



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, May 17, 2021

Meeting Time: 6:00 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/88925629413>
- If you would rather access the meeting via telephone, dial (253) 215-8782. When prompted, enter the following meeting number: 889 2562 9413
- 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 May 14th and arrangements will be made to facilitate your participation.

2. CITY COUNCIL WORK SESSION - 6:00 P.M.

- 2.1. **Water Master Plan Update and Presentation on Portland Water Bureau Supply Options**
- [Water Master Plan Update and Presentation on Portland Water Bureau Supply Options - Pdf](#)

4 - 24

3. CITY COUNCIL REGULAR MEETING - 7:00 P.M.

4. PLEDGE OF ALLEGIANCE

5. ROLL CALL

6. CHANGES TO THE AGENDA

7. PUBLIC COMMENT

PLEASE NOTE: There will be opportunities to comment on the HB 2001 amendments and the Creekside Loop appeal later in the meeting.

The Council welcomes your comments on other issues 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.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

9. PROCLAMATIONS

- 9.1. **National Pollinator Week** 25
[Proclamation](#)

10. PRESENTATIONS

- 10.1. **New Police Officer Oaths** 26 - 27
[Officer Oath - Sabella](#)
[Officer Oath - Santos](#)

11. CONSENT AGENDA

- 11.1. **City Council Minutes** 28 - 36
[City Council - 19 Apr 2021 - Minutes - Pdf](#)

12. ORDINANCES

- 12.1. **PUBLIC HEARING (continued): Ordinance 2021-03** 37 - 158
HB 2001 Code Amendments
[20-032 DCA HB 2001 Code Amendments - Pdf](#)

13. RESOLUTIONS

- 13.1. **Resolution 2021-11** 159 - 162
Bee City USA
[Bee City USA Resolution - Pdf](#)

14. NEW BUSINESS

14.1. **PUBLIC HEARING: Appeal of Land Use File 20-049 ADJ**

163 - 211

38797 & 38799 Creekside Loop Garage Setback Adjustment Second Appeal

[21-018 AP 38797 & 38799 Creekside Loop Garage Setback Adjustment Second Appeal - Pdf](#)

[Staff Presentation Slides](#)

15. REPORT FROM THE CITY MANAGER

16. COMMITTEE /COUNCIL REPORTS

17. STAFF UPDATES

17.1. [Monthly Reports](#)

18. ADJOURN

19. CITY COUNCIL EXECUTIVE SESSION

Following the regular meeting, the City Council will meet in executive session pursuant to ORS 192.660(2)(e).



Staff Report

Meeting Date: May 17, 2021

From Mike Walker, Public Works Director
Water Master Plan Update and Presentation on Portland Water

SUBJECT: Bureau Supply Options

BACKGROUND:

In October of 2008 the City entered into a 20 year Water Supply Agreement with the City of Portland to purchase water from the Portland Water Bureau (PWB). In 2011 and 2012 the City constructed over 5 miles of 18" and 24" pipe, two pump stations, and a storage reservoir at a cost of approximately \$13M to make the connection to the PWB system. These facilities were placed into service in April of 2013 and have a capacity of 3 million gallons per day, with the ability to expand capacity to 10 million gallons per day. Currently we purchase approximately 500,000 gallons per day from PWB, which comprises about one-half of our daily demand in the winter and about one-third of our daily demand in the spring, fall and summer.

In 2017 the City of Portland entered into an Agreement with the Oregon Health Authority Drinking Water Services Program (OHA) to develop facilities to treat Bull Run water for *cryptosporidium* by September, 2027. Sandy is the only wholesale customer located upstream of the site of PWB's proposed treatment facility. As a result, Sandy also [entered into an Agreement with OHA in September of 2018](#) that obligates the City to either provide *cryptosporidium* treatment for water purchased from PWB, or connect to the City of Portland's system at a point downstream of their proposed treatment facility by September 30, 2027. This agreement also required the City to submit an updated Water Master Plan by the end of 2020. This deadline has since been extended to December, 2021. In March 2020 the City Council authorized staff to enter into an agreement with Murraysmith to update the City's Water Master Plan and analyze alternatives for treating water purchased from PWB or connecting to Portland's treatment facility.

PRESENTATIONS

1. Murraysmith will provide a presentation on the Water Master Plan Update process and a preliminary analysis of the cost to connect to Portland's treatment facility versus constructing a treatment facility and continuing to purchase untreated water from PWB at the present point of connection.
2. Cottrell Community Planning Organization (CPO)
3. Portland Water Bureau: filtration project status

The analysis completed by Murraysmith is based on treated and water rate projections, preliminary assumptions on the type and size of treatment facilities required, and

reconnaissance-level cost estimates for each option. Staff requests that Council limit detailed questions on the analysis presented at the work session and follow-up with more in-depth questions that can better be answered at the June 21st meeting where final Council direction on the options will be requested.

QUESTION BEFORE THE COUNCIL

By the end of June, we need to notify Oregon Health Authority whether we intend to treat water purchased from PWB, or connect to Portland's treatment facility. Portland Water Bureau also needs to know whether or not they will need to make provisions in their project design to accommodate a Sandy connection by the end of June.

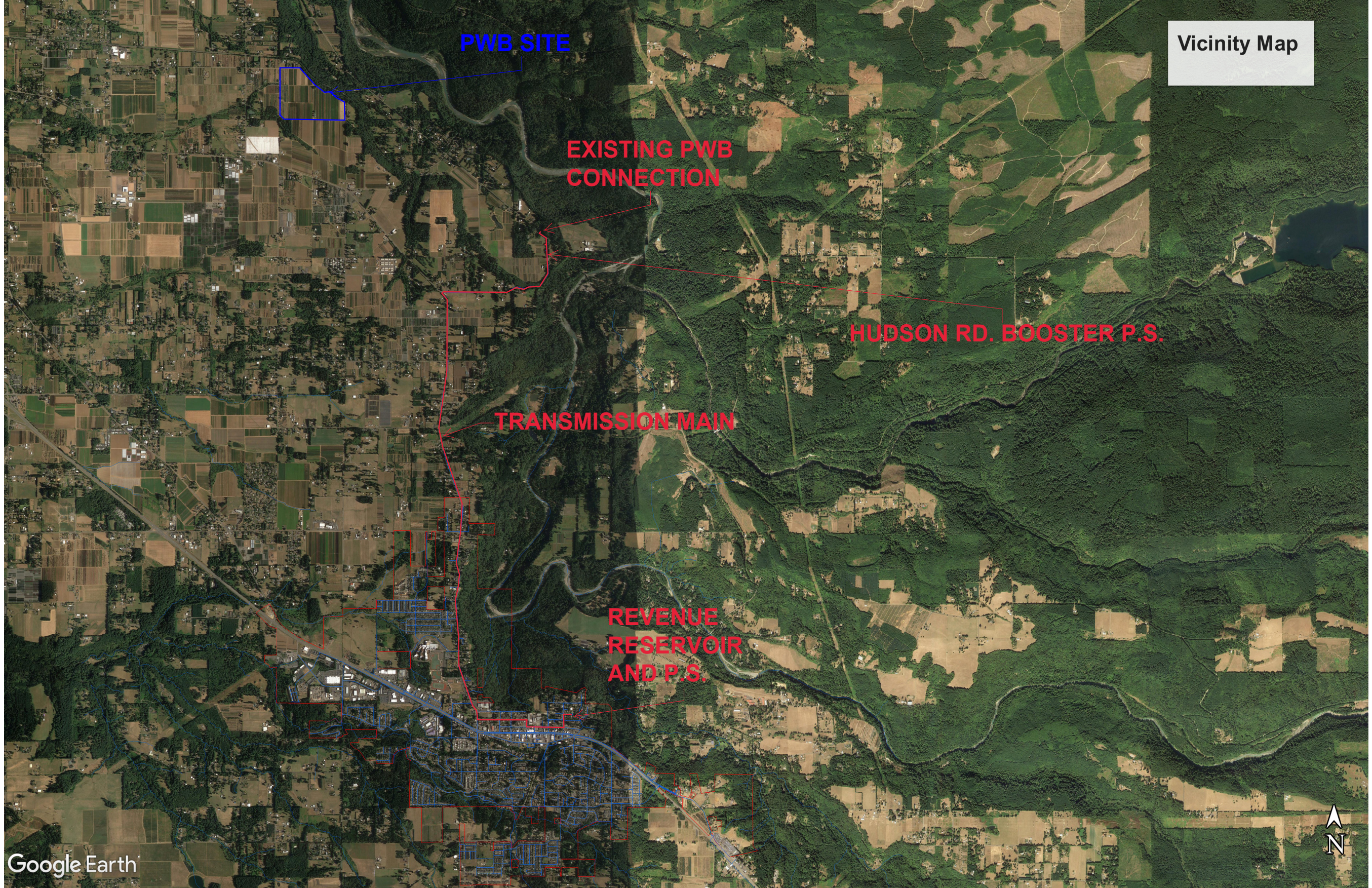
RECOMMENDATION:

Provide questions or information requests to staff and consultant for follow up prior to the June 21st meeting.

LIST OF ATTACHMENTS/EXHIBITS:

- System Overview map
- Murraysmith presentation slides

Vicinity Map



Google Earth

Water System Master Plan City Council Update

May 17, 2021



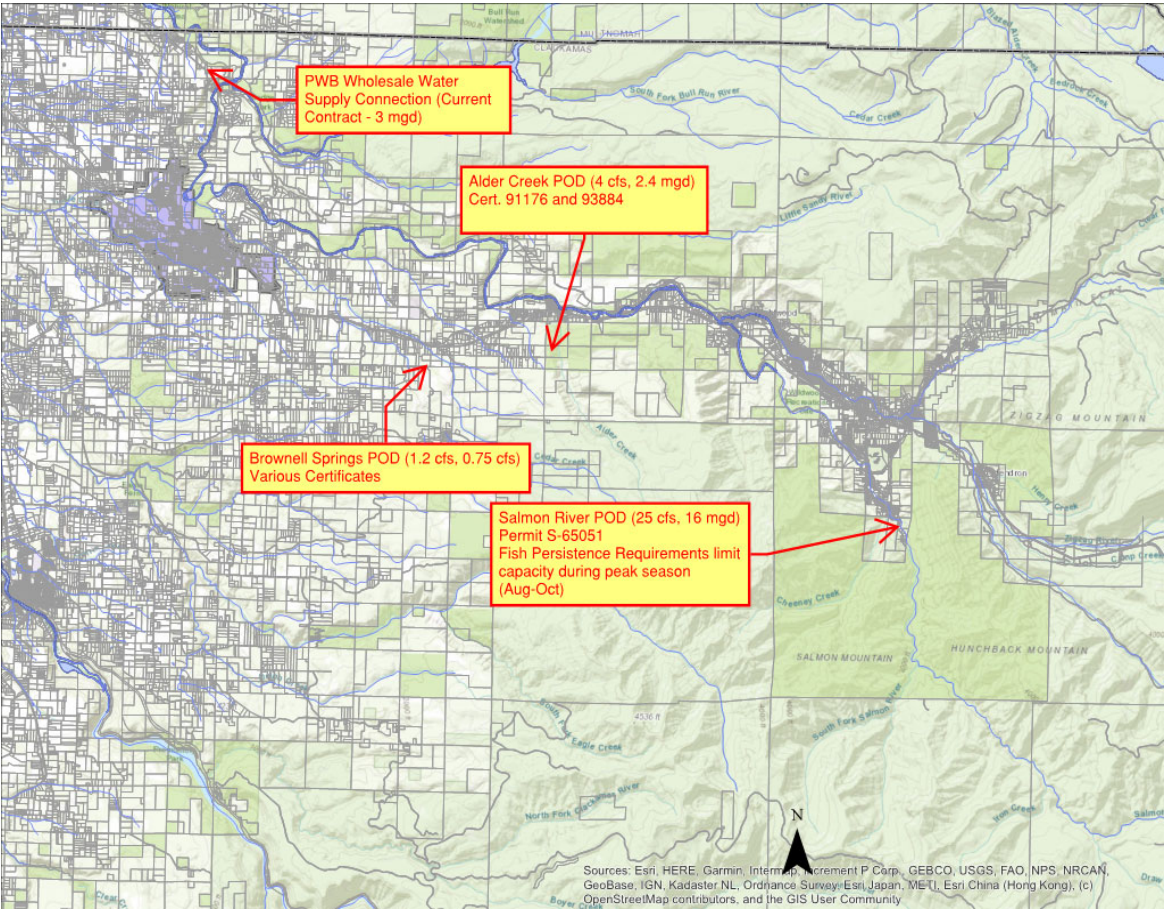
Presented by:
Mike Walker
Public Works Director
Brian Ginter, PE
Murraysmith

Presentation Overview

- Overview of Historical Water Supply Sources, Investigation and Development
- Master Plan Purpose
- Status of Water System Master Plan
- Water Supply Analysis
- Next Steps
- Q&A

Water Supply History

Existing Sources



Water Supply Investigations

- **Sandy River (2006 Investigation)**
 - Significant capital cost
 - Challenging water quality conditions
 - Fish persistence requirements

- **Groundwater (2007 Investigations)**
 - Alluvial aquifer (Sandy and Salmon Rivers)
 - Similar treatment costs and challenges to Sandy River
 - Fish persistence requirements
 - Troutdale Formation Aquifers
 - Critical Groundwater Management Area Designation
 - Existing agricultural wells: <500 gpm yield

- **Portland Water Bureau Wholesale Supply (2008)**
 - 20-year wholesale supply agreement
 - Conduit connection, pump station and transmission main constructed

Why Master Plan?

- Required by the State of Oregon (OAR 333-061)
- Identify short- and long-term needs
 - Capital improvements
 - Staffing levels
 - Policy updates
 - Financial strategy
- Improve level of service to customers
 - Economic development support
 - System Resilience
 - Developer standards identification
- Develop short- and long-term roadmap for system improvements

Plan Elements

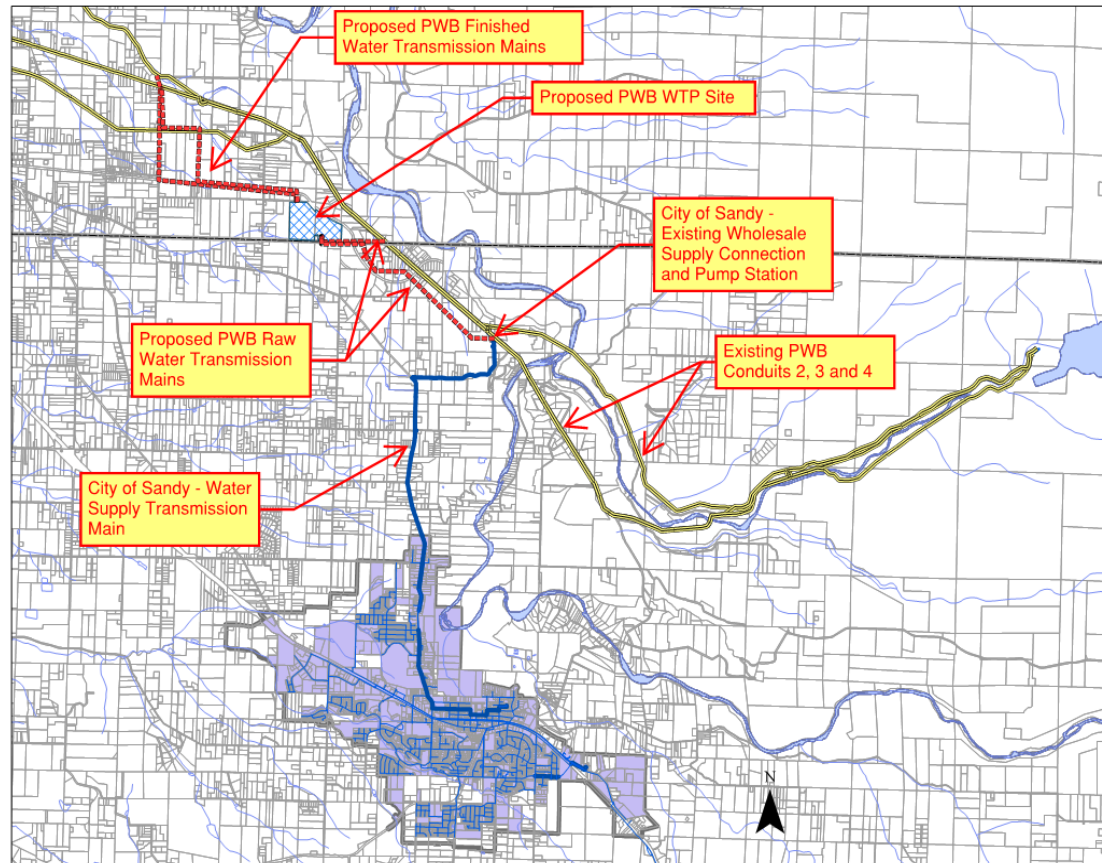
- Describe existing facilities
- Establish water need (demand)
 - Existing
 - 20-year growth horizon
- Establish water service goals (performance criteria)
- Identify deficiencies and develop solutions
- Describe financing options

Water System Master Plan Status

- Developing Water Demand Forecast
- Updating and Calibrating Hydraulic Model
- Water Supply Analysis
 - Future PWB Wholesale Supply Options
- Schedule:
 - Water Supply Decision: June 2021
 - Overall Water System Master Plan: December 2021

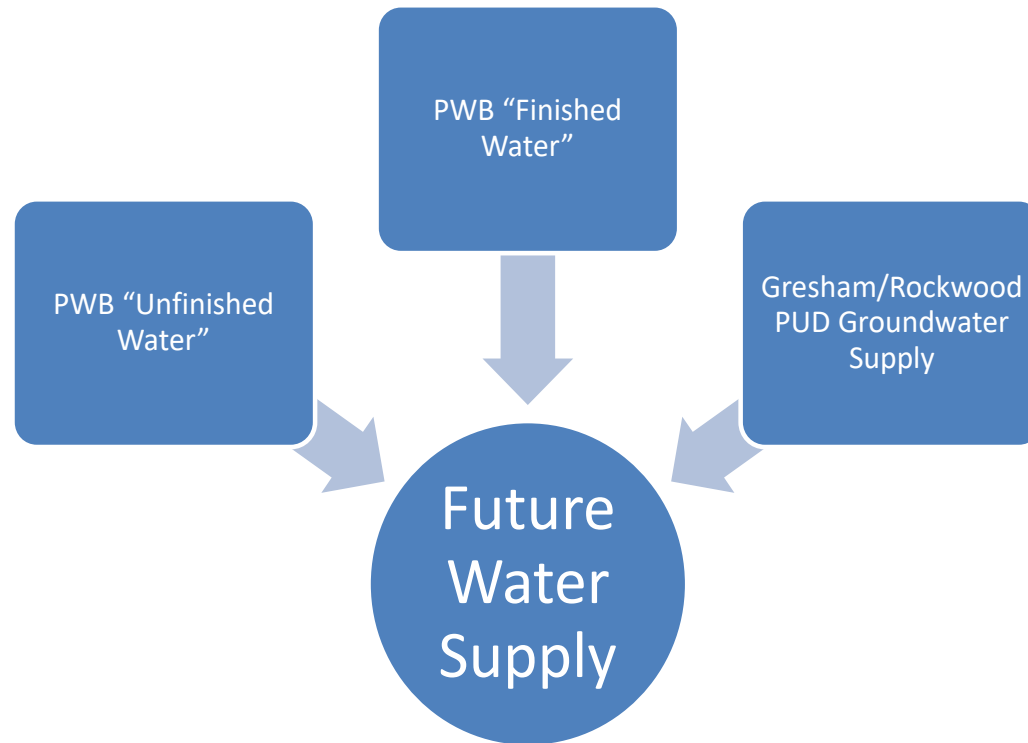
Water Supply Analysis

Wholesale Water Supply Changes



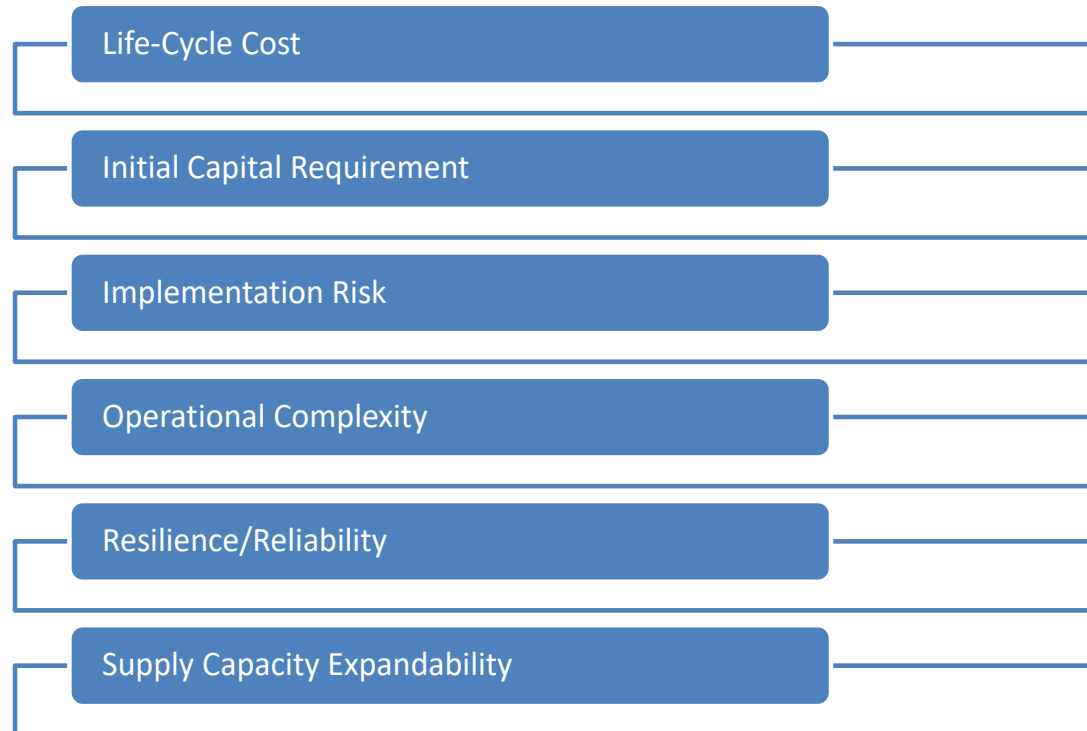
Water Supply Analysis

Alternatives Considered



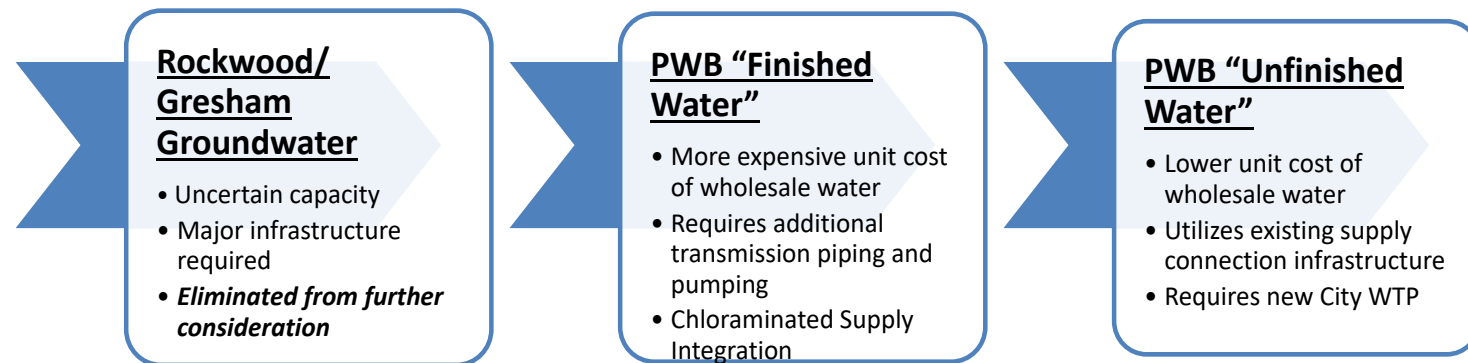
Water Supply Analysis

Preliminary Selection Criteria



Water Supply Analysis

Data Gathering



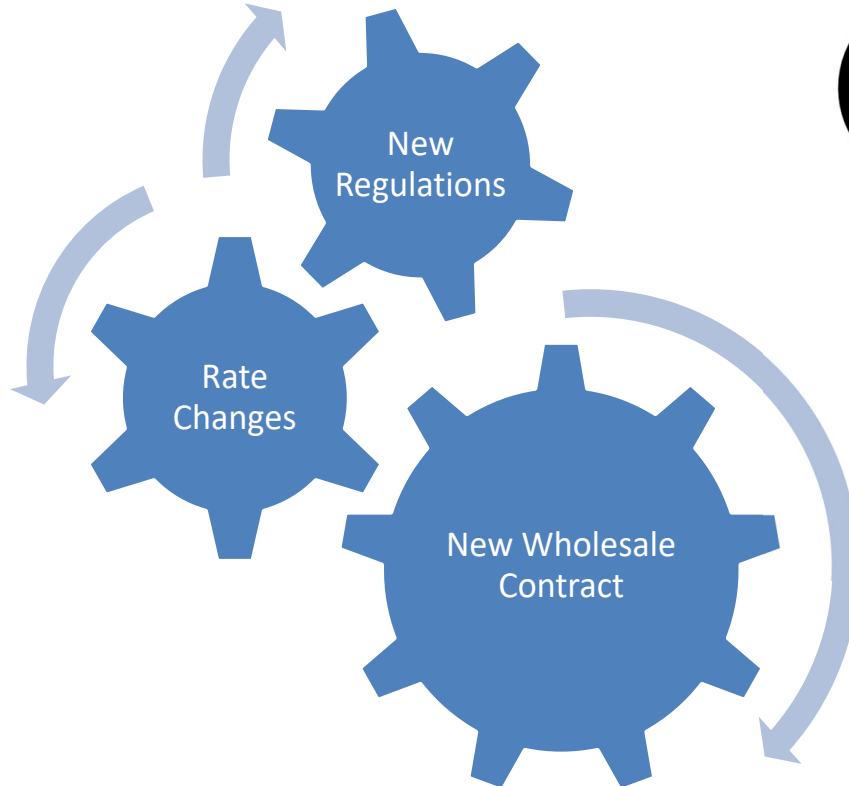
Water Supply Analysis

Economic Analysis

Component	Input/Assumptions	
	Unfinished Water	Finished Water
Initial Capital Cost	Water Treatment Plant and Property	Transmission Main - Hudson Road to PWB WTP
<u>Water Rates</u>		
FY2030:	\$1.528/ccf	\$3.281/ccf
Future:	2% Average Annual Increase	2% Average Annual Increase
Inflation	3% Average Annual Increase	
Facility O&M	Staff, Chemicals, Electricity, etc. ~4% of initial capital cost	Limited <0.1% of initial capital cost
Future Facility Investment	WTP Upgrades, Membrane Replacement ~10% of initial capital cost every 10 years	Limited
Supply Rate	FY 2027-2034: 1 mgd FY 2035-2044: 2 mgd FY 2045+: 3 mgd	

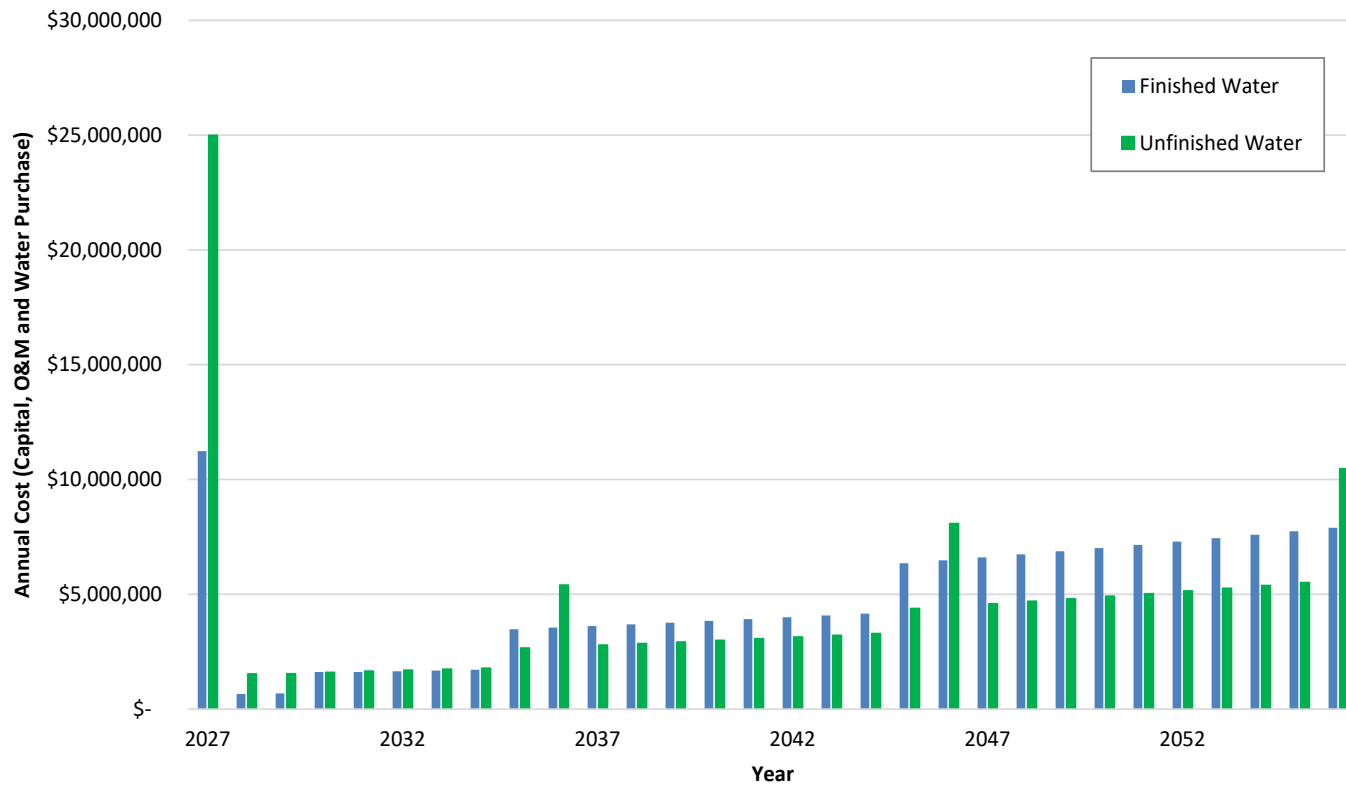
Water Supply Analysis

Economic Analysis - Uncertainty



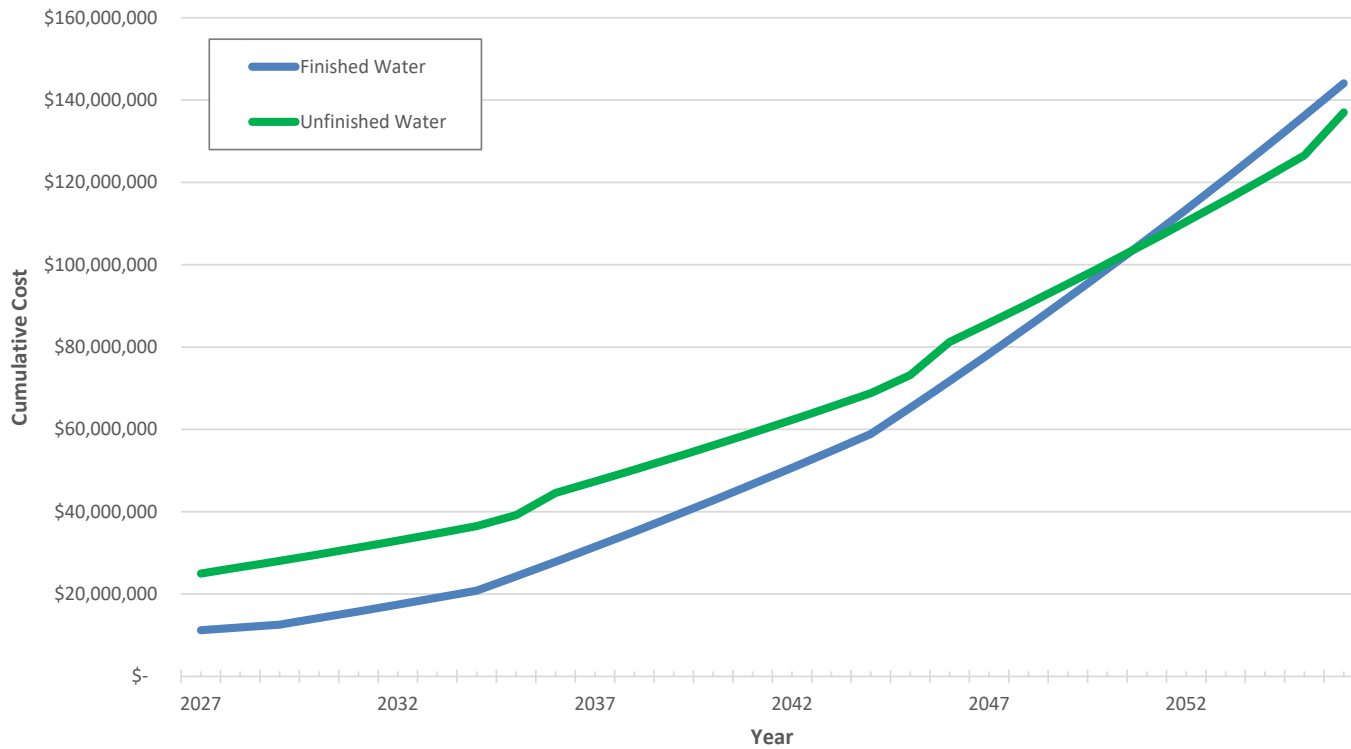
Water Supply Analysis

Annual Cost of Water Supply



Water Supply Analysis

Cumulative Cost of Water Supply



Water Supply Analysis

Preliminary Alternative Comparison

Criteria	Finished Water		Unfinished Water	
Life-Cycle Cost	Comparable total cost over 30-years Lower capital and O&M Higher water purchase cost	0	Comparable total cost over 30-years Higher capital and O&M Lower water purchase cost	0
Initial Capital Requirement	Lower initial capital expenditure	+	Higher capital expenditure	-
Implementation Risk	Most infrastructure required is planned and funded by PWB	+	Requires planning, siting, design, and construction of a new WTP	-
Operational Complexity	No additional facilities to operate Need to address blending of disinfectants	0	City operation of a 2 nd WTP	0
Resilience/Reliability	New facilities constructed to provide resilient supply	0	New facilities constructed to provide resilient supply	0
Impact of Rate Changes	More sensitive to increased costs from rate changes	-	Less sensitive to increased costs from rate changes	+

Next Steps

- Confirm additional data required to select water supply strategy
- Refine analysis and recommendation
- Approve and execute water supply strategy
 - Inform OHA-DWS per Bilateral Compliance Agreement
 - Inform PWB – Design Inputs
 - Pipeline Corridors
 - Shared Infrastructure Potential
 - Develop funding strategy

Questions





PROCLAMATION

NATIONAL POLLINATOR WEEK - 2021

Whereas, pollinator species, including thousands of species of bees, are essential partners in producing much of our food supply; and

Whereas, pollinator species provide significant environmental benefits that are necessary for maintaining healthy and diverse ecosystems; and

Whereas, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life and creating recreational and economic development opportunities; and

Whereas, the City of Sandy manages public lands that include numerous municipal parks and wildlife habitats; and

Whereas, the City of Sandy provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats;

NOW, THEREFORE, I, Stan Pulliam, Mayor of the City of Sandy, do hereby proclaim the week of May 16th- 22nd as Sandy's observance of

NATIONAL POLLINATOR WEEK

and call upon the people of Sandy to recognize this observance.

Dated this 17th day of May, 2021

Mayor: _____

POLICE OFFICER'S
OATH OF OFFICE

STATE OF OREGON
COUNTY OF CLACKAMAS
CITY OF SANDY

I, **Kristan Sabella**, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the Laws therefore, and I will faithfully, honestly, and impartially discharge the duties of a Police Officer during my continuance therein, to the best of my ability, so help me God.

(OFFICER)

Subscribed and sworn to and before me this 17th day of May, 2021.

Mayor Stan Pulliam
Sandy, Oregon

Chief Ernie Roberts
Sandy Police Department



POLICE OFFICER'S
OATH OF OFFICE

STATE OF OREGON
COUNTY OF CLACKAMAS
CITY OF SANDY

I, **Randall Santos**, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and the Laws therefore, and I will faithfully, honestly, and impartially discharge the duties of a Police Officer during my continuance therein, to the best of my ability, so help me God.

(OFFICER)

Subscribed and sworn to and before me this 17th day of May, 2021.

Mayor Stan Pulliam
Sandy, Oregon

Chief Ernie Roberts
Sandy Police Department





MINUTES
City Council Meeting
Monday, April 19, 2021 7:00 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, Kelly O'Neill, Development Services Director, Tyler Deems, Deputy City Manager / Finance Director, Ernie Roberts, Police Chief, and Emily Meharg, Senior Planner

MEDIA PRESENT:

1. Meeting Format Note

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

2. Pledge of Allegiance

3. Roll Call

4. Changes to the Agenda

5. Public Comment

Allison Cloo: co-organizer of Have a Gay Day; though free speech must be protected, our local government is not obliged to validate all speech. The Council may steer the conversation and project community values. Taking a neutral stance toward hate speech can create a dangerous situation, especially for residents from marginalized groups. Referenced a Proud Boys presence at the recent rally. Referred to the broad community support for the rally she helped organize, and the potential for Sandy to be a leader and project its welcoming values.

6. Response to Previous Public Comments
(none)

7. Consent Agenda

7.1. **City Council Minutes** - April 5, 2021

Councilor Walker requested an edit to the minutes to reflect that letters of intent for the recreation and trails grant are due at the end of April.

7.2. **Board Governance and Structure Amendments**

- Resolution 2021-07
- Resolution 2021-08
- Resolution 2021-09
- SandyNet Advisory Board Bylaws

Staff Report - 0406

Moved by Carl Exner, seconded by Jeremy Pietzold

Adopt the Consent Agenda as amended.

CARRIED. 7-0

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

8. Resolutions

8.1. **Resolution 2021-06**

Authorizing Full Faith and Credit Obligations, Series 2021

Staff Report - 0408

The **Deputy City Manager** summarized the staff report.

Mayor Pulliam asked for public testimony; none was offered.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Adopt Resolution 2021-06.

CARRIED. 7-0

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

9. **Old Business**

9.1. **PUBLIC HEARING (continued): House Bill 2001 Code Amendments**

Consideration of Discretionary Changes

Staff Report - 0407

This public hearing was continued from the March 15, 2021 meeting.

Abstentions: none

Conflicts of Interest: none

Staff Report

The **Senior Planner** summarized the staff report, and recommended that the Council proceed to consider each amendment topic in order. The Council conducted unofficial 'straw polls' for each topic to indicate the level of support for specific proposals.

Topic 1: Duplexes and ADUs on the same lot

The Council discussed the following:

- The merits of addressing this idea during the Comprehensive Plan update process instead
- Whether property owners could simply use the variance process for these situations instead.

Straw poll results: **Exner** in favor; all other council members opposed

Topic 2: Detached and attached duplexes; Middle housing

The Council discussed the following:

- Whether detached duplexes result in a feeling of higher density
- Parking impacts of detached vs. attached duplexes
- Whether the current amendments should be limited to only what is strictly required
- The definition of the work 'duplex'
- Fire rating impacts of detached vs. attached duplexes
- Parking impacts
- Quality of life considerations related to sharing walls
- The real estate market impacts of not allowing detached duplexes

Straw poll to allow detached duplexes: **Walker** and **Hokanson** opposed; all other council members in favor

Straw poll to allow middle housing (cottage clusters, etc.): All council members opposed

Topic 3: Side-by-side and tandem parking for duplexes

The Council discussed the following:

- Whether residents will make use of tandem spaces
- Property value impacts

Straw poll for side-by-side: All council members in favor

Straw poll for tandem: All council members opposed

Topic 4: ADU square footage increase

The Council discussed the following:

- The rationale for proposing 800 square feet
- Advantages of flexibility
- Desire to discourage multiple units
- Possibilities for increasing the maximum to less than 800

Straw poll for increasing the maximum to 800 square feet: **Pulliam, Pietzold, Exner, Smallwood** in favor; **Walker, Hokanson, Sheldon** opposed

Straw poll for increasing the maximum to 720 square feet: All council members in favor

Topic 5: Orientation on transit streets

Straw poll results: All council members in favor

Topic 6: Natural hazard considerations

Straw poll results: All council members in favor

Topic 7: Parks fee in-lieu considerations

Straw poll for keeping the 'persons per unit' calculation for duplexes at 3 rather than 2: All council members in favor

Moved by Carl Exner, seconded by Kathleen Walker

Continue the public hearing to May 17, 2021.

CARRIED. 7-0

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

9.2. **Ordinance 2021-10**

Repealing Title 18 of the Sandy Municipal Code

Staff Report - 0411

The **City Recorder** summarized the staff report.

Mayor Pulliam asked for public testimony; none was offered.

Moved by Carl Exner, seconded by Laurie Smallwood

Approve the first reading of Ordinance 2021-10.

CARRIED. 7-0

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

Moved by Richard Sheldon, seconded by Carl Exner

Approve the second reading of Ordinance 2021-10.

CARRIED. 7-0

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

10. New Business

10.1. Proposed Pool Reopening Task Force

Staff Report - 0414

Councilor Hokanson summarized the proposal, emphasizing the following points:

- The urgency of downloading the knowledge of the outgoing Community Services Director
- The need to provide the Council with the ability to make informed decisions on the future of the aquatic center
- The timeliness of securing stimulus funds

The Council discussed the establishment of the proposed task force. During the discussion, the following issues were explored:

- The possibility of a new pool vs. the existing facility
- The role of the task force in producing a feasibility analysis for whether the existing facility can be reopened successfully

- Whether to reduce the allowed number of members residing outside the city limits
- The possibility of leveraging the data and input previously collected in the interest of saving public funds
- Whether to explore specific funding mechanisms at this stage
- The larger context of the Community Campus project

The consensus of the Council was to name the body the Pool Exploratory Task Force, and to designate **Councilors Hokanson, Walker, and Exner** to serve on a panel to interview task force applicants.

Moved by Jeremy Pietzold, seconded by Laurie Smallwood

Establish the Pool Exploratory Task Force, limit the number of members living outside the city limits to two, and adopt the proposed bylaws as amended (retaining the proposed 'Purpose' language).

CARRIED. 7-0

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

10.2. **Guaranteed Maximum Price Proposal for Basin 8 Inflow and Infiltration Rehabilitation Project**

Staff Report - 0410

The **Public Works Director** summarized the staff report. The Council stressed the importance of proactive communications, and expressed its desire to implement a comprehensive and professional communications plan including persuasive context and talking points, particularly given the public interest and scrutiny involved.

Moved by Don Hokanson, seconded by Carl Exner

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.

CARRIED. 7-0

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

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

Staff Report - 0412

The **City Manager** summarized the staff report.

The Council emphasized the importance of speed in this project, particularly given the current economic conditions and the availability of contractors.

Moved by Jeremy Pietzold, seconded by Richard Sheldon

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.

CARRIED. 7-0

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

11. Report from the City Manager

The City Manager reported on the following issues:

- There are two current Library Advisory Board vacancies
 - **Councilors Walker and Sheldon**, and **Mayor Pulliam** were designated to serve on an interview panel
- The upcoming Budget Committee process
- The upcoming State Ways and Means testimony opportunity
 - **Councilor Smallwood** volunteered to deliver the testimony on behalf of the Council
 - The Council discussed the following issues:
 - The need to show support in numbers
 - The possibility that fewer priorities may be better
 - Whether to engage a government relations / lobbyist firm to assist; the Council agreed that this should be done, and **Councilors Smallwood, Pietzold, and Walker** offered to assist in interviewing possible firms

12. Committee /Council Reports

Council Members raised the following topics:

Councilor Hokanson

- Improving staff presentations
- Integrating chat functionality during work sessions

Councilor Exner

- Progress on the Bee City USA effort
- The urgency of returning to in-person meetings
- Street deterioration on McCormick Ct
- ADA ramp issues regarding Meinig Park facilities
- Maintenance of islands in Hwy 26
- Smart signal activation on Hwy 26

Councilor Sheldon

- Improving staff reports
- Support for in-person meetings when possible

Councilor Smallwood (none)

Councilor Walker

- SOLVE event recap
- Library Advisory Board openings
- Recreational Trail Program letters of intent
- Permitting and regulation for use of public spaces, with respect to recent rallies and demonstrations
 - Moral opposition to hate speech, free speech rights notwithstanding

Council President Pietzold

- Low inventory at local car retailers and elsewhere in the economy
- Praise for the large number of shovel-ready projects
- Tickle Creek blowdowns and restoration
- Questions about the work being performed on Hwy 26 by NW Natural

Mayor Pulliam

- Upcoming budget process
- 'Left turn permitted' sign to be installed at Hwy 211 / 26 intersection
- 362nd / Bell project beginning soon
- Ria's covered structure proceeding quickly
- Support for in-person / hybrid meetings
- Note that many agitators at recent rallies do not reside in Sandy

13. Staff updates

13.1. [Monthly Reports](#)

14. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati

Draft



Staff Report

Meeting Date: May 17, 2021
From Kelly O'Neill, Development Services Director
SUBJECT: 20-032 DCA HB 2001 Code Amendments

BACKGROUND:

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, 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.

At the April 19, 2021 City Council hearing, the Council took 'straw poll' votes on the issues below. The disposition of the votes is indicated in parentheses:

- TOPIC #1: Allow duplexes and ADUs on the same lot - (No).
- TOPIC #2: Allow detached duplexes in the SFR zoning district - (Yes); Allow other middle housing options - (No).
- TOPIC #3: Allow tandem parking - (No).
- TOPIC #4: Allow an increase to the square footage of ADUs to 720 sq. ft. - (Yes).
- TOPIC #5: Allow exemptions to flag lots on transit streets for single family homes and duplexes - (Yes).
- TOPIC #6: Do not include Chapter 17.60 in the HB 2001 considerations - (Yes).
- TOPIC #7: Calculate parkland dedication at a reduced ratio - (No). *NOTE: Modify table to define that duplexes are charged the same amount as single family homes.*

Staff revised the proposed code amendments according to Council's decisions. Below is a summary of the proposed code amendments for each chapter.

Chapter 17.10 Definitions

- **Discretionary item:** Clarified the definition of "accessory dwelling unit" to only allow an ADU on a lot with a single-family residence.

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:** Clarified text related to permitted zoning districts.
- **Discretionary item:** Increased maximum square footage of an ADU from 600 to 720 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.
- **Discretionary item:** Required parking spaces for duplexes to be side-by-side and not tandem.
- **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.

RECOMMENDATION:

Staff recommends the City Council adopt the proposed code changes in compliance with HB 2001. Staff recommends adopting the code changes prior to July 1, 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:

Ordinance 2021-03

- A: Chapter 17.10 Code Modifications – track change copy
- B: Chapter 17.30 Code Modifications – track change copy
- C: Chapter 17.34 Code Modifications – track change copy
- D: Chapter 17.46 Code Modifications – track change copy
- E: Chapter 17.54 Code Modifications – track change copy
- F: Chapter 17.74 Code Modifications – track change copy
- G: Chapter 17.82 Code Modifications – track change copy

H: Chapter 17.86 Code Modifications – track change copy
I: Chapter 17.98 Code Modifications – track change copy
J: Chapter 17.100 Code Modifications – track change copy
K: Findings and Conclusions

Other Exhibits that are part of the record but not uploaded:

- DLCDC Documents
- Medium Cities Middle Housing Model Code
- January 25, 2021 Planning Commission Staff Report
- March 15, 2021 City Council Staff Report
- April 19, 2021 City Council Staff Report
- Emails



NO. 2021-03

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 17 OF THE SANDY MUNICIPAL CODE IN COMPLIANCE WITH OREGON HOUSE BILL 2001.

Whereas, the City Council wishes to modify the Development Code to achieve compliance with Oregon House Bill 2001 (HB 2001); and

Whereas, 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, including design standards, parking requirements, and density thresholds; and

Whereas, HB 2001 also prevents cities from applying minimum parking standards and owner occupancy requirements to accessory dwelling units (ADUs); and

Whereas, the City Council wishes to clarify the definition of “accessory dwelling unit” to only allow an accessory dwelling unit on a lot with a single-family residence; and

Whereas, the City Council wishes to clarify that duplexes shall be counted the same as a single-family residence for the purpose of calculating maximum density; and

Whereas, the City Council wishes to add “duplex” as a primary use permitted outright in the Single-Family Residential (SFR) zone and remove “duplex” as a minor conditional use; and

Whereas, the City Council wishes to add “duplex above, behind, or beside a commercial business” as a primary use permitted outright in the Village Commercial (C-3) zone; and

Whereas, the City Council wishes to apply the same standards to duplexes as to single-family residences in the Bornstedt Village Overlay; and

Whereas, the City Council wishes to remove the minimum off-street parking requirement and owner occupancy limitations for ADUs, increase the maximum square footage of an ADU, and revise the design standards and additional requirements for ADUs to be clear and objective; and

Whereas, the City Council wishes to exempt 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) in Chapter 17.82, Special Setbacks on Transit Streets; and

#2021-03

Whereas, the City Council wishes to clarify the parks fee-in-lieu calculation for duplexes and the conversion of a single-family residence to a duplex; and

Whereas, the City Council wishes to reduce the minimum number of required parking spaces for duplexes to match the required 2-parking space minimum for single-family residences, revise the code language so that the driveway requirement for a duplex is the same as for a single-family dwelling, and revise the residential on-street parking requirement to be the same for a duplex as for a single-family dwelling; and

Whereas, the City Council wishes to revise the 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; and

Whereas, the City Council wishes to update the code language to be gender neutral; and

Whereas, the City Council wishes to make other minor code changes as contained below; and

Whereas, on December 8, 2020, the City provided notice of the proposed amendments to DLCDC in conformance with ORS 197.610; and

Whereas, the Planning Commission held a public hearing to review the amendments on January 25, 2021 and forwarded a recommendation of approval with one minor addition to the City Council; and

Whereas, the City Council then held public hearings to review the proposal on March 15, 2021, April 19, 2021, and May 17, 2021.

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

Section 1. Sandy Municipal Code Chapter 17.10 is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. Sandy Municipal Code Chapter 17.30 is amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3. Sandy Municipal Code Chapter 17.34 is amended as detailed in Exhibit C, attached and incorporated by reference.

Section 4. Sandy Municipal Code Chapter 17.46 is amended as detailed in Exhibit D, attached and incorporated by reference.

#2021-03

Section 5. Sandy Municipal Code Chapter 17.54 is amended as detailed in Exhibit E, attached and incorporated by reference.

Section 6. Sandy Municipal Code Chapter 17.74 is amended as detailed in Exhibit F, attached and incorporated by reference.

Section 7. Sandy Municipal Code Chapter 17.82 is amended as detailed in Exhibit G, attached and incorporated by reference.

Section 8. Sandy Municipal Code Chapter 17.86 is amended as detailed in Exhibit H, attached and incorporated by reference.

Section 9. Sandy Municipal Code Chapter 17.98 is amended as detailed in Exhibit I, attached and incorporated by reference.

Section 10. Sandy Municipal Code Chapter 17.100 is amended as detailed in Exhibit J, attached and incorporated by reference.

Section 11. In support of this ordinance, the City Council adopts the findings and conclusions attached as Exhibit K.

Section 12. All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of May 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-03

**CHAPTER 17.10
DEFINITIONS**

17.10.00 INTENT

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

17.10.10 MEANING OF WORDS GENERALLY

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

17.10.20 MEANING OF COMMON WORDS

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

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

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

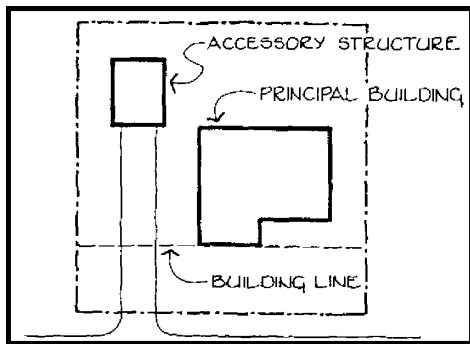
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public

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

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

Accessory Dwelling Unit: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the ~~main~~-single-family 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~~-single-family dwelling.

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



Accessory Structure Example

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

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

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

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

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

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

Adjacent Lot: Adjacent means the same as abutting lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

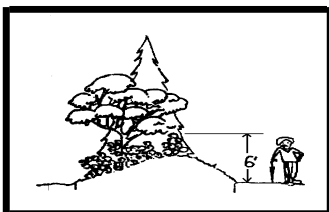
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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



Berm Example

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

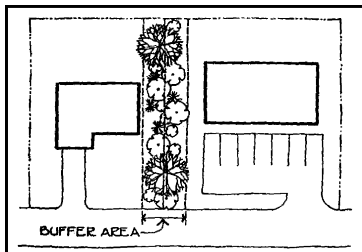
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

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

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

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

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



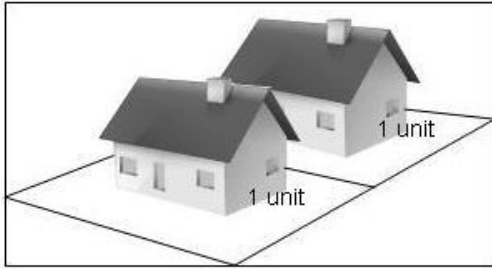
Buffer Example

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

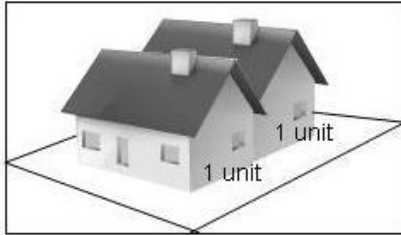
Building Types:

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

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



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

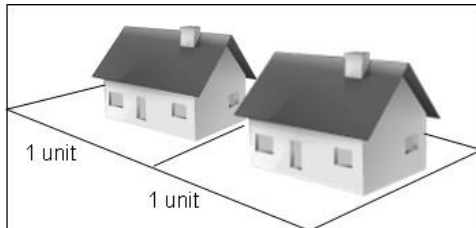


B. Residential: That group of building types comprising the following:

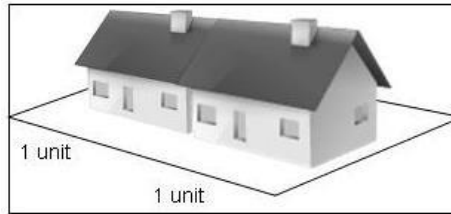
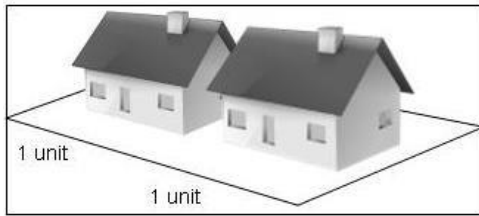
1. **Single Detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



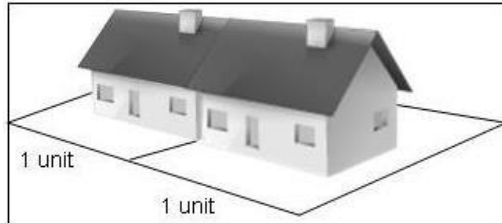
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



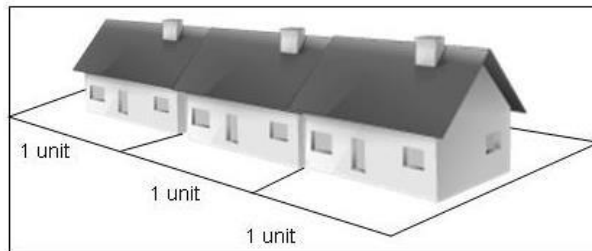
3. **Duplex:** A dwelling containing two independent dwelling units. [The two dwelling units may be attached or detached, as shown in the images below.](#)



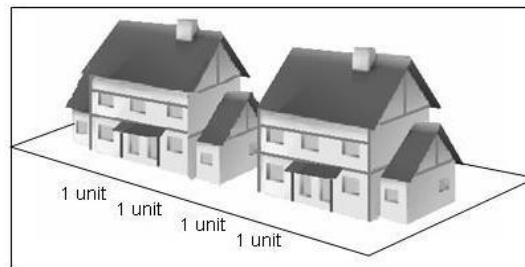
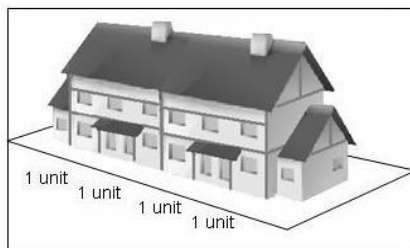
- 4. Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



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



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



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

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

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

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

Building Height: See Height of Buildings definition.

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

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

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

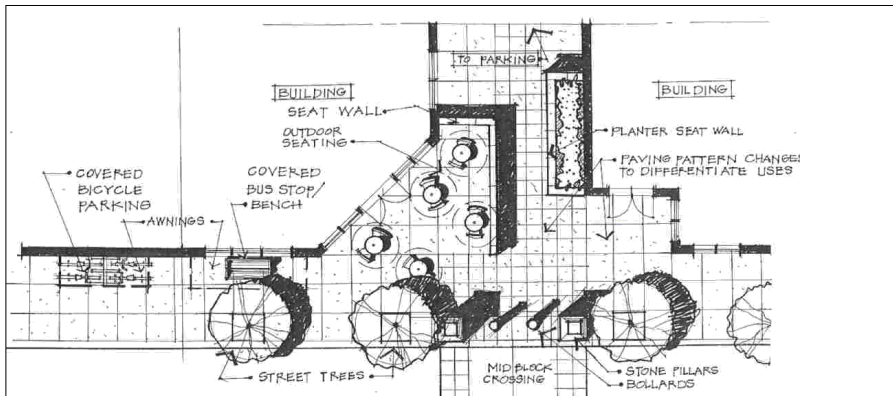
Cemetery: Land used or intended to be used for the burial of the dead and related cemetery activities, including: columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

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

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

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

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



Civic Space Example

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

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

Commission: The Planning Commission.

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

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

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

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

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

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

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

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

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

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

Contiguous: The same as abutting.

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

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

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



Gables (cross-gables) Example

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

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

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

17.10 - 10

Revised by Ordinance 2019-01 effective 1/07/19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

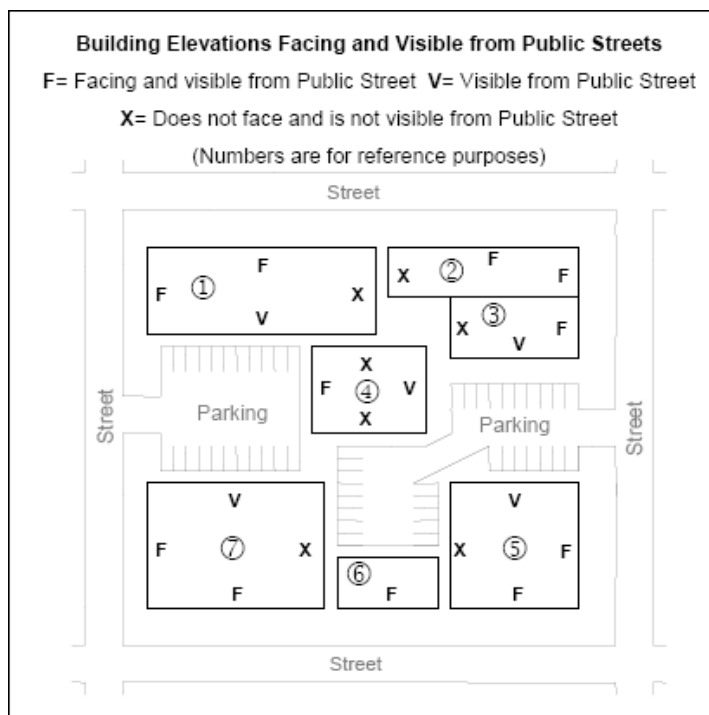
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

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

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

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

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



Facing and visible from a Public Street example

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

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

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

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

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

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

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



Flag Lot Example

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

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

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

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

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

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

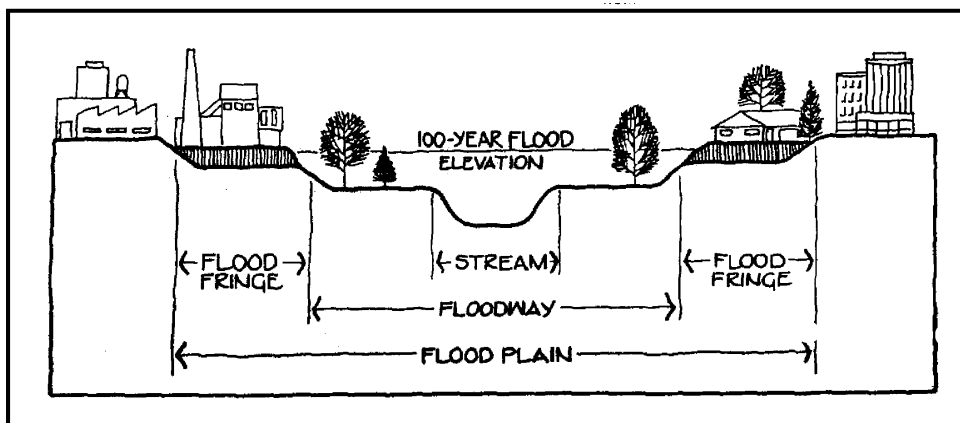
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

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

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

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



Floodway Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

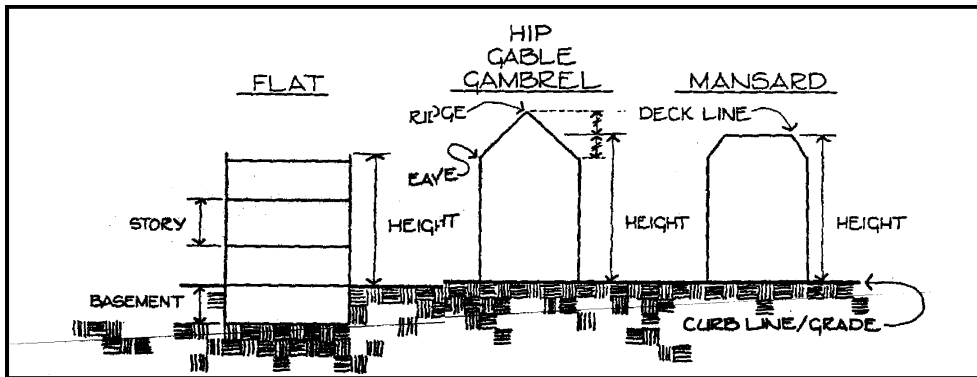
Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

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

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

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

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

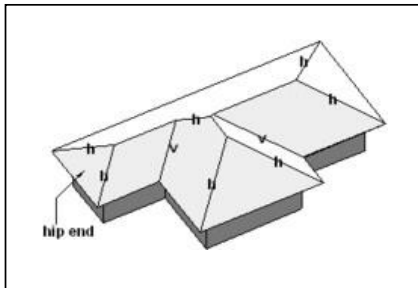


Determining Building Height Example

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

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

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



Hipped Roof Example

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

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

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

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

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

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

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

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

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

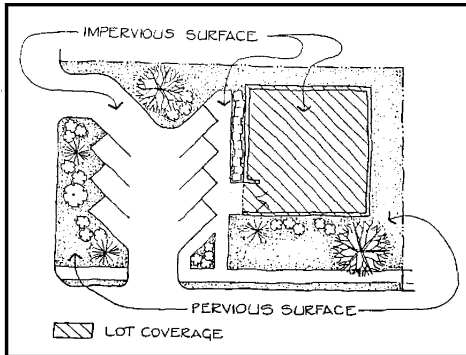
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

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



Impervious Surface Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

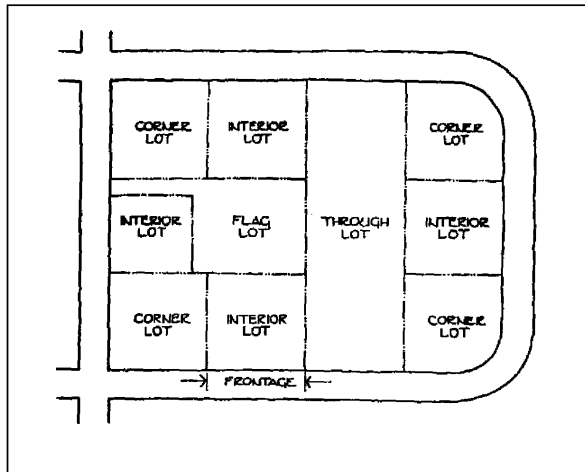
Lien Foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

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

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

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

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



Lot Corner Example

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

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

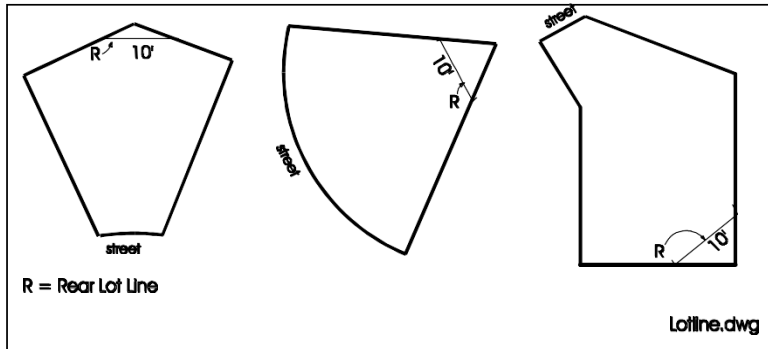
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

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

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

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



Rear Lot Line Example

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

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

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

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

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

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

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



Mansard Roof Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Revised by Ordinance 2019-01 effective 1/07/19

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

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

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

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

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

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

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

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

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

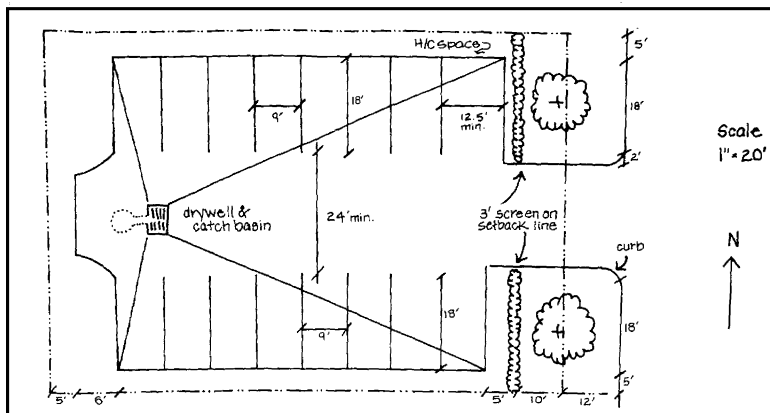
Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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

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

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

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



Typical Parking Area Example

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

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

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

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



Pergola Example

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

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

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

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

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

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

Practicable: Capable of being effected, feasible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

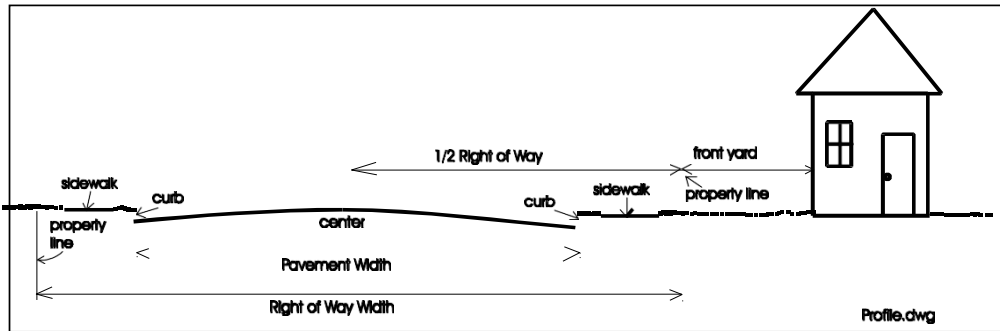
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825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

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

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

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

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



Right-of-way example

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

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

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



Rusticated stone work example

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

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

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

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

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

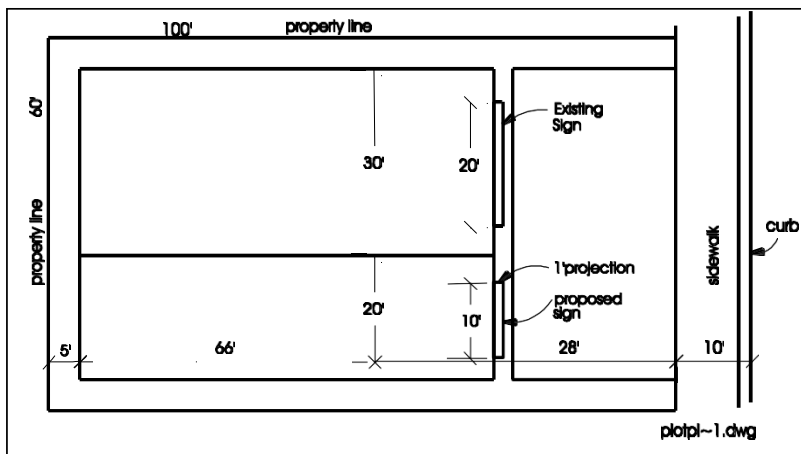
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

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

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

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

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



Site Plan Example

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

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

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

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



Split-face Concrete Example

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

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

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

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

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

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

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

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

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

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

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

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

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

This term does not, however, include either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

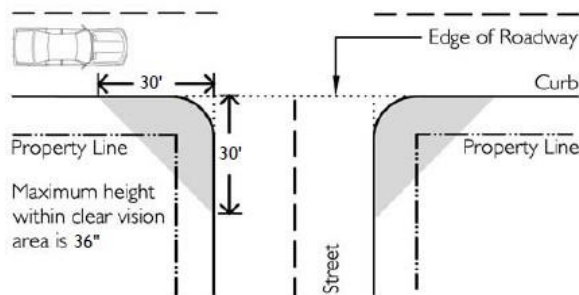
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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

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

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

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



Vision Clearance Example

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

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

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

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

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

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

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

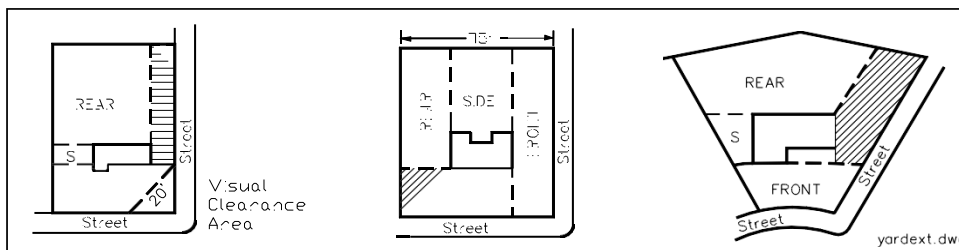
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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

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

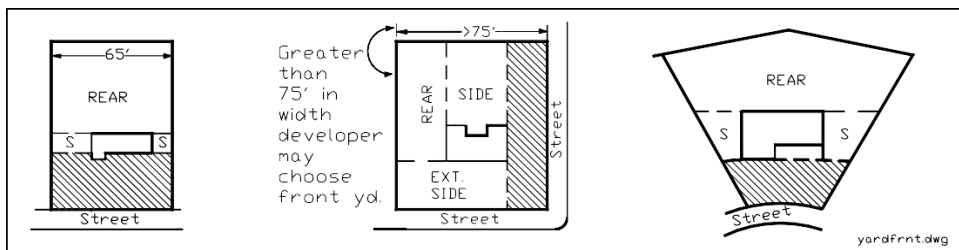
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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



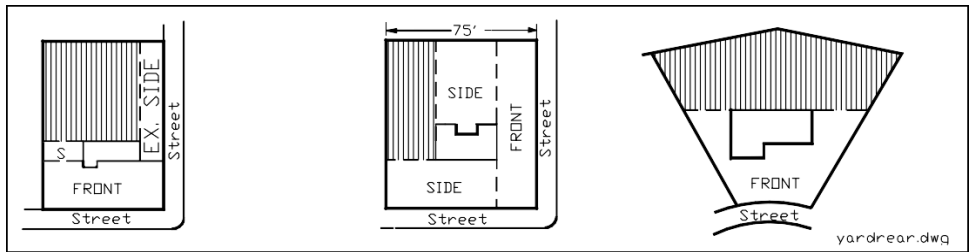
Side Yard (Exterior) Example

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



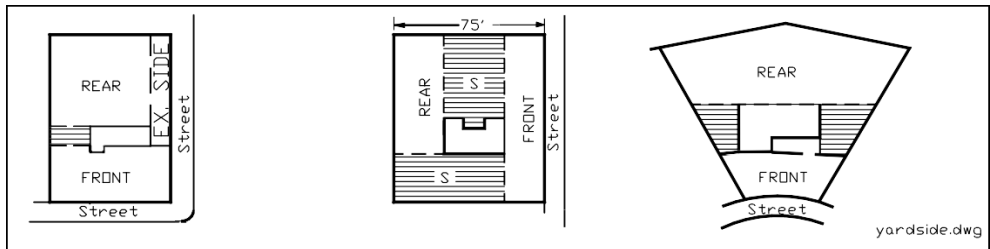
Front Yard Example

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



Rear Yard Example

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



Side Yard Example

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

CHAPTER 17.30 - 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;

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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 - 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.
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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.

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- 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

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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.

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- 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

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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

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Figure 17.74.10-A: Interior Lot

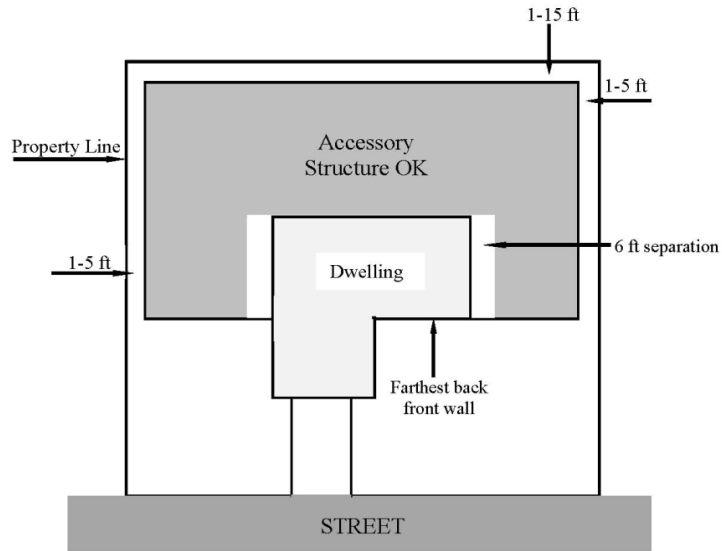
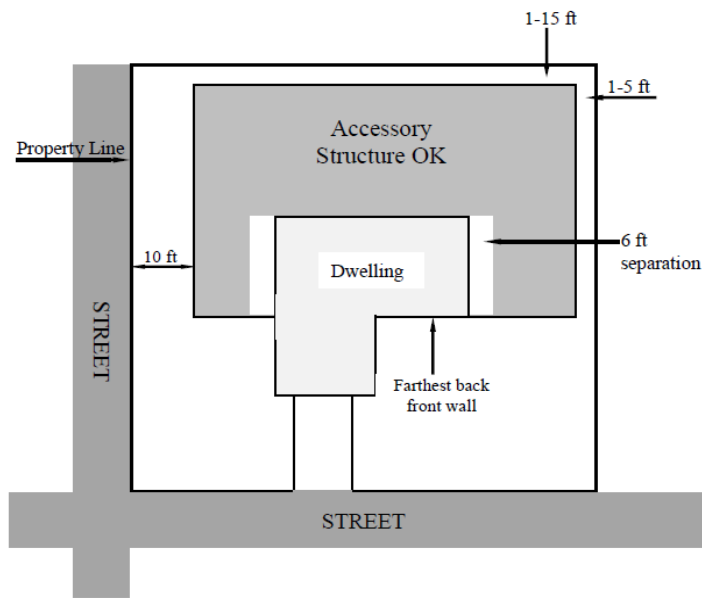


Figure 17.74.10-B: Corner Lot



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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

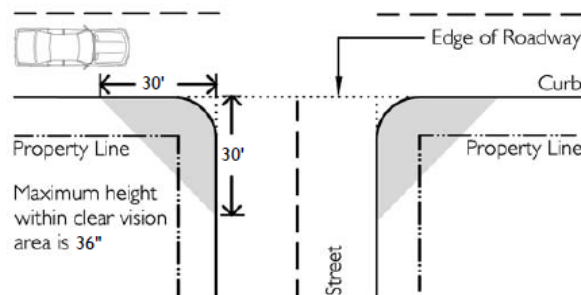
17.74.30 VISION CLEARANCE AREA

- 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

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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~~ [permitted in the following zoning districts: Single-Family Residential \(SFR\), Low Density Residential \(R-1\), Medium Density Residential \(R-2\), High Density Residential \(R-3\), Central Business District \(C-1\) and Village Commercial District \(C-3\).](#) ~~An ADU shall not be permitted on the same lot as a duplex.~~

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	600-720 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 No minimum
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.~~
- ~~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 10 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 sewer sanitary 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.

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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.

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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.
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

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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.

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**

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

*The total persons per unit for the entire duplex (both units) would be 6.

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 3 additional persons multiplied by 0.0043 for the above example.

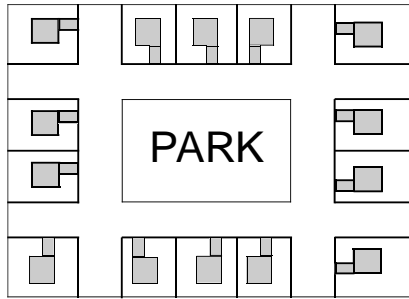
- b. Per Person Parkland Dedication Factor: The total parkland dedication requirement shall be 0.0043 of an acre per person based on the adopted standard of 4.3 acres of land per one thousand of ultimate population per the Parks Master Plan¹. This standard represents the citywide land-to-population ratio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

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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.

**CHAPTER 17.98
PARKING, LOADING, AND ACCESS REQUIREMENTS**

17.98.00 INTENT

The intent of these regulations is to provide adequate capacity and appropriate location and design of parking and loading areas as well as adequate access to such areas. The parking requirements are intended to provide sufficient parking in close proximity for residents, guests/visitors, customers, and/or employees of various land uses. These regulations apply to both motorized vehicles (hereinafter referred to as vehicles) and bicycles.

17.98.10 GENERAL PROVISIONS

- A. Provision and Maintenance. The provision of required off-street parking for vehicles and bicycles and loading facilities for vehicles is a continuous obligation. Building permits or other permits will only be issued after review and approval of site plans showing location of permanent access, parking and loading facilities.
- B. Unspecified Requirements. Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar specified uses.
- C. New Structure or Use. When a structure is constructed or a new use of land is commenced, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 17.98.20 below or as otherwise modified through a planned development or specific area plan.
- D. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, on-site vehicle and bicycle parking shall be provided in the amount required for such intensification. Alteration of existing structures, increased intensity, and change in use per Sections 17.98.10 (D.), (E.) and (F.) does not apply to commercial uses in the Central Business District (C-1).
- E. Increased Intensity. When increased intensity requires no more than four (4) vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative. When the net effect of one or more changes generates a need for more than four spaces, the additional required spaces shall be provided. Additional spaces shall be required for the intensification but not for the original use.
- F. Change in Use. When an existing structure or use of land is changed in use from one use to another use as listed in Section 17.98.20 below and the vehicle and bicycle parking requirements for each use type are the same; no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for the more intensive use.
- G. Time of Completion. Required parking spaces and loading areas shall be improved and available for use prior to issuance of a temporary certificate of occupancy and/or final building inspection or final certificate of occupancy.

- H. Inoperative Motor Vehicles. In all residential zoning districts, all motor vehicles incapable of movement under their own power or lacking legal registration shall be completely screened from public view.
- I. Truck Parking. In all residential zoning districts, no overnight parking of trucks or other equipment on wheels or tracks exceeding a 1-ton capacity used in the conduct of a business activity shall be permitted except vehicles and equipment necessary for farming on the premises where such use is conducted.
- J. Mixed Uses. In the case of mixed uses, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses computed separately.
- K. Conflicting Parking Requirements. When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- L. Availability of Parking Spaces. Required vehicle and bicycle parking spaces shall be unobstructed, available for parking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles and bicycles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.
- M. Residential Parking Analysis Plan. A Residential Parking Analysis Plan shall be required for all new residential planned developments, subdivisions, and partitions to include a site plan depicting all of the following:
1. Location and dimension of required parking spaces as specified in Section 17.98.200.
 2. Location of areas where parking is not permitted as specified in Sections 17.98.200(A)(3) and (5).
 3. Location and design of parking courts (if applicable).
- N. Location of Required Parking.
1. Off-street vehicle parking required for single family dwellings (both attached and detached) and duplexes shall be provided on the development site of the primary structure. [At least two off-street vehicle parking spaces for detached single family homes and duplexes shall be located side-by-side. Tandem parking is only permitted for parking spaces that are not required to meet the minimum off-street parking requirements.](#) 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

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

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 per 2 employees	2

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

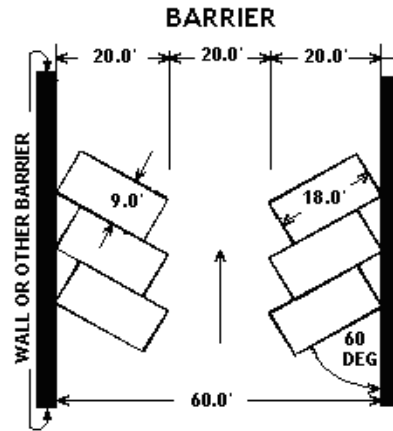
All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section.

- 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
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90 degree	20 feet	22 feet	25 feet	25 feet
60 degree	20 feet	20 feet	20 feet	20 feet
45 degree	20 feet	20 feet	20 feet	20 feet
Parallel	12 feet	12 feet	16 feet	16 feet



17.98.70 ON-SITE CIRCULATION

- A. Groups of more than three (3) parking spaces shall be permanently striped. Accessible parking spaces and accompanying access aisles shall be striped regardless of the number of parking spaces.
- B. Backing and Maneuvering. Except for a single family dwelling, duplex, or accessory dwelling unit, groups of more than 3 parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles enter the right-of-way (except for alleys) in a forward manner. Parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

17.98.80 ACCESS TO ARTERIAL AND COLLECTOR STREETS

- A. Location and design of all accesses to and/or from arterials and collectors (as designated in the Transportation System Plan) are subject to review and approval by the City Engineer. Where practical, access from a lower functional order street may be required. Accesses to arterials or collectors shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

- B. No development site shall be allowed more than one access point to any arterial or collector street (as designated in the Transportation System Plan) except as approved by the City Engineer. Evaluations of exceptions shall be based on a traffic impact analysis and parking and circulation plan and consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
- C. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in A and B above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

17.98.90 ACCESS TO UNIMPROVED STREETS

Access to Unimproved Streets. At the Director’s discretion development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner signs an irrevocable petition for street improvements and/or a declaration of deed restrictions agreeing to future completion of street improvements. The form shall be provided by the City and recorded with the property through the Clackamas County Recorder’s Office. This shall be required with approval of any of the following applications:

- Land partitions
- Conditional uses
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development)
- Building permits for new residential units

17.98.100 DRIVEWAYS

- A. A driveway to an off-street parking area shall be improved from the public right-of-way to the parking area a minimum width of 20 feet for a two-way drive or 12 feet for a one-way drive, but in either case not less than the full width of the standard approach for the first 20 feet of the driveway.
- B. A driveway for a single-family dwelling 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:

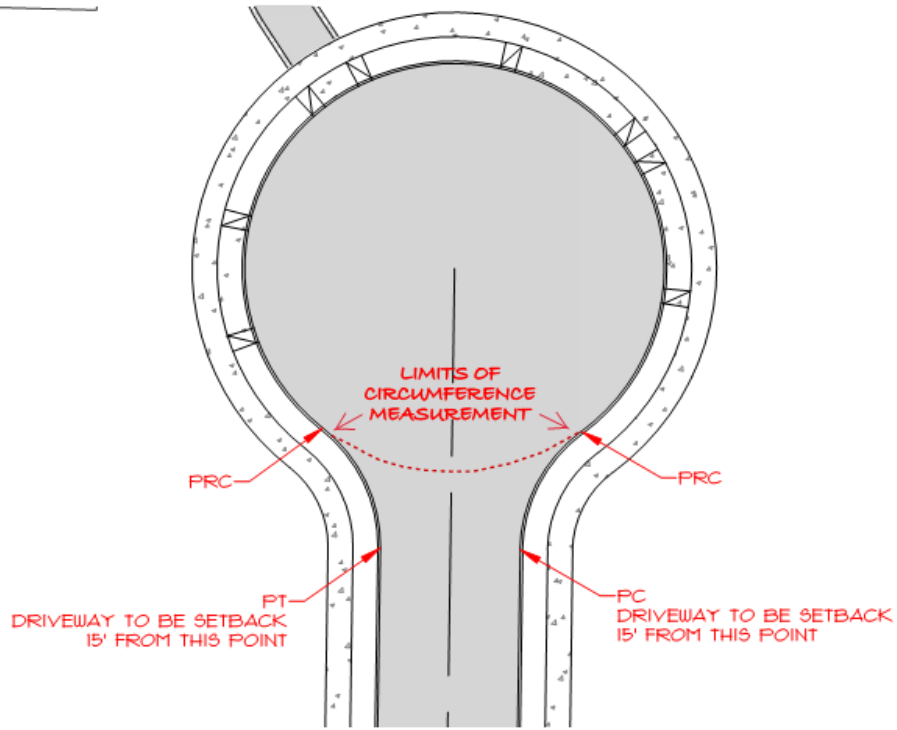
PT = point of tangency

PC = point of curvature

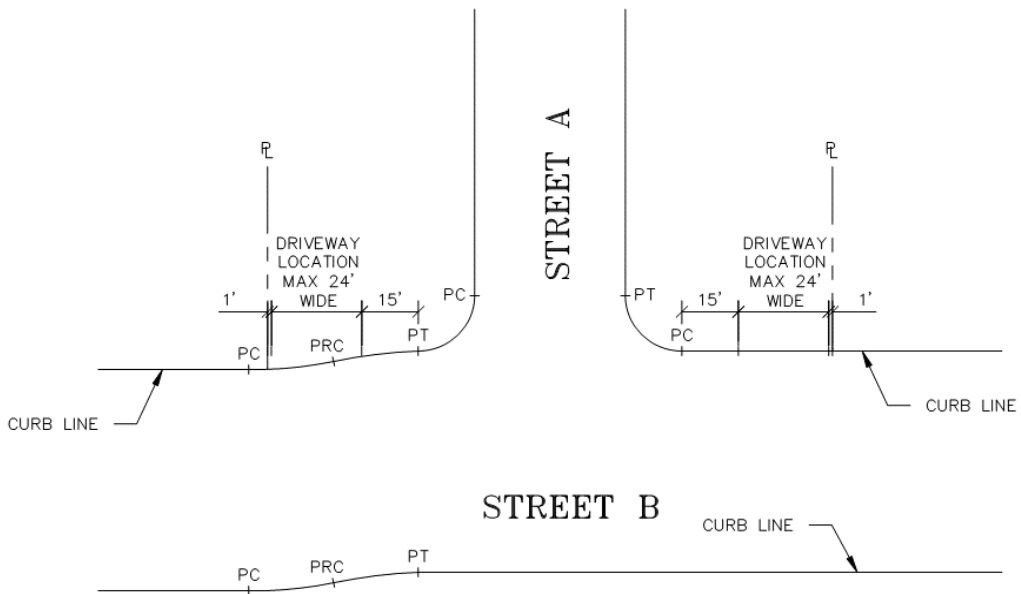
PRC = point of reverse curvature

- ~~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.
- ~~I.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



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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.

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- 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;

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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;

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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.

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- 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.

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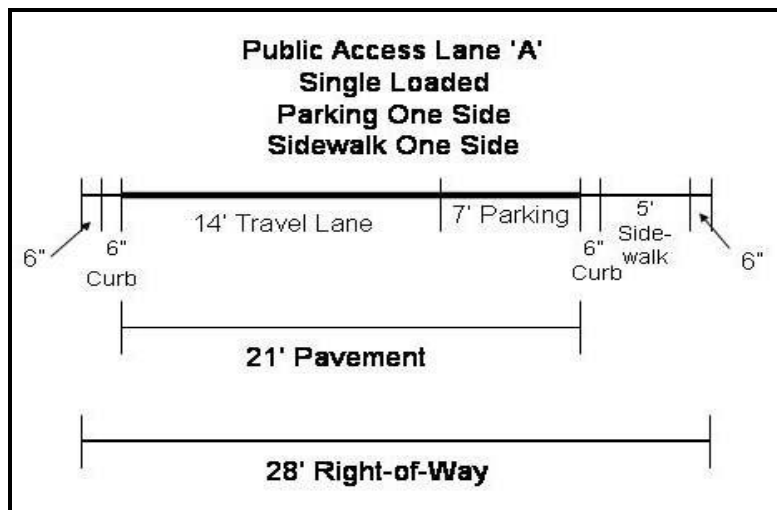
4. If a public access lane is designed as a dead end, a turnaround shall be provided at the point where the lane terminates. The design of the turnaround shall be subject to approval by the Director and the Fire Department.
5. Parking shall be prohibited in public access lane turnarounds.
6. Street lighting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

C. Public Access Lane Design

1. Public Access Lane 'A' (Figure 17.100 - A)

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

Figure 17.100 – A: Public Access Lane 'A'

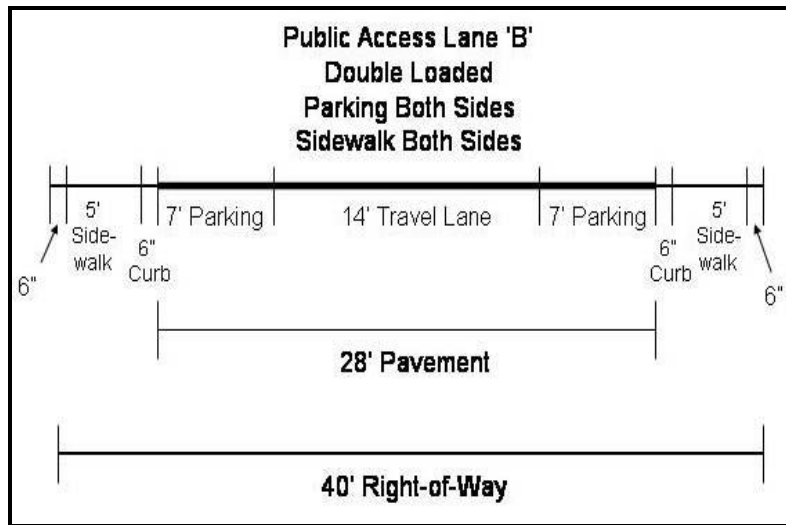


2. Public Access Lane Option 'B' (Figure 17.100 - B).

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

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

Figure 17.100 – B: Public Access Lane 'B'



17.100.170 FLAG LOTS

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

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

17.100.180 INTERSECTIONS

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

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

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

17.100.190 STREET AND TRAFFIC CONTROL SIGNS

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

17.100.200 STREET SURFACING

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

17.100.210 STREET LIGHTING

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

17.100.220 LOT DESIGN

- A. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Development Code.
- B. The lot dimensions shall comply with the minimum standards of the Development Code. When lots are more than double the minimum lot size required for the zoning district, the subdivider may be required to arrange such lots to allow further subdivision and the opening of future streets to serve such potential lots.
- C. The lot or parcel width at the front building line shall meet the requirements of the Development Code and shall abut a public street other than an alley for a width of at least 20 feet. A street frontage of not less than 15 feet is acceptable in the case of a flag lot division resulting from the division of an unusually deep land parcel that is of a size to warrant division into not more than two parcels.
- D. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography or orientation.

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- 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.

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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

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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.

EXHIBIT K

Ordinance No. 2021-03: Findings and Conclusions

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.



Staff Report

Meeting Date: May 17, 2021
From Shelley Denison, Associate Planner
SUBJECT: Bee City USA Resolution

BACKGROUND:

Pollinator species such as bees, butterflies, hummingbirds, and moths provide multiple benefits to our quality of life. They promote healthy food systems, good environmental quality, and increased economic growth. According to the Xerces Society, one out of every three bites of food we eat is a result of pollinators. However, pollinator populations have been steadily declining for a number of concerning reasons. These reasons include overuse of pesticides and herbicides, habitat loss, and diseases.

Sandy has the opportunity to be part of the solution to pollinator loss by becoming a Bee City USA affiliate. The responsibilities of a Bee City include creating awareness about the importance of pollinators through public outreach, using integrated pest management best practices, and enhancing pollinator-friendly habitat on public and private land. As a Bee City USA affiliate, Sandy will have access to expert support and resources related to these projects. Additionally, this is an opportunity to help achieve City Council's current biennium goal to support biodiversity in the city.

BUDGETARY IMPACT:

\$200 application fee
Additional funds for future projects TBD

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2021-11, making Sandy a Bee City USA affiliate.

SUGGESTED MOTION:

"I move to adopt Resolution 2021-11."

LIST OF ATTACHMENTS/EXHIBITS:

- Attachment 1: Resolution 2021-11



NO. 2021-11

A RESOLUTION DESIGNATING THE CITY OF SANDY OREGON AS A BEE CITY USA® AFFILIATE

Whereas, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

Whereas, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

Whereas, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

Whereas, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

Whereas, ideal pollinator-friendly habitat (A) is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen, since many wild pollinators prefer or depend on the native plants with which they co-adapted; (B) is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat; (C) comprises undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering; and, (D) provides connectivity between habitat areas to support pollinator movement and resilience; and

Whereas, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

Whereas, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability;

#2021-11

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

In order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, Sandy chooses to support and encourage healthy pollinator habitat creation and enhancement as follows:

1. The City of Sandy is hereby designated as a BEE CITY USA Affiliate.
2. The City Manager or his/her designee is designated as the City's BEE CITY USA Liaison.
3. Facilitation of Sandy's BEE CITY USA program is assigned to the Parks and Trails Advisory Board.
4. The Parks and Trails Advisory Board is authorized to and shall:
 - a. Celebration: Facilitate at least one educational event or pollinator habitat planting or restoration event each year to showcase Sandy's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
 - b. Publicity & Information: Facilitate installation and maintenance of at least one authorized BEE CITY USA street sign in a prominent location, and creation and maintenance of a webpage on the Sandy website which includes, at minimum, a copy of this resolution and links to the national BEE CITY USA website; contact information for the BEE CITY USA Liaison and Parks and Trails Advisory Board; reports of the pollinator-friendly activities the community has accomplished the previous year(s); and the recommended native plant species list and integrated pest management plan (explained below).
 - c. Habitat: Develop and facilitate implementation of a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, identifying and inventorying Sandy's real property that can be enhanced with pollinator-friendly plantings; creating a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species; and, tracking (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
 - d. Pollinator-Friendly Pest Management: Create and recommend an Integrated Pest Management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
 - e. Policy & Plans: Recommend establishment of a policy in the Comprehensive Plan to acknowledge and commit to the BEE CITY USA designation and review the Comprehensive

#2021-11

Plan and other relevant documents to consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.

f. Renewal: After completing the first calendar year as a BEE CITY USA affiliate, each February, facilitate an application for renewal of Sandy's BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of May 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-11



Staff Report

Meeting Date: May 17, 2021

From Kelly O'Neill, Development Services Director
21-018 AP 38797 & 38799 Creekside Loop Garage Setback

SUBJECT: Adjustment Second Appeal

BACKGROUND:

Garage Setback Adjustment Application (File No. 20-049 ADJ)

Applicable Code Criteria:

Section 17.40.30 contains setback requirements for the R-3 zoning district and requires a 20-foot minimum garage setback for front vehicle access.

Applicant's Request:

Jeff Newberry submitted an application requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request). The applicant proposed four off-street parking spaces for the duplex (two spaces for each dwelling unit) in addition to the area in front of the garages that can accommodate smaller vehicles. The reduced setback will allow construction of a duplex on the lot while meeting all other applicable setback requirements. This duplex was previously approved on November 7, 2018 (File No. 18-042 DR) and a building permit application was received on October 30, 2020 within the two (2) year application approval period, so the approval of File No. 18-042 DR is active and valid.

Staff Decision (File No. 20-049 ADJ):

The applicant's request for a Type I Adjustment to the garage setback for Unit A was **approved with conditions** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the garage setback to 18 feet 2 inches for Unit A. The applicant's request for a Type II Adjustment to the garage setback for Unit B was **denied**; however, a Type I Adjustment was **approved with conditions**. The applicant is permitted to reduce the garage setback to a minimum of 18 feet for Unit B. All other conditions of approval in File No. 20-049 ADJ shall be met.

First Appeal of Garage Setback Application (File No. 21-001 AP)

Appellant's Request:

William Trimble appealed the staff decision on January 11, 2021 (File No. 21-001 AP). Mr. Trimble believes the garage setback adjustment should be denied and requests that the Planning Commission "deny the adjustment and ensure the applicant provides the

full 20-foot setback for the garage of both units as required by Code Section 17.40.30 or the applicant revises the access to be off Tupper Road.”

The previous approved partition for the subject site was approved prior to the construction and dedication of Creekside Loop so that is likely the reason there was access approval to Tupper Road as mentioned by Mr. Trimble, but that was the only street it could access at the time. Since the partition approval for the subject site in 2005, Creekside Loop has been constructed (Trimble Loop Subdivision was platted in Nov 2009) and is a public street and therefore new access can be granted. The approval of File No. 18-042 DR approved access to Creekside Loop and is not appealable by Mr. Trimble.

Planning Commission Decision (File No. 21-001 AP)

The Planning Commission heard the appeal on March 29, 2021. The Planning Commission **denied the appeal** and issued a final order upholding the staff decision on March 31, 2021.

Second Appeal of the Garage Setback Application (File No. 21-018 AP)

Appellant’s Request

William Trimble appealed the Planning Commission decision on April 12, 2021 (File No. 21-018 AP). The appellant states that he owns property adjacent to the subject property that takes access via Creekside Loop and is adversely affected and aggrieved by the Planning Commission decision. He also states: “Approving the adjustment adversely affects traffic on Creekside because it reduces the amount of on-street parking available on Creekside Loop. On street parking on Creekside loop will also make exiting the subject property difficult, because of the blind spots created by the parked cars. Driveway access at this location creates a safety hazard due to the parked cars.” The appellant also requests that if “the city is going to approve access to Creekside Loop, it should condition the adjustment on the developer reimbursing Mr. Trimble and Hughes on a pro-rata basis for the cost of the Offsite portions of Creekside Loop.”

Staff notes that Creekside Loop does not have a reimbursement district and therefore access to Creekside Loop for Mr. Newberry’s duplex shall not include reimbursement to Trimble or Hughes. Access rights to Creekside Loop and reimbursements are a moot point and cannot be made part of this appeal process.

Summary of Important Dates:

ACTION	DATE
Final Order for Duplex Issued (File No. 18-042 DR)	November 7, 2018
Building Permit for Duplex Submitted	October 30, 2020
Garage Setback Application Submitted (File No. 20-049 ADJ)	November 20, 2020
Garage Setback Application Deemed Complete	December 8, 2020
Neighborhood Notice Sent for Garage Setback	December 8, 2020
Final Order for Garage Setback Issued	December 30, 2020
Notice of Intent to Appeal Staff Decision Received	January 11, 2021

Planning Commission Appeal Hearing	March 29, 2021
Planning Commission Decision Issued	March 31, 2021
120-Day Rule	April 7, 2021
Notice of Intent to Appeal Planning Commission Decision Received	April 12, 2021

BUDGETARY IMPACT:

None

RECOMMENDATION:

Staff recommends the City Council review the following documents:

- The applicant's original submittal items for the garage setback adjustment request (File No. 20-049 ADJ).
- The Final Order issued for File No. 20-049 ADJ, which includes the original public testimony submitted by Mr. Trimble (the appellant) as well as staff's analysis of the adjustment request and rationale for the decision.
- The appellant's notice of intent to appeal dated January 11, 2021, which includes the appellant's reasons for appealing the staff decision.
- The Final Order issues for File No. 21-001 AP, which includes the Planning Commission's denial of the appeal.
- The appellant's notice of intent to appeal dated April 12, 2021, which includes the appellant's reasons for appealing the Planning Commission decision.

Staff recommends the City Council do one of the following:

1. Uphold the staff and Planning Commission decision to approve a Type I adjustment to the garage setback for both units of the duplex per the final order for File No. 20-049 ADJ dated December 30, 2020.
2. Deny both garage setback adjustment requests and require the garage setbacks for both units of the duplex to meet the 20-foot minimum setback as requested by the appellant and required by Section 17.40.30.
3. Approve the applicant's original adjustment requests, which includes both a Type I and Type II garage setback adjustment.

SUGGESTED MOTION:

Uphold the staff and Planning Commission decision to approve a Type I adjustment to the garage setback for both units of the duplex per the final order for File No. 20-049 ADJ dated December 30, 2020.

LIST OF ATTACHMENTS/EXHIBITS:

Exhibit A: Original applicant submittals for File No. 20-049 ADJ (application, narrative, and site plan)

Exhibit B: Final Order for File No. 20-049 ADJ (staff issued decision)

Exhibit C: Notice of Intent to Appeal staff decision submitted by William Trimble (January 11, 2021)

Exhibit D: Final Order for File No. 21-001 AP (Planning Commission decision)
Exhibit E: Notice of Intent to Appeal Planning Commission decision submitted by William
Trimble (April 12, 2021)
Exhibit F: Public Comment – Ernie Brache



LAND USE APPLICATION FORM

(Please print or type the information below)

Planning Department
39250 Pioneer Blvd.
Sandy OR 97055
503-668-4886

Name of Project _____

Location or Address _____

Map & Tax Lot Number T____, R____, Section____; Tax Lot(s)_____

Plan Designation _____ Zoning Designation _____ Acres _____

Request:

I am the (check one) owner lessee of the property listed above and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant	Owner
Address	Address
City/State/Zip	City/State/Zip
Phone	Phone
Email	Email
Signature	Signature

If signed by Agent, owner's written authorization must be attached.

File No.	Date	Rec. No.	Fee \$
Type of Review (circle one): Type I Type II Type III Type IV			

Narrative

Newberry Duplex
Creekside Loop, Sandy, OR 97055
Land Use Decision No. 18-042 DR

The subject site geometry presents a challenge to design a building that is 2 dwelling units, has a front façade that focuses on the “non-garage front” features, meets the required front, side and rear setbacks and has desirable livability characteristics. The previous proposal indicated 15’-2” and 17’-0” setbacks at the garage fronts for Units A and B respectively. The plan has subsequently been modified to increase this setback dimension as much as possible while keeping garages part of the units.

One purpose of the required 20’ setback is so the remaining front façade can be the prominent feature of the structure. The second purpose is to provide enough room for a vehicle to park in front of the garage without blocking the sidewalk (although this space is not an “official” required off-street parking location). A typical passenger car parking space is 9’x18’ according to the City of Sandy zoning code. Due to the difficult site geometry, it seems practical to reduce the required front setback so that there is at least 18’ between the garage front and the sidewalk.

After modifying the building design, Unit A has a proposed front setback of 18’-2” from the garage to the property line and 19’-6 ¾” from the garage to the sidewalk. Unit B is located on a curve and does not have a uniform setback from one side of the garage to the other. The minimum proposed setback from the garage to the property line is 17’-4” on one side of the garage and 18’-6 ¾” on the other. The proposed setback to the sidewalk for Unit B exceeds 20’ across the entire garage front.








PROPERTY CONTINUES NORTH.
REFER TO TOPO SURVEY

PROJECT INFORMATION

LEGAL DESCRIPTION: TS2 R4E SECTION 13 TAX LOT 9008
LAND USE FILE NO.: 18-042 DR
ADDRESS: NA
ZONING DISTRICT: R-3
LOT AREA: 5636 SF
TOTAL NEW IMPERVIOUS AREA (ROOF AND DRIVEWAYS): 2597SF

LANDSCAPING KEY

-  = NEW PAPERBARK MAPLE STREET TREE. 4 TOTAL. TO BE 7' TALL AND 1.5" CALIPER MEASURED 6" ABOVE GROUND MIN. AT TIME OF PLANTING. BALLED AND BURLAPPED.
-  = WESTERN RED CEDAR TO BE 5' TALL MIN. AT TIME OF PLANTING.
-  = RHODODENDRON OR SIMILAR SHRUB, 5 GAL.
-  = HEAVENLY BAMBOO OR SIMILAR SHRUB/HEDGE, 2 GAL.
-  = BLUE OAT GRASS OR SIMILAR GRASS OR GROUND COVER, 1 GAL.

LANDSCAPING NOTES (REF. 17.92.20 ZONING CODE)

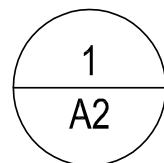
1. ALL ON SITE AREAS NOT OCCUPIED BY BUILDINGS OR HARDSCAPES TO BE LANDSCAPED. MINIMUM REQUIRED LANDSCAPED AREA = 25% OF SITE = .25x5636 = 1,409SF.
2. 75% OF LANDSCAPED AREA = 1409x.75 = 1057SF, TO BE TREES, SHRUBS AND GROUND COVER. THE REMAINING 25% = 1409x.25 = 352SF CAN BE BARK/MULCH. ALL REMAINING SITE AREAS TO BE BARK/MULCH OR GRASS.
3. LANDSCAPING SHALL NOT BE PERMITTED WITHIN VISION CLEARANCES OF DRIVEWAYS.
4. TREES MAY NOT BE PLANTED IN THE FOLLOWING AREAS:
 - 4.1. WITHIN 5' OF PERMANENT HARD SURFACES (SIDEWALKS, DRIVEWAYS, ETC.) THE EXCEPTION ARE THE APPROVED STREET TREES THAT MAY BE PLANTED IN AN ADEQUATE PLANTING STRIP.
 - 4.2. WITHIN 10' OF FIRE HYDRANTS AND UTILITY POLES
 - 4.3. WITHIN 5' OF EXISTING CURBS
 - 4.4. WITHIN 10' OF PUBLIC SANITARY OR STORM SEWERS OR WATER LINES
5. ALL LANDSCAPING SHALL BE CONTINUALLY MAINTAINED, INCLUDING NECESSARY WATERING (MANUAL OR AUTOMATIC), PRUNING AND REPLACEMENT OF DEAD AND DYING VEGETATION.
6. ANY AREAS DISTURBED DURING CONSTRUCTION SHALL BE RE-VEGITATED TO PRE-PROJECT CONDITIONS.
7. NO TREES GREATER THAN 8" DIA. SHALL BE REMOVED FROM THE SITE WITHOUT CITY STAFF REVIEW AND APPROVAL.

UTILITIES

1. REFER TO TOPO SURVEY FOR AS-BUILT UTILITY LOCATIONS.
2. THE PROPOSED DEVELOPMENT SHALL BE CONNECTED TO MUNICIPAL WATER AND SANITARY SEWER PER CODE AND CITY STANDARDS.

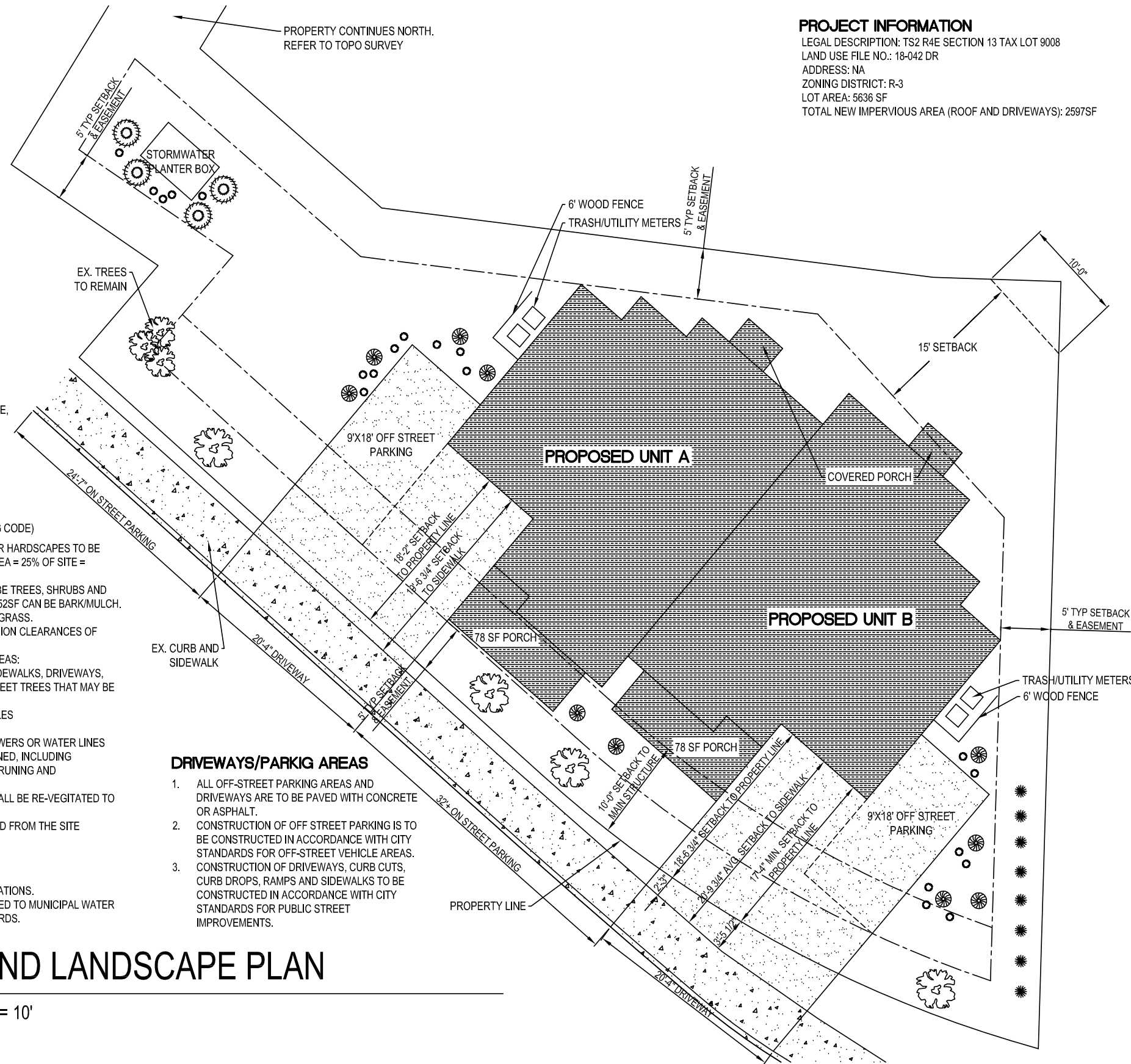
DRIVEWAYS/PARKING AREAS

1. ALL OFF-STREET PARKING AREAS AND DRIVEWAYS ARE TO BE PAVED WITH CONCRETE OR ASPHALT.
2. CONSTRUCTION OF OFF STREET PARKING IS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY STANDARDS FOR OFF-STREET VEHICLE AREAS.
3. CONSTRUCTION OF DRIVEWAYS, CURB CUTS, CURB DROPS, RAMPS AND SIDEWALKS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY STANDARDS FOR PUBLIC STREET IMPROVEMENTS.



SITE AND LANDSCAPE PLAN

SCALE: 1" = 10'



**NEWBERRY DUPLEX
CREEKSIDE LOOP
SANDY, OR 97055**

PERMIT SET		
No	Revision	Date
DRAWING TITLE		
SITE PLAN		
DATE		1-2-19
SHEET #		A2

**FINDINGS OF FACT and FINAL ORDER
TYPE I and II ADJUSTMENT**

DATE: December 30, 2020

FILE NO.: 20-049 ADJ

APPLICANT/OWNER: Jeff Newberry

LOCATION: 38797 & 38799 Creekside Loop

LEGAL: T2S R4E Section 13CA Tax Lot 9008

DECISION: Type I Adjustment request approved with conditions; Type II Adjustment request denied.

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Narrative
- C. Site Plan

Agency Comments

- D. Public Works Director (December 14, 2020)

Public Comments

- E. Ron Hughes (December 18, 2020)
- F. William Trimble (December 19, 2020)

Additional Documents Submitted by Staff

- G. Final Order for File No. 05-031 MP
- H. Partition Plat 2006-059
- I. Floor Plan

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on November 20, 2020. This application was deemed complete on December 8, 2020.
2. Jeff Newberry submitted an application requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request).

request). The applicant has proposed four off-street parking spaces for the duplex (two spaces for each dwelling unit) in addition to the area in front of the garages that can accommodate smaller vehicles. The reduced setback will allow construction of a duplex on the lot while meeting all other applicable setback requirements. This duplex was previously approved on November 7, 2018 (File No. 18-042 DR) and a building permit application was received on October 30, 2020 within the two (2) year application approval period, so the approval of File No. 18-042 DR is active and valid.

3. The applicant previously submitted an application to construct a duplex on the subject property (File No. 18-042), which was approved with conditions on November 7, 2018. As part of that application, the applicant submitted a site plan that detailed front loading garage entrances to be setback 15 feet-2 inches (Unit A) and 17 feet (Unit B) from the front property line. Finding 11 in the final order for File No. 18-042 states: “Subsection 17.40.30 requires front loading garage accesses to be setback 20 feet from a front property line. The applicant shall complete either alternative A or B identified below:
 - A. Redesign the site to accommodate the required 20-foot garage setback.
 - B. Apply for a Special Variance for Unit A and a Type II Adjustment for Unit B to incorporate the garage entrances as proposed.”

Condition A.1 states that prior to building permit final approval, the applicant shall “Redesign the site to accommodate the required 20-foot garage setback or apply for a Special Variance for Unit A and a Type II Adjustment for Unit B to incorporate the garage entrances as proposed. If the layout is modified the applicant shall submit a site plan to the City of Sandy for review and approval.”

4. With this application (File 20-049 ADJ), the applicant submitted a revised Site Plan (Exhibit C) that details the garage setback for Unit A (the western unit) at 18 feet 2 inches and the garage setback for Unit B (the eastern unit) at 17 feet 4 inches, both of which can be processed as adjustments. Therefore, a variance request is not necessary.
5. Notification of the proposal was mailed to property owners within 300 feet of the subject property and affected agencies on December 8, 2020. Comments were received from the Public Works Director (Exhibit D). Two public comments were received.
6. Ron Hughes submitted a written comment (Exhibit E) expressing concern about the access to this property via Creekside Loop. Hughes states: “Added vehicular traffic on this road will generate a hardship to the current owners for mail and package delivery, garbage service and police and fire protection” and prefers that the subject property access Tupper Road. Hughes’s comment did not include anything about the current application for an adjustment to the garage setback.
7. William Trimble submitted a written comment (Exhibit F) also expressing concern about access to the subject property from Creekside Loop rather than Tupper Road. The letter cites previous planning files and plats that required a driveway from the subject property to Tupper Road. Trimble states that the proposed adjustment “poses a concern for vehicle

traffic and parking on Creekside Loop. Reducing the 20-foot garage setback required per Code Section 17.40.30 creates a condition where the occupants will not be able to park vehicles in front of the garage without partially obstructing the sidewalk. We know from experience that occupants rarely use the garage to park vehicles, they are almost always used for storage, which would leave one useable off street parking space per unit. Therefore, occupants would most likely be parked on the public street, which is already heavily used.” Trimble suggests that either the garage setbacks be modified to meet the 20-foot setback as required by Section 17.40.30 or that the subject property be required to access Tupper Road per partition plat 2006-059.

8. Creekside Loop is a public right-of-way and not a private road intended to benefit only select property owners. The subject property only has frontage on Creekside Loop and, therefore, Creekside Loop is the access for the subject property. Prior to Creekside Loop being dedicated as a public right-of-way, the subject property did not have direct frontage on any public rights-of-way and gained access to/from Tupper Road via a 20 foot wide access and utility easement as detailed on Partition Plat 2006-059 (Exhibit G). In 2008, Creekside Loop was dedicated as a public right-of-way and the subject property gained direct access to and frontage on a public right-of-way.
9. As noted by Trimble (Exhibit F), the subject property was previously part of a partition request from 2005 under File No. 05-031 MP (Exhibit H). Findings 12 and 13 from the Final Order for File No. 05-031 MP address access to the subject property (referred to as Parcel 2 at the time) and confirm the intent for the subject property to take future access from Creekside Loop (referred to as tax lot 9005 and 9006 at the time). Finding 12 states: “The minimum lot frontage in the zoning district is 20 feet. The site has no frontage on a public street at this time, however it is likely that the site will have frontage on a public street if Tax Lots 9005 and 9006 (south of the site) are converted into public right-of-way as has been requested by the owner of Tax Lot 8801. Regardless, the applicant proposes a 20-footwide access easement benefiting Parcel 2, as well as at least 20 feet of lot width between the northern and southern property lines, which complies with the intent of the minimum lot frontage standard.” Finding 13 states: “The applicant proposes construction of a duplex on Parcel 2 at some point in the future. Future development of Parcel 2 shall comply with the development standards in effect at the time a building permit is submitted, including the setback standards of Section 17.40.30. If the developer of Parcel 2 has the ability to obtain access to/from a public right-of-way south of the site, and if the developer takes access from this right-of-way, the developer may be responsible for costs associated with construction of a public street in the right-of-way.” Since the partition approval in 2005, Creekside Loop was constructed as a public street and dedicated to the City of Sandy. As the road authority for Creekside Loop, the City of Sandy permitted new access from the subject property to Creekside Loop with the approval of File No. 18-042. Access rights are not part of this adjustment application and therefore are not an item that can be subject to review on appeal.

Chapter 17.44 – High Density Residential (R-3)

10. The subject property is zoned R-3, High Density Residential.

11. Section 17.40.30 contains setback requirements for the R-3 zoning district and requires a 20 foot garage setback. The applicant is requesting an adjustment to reduce the required garage setback for the duplex from 20 feet to 17 feet 4 inches for one unit of the duplex and 18 feet 2 inches for the second unit.

Chapter 17.66 – Adjustments and Variances

12. Section 17.66.10 specifies the intent of adjustments and states “Adjustments are a Type I or Type II procedure that provide a means to vary the development standards normally applied in a particular district. This option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zoning district regulations.”
13. Section 17.66.20 specifies that the Type I Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 10 percent. Section 17.66.30 specifies that the Type II Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 20 percent.
14. Per the submitted narrative (Exhibit B) and Site Plan (Exhibit C), the applicant is requesting an adjustment to reduce the required garage setback for the duplex from 20 feet to 18 feet 2 inches for Unit A and 17 feet 4 inches for Unit B. The proposed reduction to 18 feet 2 inches is a reduction of 1 foot 10 inches (1.833 feet), which is a 9.2 percent reduction from the required 20 foot garage setback and can thus be processed as a Type I Adjustment. The proposed reduction to 17 feet 4 inches is a reduction of 2 feet 8 inches (2.666 feet), which is a 13.3 percent reduction from the required 20 foot garage setback and can thus be processed as a Type II Adjustment.
15. Section 16.66.40 contains the review criteria for both Type I and Type II Adjustments. In order to be approved, an adjustment request must meet all four (4) criteria.
16. Adjustment Criteria A states: “The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.” The garage setback is intended to recess the garage from the public right-of-way such that the front door and porch are more prominent than the garage, with the intention of providing a friendlier pedestrian realm. An additional benefit is that the 20 foot garage setback allows a vehicle to park in the driveway in front of the garage without blocking the sidewalk, albeit this is still not likely enough depth for larger vehicle types and is the main impetus for the setback requirement of 22 feet in the SFR and R-1 zoning districts. Section 17.98.20(A.8) requires a duplex to provide two (2) off-street parking spaces per dwelling unit. Section 17.98.60(B.1) requires a standard parking space to be 9 feet by 18 feet. Section 17.98.50 allows required off-street parking to be located in a driveway for single family residences and duplexes. The proposal includes one interior garage parking space and one exterior 9 foot by 18 foot parking space located to the west of the garage for Unit A and to the east

of the garage for Unit B. Based on the floor plan submitted with the building permit (Exhibit I), the interior garage parking areas are approximately 10 feet 9.5 inches by 19 feet 6 inches, in compliance with the minimum parking area for a garage. Thus, the required two (2) off-street parking spaces are being provided without needing to count the driveway space in front of the garages as a parking space; however, it is likely that the driveway area in front of the garages will still be used for parking. The proposed driveway space in front of the garage for Unit A meets the minimum parking space requirement and could thus qualify as a third off-street parking space. However, the proposed driveway space in front of the garage for Unit B is only 17 feet 4 inches at its shortest length and thus does not meet the minimum off-street parking standard space size requirement and cannot be used for off-street parking of standard sized vehicles. Staff could require that the space in front of the garage not be used for parking; however, this would be difficult to enforce. It's likely that vehicles will park in the driveway in front of the garage regardless of whether or not their vehicle fits. Thus, staff believes the best approach is to provide at least the minimum parking space size (9 feet by 18 feet). The proposed space in front of Unit A already meets this requirement and a minimum 9 foot by 18 foot space could be accomplished by approving a Type I Adjustment, rather than a Type II Adjustment, for the garage setback in front of Unit B. **The applicant shall update the site plan to detail the garage setback for Unit B at 18 feet minimum in compliance with a Type I Adjustment.** Staff has noticed that vehicles often don't fit in the driveway space in front of the garage even with a 20 or 22 foot garage setback and vehicles frequently illegally extend into the plane of the sidewalk. A vehicle encroaching into and/or blocking the sidewalk is a violation of the Sandy Municipal Code Section 10.34.010. **The applicant shall designate the parking spaces on the sides of the two garages for oversized vehicles to help prevent the sidewalk from being blocked. Any vehicle encroaching into and/or blocking the sidewalk shall be issued a citation.** In addition to required off-street parking, Section 17.98.200(A.1) requires one (1) on-street parking space within 300 feet of each dwelling unit. Section 17.98.60(B.4) requires a parallel parking space to be 22 feet in length. The submitted Site Plan (Exhibit C) details the proposed driveway widths and remaining parking areas along the frontage of the site. However, the Public Works Director (Exhibit D) points out that these calculations misstate the effective on-street parking area because they do not take into account the driveway "wings." **The applicant shall either design the driveway approaches such that the 20 foot 4 inch widths include the wing lengths or shall update the Site Plan to reflect the actual on-street parking area that remains after the wings are subtracted. This shall include the length from the west property line to the edge of the west wing of the driveway for Unit A, the length from the edge of the east wing of the driveway for Unit A to the edge of the west wing of the driveway for Unit B, and the length from the edge of the east wing of the driveway for Unit B to the east property line.** As noted by the Public Works Director, if the applicant increases the sidewalk width to 6 feet, then the wings could decrease to 3 feet, which would result in 6 additional feet of on-street parking area while maintaining compliance with ADA requirements for the sidewalk. **The applicant shall work with the Public Works Director on approval of the construction plans for modifying the right-of-way.** A reduction to the required garage setback by up to 10 percent (a Type I Adjustment) will provide a minimum 9 foot by 18 foot parking space in the driveway area in front of each

garage and will not be contrary to the purposes of the Sandy Development Code, the policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City. The requested Type II Adjustment for the garage setback in front of Unit B would not provide the minimum 9 foot by 18 foot parking area and would therefore not meet the intent of the Sandy Development Code. With the addition of the above conditions, Criteria A can be met for a Type I Adjustment.

17. Adjustment Criteria B states: “The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code.” The reduction to garage setbacks will not substantially reduce the amount of privacy enjoyed by the residents of neighboring structures. Criteria B is met.
18. Adjustment Criteria C states: “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” The reduction to garage setbacks will not adversely affect existing physical systems and natural systems such as traffic, drainage, dramatic landforms or parks. Public and private utilities will not be affected by the setback adjustment. As the Public Works Director (Exhibit D) notes, the applicant could meet the garage setback by shifting the duplex north approximately 1.5 feet, which would necessitate adjustments to the rear and side yard setbacks instead. However, that would result in a net decrease in pervious (yard) surface and a net increase in impervious (driveway) surface. Reducing the garage setback results in a reduction of impervious surface, which results in less stormwater sheet flow than the alternative reduction to rear or side yard setbacks. Criteria C is met.
19. Adjustment Criteria D states: “Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.” The applicant is requesting a reduction to the garage setbacks. The design of the proposed duplex was previously reviewed in accordance with the Sandy Style residential design standards in Section 17.90.150. Criteria D is met.

DECISION

The applicant's request for a Type I Adjustment to the garage setback for Unit A is **approved with conditions** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the garage setback to 18 feet 2 inches for Unit A. The applicant's request for a Type II Adjustment to the garage setback for Unit B is **denied**; however, a Type I Adjustment is **approved with conditions**. The applicant is permitted to reduce the garage setback to a minimum of 18 feet for Unit B. All conditions of approval shall be met.

CONDITIONS OF APPROVAL

1. The applicant shall obtain the appropriate permits from the City of Sandy and Clackamas County prior to construction of the duplex.

- a. The applicant shall update the site plan to detail the garage setback for Unit B at 18 feet minimum.
 - b. The applicant shall either design the driveway approaches such that the 20 foot 4 inch widths include the wing lengths or shall update the Site Plan to reflect the actual on-street parking area that remains after the wings are subtracted. This shall include the length from the west property line to the edge of the west wing of the driveway for Unit A, the length from the edge of the east wing of the driveway for Unit A to the edge of the west wing of the driveway for Unit B, and the length from the edge of the east wing of the driveway for Unit B to the east property line.
 - c. The applicant shall designate the parking spaces on the sides of the two garages for oversized vehicles to help prevent the sidewalk from being blocked.
2. The applicant shall work with the Public Works Director on approval of the construction plans for modifying the right-of-way.
 3. Any vehicle encroaching into and/or blocking the sidewalk shall be issued a citation.
 4. The City may revoke this Type I Adjustment if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



Emily Meharg
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

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



Name of Appellant:			Phone Number:		
Email:			Address:		
Map & Tax Lot #:	T:	R:	Section:	Tax Lot(s)	

BASIS FOR STANDING APPEAL (please check all that apply)

Submitted written evidence during the initial review <input type="checkbox"/>
Testified orally at the hearing <input type="checkbox"/>
Participated through?

Grounds for the Appeal: Attach separate page(s) stating the ground for the appeal. The appeal must be based upon issues raised during the decision-making process or hearing. You must identify the issue with sufficient information so that the reviewing body understands under what the criteria within the Sandy Development Code, the Comprehensive Plan, or Statewide Land Use Goals you are appealing.

Relevant Code Sections: Attach separate page(s) listing the relevant code sections, which relate to the appeal application.

Please note:

* If the notice fails to conform to the above requirements or is not actually received by the City (delivered to the City Manager, Development Services Director, City Recorder or their staff) within the timelines specified, the appeal is void and shall be dismissed.

* An appeal stays an approval until resolution of the appeal.

Staff Use Only

Appeal Filed within 12 calendar days of Written Decision: Yes <input type="checkbox"/> No <input type="checkbox"/>					
Application complete: Yes <input type="checkbox"/> No <input type="checkbox"/>					
Scheduled for review before the: Planning Commission <input type="checkbox"/> City Council <input type="checkbox"/>					
File No.:		Date of Decision:		Date Notice of Decision Mailed:	
Appeal Fee:		Date Appeal Filed:		Date Set for Hearing:	

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

APPEAL

NOTICE OF LAND USE DECISION

NOTICE DATE: December 30, 2020

File No. 20-49 ADJ Creekside Loop Garage Setback Adjustment

January 11, 2021

This letter is to appeal the land use decision approving the Type I Adjustment for the garage setback for Unit A and the denial/approval with conditions for the garage setback for Unit B at the duplex located at 38797 & 38799 Creekside Loop.

As an adjacent property owner, I am seeking review of this decision. I had submitted comments on December 19th, 2020 on the initial File No 20-049 ADJ with my reasons for requesting the denial of this adjustment and still believe the adjustment should be denied for these reasons:

The adjustment being proposed in File 20-049 ADJ, poses a concern for vehicle traffic and parking on Creekside Loop. Reducing the 20-foot garage setback required per Code Section 17.40.30 creates a condition where the occupants will not be able to park vehicles in front of the garage without partially obstructing the sidewalk.

The access off Creekside Loop contradicts the recorded Partition Plat 2006-059 and the conditions of approval of File 18-042 DR, which has the access off Tupper Road. No notice regarding this access change was provided to the public or surrounding property owners.

We encourage the city to deny the adjustment and ensure the applicant provides the full 20-foot setback for the garage of both units as required by Code Section 17.40.30 or the applicant revises the access to be off Tupper Road.

Thank you for your consideration,

William Trimble
503-702-3923
PO Box 10
Sandy, OR 97055
trimblerentals@gmail.com

3. Other uses similar in nature.

B. Conditional Uses:

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

17.40.30 DEVELOPMENT STANDARDS

Type	Standard
Minimum Average Lot Width - Single detached dwelling - Single detached zero lot line dwelling - Single attached zero lot line dwelling - Other permitted uses	40 ft. 30 ft. 20 ft. No minimum
Minimum Lot Frontage	20 ft. except as allowed by Section 17.100.160
Minimum Average Lot Depth	No minimum
Setbacks - Front yard - Rear yard - Side yard (interior) - Corner Lot - Garage	10 ft. minimum 15 ft. minimum 5 ft. minimum ¹ 10 ft. minimum on side abutting the street ³ 20 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street (subject to Section 1.79.220) 5 ft. minimum for alley or rear access
Projections into Required Setbacks	See Chapter 17.74
Accessory Structures in Required Setbacks	See Chapter 17.74
Multi-family – Landscaping Setbacks	25% minimum See Section 17.90.230
Structure Height	35 ft. maximum
Building Site Coverage	No maximum
Landscaping	See Chapter 17.92
Off-Street Parking	See Chapter 17.98

¹ Excluding zero lot line development

³ Must comply with clear vision requirements of Chapter 17.74

FINDINGS OF FACT and FINAL ORDER
TYPE III APPEAL DECISION

DATE: March 31, 2021

FILE NO.: 21-001 AP

PROJECT NAME: 38797 & 38799 Creekside Loop Garage Setback Adjustment Appeal

APPLICANT/OWNER: Jeff Newberry

APPELLANT: William Trimble

LEGAL DESCRIPTION: T2S R4E Section 13CA Tax Lot 9008

The above-referenced proposal was reviewed as an Appeal of a Type I and Type II Adjustment request. As discussed further in this Order, the Planning Commission ultimately denies the appeal and upholds the staff decision from the final order for File No. 20-049 ADJ dated December 30, 2020. The following Findings of Fact are adopted to support denial of the appeal in accordance with the Sandy Municipal Code.

FINDINGS OF FACT

General

1. Jeff Newberry previously submitted an application (File 20-049 ADJ) requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request). The applicant proposed four off-street parking spaces for the duplex (two spaces for each dwelling unit) in addition to the area in front of the garages that can accommodate smaller vehicles. The reduced setback request allows construction of a duplex on the lot while meeting all other applicable setback requirements. This duplex was previously approved on November 7, 2018 (File No. 18-042 DR) and a building permit application was received on October 30, 2020 within the two (2) year application approval period, so the approval of File No. 18-042 DR is active and valid.
2. Staff approved the applicant's request for a Type I Adjustment to the garage setback for Unit A with conditions in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40, and permitted the applicant to reduce the garage setback to 18 feet 2 inches for Unit A. Staff denied the applicant's request for a Type II Adjustment to the garage setback for Unit B; however, staff approved a Type I Adjustment with conditions and permitted the applicant to reduce the garage setback to a minimum of 18 feet for Unit B.

3. William Trimble appealed the staff decision on January 11, 2021 (File No. 21-001 AP). Mr. Trimble stated the garage setback adjustment should be denied and requested that the Planning Commission “deny the adjustment and ensure the applicant provides the full 20-foot setback for the garage of both units as required by Code Section 17.40.30 or the applicant revises the access to be off Tupper Road.”
4. The Planning Commission reviewed the appeal at a public hearing on March 29, 2021. Jeff Newberry spoke as the applicant and Aryn Ferguson spoke on behalf of the appellant. There were no public comments.
5. Staff recommended the Planning Commission review the final order for File No. 20-049 ADJ and the appellant’s notice of intent to appeal and do one of the following:
 - a. Uphold the staff decision to approve a Type I adjustment to the garage setback for both units of the duplex per the final order for File No. 20-049 ADJ dated December 30, 2020.
 - b. Deny both garage setback adjustment requests and require the garage setbacks for both units of the duplex to meet the 20 foot minimum setback as requested by the appellant and required by Section 17.40.30.
 - c. Approve the applicant’s original adjustment requests, which includes both a Type I and Type II garage setback adjustment.
6. The Planning Commission discussed the applicant’s garage setback adjustment request, the appellant’s request to deny the requested garage setback adjustments, and staff’s decision to approve Type I adjustments for both units of the duplex. The Planning Commission agreed with staff that Type I adjustments to the garage setback are in compliance with the adjustment criteria in Section 17.66.40.

DECISION

For the reasons described above, the Planning Commission **denies** the appeal of the garage setback adjustment request by William Trimble by a vote of 6-1.

The Planning Commission upholds the staff decision as outlined in the Final Order for File No. 20-049 ADJ dated December 30, 2020. The Planning Commission adopts by reference the findings and conclusions contained in the staff’s December 30, 2020 Final Order for File No. 20-049 ADJ.



March 31, 2021

Jerry Crosby
Planning Commission Chair

Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

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

EXHIBIT E



Notice of Intent to Appeal

1 page

Name of Appellant:	William Trimble	Phone Number:	503.702.3923	
Email:	trimblerentals@gmail.com	Address:	P.O. Box 10, Sandy OR 97055	
Map & Tax Lot #:	T: 25	R: 4E	Section: 13CA	Tax Lot(s) 9008

BASIS FOR STANDING APPEAL (please check all that apply)

Submitted written evidence during the initial review <input checked="" type="checkbox"/>
Testified orally at the hearing <input type="checkbox"/>
Participated through? Appearance by representative Aryn Ferguson

Grounds for the Appeal: Attach separate page(s) stating the ground for the appeal. The appeal must be based upon issues raised during the decision-making process or hearing. You must identify the issue with sufficient information so that the reviewing body understands under what the criteria within the Sandy Development Code, the Comprehensive Plan, or Statewide Land Use Goals you are appealing.

Relevant Code Sections: Attach separate page(s) listing the relevant code sections, which relate to the appeal application.

Please note:

* If the notice fails to confirm to the above requirements or is not actually received by the City (delivered to the City Manager, Development Services Director, City Recorder or their staff) within the timelines specified, the appeal is void and shall be dismissed.

* An appeal stays an approval until resolution of the appeal.

Staff Use Only

Appeal Filed within 12 calendar days of Written Decision: Yes <input type="checkbox"/> No <input type="checkbox"/>				
Application complete: Yes <input type="checkbox"/> No <input type="checkbox"/>				
Scheduled for review before the: Planning Commission <input type="checkbox"/> City Council <input type="checkbox"/>				
File No.:		Date of Decision:		Date Notice of Decision Mailed:
Appeal Fee:		Date Appeal Filed:		Date Set for Hearing:

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

17.28.20 REQUIREMENTS OF APPEAL APPLICATION

A. An application for an appeal shall contain at least the following:

1. An identification of the decision sought to be reviewed, including the date of the decision;

Response: The appellant appeals the decision of the City of Sandy Planning Decision dated March 31, 2021 in File No. 21-001 Ap Creekside loop Garage Setback Adjustment Appeal. A Copy of the Planning Commission Decision is attached as Exhibit 1. The Notice of Decision attached as Exhibit 3 provides more relevant information pertaining to the subject property, the application and the decision.

A copy of the Staff Decision of the underlying file, 20-049 ADJ, is attached as Exhibit 3.

The property that is the subject of the appeal is 38797 Creekside Loop and 38799 Creekside Loop. T2S, R4E, Section 13CA TL 9008. See Exhibit 4.

2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;

Response: The Appellant, William B. Trimble, owns property adjacent to the subject property that takes access via Creekside Drive, and is adversely affected and aggrieved by the Planning Commission decision. Mr. Trimble was a party to the initial proceedings and also appealed the staff decision to the Planning Commission on January 11, 2021. See Exhibit 2.

3. The specific grounds relied upon for review;

Response: Adjustment Criterion 17.66.40(c) requires an applicant for an adjustment to demonstrate that the “proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” In this case, the approval granting the adjustment the conditions of approval from file 05-031 MP and what is shown on the plat map 2006-059, which shows access off Tupper Road. Approving the adjustment adversely affects traffic on Creekside because it reduces the amount of on-street parking available on Creekside Loop. On street parking on Creekside loop will also make exiting the subject property difficult, because of the blind spots created by the parked cars. Driveway access at this location creates a safety hazard due to the parked cars.

Furthermore, as stated in our December 18, 2020 letter:

The adjustment being proposed in File 20-049 ADJ, poses a concern for vehicle traffic and parking on Creekside Loop. Reducing the 20-foot garage setback required per Code Section 17.40.30 creates a condition where the occupants will not be able to park vehicles in front of the garage without partially obstructing the sidewalk. We know from experience that occupants rarely use the garage to park vehicles, they are almost always used for storage, which would leave one useable off street parking space per unit.

Therefore, occupants would most likely be parked on the public street, which is already heavily used. We suggest the following options:

1. The garage setbacks in File 20-049 ADJ be modified to meet the 20-foot setback as required by code section 17.40.30.
2. Utilize the access off Tupper Road per partition plat 2006-059.

We also ask that File 20-049 ADJ be further reviewed by the Development Services Director and/or the Planning Commission. We also believe that File No. 18-042 DR, related to File 20-049 ADJ should be subject to the conditions as put forth in File 05-031 MP.

Staff states that access on Creekside Loop was determined in 18-042 DR, a type I review which did not require public notice. However, any substantial change to the plat map should have triggered a replat process, and should have been subject to public review.

Finally, the city is going to approve access to Creekside Loop, it should condition the adjustment on the developer reimbursing Mr. Trimble and Hughes on a pro-rata basis for the cost of the Off-site portions of Creekside Loop. Finding 13 states: "The applicant proposes construction of a duplex on Parcel 2 at some point in the future. Future development of Parcel 2 shall comply with the development standards in effect at the time a building permit is submitted, including the setback standards of Section 17.40.30. If the developer of Parcel 2 [Now Parcel 4] has the ability to obtain access to/from a public right-of-way south of the site, and if the developer takes access from this right-of-way, the developer may be responsible for costs associated with construction of a public street in the right-of-way."

4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and

Response: The appellant does not request a de novo hearing.

5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed.

Response: A credit card authorization form, authorizing the amount of \$785.00, is attached to this appeal.

6. The name and mailing address of the person or entity appealing the decision.

Response: William Trimble, P.O. Box 10, Sandy, OR 97055
trimblerentals@gmail.com

FINDINGS OF FACT and FINAL ORDER
TYPE III APPEAL DECISION

DATE: March 31, 2021

FILE NO.: 21-001 AP

PROJECT NAME: 38797 & 38799 Creekside Loop Garage Setback Adjustment Appeal

APPLICANT/OWNER: Jeff Newberry

APPELLANT: William Trimble

LEGAL DESCRIPTION: T2S R4E Section 13CA Tax Lot 9008

The above-referenced proposal was reviewed as an Appeal of a Type I and Type II Adjustment request. As discussed further in this Order, the Planning Commission ultimately denies the appeal and upholds the staff decision from the final order for File No. 20-049 ADJ dated December 30, 2020. The following Findings of Fact are adopted to support denial of the appeal in accordance with the Sandy Municipal Code.

FINDINGS OF FACT

General

1. Jeff Newberry previously submitted an application (File 20-049 ADJ) requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request). The applicant proposed four off-street parking spaces for the duplex (two spaces for each dwelling unit) in addition to the area in front of the garages that can accommodate smaller vehicles. The reduced setback request allows construction of a duplex on the lot while meeting all other applicable setback requirements. This duplex was previously approved on November 7, 2018 (File No. 18-042 DR) and a building permit application was received on October 30, 2020 within the two (2) year application approval period, so the approval of File No. 18-042 DR is active and valid.
2. Staff approved the applicant's request for a Type I Adjustment to the garage setback for Unit A with conditions in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40, and permitted the applicant to reduce the garage setback to 18 feet 2 inches for Unit A. Staff denied the applicant's request for a Type II Adjustment to the garage setback for Unit B; however, staff approved a Type I Adjustment with conditions and permitted the applicant to reduce the garage setback to a minimum of 18 feet for Unit B.

3. William Trimble appealed the staff decision on January 11, 2021 (File No. 21-001 AP). Mr. Trimble stated the garage setback adjustment should be denied and requested that the Planning Commission “deny the adjustment and ensure the applicant provides the full 20-foot setback for the garage of both units as required by Code Section 17.40.30 or the applicant revises the access to be off Tupper Road.”
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5. Staff recommended the Planning Commission review the final order for File No. 20-049 ADJ and the appellant’s notice of intent to appeal and do one of the following:
 - a. Uphold the staff decision to approve a Type I adjustment to the garage setback for both units of the duplex per the final order for File No. 20-049 ADJ dated December 30, 2020.
 - b. Deny both garage setback adjustment requests and require the garage setbacks for both units of the duplex to meet the 20 foot minimum setback as requested by the appellant and required by Section 17.40.30.
 - c. Approve the applicant’s original adjustment requests, which includes both a Type I and Type II garage setback adjustment.
6. The Planning Commission discussed the applicant’s garage setback adjustment request, the appellant’s request to deny the requested garage setback adjustments, and staff’s decision to approve Type I adjustments for both units of the duplex. The Planning Commission agreed with staff that Type I adjustments to the garage setback are in compliance with the adjustment criteria in Section 17.66.40.

DECISION

For the reasons described above, the Planning Commission **denies** the appeal of the garage setback adjustment request by William Trimble by a vote of 6-1.

The Planning Commission upholds the staff decision as outlined in the Final Order for File No. 20-049 ADJ dated December 30, 2020. The Planning Commission adopts by reference the findings and conclusions contained in the staff’s December 30, 2020 Final Order for File No. 20-049 ADJ.



March 31, 2021

Jerry Crosby
Planning Commission Chair

Date

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

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1. An identification of the decision sought to be reviewed, including the date of the decision;
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3. The specific grounds relied upon for review;
4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and,
5. Payment of required filing fees.

NOTICE OF LAND USE DECISION

NOTICE DATE: March 31, 2021

THIS NOTICE IS MAILED TO: Those previously commenting on this application.

FROM: City of Sandy Planning Division

STAFF CONTACT: Emily Meharg, Senior Planner, 503-783-2585, emeharg@ci.sandy.or.us

FILE NO.: 21-001 AP Creekside Loop Garage Setback Adjustment Appeal

EXPLANATION OF THE PROPOSAL: Jeff Newberry previously submitted an application (File 20-049 ADJ) requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request). Staff approved the applicant's request for a Type I Adjustment to the garage setback for Unit A with conditions in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40, and permitted the applicant to reduce the garage setback to 18 feet 2 inches for Unit A. Staff denied the applicant's request for a Type II Adjustment to the garage setback for Unit B; however, staff approved a Type I Adjustment with conditions and permitted the applicant to reduce the garage setback to a minimum of 18 feet for Unit B. William Trimble appealed the staff decision on January 11, 2021 (File No. 21-001 AP).

DECISION: The Planning Commission **denies** the appeal of the garage setback adjustment request by William Trimble by a vote of 6-1. The Planning Commission upholds the staff decision as outlined in the Final Order for File No. 20-049 ADJ dated December 30, 2020. The Planning Commission adopts by reference the findings and conclusions contained in the staff's December 30, 2020 Final Order for File No. 20-049 ADJ.

APPLICANT/OWNER: Jeff Newberry

LEGAL DESCRIPTION: T2S R4E Section 13CA Tax Lot 9008

SITUS ADDRESS: 38797 & 38799 Creekside Loop

DECISION PROCESS: This notice is to inform you that a decision has been issued on the above referenced land use file. This decision will not become final until 12 days following the date of the decision. Any person adversely affected or aggrieved by the decision, or any person entitled to notice of the decision may appeal the decision in a manner consistent with the City's land use procedures. An appeal of this decision cannot be made directly to the Land Use Board of Appeals. An appeal can be made to the City Council by filing an appeal, accompanied by an appeal fee, with the Development Services Director within 12 calendar days of notice of the decision. Access rights are not part of this adjustment application and therefore are not an item that can be subject to review on appeal.

FOR MORE INFORMATION: Additional information is available by contacting the staff contact listed above. A copy of the final decision, summarizing the standards and facts that justified the decision is available for review. In addition, all documents and evidence submitted with this application are also available for review.

**FINDINGS OF FACT and FINAL ORDER
TYPE I and II ADJUSTMENT**

DATE: December 30, 2020

FILE NO.: 20-049 ADJ

APPLICANT/OWNER: Jeff Newberry

LOCATION: 38797 & 38799 Creekside Loop

LEGAL: T2S R4E Section 13CA Tax Lot 9008

DECISION: Type I Adjustment request approved with conditions; Type II Adjustment request denied.

EXHIBITS:

Applicant's Submission

- A. Land Use Application
- B. Narrative
- C. Site Plan

Agency Comments

- D. Public Works Director (December 14, 2020)

Public Comments

- E. Ron Hughes (December 18, 2020)
- F. William Trimble (December 19, 2020)

Additional Documents Submitted by Staff

- G. Final Order for File No. 05-031 MP
- H. Partition Plat 2006-059
- I. Floor Plan

FINDINGS OF FACT

1. These findings are based on the applicant's submittal received on November 20, 2020. This application was deemed complete on December 8, 2020.
2. Jeff Newberry submitted an application requesting an adjustment to Section 17.40.30 to reduce the required garage setbacks for an approved duplex at 38797 and 38799 Creekside Loop from 20 feet to 17 feet 4 inches for one unit of the duplex (a Type II Adjustment request) and 18 feet 2 inches for the second unit (a Type I Adjustment request).

request). The applicant has proposed four off-street parking spaces for the duplex (two spaces for each dwelling unit) in addition to the area in front of the garages that can accommodate smaller vehicles. The reduced setback will allow construction of a duplex on the lot while meeting all other applicable setback requirements. This duplex was previously approved on November 7, 2018 (File No. 18-042 DR) and a building permit application was received on October 30, 2020 within the two (2) year application approval period, so the approval of File No. 18-042 DR is active and valid.

3. The applicant previously submitted an application to construct a duplex on the subject property (File No. 18-042), which was approved with conditions on November 7, 2018. As part of that application, the applicant submitted a site plan that detailed front loading garage entrances to be setback 15 feet-2 inches (Unit A) and 17 feet (Unit B) from the front property line. Finding 11 in the final order for File No. 18-042 states: “Subsection 17.40.30 requires front loading garage accesses to be setback 20 feet from a front property line. The applicant shall complete either alternative A or B identified below:
 - A. Redesign the site to accommodate the required 20-foot garage setback.
 - B. Apply for a Special Variance for Unit A and a Type II Adjustment for Unit B to incorporate the garage entrances as proposed.”

Condition A.1 states that prior to building permit final approval, the applicant shall “Redesign the site to accommodate the required 20-foot garage setback or apply for a Special Variance for Unit A and a Type II Adjustment for Unit B to incorporate the garage entrances as proposed. If the layout is modified the applicant shall submit a site plan to the City of Sandy for review and approval.”

4. With this application (File 20-049 ADJ), the applicant submitted a revised Site Plan (Exhibit C) that details the garage setback for Unit A (the western unit) at 18 feet 2 inches and the garage setback for Unit B (the eastern unit) at 17 feet 4 inches, both of which can be processed as adjustments. Therefore, a variance request is not necessary.
5. Notification of the proposal was mailed to property owners within 300 feet of the subject property and affected agencies on December 8, 2020. Comments were received from the Public Works Director (Exhibit D). Two public comments were received.
6. Ron Hughes submitted a written comment (Exhibit E) expressing concern about the access to this property via Creekside Loop. Hughes states: “Added vehicular traffic on this road will generate a hardship to the current owners for mail and package delivery, garbage service and police and fire protection” and prefers that the subject property access Tupper Road. Hughes’s comment did not include anything about the current application for an adjustment to the garage setback.
7. William Trimble submitted a written comment (Exhibit F) also expressing concern about access to the subject property from Creekside Loop rather than Tupper Road. The letter cites previous planning files and plats that required a driveway from the subject property to Tupper Road. Trimble states that the proposed adjustment “poses a concern for vehicle

traffic and parking on Creekside Loop. Reducing the 20-foot garage setback required per Code Section 17.40.30 creates a condition where the occupants will not be able to park vehicles in front of the garage without partially obstructing the sidewalk. We know from experience that occupants rarely use the garage to park vehicles, they are almost always used for storage, which would leave one useable off street parking space per unit. Therefore, occupants would most likely be parked on the public street, which is already heavily used.” Trimble suggests that either the garage setbacks be modified to meet the 20-foot setback as required by Section 17.40.30 or that the subject property be required to access Tupper Road per partition plat 2006-059.

8. Creekside Loop is a public right-of-way and not a private road intended to benefit only select property owners. The subject property only has frontage on Creekside Loop and, therefore, Creekside Loop is the access for the subject property. Prior to Creekside Loop being dedicated as a public right-of-way, the subject property did not have direct frontage on any public rights-of-way and gained access to/from Tupper Road via a 20 foot wide access and utility easement as detailed on Partition Plat 2006-059 (Exhibit G). In 2008, Creekside Loop was dedicated as a public right-of-way and the subject property gained direct access to and frontage on a public right-of-way.
9. As noted by Trimble (Exhibit F), the subject property was previously part of a partition request from 2005 under File No. 05-031 MP (Exhibit H). Findings 12 and 13 from the Final Order for File No. 05-031 MP address access to the subject property (referred to as Parcel 2 at the time) and confirm the intent for the subject property to take future access from Creekside Loop (referred to as tax lot 9005 and 9006 at the time). Finding 12 states: “The minimum lot frontage in the zoning district is 20 feet. The site has no frontage on a public street at this time, however it is likely that the site will have frontage on a public street if Tax Lots 9005 and 9006 (south of the site) are converted into public right-of-way as has been requested by the owner of Tax Lot 8801. Regardless, the applicant proposes a 20-footwide access easement benefiting Parcel 2, as well as at least 20 feet of lot width between the northern and southern property lines, which complies with the intent of the minimum lot frontage standard.” Finding 13 states: “The applicant proposes construction of a duplex on Parcel 2 at some point in the future. Future development of Parcel 2 shall comply with the development standards in effect at the time a building permit is submitted, including the setback standards of Section 17.40.30. If the developer of Parcel 2 has the ability to obtain access to/from a public right-of-way south of the site, and if the developer takes access from this right-of-way, the developer may be responsible for costs associated with construction of a public street in the right-of-way.” Since the partition approval in 2005, Creekside Loop was constructed as a public street and dedicated to the City of Sandy. As the road authority for Creekside Loop, the City of Sandy permitted new access from the subject property to Creekside Loop with the approval of File No. 18-042. Access rights are not part of this adjustment application and therefore are not an item that can be subject to review on appeal.

Chapter 17.44 – High Density Residential (R-3)

10. The subject property is zoned R-3, High Density Residential.

11. Section 17.40.30 contains setback requirements for the R-3 zoning district and requires a 20 foot garage setback. The applicant is requesting an adjustment to reduce the required garage setback for the duplex from 20 feet to 17 feet 4 inches for one unit of the duplex and 18 feet 2 inches for the second unit.

Chapter 17.66 – Adjustments and Variances

12. Section 17.66.10 specifies the intent of adjustments and states “Adjustments are a Type I or Type II procedure that provide a means to vary the development standards normally applied in a particular district. This option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zoning district regulations.”
13. Section 17.66.20 specifies that the Type I Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 10 percent. Section 17.66.30 specifies that the Type II Adjustment procedure allows the Director to grant or deny an adjustment request that involves only the expansion or reduction of a quantifiable provision of the Sandy Development Code by not more than 20 percent.
14. Per the submitted narrative (Exhibit B) and Site Plan (Exhibit C), the applicant is requesting an adjustment to reduce the required garage setback for the duplex from 20 feet to 18 feet 2 inches for Unit A and 17 feet 4 inches for Unit B. The proposed reduction to 18 feet 2 inches is a reduction of 1 foot 10 inches (1.833 feet), which is a 9.2 percent reduction from the required 20 foot garage setback and can thus be processed as a Type I Adjustment. The proposed reduction to 17 feet 4 inches is a reduction of 2 feet 8 inches (2.666 feet), which is a 13.3 percent reduction from the required 20 foot garage setback and can thus be processed as a Type II Adjustment.
15. Section 16.66.40 contains the review criteria for both Type I and Type II Adjustments. In order to be approved, an adjustment request must meet all four (4) criteria.
16. Adjustment Criteria A states: “The proposed development will not be contrary to the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City.” The garage setback is intended to recess the garage from the public right-of-way such that the front door and porch are more prominent than the garage, with the intention of providing a friendlier pedestrian realm. An additional benefit is that the 20 foot garage setback allows a vehicle to park in the driveway in front of the garage without blocking the sidewalk, albeit this is still not likely enough depth for larger vehicle types and is the main impetus for the setback requirement of 22 feet in the SFR and R-1 zoning districts. Section 17.98.20(A.8) requires a duplex to provide two (2) off-street parking spaces per dwelling unit. Section 17.98.60(B.1) requires a standard parking space to be 9 feet by 18 feet. Section 17.98.50 allows required off-street parking to be located in a driveway for single family residences and duplexes. The proposal includes one interior garage parking space and one exterior 9 foot by 18 foot parking space located to the west of the garage for Unit A and to the east

of the garage for Unit B. Based on the floor plan submitted with the building permit (Exhibit I), the interior garage parking areas are approximately 10 feet 9.5 inches by 19 feet 6 inches, in compliance with the minimum parking area for a garage. Thus, the required two (2) off-street parking spaces are being provided without needing to count the driveway space in front of the garages as a parking space; however, it is likely that the driveway area in front of the garages will still be used for parking. The proposed driveway space in front of the garage for Unit A meets the minimum parking space requirement and could thus qualify as a third off-street parking space. However, the proposed driveway space in front of the garage for Unit B is only 17 feet 4 inches at its shortest length and thus does not meet the minimum off-street parking standard space size requirement and cannot be used for off-street parking of standard sized vehicles. Staff could require that the space in front of the garage not be used for parking; however, this would be difficult to enforce. It's likely that vehicles will park in the driveway in front of the garage regardless of whether or not their vehicle fits. Thus, staff believes the best approach is to provide at least the minimum parking space size (9 feet by 18 feet). The proposed space in front of Unit A already meets this requirement and a minimum 9 foot by 18 foot space could be accomplished by approving a Type I Adjustment, rather than a Type II Adjustment, for the garage setback in front of Unit B. **The applicant shall update the site plan to detail the garage setback for Unit B at 18 feet minimum in compliance with a Type I Adjustment.** Staff has noticed that vehicles often don't fit in the driveway space in front of the garage even with a 20 or 22 foot garage setback and vehicles frequently illegally extend into the plane of the sidewalk. A vehicle encroaching into and/or blocking the sidewalk is a violation of the Sandy Municipal Code Section 10.34.010. **The applicant shall designate the parking spaces on the sides of the two garages for oversized vehicles to help prevent the sidewalk from being blocked. Any vehicle encroaching into and/or blocking the sidewalk shall be issued a citation.** In addition to required off-street parking, Section 17.98.200(A.1) requires one (1) on-street parking space within 300 feet of each dwelling unit. Section 17.98.60(B.4) requires a parallel parking space to be 22 feet in length. The submitted Site Plan (Exhibit C) details the proposed driveway widths and remaining parking areas along the frontage of the site. However, the Public Works Director (Exhibit D) points out that these calculations misstate the effective on-street parking area because they do not take into account the driveway "wings." **The applicant shall either design the driveway approaches such that the 20 foot 4 inch widths include the wing lengths or shall update the Site Plan to reflect the actual on-street parking area that remains after the wings are subtracted. This shall include the length from the west property line to the edge of the west wing of the driveway for Unit A, the length from the edge of the east wing of the driveway for Unit A to the edge of the west wing of the driveway for Unit B, and the length from the edge of the east wing of the driveway for Unit B to the east property line.** As noted by the Public Works Director, if the applicant increases the sidewalk width to 6 feet, then the wings could decrease to 3 feet, which would result in 6 additional feet of on-street parking area while maintaining compliance with ADA requirements for the sidewalk. **The applicant shall work with the Public Works Director on approval of the construction plans for modifying the right-of-way.** A reduction to the required garage setback by up to 10 percent (a Type I Adjustment) will provide a minimum 9 foot by 18 foot parking space in the driveway area in front of each

garage and will not be contrary to the purposes of the Sandy Development Code, the policies of the Comprehensive Plan, or any other applicable policies and standards adopted by the City. The requested Type II Adjustment for the garage setback in front of Unit B would not provide the minimum 9 foot by 18 foot parking area and would therefore not meet the intent of the Sandy Development Code. With the addition of the above conditions, Criteria A can be met for a Type I Adjustment.

17. Adjustment Criteria B states: “The proposed development will not substantially reduce the amount of privacy enjoyed by users of nearby structures when compared to the same development located as specified by this Code.” The reduction to garage setbacks will not substantially reduce the amount of privacy enjoyed by the residents of neighboring structures. Criteria B is met.
18. Adjustment Criteria C states: “The proposed development will not adversely affect existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks.” The reduction to garage setbacks will not adversely affect existing physical systems and natural systems such as traffic, drainage, dramatic landforms or parks. Public and private utilities will not be affected by the setback adjustment. As the Public Works Director (Exhibit D) notes, the applicant could meet the garage setback by shifting the duplex north approximately 1.5 feet, which would necessitate adjustments to the rear and side yard setbacks instead. However, that would result in a net decrease in pervious (yard) surface and a net increase in impervious (driveway) surface. Reducing the garage setback results in a reduction of impervious surface, which results in less stormwater sheet flow than the alternative reduction to rear or side yard setbacks. Criteria C is met.
19. Adjustment Criteria D states: “Architectural features of the proposed development will be compatible to the design character of existing structures on adjoining properties and on the proposed development site.” The applicant is requesting a reduction to the garage setbacks. The design of the proposed duplex was previously reviewed in accordance with the Sandy Style residential design standards in Section 17.90.150. Criteria D is met.

DECISION

The applicant's request for a Type I Adjustment to the garage setback for Unit A is **approved with conditions** in conformance with the criteria outlined in the Sandy Development Code, Section 17.66.40. The applicant is permitted to reduce the garage setback to 18 feet 2 inches for Unit A. The applicant's request for a Type II Adjustment to the garage setback for Unit B is **denied**; however, a Type I Adjustment is **approved with conditions**. The applicant is permitted to reduce the garage setback to a minimum of 18 feet for Unit B. All conditions of approval shall be met.

CONDITIONS OF APPROVAL

1. The applicant shall obtain the appropriate permits from the City of Sandy and Clackamas County prior to construction of the duplex.

- a. The applicant shall update the site plan to detail the garage setback for Unit B at 18 feet minimum.
 - b. The applicant shall either design the driveway approaches such that the 20 foot 4 inch widths include the wing lengths or shall update the Site Plan to reflect the actual on-street parking area that remains after the wings are subtracted. This shall include the length from the west property line to the edge of the west wing of the driveway for Unit A, the length from the edge of the east wing of the driveway for Unit A to the edge of the west wing of the driveway for Unit B, and the length from the edge of the east wing of the driveway for Unit B to the east property line.
 - c. The applicant shall designate the parking spaces on the sides of the two garages for oversized vehicles to help prevent the sidewalk from being blocked.
2. The applicant shall work with the Public Works Director on approval of the construction plans for modifying the right-of-way.
 3. Any vehicle encroaching into and/or blocking the sidewalk shall be issued a citation.
 4. The City may revoke this Type I Adjustment if conditions of approval are not met. Approval does not grant authority for the unrestricted use of the structure or site.



Emily Meharg
Senior Planner

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

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

24 E 13CA
SANDY
N.E. 1/4 S.W. 1/4 SEC. 13 T.2S. R.4E. W.M.
CLACKAMAS COUNTY
1" = 100'

- Cancelled Taxlots**
- 501 8790
 - 600 8006
 - 800 8006E1
 - 900 8006E2
 - 1000 1100
 - 1100 1300
 - 1200 1300
 - 1300 1500
 - 1400 1500
 - 1500 1600
 - 1600 1700
 - 1700 1800
 - 1800 1900
 - 1900 2000
 - 2000 2100
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 - 11900 12000
- Legend:**
- Parcel Boundary
 - Private Road ROW
 - Historical Boundary
 - Historical Centerline
 - Railroad Centerline
 - Tax-Cast Lines
 - Map Index
 - Water Lines
 - Land Use Zoning
 - Plats
 - Water
 - Corner
 - Section Corner
 - 1/16th Line
 - Govt. Lot Line
 - DLC Line
 - Meander Line
 - PLSS Section Line
 - Historic Corner 40'
 - Historic Corner 20'

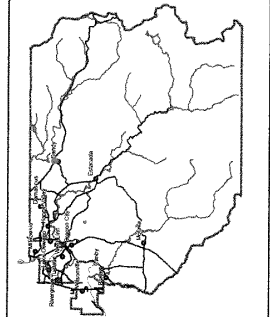


EXHIBIT 4

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

24 E 13CA
SANDY

11/19/2018



4/19/2021

City of Sandy Mail - FW: City of Sandy Council Hearing Notice

EXHIBIT F



Emily Meharg <emeharg@ci.sandy.or.us>

FW: City of Sandy Council Hearing Notice

Ernie Brache <ebrache@aecinc.com>

Mon, Apr 19, 2021 at 3:10 PM

To: "planning@ci.sandy.or.us" <planning@ci.sandy.or.us>

Cc: Marcel Brache <marcel.brache@aecinc.com>, Ernie Brache <ebrache@aecinc.com>

Please be advised that we have no objection to this variance. It seems well within reason to approve the variance.

Thank you.

Ernie Brache

President

AEC Inc.

P: 503.668.0656 Ext. 1006

D: 503.878.7057

C: 503.680.4773

 **City of Sandy - City Council Hearing Notice 4-13-21.pdf**
969K

38797 & 38799 Creekside Loop Garage Setback Adjustment Second Appeal




City Council, May 17, 2021



38797 & 38799 CREEKSIDE LOOP VICINITY MAP



Legend

-  38797 & 38799 Creekside Loop
-  June 2020 Taxlots
-  City Limits

Background

- Duplex was approved with conditions on November 7, 2018 (File No. 18-042 DR).
- Condition A.1 stated that prior to building permit final approval, the applicant shall “Redesign the site to accommodate the required 20-foot garage setback or apply for a Special Variance for Unit A and a Type II Adjustment for Unit B to incorporate the garage entrances as proposed. If the layout is modified the applicant shall submit a site plan to the City of Sandy for review and approval.”
- Building permit application was received on October 30, 2020 within the 2 year application approval period, so the approval of File No. 18-042 DR is active and valid.



Garage Setback Adjustment Request - File No. 20-049 ADJ

- Applicant submitted a revised site plan in compliance with Condition A.1 of Final Order 18-042 with updated proposed garage setbacks.
- Requested adjustments to Section 17.40.30 to reduce the required garage setbacks for an approved duplex from 20 feet to:
 - 18'-2" for one unit of the duplex (a Type I Adjustment)
 - 17'-4" for the second unit (a Type II Adjustment).







PROPERTY CONTINUES NORTH.
REFER TO TOPO SURVEY

PROJECT INFORMATION

LEGAL DESCRIPTION: T52 R4E SECTION 13 TAX LOT 9008
LAND USE FILE NO.: 18-042 DR
ADDRESS: NA
ZONING DISTRICT: R-3
LOT AREA: 5636 SF
TOTAL NEW IMPERVIOUS AREA (ROOF AND DRIVEWAYS): 2597SF

LANDSCAPING KEY

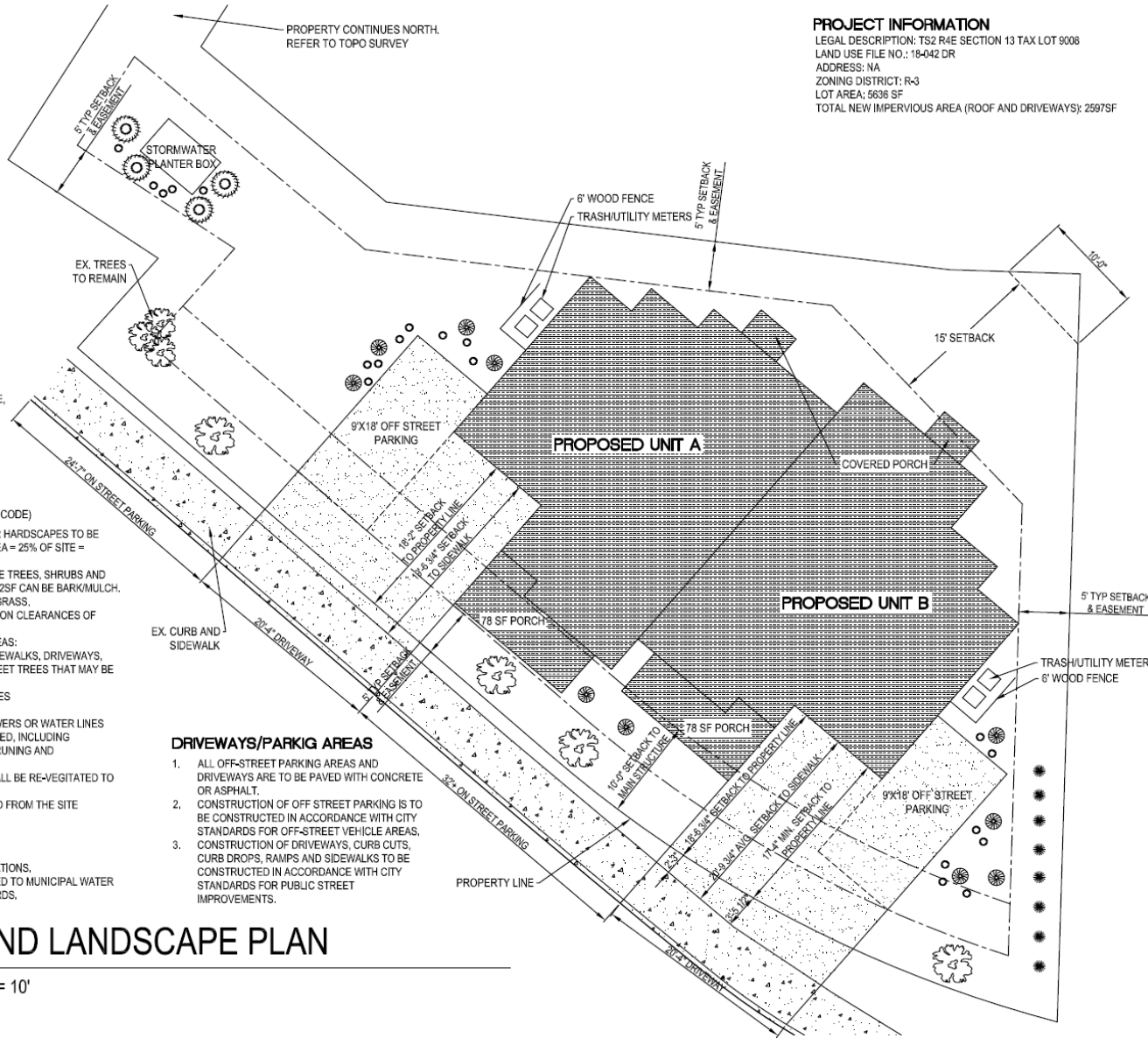
-  = NEW PAPERBARK MAPLE STREET TREE. 4 TOTAL. TO BE 7' TALL AND 1.5" CALIPER MEASURED 6" ABOVE GROUND MIN. AT TIME OF PLANTING. BALLED AND BURLAPPED.
-  = WESTERN RED CEDAR TO BE 5' TALL MIN. AT TIME OF PLANTING.
-  = RHODODENDRON OR SIMILAR SHRUB, 5 GAL.
-  = HEAVENLY BAMBOO OR SIMILAR SHRUB/HEDGE, 2 GAL.
-  = BLUE OAT GRASS OR SIMILAR GRASS OR GROUND COVER, 1 GAL.

LANDSCAPING NOTES (REF. 17.92.20 ZONING CODE)

1. ALL ON SITE AREAS NOT OCCUPIED BY BUILDINGS OR HARDSCAPES TO BE LANDSCAPED. MINIMUM REQUIRED LANDSCAPED AREA = 25% OF SITE = $25 \times 5636 = 1,409\text{SF}$.
2. 75% OF LANDSCAPED AREA = $1409 \times 0.75 = 1057\text{SF}$. TO BE TREES, SHRUBS AND GROUND COVER. THE REMAINING 25% = $1409 \times 0.25 = 352\text{SF}$ CAN BE BARK/MULCH. ALL REMAINING SITE AREAS TO BE BARK/MULCH OR GRASS.
3. LANDSCAPING SHALL NOT BE PERMITTED WITHIN VISION CLEARANCES OF DRIVEWAYS.
4. TREES MAY NOT BE PLANTED IN THE FOLLOWING AREAS:
 - 4.1. WITHIN 5' OF PERMANENT HARD SURFACES (SIDEWALKS, DRIVEWAYS, ETC.) THE EXCEPTION ARE THE APPROVED STREET TREES THAT MAY BE PLANTED IN AN ADEQUATE PLANTING STRIP.
 - 4.2. WITHIN 10' OF FIRE HYDRANTS AND UTILITY POLES
 - 4.3. WITHIN 5' OF EXISTING CURBS
 - 4.4. WITHIN 10' OF PUBLIC SANITARY OR STORM SEWERS OR WATER LINES
5. ALL LANDSCAPING SHALL BE CONTINUALLY MAINTAINED, INCLUDING NECESSARY WATERING (MANUAL OR AUTOMATIC), PRUNING AND REPLACEMENT OF DEAD AND DYING VEGETATION.
6. ANY AREAS DISTURBED DURING CONSTRUCTION SHALL BE RE-VEGETATED TO PRE-PROJECT CONDITIONS.
7. NO TREES GREATER THAN 8" DIA. SHALL BE REMOVED FROM THE SITE WITHOUT CITY STAFF REVIEW AND APPROVAL.

UTILITIES

1. REFER TO TOPO SURVEY FOR AS-BUILT UTILITY LOCATIONS.
2. THE PROPOSED DEVELOPMENT SHALL BE CONNECTED TO MUNICIPAL WATER AND SANITARY SEWER PER CODE AND CITY STANDARDS.



DRIVEWAYS/PARKING AREAS

1. ALL OFF-STREET PARKING AREAS AND DRIVEWAYS ARE TO BE PAVED WITH CONCRETE OR ASPHALT.
2. CONSTRUCTION OF OFF STREET PARKING IS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY STANDARDS FOR OFF-STREET VEHICLE AREAS.
3. CONSTRUCTION OF DRIVEWAYS, CURB CUTS, CURB DROPS, RAMPS AND SIDEWALKS TO BE CONSTRUCTED IN ACCORDANCE WITH CITY STANDARDS FOR PUBLIC STREET IMPROVEMENTS.

1
A2

SITE AND LANDSCAPE PLAN

SCALE : 1" = 10'

PROPOSED UNIT A

9'X18' OFF STREET
PARKING

18'-2" SETBACK
TO PROPERTY LINE

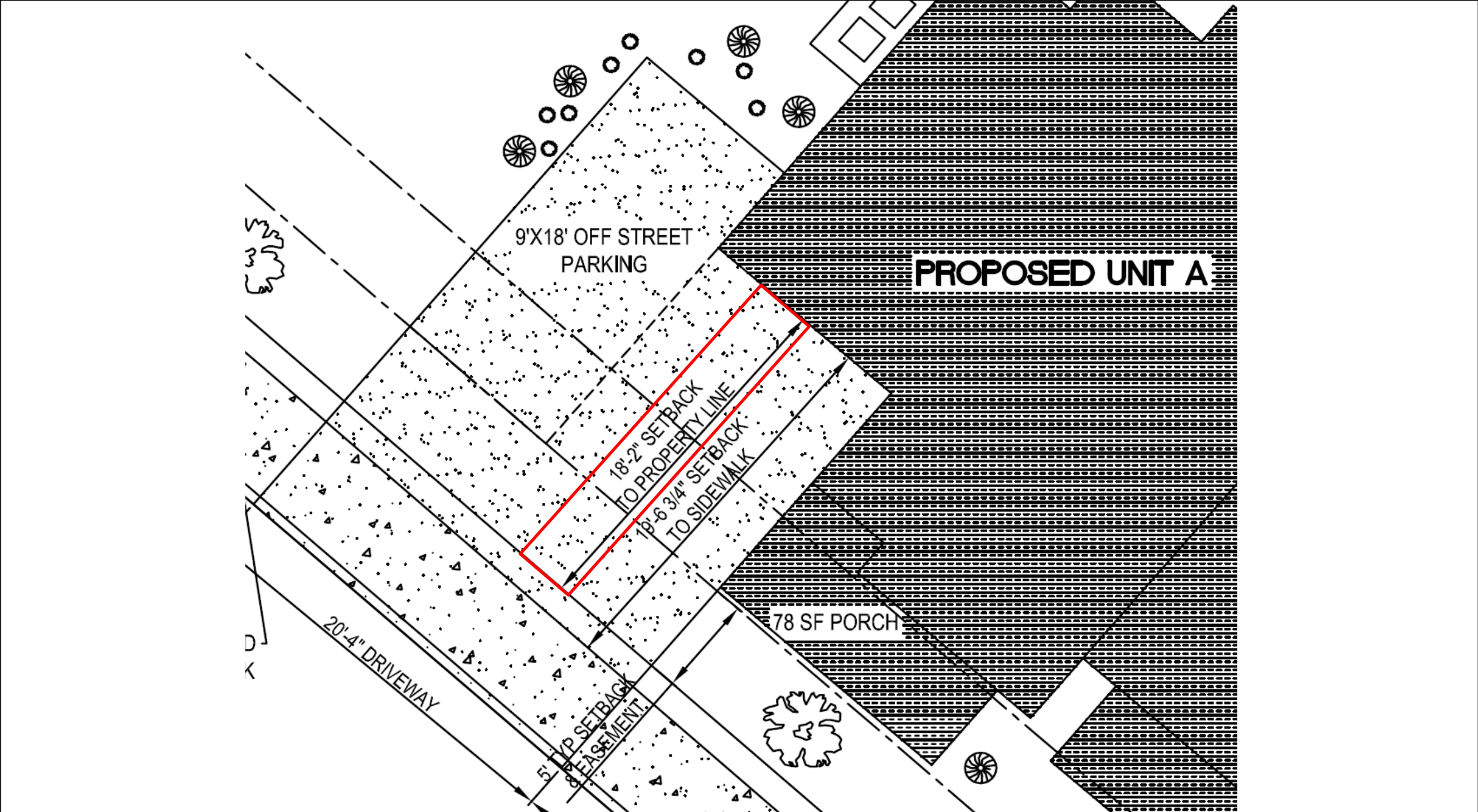
18'-6 3/4" SETBACK
TO SIDEWALK

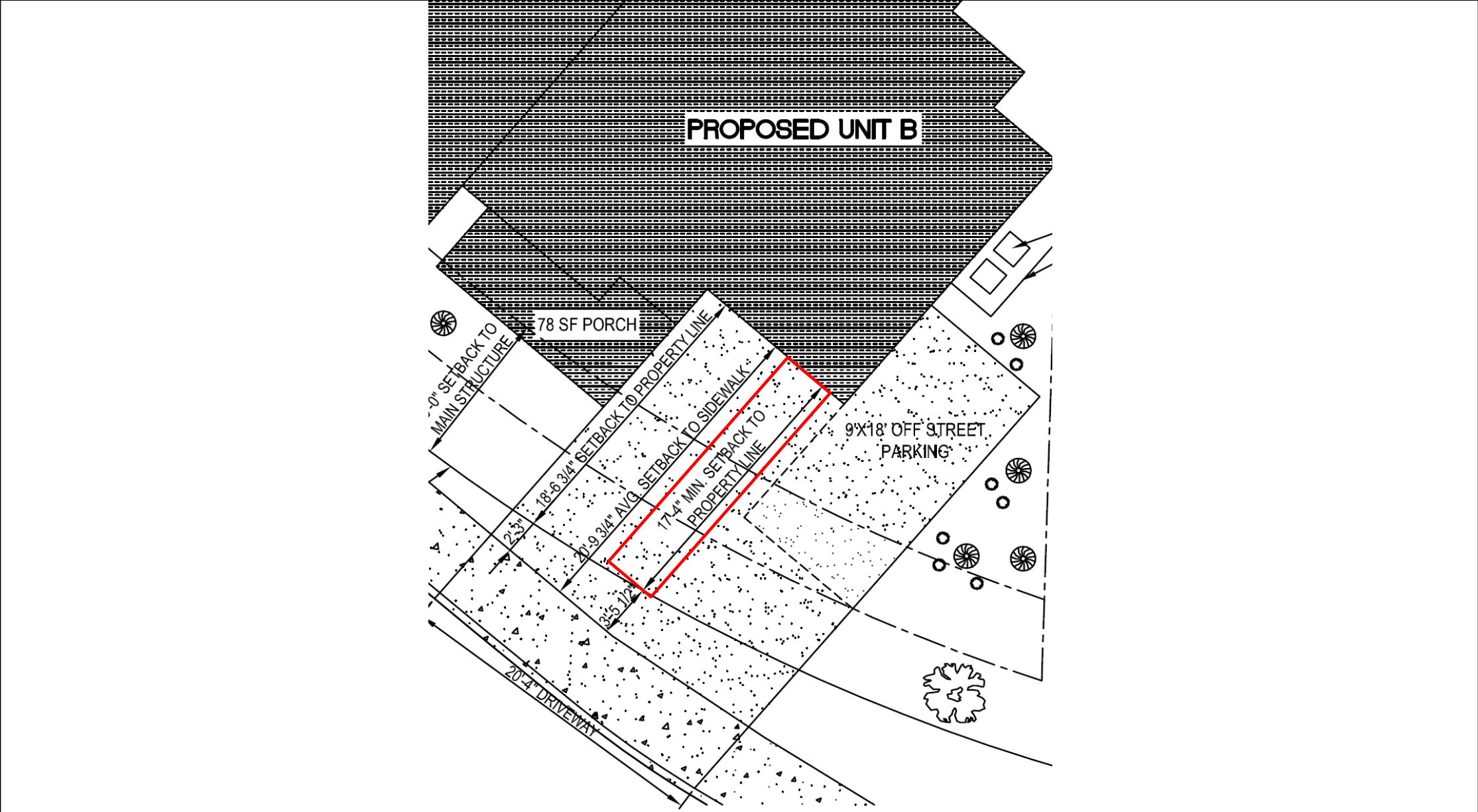
78 SF PORCH

20'-4" DRIVEWAY

5' TYP SETBACK
EASEMENT

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K





Staff Decision - File No. 20-049 ADJ

- Applicant's request for a Type I Adjustment to the garage setback for Unit A was approved with conditions in conformance with the criteria outlined in Section 17.66.40. The applicant is permitted to reduce the garage setback to 18 feet 2 inches for Unit A.
- Applicant's request for a Type II Adjustment to the garage setback for Unit B was denied; however, a Type I Adjustment was approved with conditions. The applicant is permitted to reduce the garage setback to a minimum of 18 feet for Unit B.



First Appeal of Garage Setback Adjustment Decision (File No. 21-001 AP)

- William Trimble appealed the staff decision on January 11, 2021. Mr. Trimble believes the garage setback adjustment should be denied and requests that the Planning Commission deny the adjustment and ensure the applicant provides the full 20-foot setback for the garage of both units as required by Section 17.40.30.



Planning Commission Decision - File No. 21-001 AP

- The Planning Commission heard the appeal on March 29, 2021.
- The Planning Commission denied the appeal and issued a final order upholding the staff decision on March 31, 2021.



Second Appeal of the Garage Setback Adjustment Decision (File No. 21-018 AP)

- William Trimble appealed the Planning Commission decision on April 12, 2021. The appellant states that he owns property adjacent to the subject property that takes access via Creekside Loop and is adversely affected and aggrieved by the Planning Commission decision.
- Staff notes that Creekside Loop does not have a reimbursement district and therefore access to Creekside Loop for Mr. Newberry's duplex shall not include reimbursement to Trimble or Hughes. Access rights to Creekside Loop and reimbursements are a moot point and cannot be made part of this appeal process.



Documents to Review

Staff recommends the City Council review the following documents:

- The applicant's original submittal items for the garage setback adjustment request (File No. 20-049 ADJ).
- The Final Order issued for File No. 20-049 ADJ, which includes the original public testimony submitted by Mr. Trimble (the appellant) as well as staff's analysis of the adjustment request and rationale for the decision.
- The appellant's notice of intent to appeal dated January 11, 2021, which includes the appellant's reasons for appealing the staff decision and requesting denial of the adjustment.
- The Final Order issued for File No. 21-001 AP, which includes the Planning Commission's denial of the appeal.
- The appellant's notice of intent to appeal dated April 12, 2021, which includes the appellant's reasons for appealing the Planning Commission decision.



Staff Recommendation

Staff recommends the City Council do one of the following:

- Uphold the staff and Planning Commission decision to approve a Type I adjustment to the garage setback for both units of the duplex per the final order for File No. 20-049 ADJ dated December 30, 2020.
- Deny both garage setback adjustment requests and require the garage setbacks for both units of the duplex to meet the 20-foot minimum setback as requested by the appellant and required by Section 17.40.30.
- Approve the applicant's original adjustment requests, which includes both a Type I and Type II garage setback adjustment.

