones that don't currently allow them.*
- HB 2001 does not allow a city to require more off-street parking spaces for a duplex than for a single-family residence. This means that the maximum number of off-street parking spaces for a duplex is 2 total (not 2 per unit as written in the existing code). However, a city may require that these spaces shall be side-by-side, and not tandem. *The Planning Commission did not make any recommendations regarding parking layout.*
- HB 2001 does not allow a city to apply more restrictive design standards to a duplex than to a single-family residence; however, HB 2001 does not require a city to apply design standards to duplexes. A city may decide to not apply design standards to a duplex if they choose. The existing Development Code applies the same design standards to single-family residences and duplexes (Section 17.90.150), in compliance with HB 2001. Staff clarified Section 17.54.110(B) such that the design standards for the BVO will apply to both single-

family residences and duplexes. *The Planning Commission did not recommend removing design standards from duplexes. (Note: The Planning Commission did not review the proposed code changes to Chapter 17.54 as these were identified as needing to be updated after the Planning Commission hearing.)*

- Though not required by HB 2001, staff recommends increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Increasing the maximum square footage of an ADU may indirectly support HB 2001 by encouraging more people to build ADUs. *The Planning Commission recommended increasing the maximum square footage of an ADU from 600 square feet to 800 square feet.*
- In accordance with the existing Development Code, conversion of a single-family dwelling to a duplex on a flag lot on a transit street would trigger additional requirements in Chapter 17.82 regarding orientation of the dwelling unit and connection to the sidewalk, which would not be permitted by HB 2001. Staff proposed exempting conversion of a single-family dwelling to a duplex from the standards in Section 17.82.20(A and B), which would be required by HB 2001. In addition, staff is recommending exempting single-family residences and duplexes from the standards in Section 17.82.20(A and B), which is not required by HB 2001, based on the reasoning that requiring a separate pedestrian walkway adjacent to a paved flag seems redundant and would result in increased impervious surface and potentially stormwater movement on to abutting properties. *The Planning Commission recommended keeping the exemptions as proposed by staff.*
- HB 2001 contains an exception to the middle housing requirements for areas subject to natural hazards, including flood hazard and other hazards. The City is not required to modify Chapter 17.60 based on the exception, provided the adopted ordinance includes findings related to the hazard. Staff does not recommend broadening permitted uses in the Flood and Slope Hazard (FSH) overlay district and, therefore, recommends not including the Chapter 17.60 modifications. *This exemption was identified after the Planning Commission hearing.*
- HB 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges (SDCs), property tax exemptions, and construction taxes, but does not require cities to adopt those policies at this point. Currently, the calculation for the City's land component portion of the parks SDC, including the fee-in-lieu option, is contained in Chapter 17.86. *The Planning Commission did not review the proposed code changes to Chapter 17.86 as these were identified as needing to be addressed after the Planning Commission hearing.*

RECOMMENDATION

Staff recommends the City Council hold a public hearing and take public testimony, and provide staff feedback on discretionary items so that staff can return with revised code language, an ordinance, and findings at an April or May City Council meeting. Staff recommends adopting the code changes prior to June 2021 so that the City of Sandy is in compliance with the mandates of House Bill 2001. If the City does not adopt code amendments in compliance with House Bill 2001

with an effective date of June 30, 2021 or earlier, the state's model code will go into effect in Sandy on July 1, 2021.

II. ATTACHMENTS:

Chapter 17.10 Code Modifications
Chapter 17.30 Code Modifications
Chapter 17.34 Code Modifications
Chapter 17.46 Code Modifications
Chapter 17.54 Code Modifications
Chapter 17.74 Code Modifications
Chapter 17.82 Code Modifications
Chapter 17.86 Code Modifications
Chapter 17.98 Code Modifications
Chapter 17.100 Code Modifications
DLCD Documents
Medium Cities Middle Housing Model Code
January 25, 2021 Planning Commission Staff Report





Marisol Martinez <mmartinez@ci.sandy.or.us>

Re: House Bill 2001 follow up

Jeff Aprati <japrati@ci.sandy.or.us>

Thu, Mar 18, 2021 at 8:51 AM

To: Emily Meharg <emeharg@ci.sandy.or.us>, Marisol Martinez <mmartinez@ci.sandy.or.us>

Cc: Kelly O'Neill <koneill@ci.sandy.or.us>

Hi Marisol - are you able to put together a shared Google Sheet for this file like we've done in the past so we're all on the same page on exhibits / comments?

Jeff Aprati

Assistant to the City Manager / City Recorder

City of Sandy

503-489-0938

japrati@ci.sandy.or.us

On Thu, Mar 18, 2021 at 7:58 AM David Doughman <david@gov-law.com> wrote:

Just a reminder to elected and appointed officials to not reply all to avoid any argument that officials are deliberating policy outside of a public meeting. It is certainly ok if you want to reply to staff to share any thoughts. As Councilor Walker's email notes, her email and any replies to staff should go into the public record as the city continues to consider these issues.

David F. Doughman

BEERY ELSNER & HAMMOND LLP

From: Kathleen Walker [mailto:kwalker@ci.sandy.or.us]**Sent:** Wednesday, March 17, 2021 1:34 PM**To:** Kelly O'Neill Jr.; City Council; David Doughman; Emily Meharg; Shelley Denison; Jeff Aprati; Jordan Wheeler; hmacleanwenzel@ci.sandy.or.us; cmayton@cityofsandy.com; rlesowski@cityofsandy.com; dcarlton@cityofsandy.com; jcrosby@cityofsandy.com; jlee@ci.sandy.or.us; shook@ci.sandy.or.us>**Subject:** Re: House Bill 2001 follow up

Hi Kelly et al - thanks for this clarification of the decision space regarding parking. So it appears that HB2001 forces us to allow ADU's with no additional off street parking. The OAR you cited forces us to require no more than 2 off street parking spots for a duplex. It looks like we could require some **on street parking** for these which is something to consider. As we know, parking in our higher density neighborhoods, is one of the most frequent complaints we get. Drive by the duplexes along McCormick Dr behind the Post Office and Avamere after 6pm to see what I am talking about. I am in support of providing middle housing - as well as apartments/multi-family! I want a balance of all the zones with adequate parking to address the fact that most Sandy residents (many with big SUV/trucks) have to drive to their jobs.

I want to make sure our Council, Planning Commission and residents have a clear picture of our existing amounts (balance) of zoning in Sandy under the current Comp Plan. The city's most recent housing urbanization study (2015), said that "**31.2% of our City will be developed with multi-family housing (nearly a third!)**". **48% of our lots are already allowed to have duplexes and row houses (middle housing) under the existing comp plan (nearly half)**. Now HB2001 requires us to allow duplexes on 100% of our lots. We are providing middle housing (duplexes, row homes, etc.) on almost **half** of Sandy's resident lots which seems to meet or exceed the state's goals!

3/18/2021

City of Sandy Mail - Re: House Bill 2001 follow up

After the Comp Plan was adopted without minimum lot sizes, large areas of our SFR zones got developed with much smaller (than 7500 ft2) lots - akin to Low density 5500 ft2 lot sizes, instead of SFR. I think what is limited in Sandy at this point, is the availability of a 7500 ft2 plus lot home in SFR, especially when they can be rezoned under PD's or zoning amendments, to high density! We are losing the balance.

Because I think we have already provided for the middle housing need in spades, I (one vote I know) am not inclined to allow duplexes **and** ADU's (basically a **triplex!**) on SFR. I am also concerned about increasing the size of ADU's, which were intended as mother in law suites, adult child unit, etc. ADU's were not intended as full separate stand alone homes. The existing Sandy code restricted ADU's to 600ft2, occupancy to 3, and required parking. Now we cannot restrict occupancy or require off street parking. The one exception to that is that if the ADU is being operated as a vacation rental and then we can require additional off-street parking. We **can** keep the code of ADU's <600ft2. An 800ft2 stand alone "ADU" is essentially a small house. If 80% of our housing was zoned as SFR, I could see being flexible to increase balance and meet need, but we risk losing our balance and creating new problems by going above and beyond, when we have already provided for middle housing in almost half our current residential zoning. We are now being forced to eliminate the requirement that Single Family Residential (SFR) be limited to having a Single Family (with room for a yard, RV parking, etc.)!

On a similar note, I am (one vote I know) not in favor of allowing duplexes to be separated. Duplexes in the dictionary are defined as a house divided into two apartments side by side, or one atop another, with two separate entrances. A "separated duplex" is two small houses - possibly on one lot, possibly with some covered breezeway between the two homes. Separate duplexes are already allowed in medium and high density zones as small lot homes (no minimum lot size). Ditto with row homes which are also allowed in LDR, MDR and HDR.

Those are my thoughts so far. I look forward to doing more research and hearing from others. Jeff, you can put this email in the public record on this topic.

Kind Regards,

Kathleen Walker, Sandy City Councilor

On 3/17/2021 10:23 AM, Kelly O'Neill Jr. wrote:

Hi Councilors and Mayor Pulliam,

I wanted to send this email to clarify regulations around parking in accordance with House Bill 2001 and to clarify the necessity of some of the discretionary/administrative code modifications.

First, I want to clarify parking requirements. Per the House Bill, [OAR 660-046-0120 \(5\) \(a\)](#) reads: "A Medium City may not require more than a total of two off-street parking spaces for a Duplex". So while the relationship that needs to be consistent is detached single family homes and duplexes, this provision limits our discretionary rule making/home rule authority when it comes to parking requirements for duplexes. This means that if the City Council wants to increase off-street parking requirements for new detached single family homes the increase would not apply to duplexes. Sorry.

Second, I fully understand and appreciate the idea of only including legislatively required code amendments. However, the majority of the discretionary changes and administrative changes are needed to provide clarity to applicants and staff. For instance, the flag lot code modifications being recommended by staff are a great example where the code is not clear and objective, and thus causes issues when implementing the code. While I am excited to start the comprehensive plan update process I also want to make sure that everyone understands that process in and of itself will not review granular code amendments as explained by Emily on March 15. Waiting two plus years until after the Comprehensive Plan is completed is not a preferred approach.

If you have any questions or input regarding HB 2001 between now and April 19, Emily Meharg and I would love to chat. We all share the desired goal of making City Council meetings go as smoothly as possible.

<https://mail.google.com/mail/u/0?ik=256091e41c&view=pt&search=all&permmsgid=msg-f%3A1694585516135922387&simpl=msg-f%3A16945855161...> 2/3

3/18/2021

City of Sandy Mail - Re: House Bill 2001 follow up

Have a great day. -Kelly

--

Kathleen Walker Sandy City Councilor

This e-mail is a public record of the City of Sandy and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.



Marisol Martinez <mmartinez@ci.sandy.or.us>

Re: House Bill 2001 follow up

Emily Meharg <emeharg@ci.sandy.or.us>
 To: "Kelly O'Neill Jr." <koneill@ci.sandy.or.us>
 Cc: Marisol Martinez <mmartinez@ci.sandy.or.us>

Thu, Apr 8, 2021 at 1:49 PM

Did you want Don's email to staff below to be included as a HB 2001 exhibit? I was thinking just Kathleen's since she addressed it to all of Council and PC, but I saw that you referenced Don's electric vehicle comment in one of the discussion topics...

----- Forwarded message -----

From: **Don Hokanson** <dhokanson@ci.sandy.or.us>
 Date: Thu, Mar 18, 2021 at 11:17 AM
 Subject: Re: House Bill 2001 follow up
 To: Kelly O'Neill Jr. <koneill@ci.sandy.or.us>
 Cc: Emily Meharg <emeharg@ci.sandy.or.us>, Shelley Denison <sdenison@ci.sandy.or.us>, Jordan Wheeler <jwheeler@ci.sandy.or.us>

Hi Kelly,

On another note, as I was thinking about the future with Shelley, I was thinking about the impact of electrification of vehicles and the impact it might have on seemingly unrelated items like parking. As staff thinks through changes to parking requirements including side-by-side vs front-to-back driveways and onsite vs offsite parking, please consider how those changes would be complementary to the transition to electric vehicles. For example, how would a front-to-back driveway work with chargers? Or even more complicated, how would offsite parking work? Whether we like it or not, I think we are not many years away from that being a common scenario.

Thanks again for all you do.
 -don

On Wed, Mar 17, 2021 at 10:24 AM Kelly O'Neill Jr. <koneill@ci.sandy.or.us> wrote:
 Hi Councilors and Mayor Pulliam,

I wanted to send this email to clarify regulations around parking in accordance with House Bill 2001 and to clarify the necessity of some of the discretionary/administrative code modifications.

First, I want to clarify parking requirements. Per the House Bill, [OAR 660-046-0120 \(5\) \(a\)](#) reads: "A Medium City may not require more than a total of two off-street parking spaces for a Duplex". So while the relationship that needs to be consistent is detached single family homes and duplexes, this provision limits our discretionary rule making/home rule authority when it comes to parking requirements for duplexes. This means that if the City Council wants to increase off-street parking requirements for new detached single family homes the increase would not apply to duplexes. Sorry.

Second, I fully understand and appreciate the idea of only including legislatively required code amendments. However, the majority of the discretionary changes and administrative changes are needed to provide clarity to applicants and staff. For instance, the flag lot code modifications being recommended by staff are a great example where the code is not clear and objective, and thus causes issues when implementing the code. While I am excited to start the comprehensive plan update process I also want to make sure that everyone understands that process in and of itself will not review granular code amendments as explained by Emily on March 15. Waiting two plus years until after the Comprehensive Plan is completed is not a preferred approach.

If you have any questions or input regarding HB 2001 between now and April 19, Emily Meharg and I would love to chat. We all share the desired goal of making City Council meetings go as smoothly as possible.

Have a great day. -Kelly

--

4/8/2021

City of Sandy Mail - Re: House Bill 2001 follow up

Don M. Hokanson
Councilor Position 6

<https://mail.google.com/mail/u/0?ik=256091e41c&view=pt&search=all&permmsgid=msg-f%3A1696506807272686280&simpl=msg-f%3A16965068072...> 2/2

HB 2001 CODE AMENDMENTS

Chapters 17.10, 17.30, 17.34, 17.46, 17.54, 17.74,
17.82, 17.86, 17.98, and 17.100 Code Modifications



RECOMMENDATION

- Staff recommends the City Council continue the public hearing and take public testimony, and provide staff feedback on discretionary items so that staff can return with revised code language, an ordinance, and findings at a May City Council meeting.
- Staff recommends adopting the code changes prior to June 2021 so that the City of Sandy is in compliance with the mandates of House Bill 2001. If the City does not adopt code amendments in compliance with House Bill 2001 with an effective date of June 30, 2021 or earlier, the state's model code will go into effect in Sandy on July 1, 2021.



7 Discussion Topics



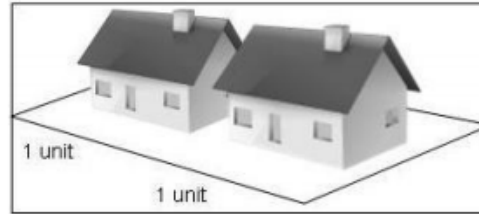
Topic #1 - Duplex and ADU on the same lot

- HB 2001 does not require a city to allow both a duplex and an ADU on the same lot, but a city can choose to allow both. Regardless of Council's decision, the existing definition of "accessory dwelling unit" needs to be clarified to reflect Council's decision on whether to allow an ADU and a duplex on the same lot, or to just allow an ADU on a lot with a single-family residence. If Council allows an ADU and a duplex on the same lot, staff recommends the definition of "building types, multi-family dwelling" is clarified to specify that an ADU and duplex on the same lot are not considered multi-family for the purposes of the multi-family design standards in Section 17.90.160.
- *The Planning Commission recommended allowing a duplex and an ADU on the same lot, and the definition of ADU in Chapter 17.10 has been updated accordingly.*
- ***Preliminary feedback indicates that Councilor Walker is not in favor of allowing a duplex and ADU on the same lot.***

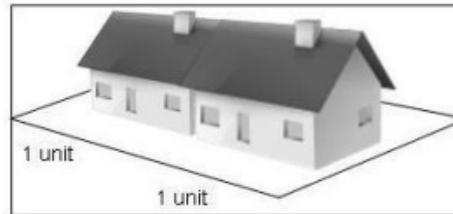


Topic #2 - Detached and attached duplexes & middle housing

Detached Duplex



Attached Duplex



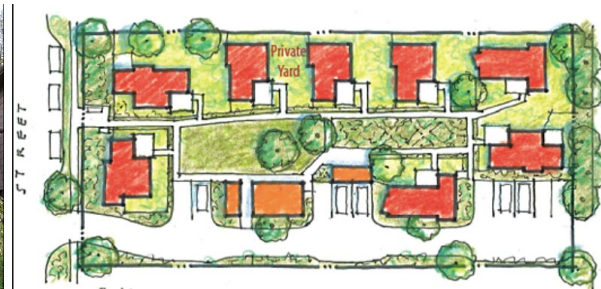
Triplex



Fourplex



Cottage Cluster



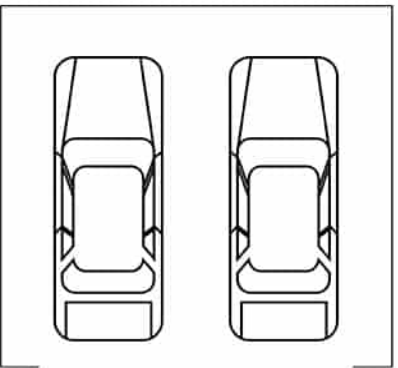
Topic #2 - Detached and attached duplexes & middle housing

- HB 2001 requires cities to allow attached duplexes wherever detached single family dwellings are allowed. It is up to each city whether to also allow detached duplexes. The existing Development Code allows both attached and detached duplexes where single family dwellings are allowed, except in the SFR zone. The proposed code amendments will allow duplexes outright in the SFR zone in conformance with HB 2001; however, a city can decide whether to allow both detached and attached duplexes in the SFR zone.
- A city may also allow additional middle-housing options (triplexes, four-plexes, cottage clusters, etc.) if they choose.
- *The Planning Commission recommended continuing to allow both attached and detached duplexes in all zones that permit single family dwellings but did not make a recommendation to allow additional middle-housing options in zones that don't currently allow them.*
- ***Preliminary feedback indicates that Councilor Walker is not in favor of allowing detached duplexes in the SFR zone.***

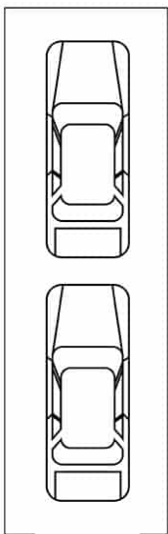


Topic #3 - Side-by-side and tandem parking

Side by side parking



Tandem parking



Topic #3 - Side-by-side and tandem parking

- HB 2001 does not allow a city to require more off-street parking spaces for a duplex than for a single-family residence. This means that the maximum number of off-street parking spaces for a duplex is 2 total (not 2 per unit as written in the existing code). However, a city may require that these spaces shall be side-by-side, and not tandem.
- *The Planning Commission did not make any recommendations regarding parking layout.*
- ***Preliminary feedback indicates that Councilor Hokanson is concerned about the long-term viability of tandem parking due to the projected increases in electric vehicles and the need to have charging stations.***

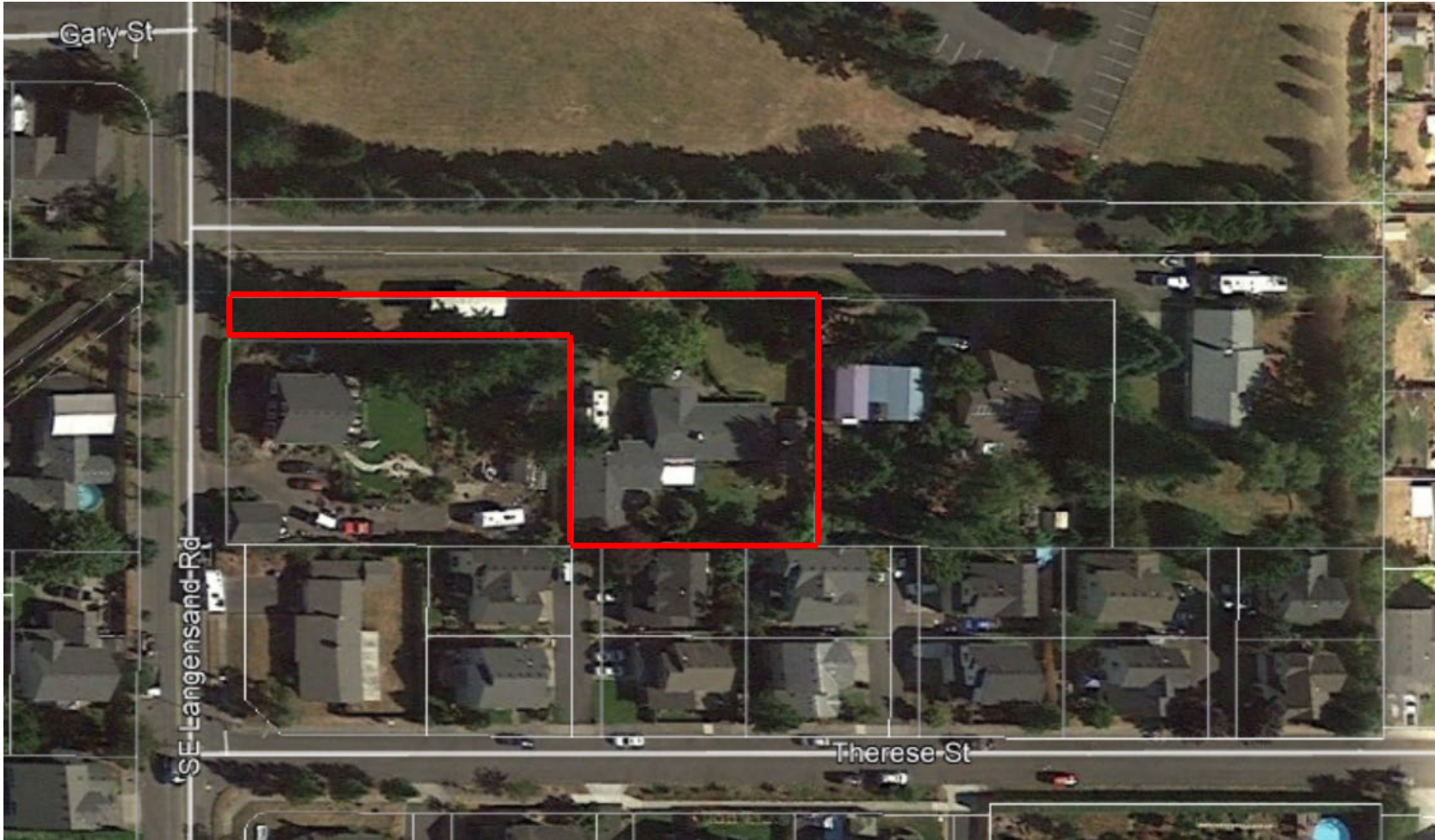


Topic #4 - Increasing the square footage of ADUs

- Though not required by HB 2001, staff recommends increasing the maximum square footage of an ADU from 600 square feet to 800 square feet. Increasing the maximum square footage of an ADU may indirectly support HB 2001 by encouraging more people to build ADUs.
- *The Planning Commission recommended increasing the maximum square footage of an ADU from 600 square feet to 800 square feet.*
- ***Preliminary feedback indicates that Councilor Walker is not in favor of increasing the maximum square footage of an ADU from 600 to 800 square feet.***



Topic #5 - Orientation on Transit Streets



Topic #5 - Orientation on Transit Streets

- In accordance with the existing Development Code, conversion of a single-family dwelling to a duplex on a flag lot on a transit street would trigger additional requirements in Chapter 17.82 regarding orientation of the dwelling unit and connection to the sidewalk, which would not be permitted by HB 2001. Staff proposed exempting conversion of a single-family dwelling to a duplex from the standards in Section 17.82.20(A and B), which would be required by HB 2001. In addition, staff is recommending exempting single-family residences and duplexes from the standards in Section 17.82.20(A and B), which is not required by HB 2001, based on the reasoning that requiring a separate pedestrian walkway adjacent to a paved flag seems redundant and would result in increased impervious surface and potentially stormwater movement on to abutting properties.
- *The Planning Commission recommended keeping the exemptions as proposed by staff.*



Topic #6 - Natural hazard considerations

- HB 2001 contains an exception to the middle housing requirements for areas subject to natural hazards, including flood hazard and other hazards. The City is not required to modify Chapter 17.60 based on the exception, provided the adopted ordinance includes findings related to the hazard. Staff does not recommend broadening permitted uses in the Flood and Slope Hazard (FSH) overlay district and, therefore, recommends not including the Chapter 17.60 modifications.
- *This exemption was identified after the Planning Commission hearing.*



Topic #7 - Parks fee in-lieu considerations

- HB 2001 requires local governments to consider ways to increase the affordability of middle housing, including considerations related to System Development Charges (SDCs), property tax exemptions, and construction taxes, but does not require cities to adopt those policies at this point. Currently, the calculation for the City's land component portion of the parks SDC, including the fee-in-lieu option, is contained in Chapter 17.86. Staff proposed a "total persons per unit" of 2 for each duplex dwelling unit for calculating required parkland dedication. (Total duplex would be 4; SFR is 3, for reference.)
- *The Planning Commission did not review the proposed code changes to Chapter 17.86 as these were identified as needing to be addressed after the Planning Commission hearing.*
- ***Preliminary feedback indicates that Council is not in favor of reducing the persons/unit for each unit of a duplex and would like to keep it at 3 rather than 2.***





Staff Report

Meeting Date: April 19, 2021

From Jeff Aprati, City Recorder

SUBJECT: Ordinance 2021-10: Repealing Title 18 of the Sandy Municipal Code

BACKGROUND:

As part of the ongoing updates to the City's board governance framework, the Council decided to reconstitute the arts group as an Advisory Board rather than a Commission. Resolution 2021-08, which will establish the Public Art Advisory Board, has been submitted for adoption on the April 19, 2021 Consent Agenda.

Ordinance 2021-10 would repeal Title 18 of the Sandy Municipal Code, which previously established the Arts Commission. This portion of the code will become superfluous upon the creation of the Public Art Advisory Board.

RECOMMENDATION:

- Provide an opportunity for any public testimony.
- Adopt Ordinance 2021-10: An Ordinance Repealing Title 18 of the Sandy Municipal Code.

SUGGESTED MOTION:

"I move to approve the first reading of Ordinance 2021-10."



NO. 2021-10

AN ORDINANCE REPEALING TITLE 18 OF THE SANDY MUNICIPAL CODE

Whereas, the City benefits from consistency among its various advisory bodies, most of which are constituted as advisory boards rather than commissions; and

Whereas, it is appropriate for the City Council to retain final authority and responsibility for spending decisions involving public funds; and

Whereas, the City Council intends to establish by Resolution a Public Art Advisory Board to replace the previous Arts Commission;

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

Section 1: Title 18 of the Sandy Municipal Code is repealed in its entirety.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 19 day of April 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-10



Staff Report

Meeting Date: April 19, 2021
From Jeff Aprati, City Recorder
SUBJECT: Proposed Pool Reopening Task Force

BACKGROUND:

Councilor Hokanson proposes establishing a Pool Reopening Task Force.

The proposed purpose of the task force is:

"Produce a recommendation to the Mayor on how to reopen the Olin Bignall Aquatic Center. Specifically, identify upgrades, repairs, and other modifications necessary for reopening the pool. Determine a preferred operating model for the pool to include programs, hours, staffing that maximizes the utilization of the pool, revenue, and minimizes expenses. Identify the cost models including upfront costs, budgets, and revenue streams. Propose a feasible timeline for reopening the pool. Explore the availability of grants or other non-city sources of funding."

RECOMMENDATION:

If the Council wishes to proceed with this proposal, staff recommends the following:

1. Pass a motion to establish the Task Force and approve the provided Bylaws
2. Identify three Council Members to serve on the interview panel for applicants

LIST OF ATTACHMENTS/EXHIBITS:

- Proposed Pool Reopening Task Force Bylaws

Pool Reopening Task Force Bylaws

Article I: Name

This body shall be known as the Pool Reopening Task Force (Task Force). It was established by Council motion on April 19, 2021. The body is a 'Task Force,' per the framework established by Resolution 2021-07; as such it is intended to exist on a temporary basis until its purpose is fulfilled.

Article II: Purpose

Produce a recommendation to the Mayor on how to reopen the Olin Bignall Aquatic Center. Specifically, identify upgrades, repairs, and other modifications necessary for reopening the pool. Determine a preferred operating model for the pool to include programs, hours, staffing that maximizes the utilization of the pool, revenue, and minimizes expenses. Identify the cost models including upfront costs, budgets, and revenue streams. Propose a feasible timeline for reopening the pool. Explore the availability of grants or other non-city sources of funding.

Article III: Membership and Terms

The Task Force is comprised of ten seats. Members serve indefinitely until or unless they resign, are removed, or the Task Force is disbanded. The City Council retains sole authority to appoint or remove members. Seat vacancies, applications, and appointment procedures shall be conducted in accordance with the provisions of Resolution 2021-07.

No more than 40% of the Task Force members may reside outside of the city limits of the City of Sandy. The Task Force may include up to three (3) members of the Sandy City Council, and up to two (2) members from the City of Sandy staff.

To ensure representation of various interests and stakeholders, the Task Force should ideally include members with expertise in some aspect of pool construction, operations, or management; expertise in any aquatic program or sport; grant writing and management; or other relevant interest or experience.

Article IV: Officers

The officers of the Task Force shall be the Chair and Vice Chair. Officers shall be elected at the first meeting of each calendar year. Officer terms shall extend for one year, with no limitation on reelection. The Chair shall preside over meetings and maintain order. The Vice Chair shall preside in the absence of the Chair.

Article V: Code of Conduct

Task Force members shall abide by the Boards and Commissions Code of Conduct and/or any other such requirements established by the City Council.

Article VI: Meetings

The Task Force shall meet not less than six times per year. Meeting dates may be changed or canceled by the Chair, in consultation with the Staff Liaison, with no prior notice to the membership. A majority of the voting membership shall constitute a quorum.

If a member should have two (2) consecutive unexcused absences from regular meetings, he/she may be replaced with a new member appointed by the Sandy City Council. The new appointee shall fill the former member's unexpired term.

Article VII: Amendments

Amendments to these bylaws may be made at the City Council's discretion. The Task Force may propose recommended changes to the Council.

DRAFT



Staff Report

Meeting Date: April 19, 2021

From Mike Walker, Public Works Director
Guaranteed Maximum Price Proposal for Basin 8 Inflow and
SUBJECT: Infiltration Rehabilitation Project

BACKGROUND:

The first phase of the City's wastewater system improvements project is underway with the improvements to the collection system in the most leaky basins (sewer basins 8 and 2) and the wastewater treatment plant improvements. On [November 2](#), the City Council authorized the contract with Oxbow Construction for construction manager/general contractor services for the inflow and infiltration rehabilitation project (collection system improvements).

Oxbow completed the first phase of the work which included cleaning and video inspecting the mainline and lateral sewers and developed a detailed plan for rehabilitation work that was reviewed by staff and the city's consultants. With this information, staff and consultants negotiate a Guaranteed Maximum Price and scope of work for the rehabilitation work.

The City received the GMP Proposal for the Basin 8 Inflow and Infiltration Rehabilitation Project on Tuesday, April 13th. Approximately 38% of the work will be self-performed by Oxbow (cured-in-place lining, open-cut rehabilitation and manhole grouting) with the remaining 62% (pipe-bursting and private and public lateral rehabilitation) to be performed by specialty contractors from whom Oxbow solicited bids. All bidding is 'open-book' and the proposals received from the specialty contractors have been reviewed by Leeway Engineering staff. After review of the CM/GC and subcontractor price proposals a Guaranteed Maximum Price of \$5,400,000 was proposed.

The work consists of rehabilitating 21,670 feet (4.1 miles, or over 10% of the collection system) of sewer main line; 23,622 feet (4.47 miles) of public and private sewer laterals; installing 27 new manholes and grouting and sealing of 92 existing manholes in Basin 8 which is roughly bounded on the north by US 26 , on the west by Tupper Rd. and on the south by Evans St. extending east to Vista Loop Dr.

The work is scheduled to begin the first week of May and to be completed by October 31st of this year in order to seal up Basin 8 prior to the start of wet weather.

BUDGETARY IMPACT:

The work will be funded by a loan from the DEQ Clean Water State Revolving Fund (CWSRF) for work on public mains and laterals and the Full Faith and Credit bond issue for the work on private property. The debt service for the loan and bond issue is included in the FY 21-23 budget .

RECOMMENDATION:

Authorize the City manager to negotiate a Guaranteed Maximum Price (GMP) not to exceed \$5,400,000 and sign the contract with Oxbow Construction for the Basin 8 Inflow and Infiltration Reduction Project.

SUGGESTED MOTION:

I move to authorize the City Manager to negotiate a Guaranteed Maximum Price not to exceed \$5,400,000 and sign a contract with Oxbow Construction for the Basin 8 Inflow and Infiltration Reduction Project.

LIST OF ATTACHMENTS/EXHIBITS:

- Recommendation of Award
- Map of Basin 8



April 13, 2021

Mr. Mike Walker
Public Works Director
City of Sandy, Oregon
39250 Pioneer Blvd
Sandy, OR 97055

Re: Basin 8 Sewer Rehabilitation Project for I/I Reduction
Guaranteed Maximum Price Evaluation and Recommendation

Dear Mr. Walker,

After careful review of the Guaranteed Maximum Price (GMP) proposal received by the City of Sandy (City) for the subject project, **Leeway Engineering recommends the City accept the GMP submitted by Oxbow Construction (Oxbow).**

The GMP contains lump sum costs for General Conditions, Contingency, and includes unit prices for the work. Unit bid prices appear balanced and the bid met the requirements of the Contract Documents. Subcontracted work packages were advertised and competitive subcontracted bids were received on April 13, 2021.

The total GMP for Basin 8 is **\$5,400,000**. Subcontracted work will be a maximum of 62% of the project total cost, with the largest subcontractor having no greater than 33% of the project total. During negotiations, the City may request Oxbow to self-perform some additional work.

Based on our review of the GMP, the subcontracted bids received, and our discussions and negotiations with the prime contractor, Leeway recommends acceptance of Oxbow's GMP for Basin 8.

If you have any questions, please contact me at (503) 828-7542.

Sincerely,

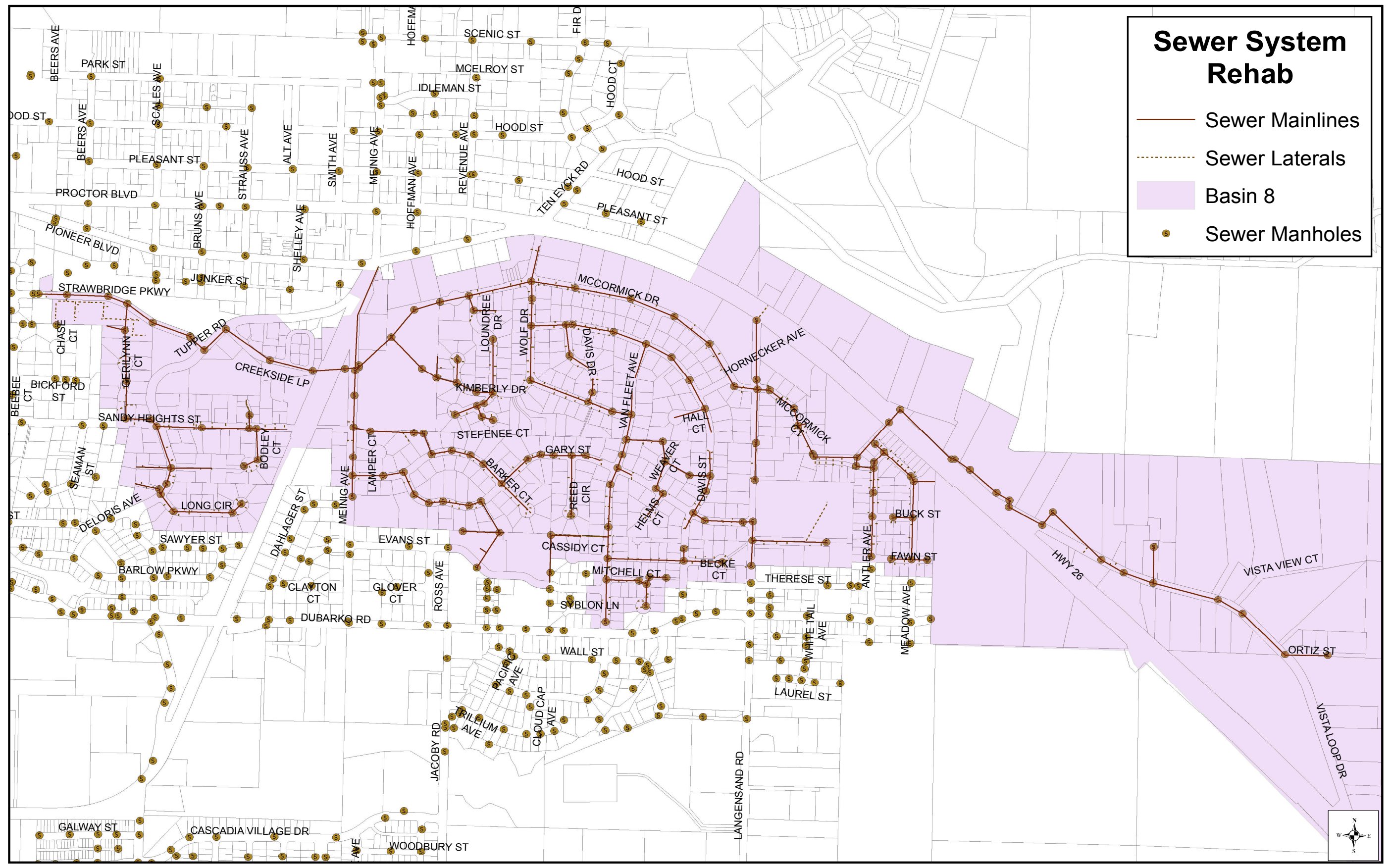
A handwritten signature in blue ink, appearing to read "Robert Lee", is written over a light blue horizontal line.

Leeway Engineering Solutions, LLC
Robert Lee, PE, PMP
Principal Engineer / Owner

Leeway Engineering Solutions, LCC
Portland, Oregon | (503) 828-7542

Sewer System Rehab

- Sewer Mainlines
- - - Sewer Laterals
- Basin 8
- Sewer Manholes





Staff Report

Meeting Date: April 19, 2021

From Jordan Wheeler, City Manager
Request to Authorize City Manager to Procure Equipment and Negotiate Guaranteed Maximum Price (GMP) Agreements for the Existing Wastewater Treatment Plant Condition Assessment

SUBJECT: Improvements Project

BACKGROUND:

Design for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project is well underway and the Construction Manager / General Contractor (CM/GC), Slayden Construction, is preparing pricing information for the three Guaranteed Maximum Price (GMP) packages that will make up the project. The current GMP estimate for all three packages (including design and construction costs) is \$5.9M. The work is split up into three phases or 'packages' to allow construction to begin on one package while design is still underway on the other packages. This is a primary source of time and cost savings in a CM/GC contract.

Due to the tight schedule for this project it may be necessary to approve one or more of the GMP packages and/or acquire equipment with a long lead time to stay on schedule. Given the timing of City Council meeting dates, the time required to prepare agenda items in advance and the practice of skipping one or more Council meetings during the summer months means waiting to place an item on the Council agenda for approval could impact the construction schedule.

Staff and our consulting owner's representative for the project proposes that the Council authorize the City Manager to negotiate and approve GMP agreements and acquire equipment with long lead times in cases where it may not be possible to get an item before the Council for approval and still maintain the project schedule. All solicitations of proposals for equipment purchases would still follow Oregon procurement law and the City's adopted purchasing policy. If this does become necessary, we would advise Councilors Exner and Hokanson on the Wastewater Project Oversight Committee in advance before finalizing a GMP agreement or equipment purchase and staff would follow up with a detailed summary of the agreement or equipment costs at the following Council meeting.

At the first meeting of the Oversight Committee earlier this month staff discussed this option with Councilors Exner and Hokanson and they were in general agreement with a procedure as described above.

BUDGETARY IMPACT:

The funds for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project would come from the recently approved DEQ CWSRF loan and debt service for the loan is in the FY 21-23 biennial budget. It is unlikely that all three GMP packages would need to be approved in this manner but in any event, the City Manager's authority to approve GMP packages or acquire critical equipment would not exceed the current \$5.9M estimate cap.

RECOMMENDATION:

Authorize the City Manager to negotiate and approve GMP agreements and acquire equipment with long lead times for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project in cases where it may not be possible to place an item before the Council for approval on the regular meeting schedule. The City Manager's authority in this instance cannot exceed the current \$5.9M estimate for the proposed work.

SUGGESTED MOTION:

"I move to authorize the City Manager to negotiate and approve GMP agreements and acquire equipment with long lead times for the Existing Wastewater Treatment Plant Condition Assessment Improvements Project in cases where it may not be possible to place an item before the Council for approval on the regular meeting schedule; authority not to exceed the \$5.9M estimate for the proposed work."