



City of Sandy

Agenda

City Council Meeting

Meeting Date: Tuesday, January 17, 2023

Meeting Time: 6:00 PM

Page

1. MEETING FORMAT NOTICE

This meeting will be conducted in a hybrid in-person / online format. The Council will be present in-person in the Council Chambers and members of the public are welcome to attend in-person as well. Members of the public also have the choice to view and participate in the meeting online via Zoom.

To attend the meeting in-person

Come to Sandy City Hall (lower parking lot entrance).
39250 Pioneer Blvd., Sandy, OR 97055

To attend the meeting online via Zoom

Please use this link: <https://us02web.zoom.us/j/83290857188>

Or by phone: (253) 215-8782; Meeting ID: 83290857188

Please also note the public comment signup process below.

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. Community Campus Park Development Plan

4 - 19

[Community Campus Park Development Plan - Pdf](#)
[Presentation Slides](#)

3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. PLEDGE OF ALLEGIANCE

5. ROLL CALL

6. CHANGES TO THE AGENDA

7. PUBLIC COMMENT

Please note: The opportunities to provide comment on Ordinance 2022-26 and Ordinance 2023-01 will occur later in the agenda.

The Council welcomes your comments on other matters at this time.

If you are attending the meeting in-person

Please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

If you are attending the meeting via Zoom

Please complete the [online comment signup webform](#) by 3:00 p.m. on the day of the meeting.

The Mayor will call on each person when it is their turn to speak for up to three minutes.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

9. CONSENT AGENDA

- | | | |
|------|--|---------|
| 9.1. | <u>City Council Minutes</u> | 20 - 25 |
| | City Council - 03 Jan 2023 - Minutes - Pdf | |
| 9.2. | <u>Update Bank Signatories</u> | 26 - 28 |
| | Resolution 2022-29 | |
| | Update Bank Signatories - Pdf | |
| 9.3. | <u>Audit Corrective Plan of Action</u> | 29 - 32 |
| | Resolution 2023-03 | |
| | Audit Corrective Plan of Action FY 2022 - Pdf | |
| 9.4. | <u>Sandy Police Association Collective Bargaining Agreement</u> | 33 - 78 |
| | Sandy Police Association Collective Bargaining Agreement - Pdf | |

10. ORDINANCES

- | | | |
|-------|---|----------|
| 10.1. | <u>PUBLIC HEARING: Industrial Design Standards Modifications</u> | 79 - 98 |
| | Ordinance 2023-01 | |
| | Industrial Design Standards Modifications - Pdf | |
| | Staff Presentation Slides | |
| 10.2. | <u>PUBLIC HEARING: Self-Service Storage Code Amendments</u> | 99 - 221 |
| | Ordinance 2022-26 | |
| | 22-043 DCA Self-service storage code amendments - Pdf | |
| | Staff Presentation Slides | |

11. OLD BUSINESS

11.1. **Hoodview Disposal & Recycling Rate Increase Request**

222 - 232

Resolution 2023-02

[Hoodview Disposal & Recycling Rate Increase Request - Pdf](#)

12. NEW BUSINESS

(none)

13. REPORT FROM THE CITY MANAGER

14. COMMITTEE /COUNCIL REPORTS

15. STAFF UPDATES

15.1. [Monthly Reports](#)

16. ADJOURN



Staff Report

Meeting Date: January 17, 2023

From Rochelle Anderholm-Parsch, Parks and Recreation Director

SUBJECT: Community Campus Park Improvement

PURPOSE / OBJECTIVE:

The Council will receive an update about the Community Campus Park Improvement. The Council will get to meet the design and engineering consultants, Lango Hansen Landscape Architects and American Ramp Company (ARC). Lango Hansen will present on the next steps for the park improvement and the goals and vision of the park will be discussed. ARC will provide an update on the design and public engagement of the skate park and pump track portion of the park improvement

BACKGROUND / CONTEXT:

It was the desire of the Council that the Parks and Recreation Department proceed with the development of a community park at the Community Campus.

On Jan. 3, 2023 the City Council awarded two contracts related to the Community Campus Park Improvement. The first contract was for the design and engineering for the park improvement, and the second was for the design of a pump track and skate park.

The design and engineering contract was awarded to Lango Hansen Landscape Architects.

The pump track and skate park design contract was awarded to American Ramp Company (ARC).

CONSULTANTS OVERVIEW OF SCOPE:

Lango Hansen:

Lango Hansen will provide project management and administration, schematic design and public engagement. Public engagement includes; PAC meetings, Parks and Trails Advisory Board meetings, council meetings, 3 public open houses, online surveys, and city staff meetings. Lango Hansen is also assisting the City with submitting for the Oregon Parks and Recreation Departments Local Government Grant, which has a deadline of April 1, 2023.

Lango Hansen's work includes design development, including land use submittal documentation. Their contract scope includes cost estimates, construction documents and construction permits, bidding assistance and construction observation.

American Ramp Company (ARC):

ARC's organizational chart is uniquely qualified to work with the City for the design of the action sports park elements. Under ARC is Progressive Bike Ramps (PBR). PBR has wood jumps, prefab concrete jumps and ramps, bike park and bike playground elements. Velosolutions is the pump track division under ARC. Velosolutions has completed over 498 pump tracks in 32 countries. ARC designs and builds skateparks along with Pivot Custom who is a division of ARC.

To receive necessary technical design results, focused public engagement, and to save on design costs and eventually construction costs, the City will directly contract with American Ramp Company.

ARC scope includes community engagement and presentations, element design coordination with Lango Hansen, site review, conceptual design and revisions, and a final design.

KEY CONSIDERATIONS / ANALYSIS:

Tonight's presentation will include an introduction to the park project background, a review of the overall schedule, general site context, and a look at existing conditions. There will be a discussion about project guiding principles (goals and vision), the public engagement process, and the consultant team will ask engaging questions to start the conversation about park elements and features.

LIST OF ATTACHMENTS/EXHIBITS:

Staff will attempt to make presentation slides available ahead of the meeting, but this may not be possible due to the rapid schedule for this project.

PROJECT BACKGROUND

Community Campus Park site is approximately 10.5 acres of partially Developed property, located on the north side of Pleasant St., between SE Meinig Ave on the east, Strauss Ave on the west, and adjacent to the Sandy River Park. The development of this open space as a community park is listed as a park priority in the 2022 Parks and Trails Master Plan and meets the Intentions of Council Goal #8(c), "Develop a plan for the Community Campus".

The City of Sandy Parks and Recreation Parks and Trails Master Plan (PTMP) included a preliminary concept plan for the park improvement located at the Community Campus in 2020. The concept plan was developed to provide preliminary design ideas and preliminary cost estimates that would inform the feasibility of developing a park at the Community Campus location. The City of Sandy is seeking to further refine the concept and include a more robust public engagement and community outreach process.

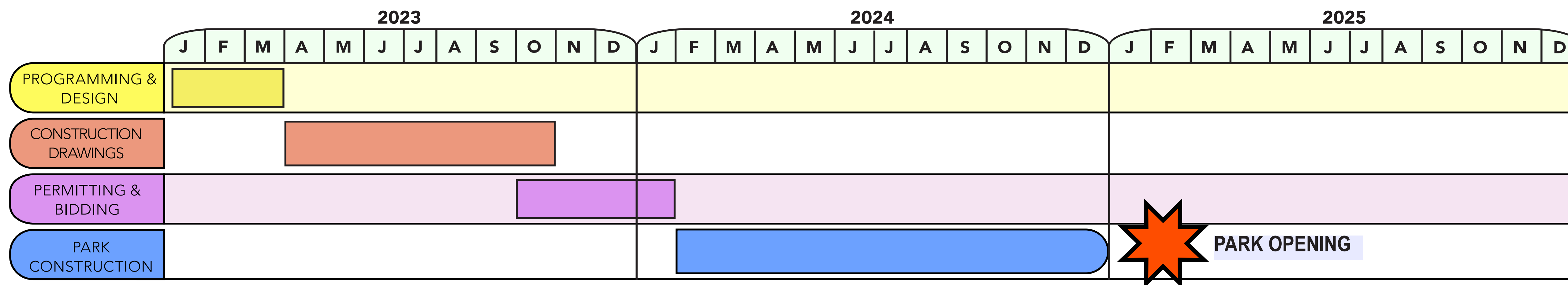
As a community park and based on previous public input, the following design elements have been identified as part of this planning effort:

- Playground
- Picnic area
- Parking area
- Site grading, track removal
- Park trails
- Informal play area
- Bike pump track
- Skate Park

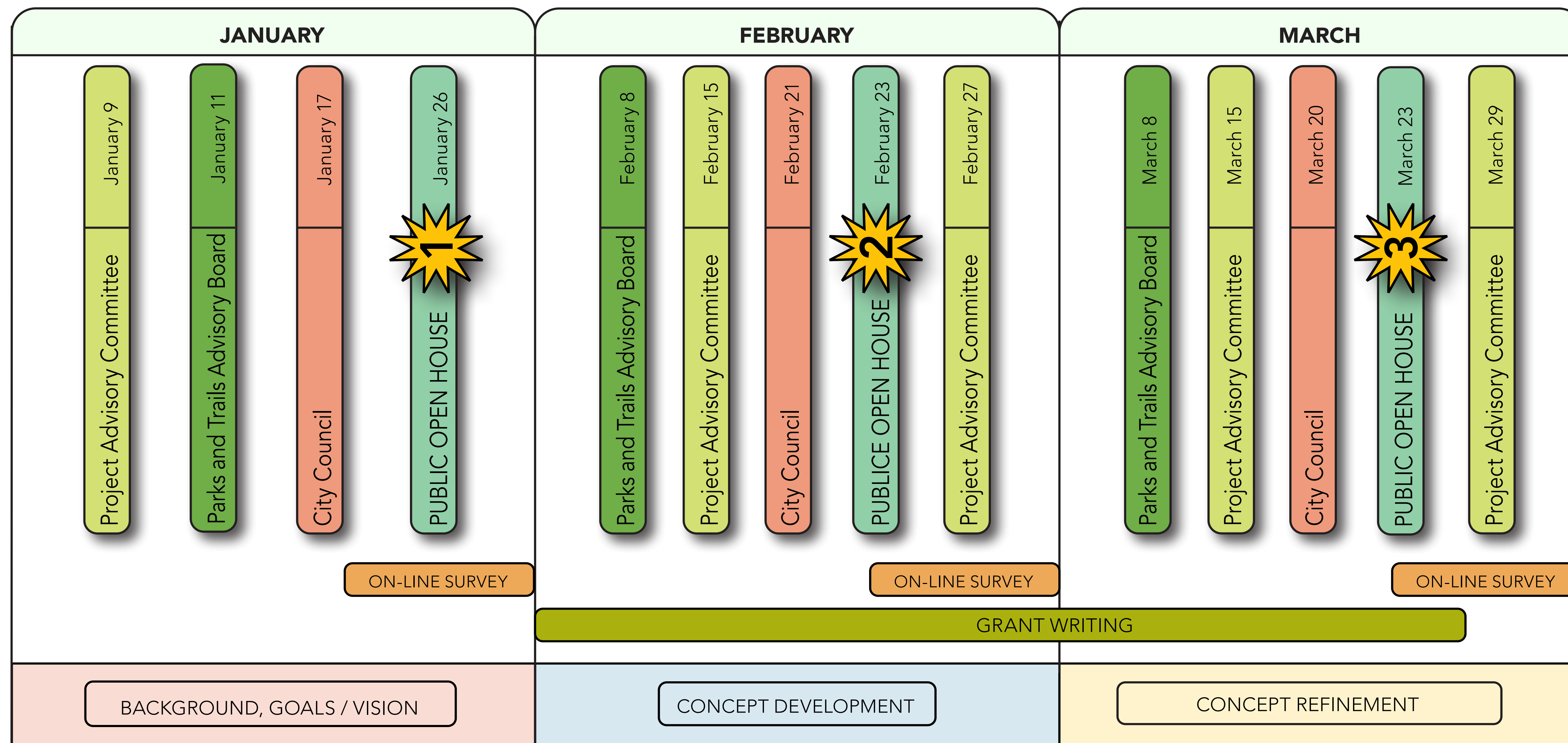


PARK SCHEDULE

OVERALL SCHEDULE



PROGRAMMING AND DESIGN DETAIL SCHEDULE



PUBLIC ENGAGEMENT OVERVIEW

Objectives:

- Communicate complete, accurate, and accessible information to the public in a timely fashion throughout the project
- Educate the public on the project and its benefits
- Actively seek public input from a broad, diverse audience at key project milestones
- Develop accessible outreach materials that meet people where they are and in their preferred language

Outreach Activities:

- Project website
- Factsheet and other outreach materials
- Stakeholder interviews and focus groups
- Advisory Group and PTAB meetings
- Open houses and online surveys
- Tabling events

Open House Dates

JANUARY	FEBRUARY	MARCH
26	23	23

Target Audience:

Sandy area Residents • Regional park users and groups • Recreation program groups – including sports leagues • Community based groups and organizations representing underserved and underrepresented communities • Oregon Trail School District • Sandy Helping-Hands • Community Action Center • Whippersnappers • Mt. Hood Bicycle • D31 Bold Foudation • Todos Juntos • Sandy Vista residents



KEY MESSAGES

We're re-envisioning the Sandy Community Campus park property and want to know how to make it uniquely yours.

About the project:

The City of Sandy plans to build a new community park in the heart of the city. To do this, we must first create a development plan that:

- Identifies a unique vision for the park that reflects Sandy's values, heritage, and community needs.
- Provides guidance on amenities and features the park will offer.
- Includes a timeline and budget for developing the park.

Why we're building a new park:

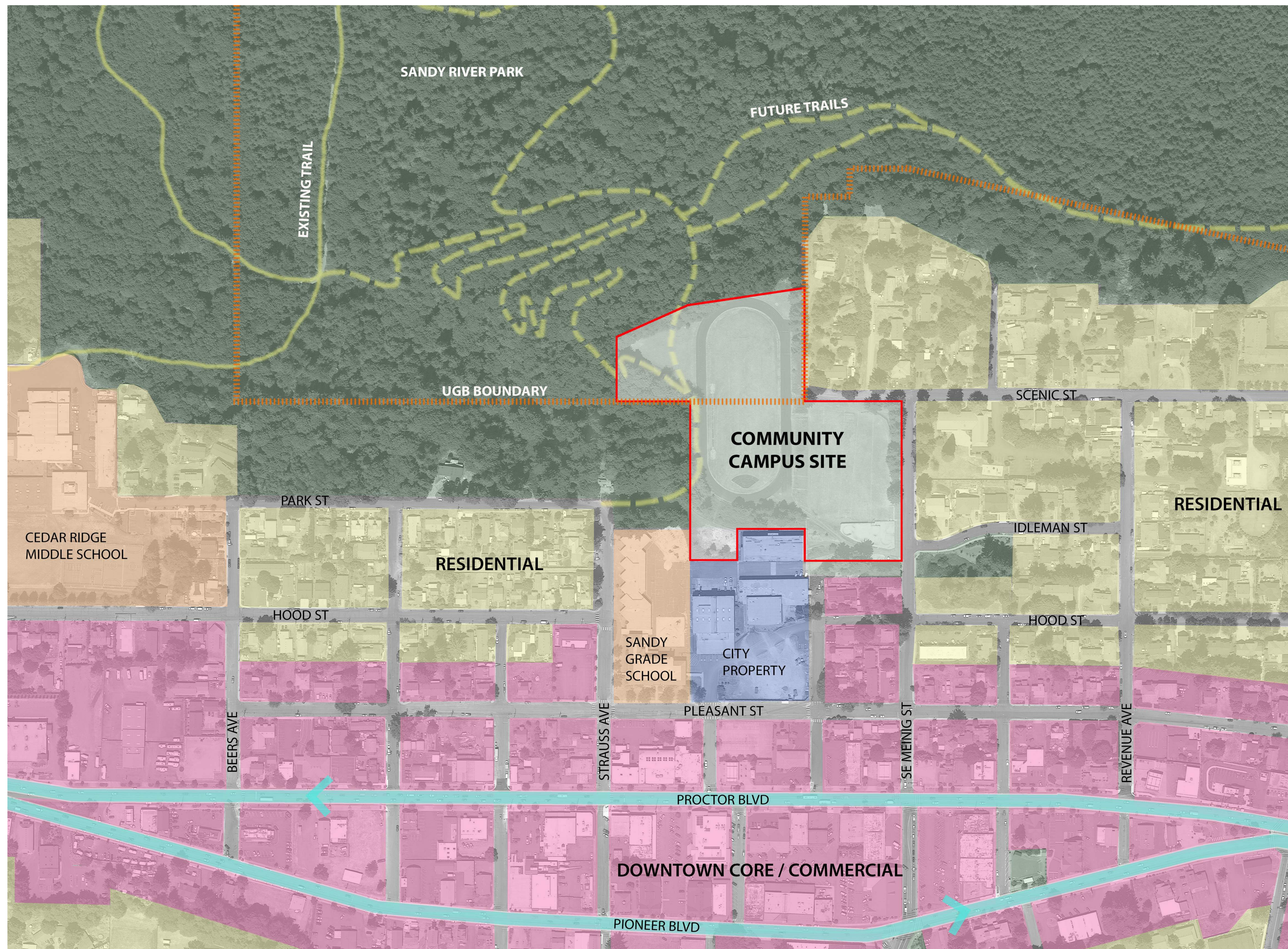
- Through previous engagement efforts, the community expressed an interest in improving the Community Campus park property.
- A new, community park is essential for providing recreational opportunities for all Sandy residents and preserves unique landscapes and open spaces in our community.

How you can get involved:

- Join us for our open houses to learn more about the project and provide feedback on what your priorities are for the community park.
- Complete the online surveys to let us how you'd like to use the park.
- Sign up for email notifications so you'll know when and where to join us.
- Tell your friends, family, and neighbors about the project so they can get involved too!



SITE CONTEXT



COMMUNITY CAMPUS PARK DEVELOPMENT PLAN

lango hansen LANDSCAPE ARCHITECTS jla PUBLIC INVOLVEMENT

EXISTING CONDITIONS



COMMUNITY CAMPUS PARK DEVELOPMENT PLAN

lango hansen LANDSCAPE ARCHITECTS jla PUBLIC INVOLVEMENT

GUIDING PRINCIPLES

These **DRAFT** guiding principles will help provide a set of core values and framework for the design of Sandy's Community Campus Park Development Plan.

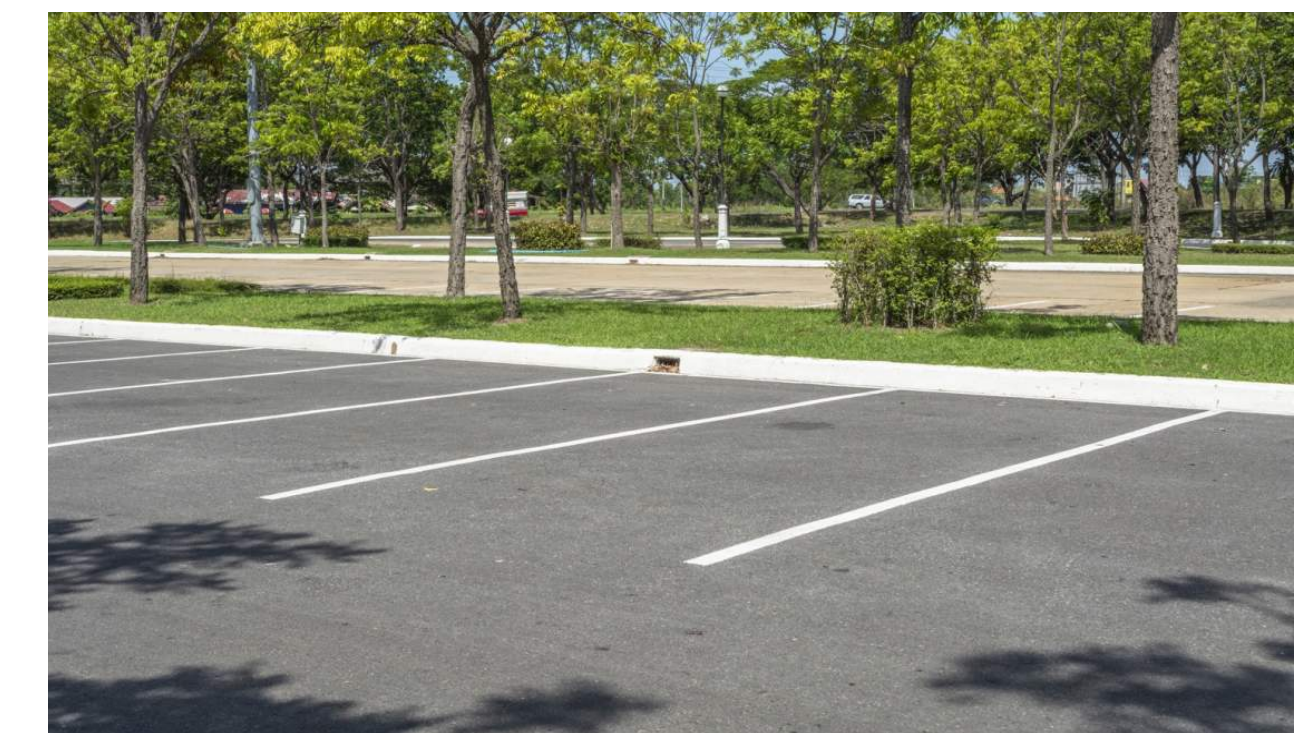
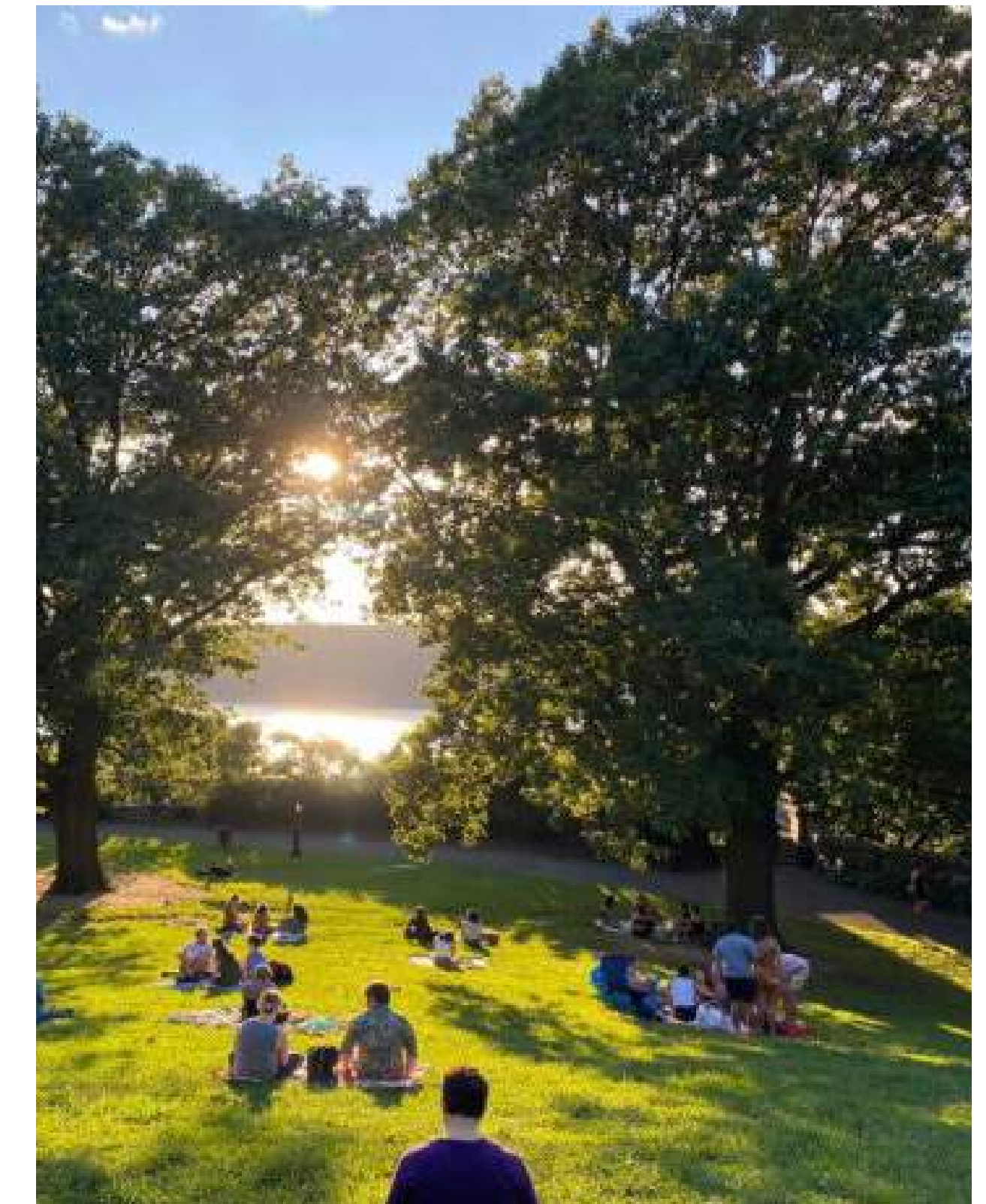
- Create a unique park that reflects Sandy's values, unique identity, and heritage.
- Provide connectivity to the Sandy River Park trails and adjoining neighborhoods.
- Ensure there is safe vehicular access and ample parking for all park users.
- Provide opportunities for people to interact with nature and environment.
- Promote community through spaces that encourage social gatherings and activities.
- Provide places for progressive active recreation for all skill levels, ages, and physical abilities.
- Create recreational opportunities for visitors that can enhance the city's economic vitality and tourism
- Additional key themes.....



QUESTION

Please rank in order of importance the following park elements:

- Walking Paths
- Playground
- Sport Court
- Skate Park
- Picnic Shelter
- Restrooms
- Lawn Areas
- Parking
- Pump Track
- Natural Areas
- Seating Areas



QUESTION

How do you want to relax in the park?



Sitting



Enjoying Nature



Lounging



Picnicking



Walking



COMMUNITY CAMPUS PARK DEVELOPMENT PLAN

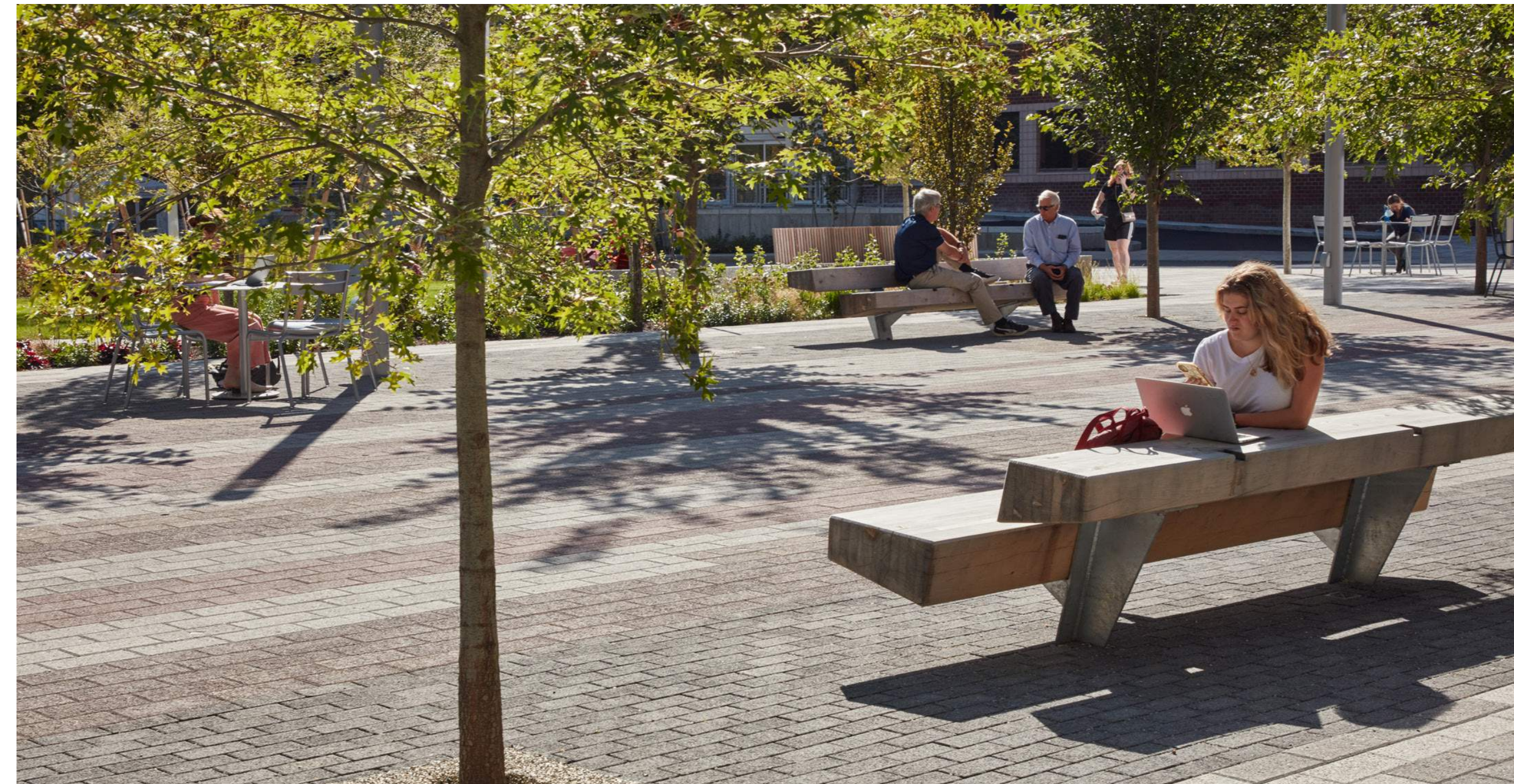
lango hansen LANDSCAPE ARCHITECTS jla PUBLIC INVOLVEMENT

QUESTION

What does a gathering space in the park look like to you?



Shelter Space



Formal Seating Area



Flexible Lawn Space



Intimate Space



QUESTION

Which image calls to you the most as it relates to nature in the park?



Native Plantings



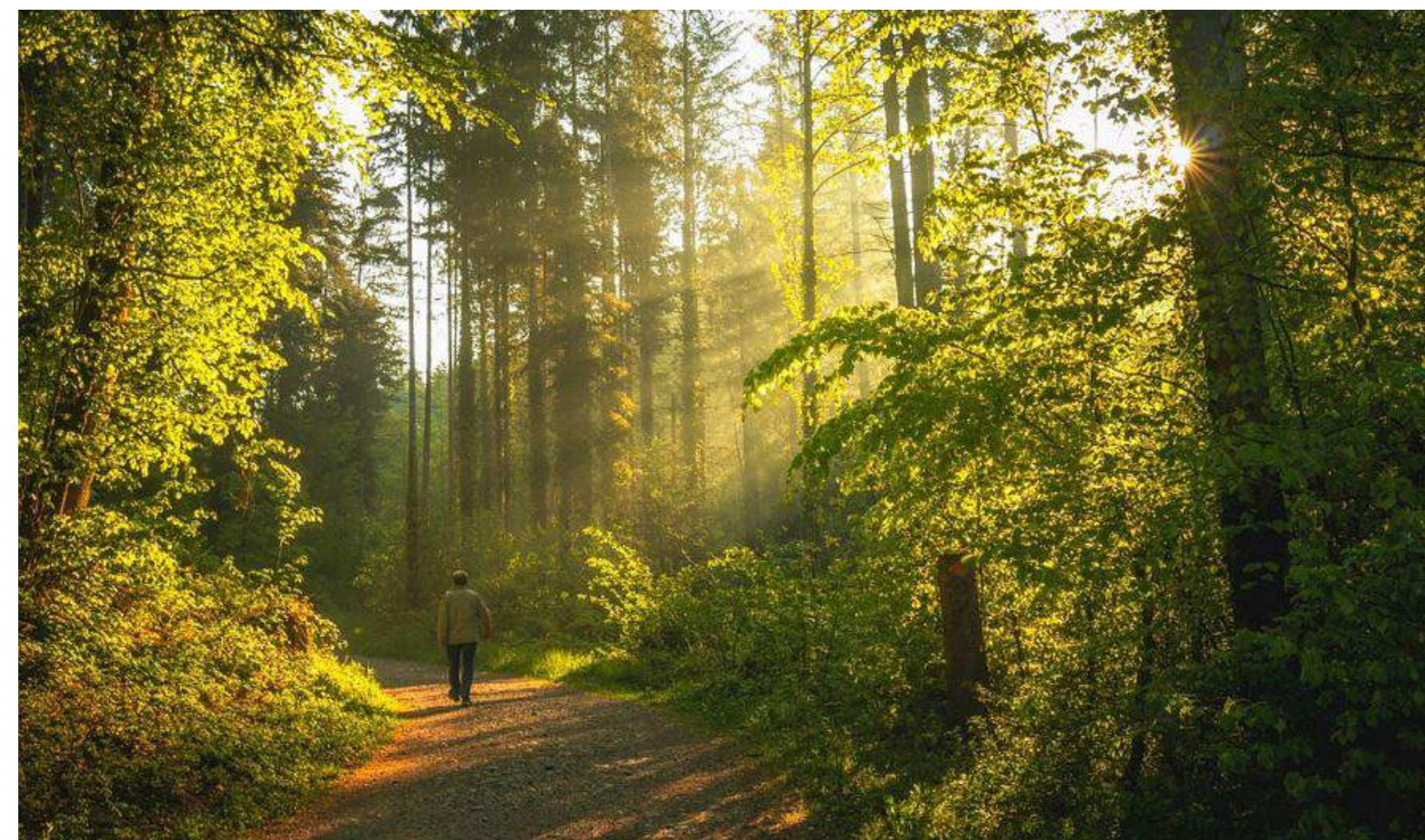
Ornamental Planting



Trees and Lawn



Meadows



Immersive Forest



QUESTION

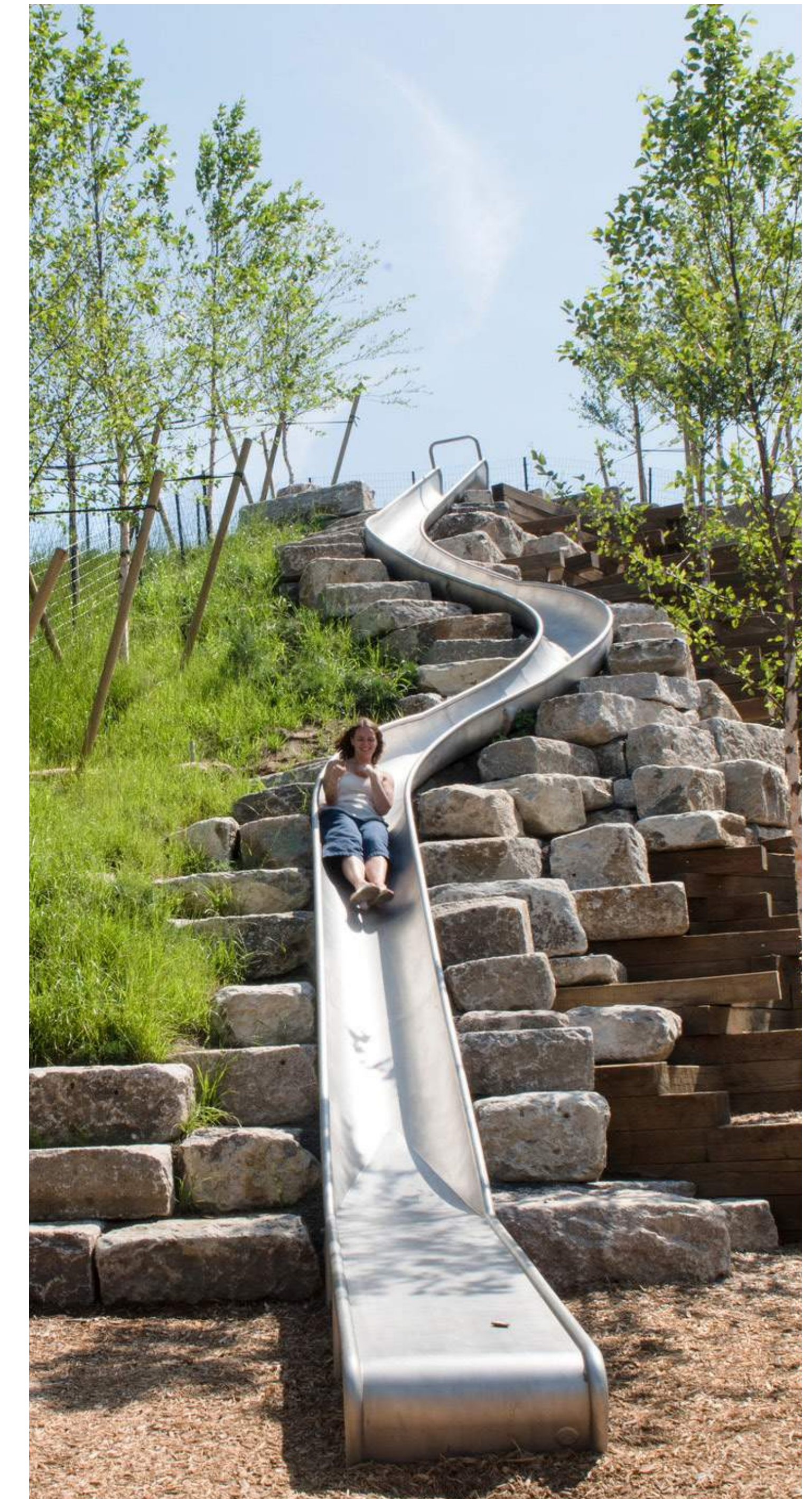
How do you want kids to play in the park?



Nature Play



Modern



Nature + Standard



Landforms



Exploration



COMMUNITY CAMPUS PARK DEVELOPMENT PLAN

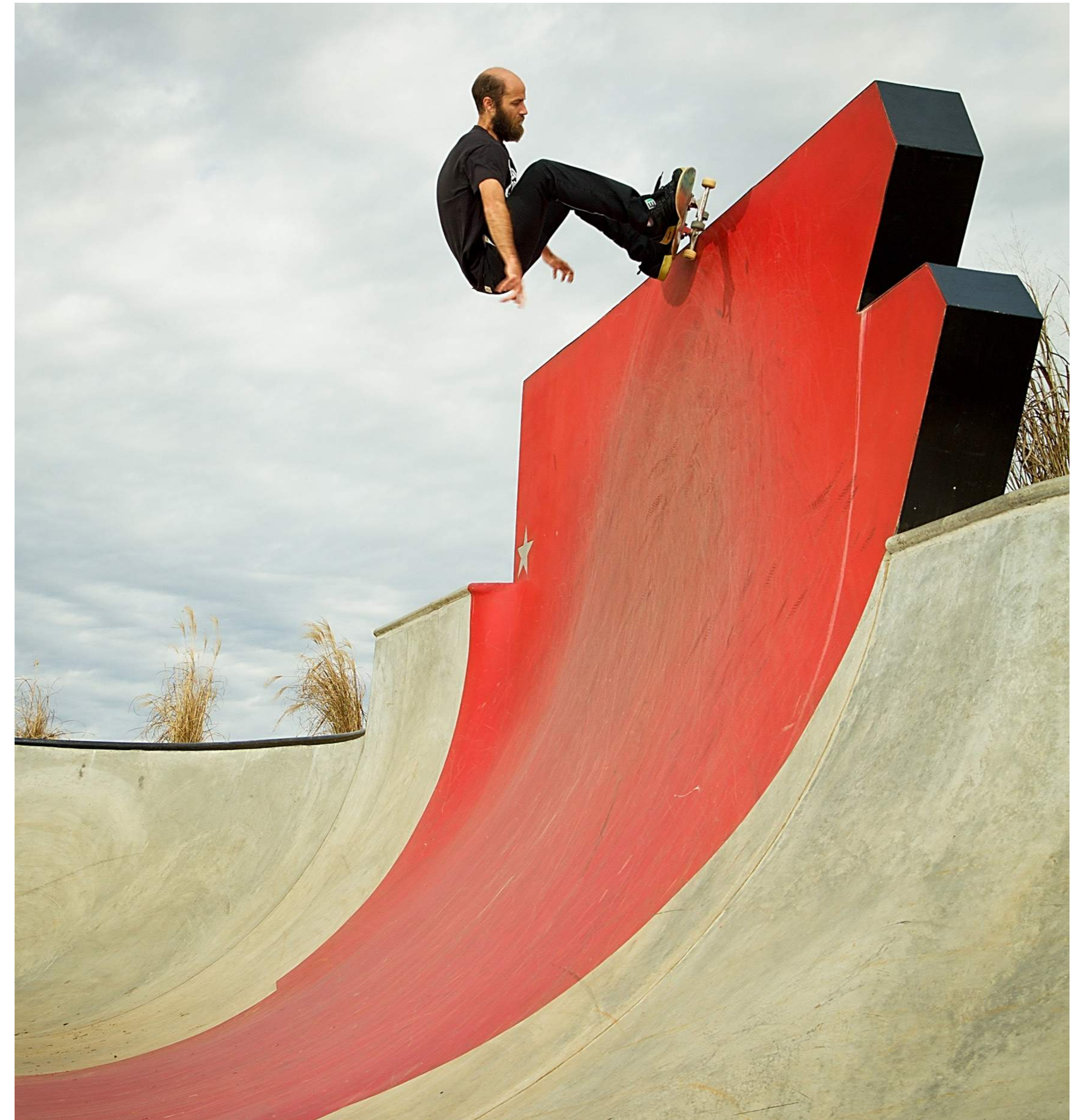
lango hansen LANDSCAPE ARCHITECTS jla PUBLIC INVOLVEMENT

QUESTION

What features would you like to see most in the skate park?



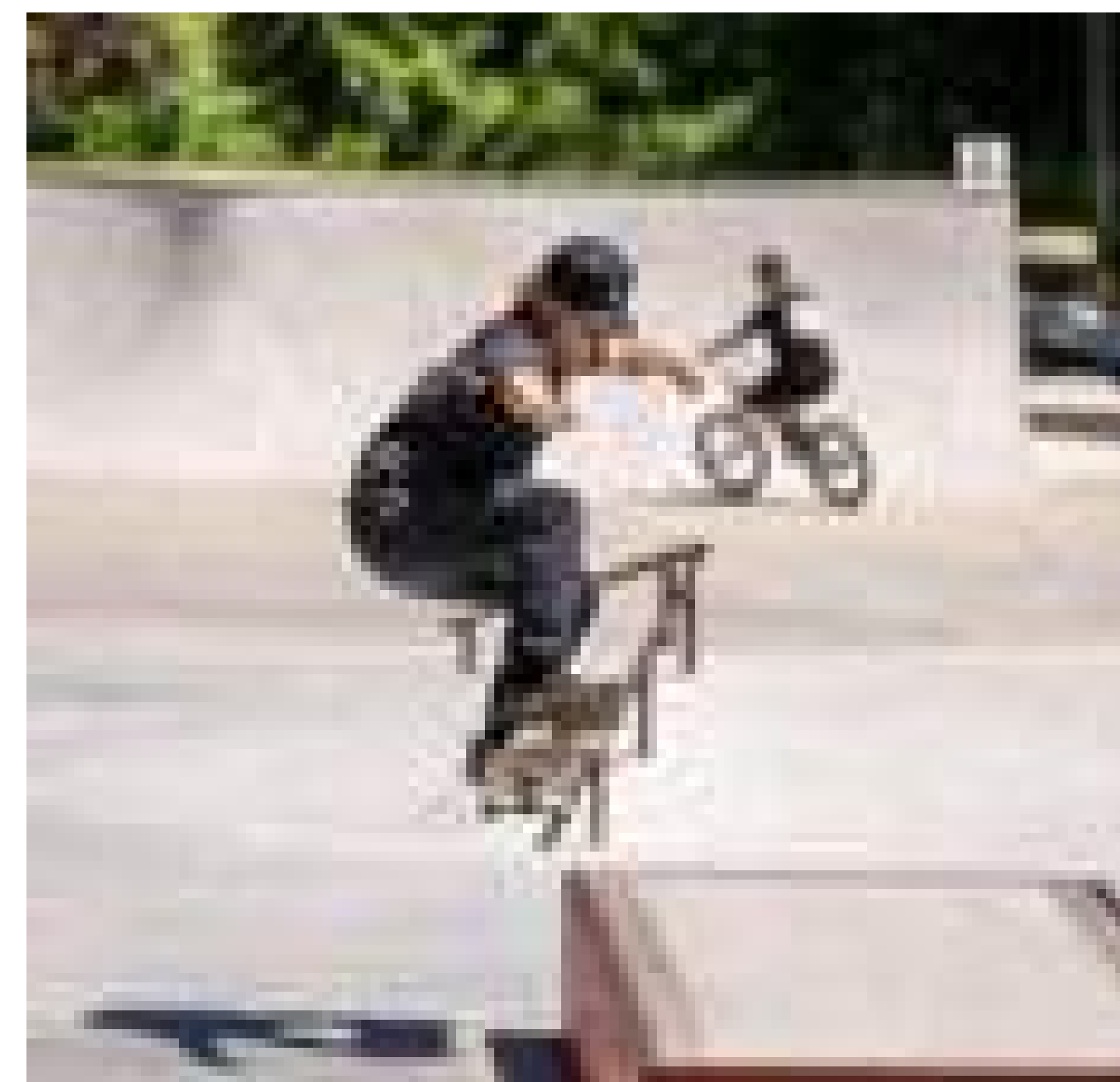
Multi Skill



Skatable Art



Street Style



Multi Wheel



QUESTION

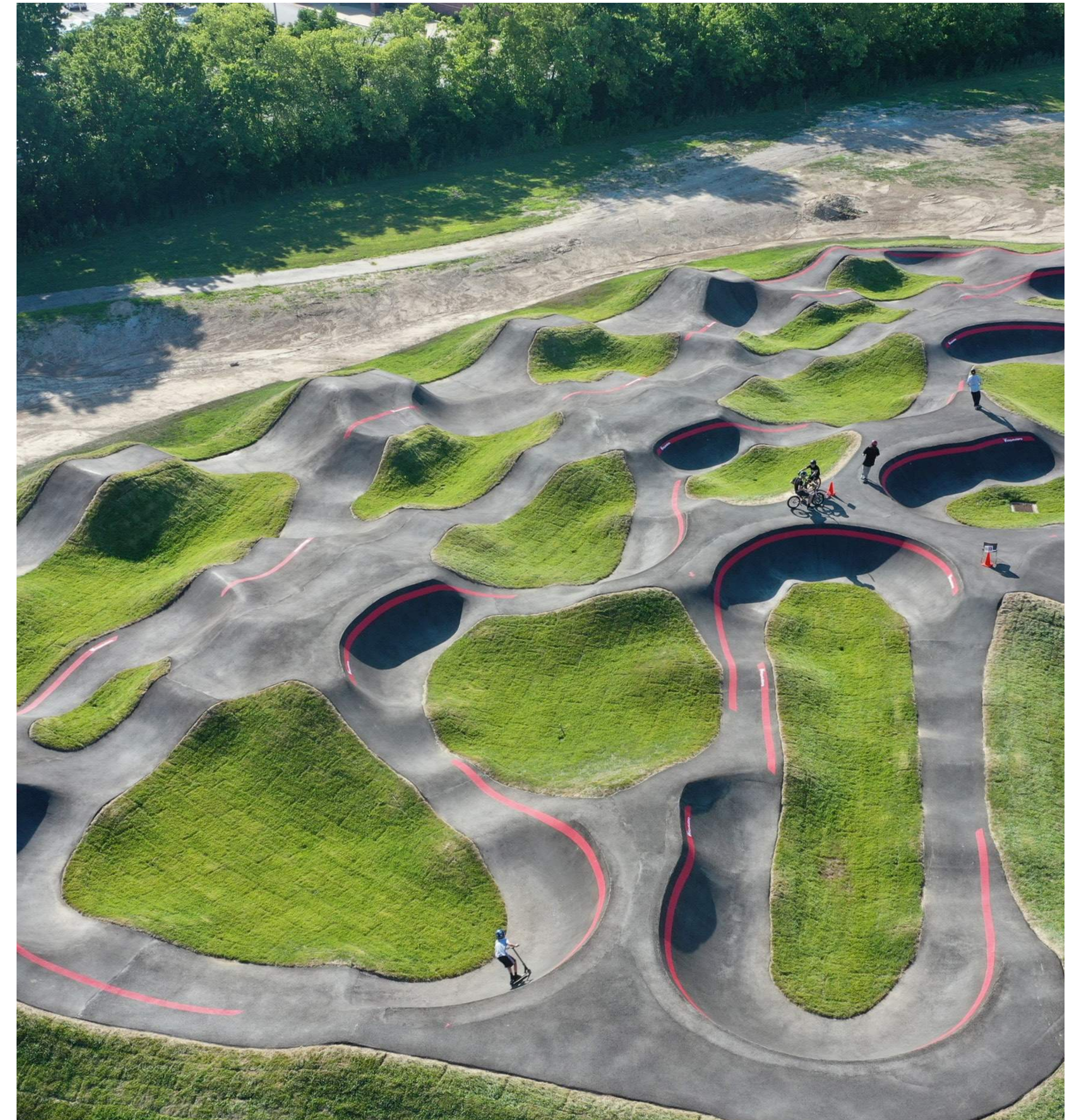
What features would you like to see most in the pump track?



Freestyle Area



Sanctioned Races



Variety (Kids track, Main track, Jump line)



Low Maintenance



Wall Rides





MINUTES
City Council Meeting
Tuesday, January 3, 2023 7:00 PM

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

COUNCIL ABSENT: (none)

STAFF PRESENT: Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; Tyler Deems, Deputy City Manager; Rochelle Anderholm-Parsch, Parks and Recreation Director; and Ernie Roberts, Police Chief

MEDIA PRESENT: Sandy Post

1. CITY COUNCIL REGULAR MEETING

2. Pledge of Allegiance

3. OATHS OF OFFICE

3.1. Mayor and City Councilors' Oaths of Office

Staff Report - 0641

The **City Recorder** administered oaths of office to **Mayor Pulliam, Councilor Mayton, Councilor Smallwood, and Councilor Exner.**

Councilor Mayton expressed his thanks and his desire to serve the community and pursue the priorities of its residents.

Councilor Smallwood noted she is looking forward to continuing to serve and to making progress on important projects for the City.

Councilor Exner also noted he is looking forward to continuing to serve the community.

Mayor Pulliam stated that while Sandy still has work to do on significant challenges, tremendous progress has been made. Collective effort and

cooperation with other entities will be necessary. Notable objectives include finishing the 362nd / Bell extension, prioritizing urban renewal funds, fixing issues and loopholes in the municipal code, completing the Comprehensive Plan update, and going all-in on tourism. He stated that Sandy still maintains the benefits of small town life but is increasingly able to offer amenities typically available in larger towns.

4. Roll Call

5. Changes to the Agenda

6. ELECTION OF COUNCIL PRESIDENT

6.1. Election of Council President

Staff Report - 0642

Councilor Mayton nominated **Councilor Smallwood**. The nomination was seconded by Councilor Exner.

Councilor Walker nominated **Councilor Hokanson**. The nomination was seconded by Councilor Sheldon.

A roll call vote was taken. The results were as follows:

Mayton: *Smallwood*
Smallwood: *Smallwood*
Sheldon: *Hokanson*
Walker: *Hokanson*
Exner: *Smallwood*
Hokanson: *Hokanson*
Pulliam: *Smallwood*

Laurie Smallwood was elected as Council President by a vote of 4 to 3.

7. Public Comment

Jeremy Pietzold: offered appreciation and gratitude for the thanks and well wishes he received in recognition of his long service to the City. He looks forward to continuing to serve the community in other capacities.

8. Response to Previous Public Comments

(none)

9. Consent Agenda

9.1. **City Council Minutes**

December 19, 2022

9.2. **Appointment of Library Advisory Board Members**

Staff Report - 0649

It was noted that the Library Advisory Board applicants were very impressive

Moved by Richard Sheldon, seconded by Kathleen Walker

Adopt the consent agenda

CARRIED. 5-0

Ayes: Laurie Smallwood, Richard Sheldon, Kathleen Walker,
Carl Exner, and Stan Pulliam

Abstained: Chris Mayton and Don Hokanson

10. New Business

10.1. **Hoodview Disposal & Recycling Rate Increase Discussion**

Staff Report - 0647

The **Deputy City Manager** summarized the staff report, which was included in the agenda packet.

Representatives from Hoodview Disposal explained that their business is experiencing cost increases and inflation pressures, and that a rate increase is unfortunately necessary.

Council discussion ensued on the following topics:

- Whether competitor companies are experiencing the same challenges and pursuing the same rate increases. Staff indicated they will gather information and report back to the Council
- Whether staff have performed due diligence and verified that the tipping fee increases reported by Hoodview are accurate. Staff indicated they will gather information and report back to the Council
- Whether it would be possible to institute financial hardship assistance programs; staff indicated they will gather information and report back to the Council
- Whether rates could decrease in the future if the CPI falls

- Whether a cap on rates exists in the franchise agreement
- Whether it would be possible to consider future rate adjustments in the summer, in concurrence with reviews by Clackamas County which has personnel on staff with expertise in this area
- The need for the City Attorney to review the franchise agreement to determine whether the City has any discretion to deny a rate increase request
- The measures Hoodview has taken to notify customers of service impacts, including phone calls, emails, and social media posts
- The need for Hoodview to post service impacts on their website as soon as possible
- The effects of recent service interruptions during Christmas

10.2. **Contract Award for Community Campus Park Improvement Project**

Staff Report - 0648

The **Parks and Recreation Director** summarized the staff report, which was included in the agenda packet.

Council discussion ensued on the following topics:

- Composition of the Project Advisory Committee, and its role in the project process
- Details on the public engagement process
- Importance of engaging with local skatepark experts/specialists, as well as local users
- Importance of engaging with law enforcement on safety issues
- Note that these design contracts total approximately one fourth of the current Parks SDC balance

Moved by Kathleen Walker, seconded by Laurie Smallwood

Approve the award of the design and engineering contract to Lango Hansen Landscape Architects, and authorize the City Manager to execute a contract in the amount of \$418,120 for the Community Campus Park Improvement Project

CARRIED. 7-0

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

Moved by Laurie Smallwood, seconded by Chris Mayton

Approve the award of the design and public engagement of a pump track and skate park to American Ramp Company, and authorize the City Manager to execute a contract in the amount of \$52,080 for the Community Campus Park Improvement Project

CARRIED. 7-0

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

11. Report from the City Manager

- Notes on the impacts of recent storms and cleanup efforts
- Reminder that the next council meeting will also occur on a Tuesday
- Goal setting is tentatively scheduled for February 18th
- City Day at the Capitol is on January 25th; councilors are encouraged to sign up
- The next CCA dinner will be in Oregon City
- Thanks to the Parks and Recreation staff for the Holiday Lights at Meinig Park events

12. Committee /Council Reports

Councilor Hokanson

- Praise for the Holiday Lights at Meinig; suggestion to organize those willing to come in costume next year
- Desire for radar speed signs

Councilor Exner

- Praise for the **Community Center Manager's** efforts during recent freezing weather
- Note on his upcoming trip out of the country

Councilor Walker

- Need for coordination and strategy before City Day at the Capitol
- Praise for the Holiday Lights at Meinig; suggestion for more collaboration with community groups next year
- Concern regarding visibility at the intersection of Hwy 26 and Hwy 211
- Need for better signage at the intersection of Dubarko and the Tickle Creek Trail

Councilor Sheldon

- Praise for Public Works employees during recent storms

Council President Smallwood

- Praise for Public Works employees during recent storms
- Praise for the Holiday Lights at Meinig
- Concern regarding the response time for ambulance service in Sandy, and the possible lack of rigorous contract standards. The Council discussed the problem and suggested that staff gather response time data from Clackamas County, which may be followed by a letter of concern from the City

Councilor Mayton

- Wishes to attend City Day at the Capitol

Mayor Pulliam

- Congratulations to Councilor Smallwood on becoming Council President
- Praise for the Holiday Lights at Meinig, and for reopening the event after recent storms
- Praise for Public Works employees during recent storms
- Praise for the warming centers opened during recent freezing temperatures
- Note that he will be absent for the next meeting
- Thanks to the Council for their dedication and service to the community

13. Staff updates

- 13.1. [Monthly Reports](#)

14. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati



Staff Report

Meeting Date: January 17, 2023
From Tyler Deems, Deputy City Manager
SUBJECT: Update Bank Signatories

BACKGROUND / CONTEXT:

As the Council is aware, former Council President Jeremy Pietzold's term ended December 31, 2022. In addition, Mike Walker, former Public Works Director, has retired and is only working for the City in a minor contractor role for special projects. Both of these individuals are currently signers on our various bank accounts and need to be removed. Our financial institutions require a resolution to make the necessary changes.

Councilor Laurie Smallwood has been elected as Council President. Following past practice, the Council President has been added as a signatory on the City's bank account. The purpose of this is to ensure that, in the event of an emergency, there are adequate individuals available to sign checks for both accounts payable and payroll purposes.

RECOMMENDATION:

Authorize staff to approve Resolution 2022-29, a resolution updating the signatories on City bank accounts.

BUDGETARY IMPACT:

None.

SUGGESTED MOTION LANGUAGE:

I move to approve Resolution 2022-29, a resolution updating the signatories on City bank accounts.

LIST OF ATTACHMENTS/EXHIBITS:

- Resolution 2022-29



NO. 2022-29

A RESOLUTION UPDATING THE SIGNATORIES ON CITY BANK ACCOUNTS

Whereas, the City of Sandy wishes to conduct day to day financial transactions as efficiently as possible; and

Whereas, US Bank and Clackamas County Bank both require that the officers authorized to act on behalf of the City be authorized by the City Council via resolution; and

Whereas, in order to aid the City in conducting business, it is imperative that all signatories be up-to-date;

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

Section 1: The following names shall be removed from the City of Sandy's bank accounts as signatories:

- Jeremy Pietzold, Council President
- Mike Walker, Public Works Director

Section 2: The following names shall be added to the City of Sandy's bank accounts as signatories:

- Laurie Smallwood, Council President

Section 3: Staff is authorized to prepare and execute the necessary documents to make the signatory changes shown above.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of January 2023

Stan Pulliam, Mayor

ATTEST:

#2022-29

Jeff Aprati, City Recorder

#2022-29



Staff Report

Meeting Date: January 17, 2023
From Tyler Deems, Deputy City Manager
SUBJECT: Audit Corrective Plan of Action

BACKGROUND / CONTEXT:

As a result of the annual financial audit for the period ended June 30, 2022, two findings were identified by the city's auditing firm, Talbot, Korvola & Warwick, LLP. The first finding is classified as "Internal Control over Financial Reporting." The second finding is classified as "Internal Control over Major Federal Programs." Per ORS 297.466, the City must adopt a "Plan of Action" to address the findings, and then submit the plan to the Secretary of State's office within thirty (30) days of issued financial statements. The financial statements were issued December 29, 2022.

Finding 2022-001 is a result of a lack of internal controls within the Finance Department. More specifically, the auditors found one incorrect journal entry that was processed to record the American Rescue Plan Act (ARPA) funds. These funds were recorded as revenue when received, but should have been recorded as unearned revenue until qualifying expenditures were incurred and reported. While the Council has allocated funds to projects, specific expenditures for those projects have not yet been reported to the Treasury, therefore the funds should be classified as unearned revenue. While one incorrect journal entry does not typically result in an audit finding, this specific entry was a large dollar amount and the auditors felt that it warranted more formal action. As such, the Finance Department has prepared the following action plan to address the finding.

Finding 2022-002 is related to internal controls with respect to Federal Awards. When a non-Federal entity enters into a covered transaction with an entity at a lower tier, the non-Federal entity must verify that the entity, as defined in 2 CFR section 180.995 and agency adopting regulations, is not suspended or debarred or otherwise excluded from participating in the transaction. During the audit procedures, staff was unable to provide evidence that it complied with the suspension and debarment requirements.

Plan of Action

Finding 2022-001 - The Finance Department staff will allocate more time to attend trainings and review additional guidelines from the Government Finance Officers Association (GFOA) when atypical federal grant programs are implemented by the federal government. Staff followed guidance that was available at the time the funds were received, but as the Council is aware, final guidance from the Treasury was not issued for many months after the initial rounds of ARPA funds were released. Staff will

ensure that additional review of guidance in scenarios like this is conducted both internally, and with external parties, if appropriate.

Finding 2022-002 - Staff will implement procedures to document the review of suspension and debarment records for contractors being compensated with Federal funds.

Upon adoption of this resolution, the Finance Department will submit the adopted resolution to the Secretary of State's office within seven days. This will meet the requirements under ORS 297.466, and finalize the audit and necessary follow up items for the period ended June 30, 2022.

RECOMMENDATION:

Staff recommends that Council approve Resolution 2023-03.

BUDGETARY IMPACT:

None.

SUGGESTED MOTION LANGUAGE:

"I move to adopt Resolution 2023-03, a Resolution Adopting an Audit Corrective Plan of Action for Fiscal Year 2022."

LIST OF ATTACHMENTS/EXHIBITS:

- Resolution 2023-03



NO. 2023-03

A RESOLUTION ADOPTING AN AUDIT CORRECTIVE PLAN OF ACTION FOR FISCAL YEAR 2022

Whereas, the City of Sandy has received and reviewed the Independent Auditor's Report for the fiscal year ended June 30, 2022, as prepared by our auditing firm Talbot, Korvola & Warwick, LLP; and

Whereas, one finding related to internal controls over financial reporting was reported and one finding related to internal controls with respect to Federal awards was reported; and

Whereas, the City of Sandy is required by ORS 297.466 to adopt a plan of action in response to the audit finding, and file the plan of action with the Secretary of State within 30 days of the completed audit.

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

Section 1:

Finding 2022-001 - Finance Department staff will allocate more time to attend trainings and review additional guidelines from the Government Finance Officers Association (GFOA) when atypical federal grant programs are implemented by the federal government. Staff followed guidance that was available at the time the funds were received, but as the Council is aware, final guidance from the Treasury was not issued for many months after the initial rounds of ARPA funds were released. Staff will ensure that additional review of guidance in scenarios like this is conducted both internally, and with external parties, if appropriate.

Finding 2022-002 - Staff will implement procedures to document the review of suspension and debarment records for contractors being compensated with Federal funds.

Section 2: The Plan of Action shall take effect immediately upon the adoption of this Resolution.

Section 3: The Deputy City Manager will file a copy of this Resolution with the Secretary of State in accordance with ORS 297.466.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of January 2023

#2023-03

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2023-03



Staff Report

Meeting Date: January 17, 2023

From Tyler Deems, Deputy City Manager

SUBJECT: Sandy Police Association Collective Bargaining Agreement

PURPOSE / OBJECTIVE:

To approve the Collective Bargaining Agreement between the City of Sandy and Sandy Police Association

BACKGROUND / CONTEXT:

The Sandy Police Association, in conjunction with the Clackamas County Peace Officers Association, represents officers and administrative staff of the Sandy Police Department. Staff has been working diligently with the the City's labor attorney, Steven Schuback, and members of the Association for a number of months to reach agreement for the collective bargaining agreement (CBA) which expired on June 30, 2022. The Council has been updated a handful of times on the status of bargaining via confidential executive sessions. In mid-December, both parties were able to reach tentative agreement of the agreement. Both parties have tentatively agreed on all articles of the CBA, and the Association has ratified the agreement as of January 10, 2023.

The CBA reflects a number of changes that were bargained. All changes in compensation are based on a comprehensive review of comparable agencies. In accordance with standard practice, we compared our compensation package to a total of eight agencies, four of which have a population larger than Sandy, and four of which have a population smaller than Sandy. These agencies included Canby, Dallas, The Dalles, St. Helens, Gladstone, Monmouth, Silverton, and Molalla. A summary of changes in compensation is included below:

- **Article 19 - Salaries:** A 5% cost of living adjustment (COLA) across the board for all bargaining unit members for fiscal year 2023, retroactively applied to July 1, 2022, plus a 2% adjustment for Records staff. Fiscal year 2024 COLA of 4% for all bargaining unit members, plus 2% adjustment for records staff. Fiscal year 2025 increase will be based on the CPI-W Western Region B/C Index, with a minimum increase of 2% and a maximum increase of 4%. In addition, a one-time payment of \$1,500 will be paid in January 2023.
- **Article 20 - Premium Pay:** Effective July 2023, longevity of 1% will be provided to employees with 8 or more years of service, and 2% for employees with 10 or more years of service. This is a change from the existing practice of \$1,000 annually for employees with 10 or more years of service.

- **Article 21 - Insurance:** 100% of the employee medical and dental premium is covered by the City. Employees will pay 10% of any coverage in excess of employee only. This is a change from the current practice of employees paying 15% of any coverage in excess of employee only.
- **Article 24 - Retirement:** A city paid contribution of \$115 per month for all bargaining unit members. The prior agreement had a matching program. The new agreement will no longer require a match.
- **Article 25 - Holidays:** Addition of Juneteenth as a paid holiday.

Various other articles were updated to reflect changes in best practice or state/federal law, but had no monetary consequences associated with the changes.

Once signed by both the Association and the Council, the agreement will remain in effect until June 30, 2025.

RECOMMENDATION:

Staff recommends that the Council authorize the City Manager to sign the Collective Bargaining Agreement between City of Sandy and the Clackamas County Peace Officers' Association on behalf of the Sandy Police Association.

BUDGETARY IMPACT:

An estimated increase of \$153,000 over the three year period of the agreement compared to existing contract language.

SUGGESTED MOTION LANGUAGE:

"I move to approve authorize the City Manager to sign the Collective Bargaining Agreement between City of Sandy and the Clackamas County Peace Officers' Association on behalf of the Sandy Police Association."

LIST OF ATTACHMENTS/EXHIBITS:

- Tentative Agreement - 2022-2025

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

SANDY POLICE ASSOCIATION

AND THE

CITY OF SANDY

July 1, 2022 – June 30, 2025

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ARTICLE 1 - PREAMBLE

Section 1 This Collective Bargaining Agreement (hereinafter "the Agreement") is entered into between the City of Sandy, Oregon (hereinafter "the City") and the Sandy Police Association, as affiliated with the Clackamas County Peace Officers' Association, (hereinafter "the Association") and sets forth the parties' Agreement with regard to wages, hours, and other conditions of employment. The purpose of this Agreement is to promote efficient operation of the Police Department, harmonious relations between the City and the Association, and the establishment of an equitable and peaceful procedure for the resolution of differences.

ARTICLE 2 - RECOGNITION

Section 1 The City recognizes the Association as the sole and exclusive bargaining agent for all regular full-time and part-time employees of the Sandy Police Department, excluding Sergeants, supervisory, confidential, temporary, casual or seasonal employees of the Police Department, with respect to wages, hours and other conditions of employment.

Section 2 If a new classification is added to the bargaining unit by the City, the Association shall be provided with the City's proposed rate of pay and a copy of the Job Description. That rate shall become effective, unless the Association files written notice of its desire to negotiate the rate within fourteen (14) calendar days from the date of the City's notification to the Association. If the Association provides timely notice, but the City and Association cannot agree to a wage rate before the date the employee in the new classification is to commence work, the City may proceed with hiring at its proposed wage rate with the understanding that any subsequent agreed upon wage rate shall be retroactive to the employee's date of hire.

If a request for negotiations is filed by the Association, the parties shall begin negotiations within fifteen (15) calendar days and shall otherwise comply with expedited bargaining under ORS 243.698. If there is disagreement between the parties as to the exclusion of a new position from the bargaining unit, such issue will be subject to the procedures of the Employment Relations Board.

ARTICLE 3 - MANAGEMENT RIGHTS

Section 1 Subject to the procedures of Article 6, the Association recognizes and agrees to the following that responsibility for management of the City and direction of the various departments rests solely with the City, and the responsible department heads, that in order to fulfill this responsibility, the City shall retain the exclusive right to exercise the regular and customary functions of management, including, but not limited to directing the activities of the Police Department, determining standards and levels of service and methods of operation, including subcontracting, where employees are not denied work

opportunities as a result, and the introduction of new equipment, hiring, promoting, transferring and laying off employees, disciplining and discharging non-probationary employees for just cause, and new hire probationary employees without just cause, promulgating policies and procedures, determining work schedules, assigning work, and, on no less than two months advance written notice, modifying the payroll system and/or pay dates.

Section 2 Nothing in this Agreement shall be considered a waiver of the Association's rights to collectively bargain any changes in the status quo which are mandatorily negotiable.

ARTICLE 4 - EMPLOYEE RIGHTS

Section 1 Employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of representation on matters of employee relations. Employees shall also have the right to refuse to join and participate in the activities of any employee organization. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by an employee organization because of or in the exercise of these rights.

Section 2 The City shall provide electronic copies of this Agreement for distribution to all Association members.

ARTICLE 5 - CONTINUITY OF SERVICES

Section 1 The Association's membership will not participate in any strike against the City under any circumstances. For the purpose of this Agreement, "strike" is defined as any concerted stoppage of work, slow down, speed up, sit-down, absence from work upon any pretense that is not found in fact, or any interference which affects the normal operation of the Police Department.

Section 2 In the event of violation of this provision by the Association or members of the Association, the City may discipline or terminate any employee involved in such activity.

ARTICLE 6 - EXISTING CONDITIONS

Section 1 Standards of employment related to wages, hours, and working conditions that constitute mandatory subjects of bargaining and which are the status quo as of the date of this Agreement by reason of mutual knowledge, acceptance and repetition based on such mutual knowledge and acceptance shall be continued for the term of this Agreement, except as provided for in Section 3 below.

Section 2 Nothing in this Agreement, or in this Article, will be construed to prevent the

City from initiating any program or change which is not contrary to an express provision of this Agreement or the status quo as provided in Section 1 above.

Section 3 In the event the City desires to amend or modify or change the status quo that is a mandatory subject of bargaining or that has a mandatory impact the City will provide an Association Executive Board member with written notice of the proposed change in accordance with ORS 243.698. The Association shall have fourteen (14) calendar days from notification to demand bargaining in writing. The failure of the Association to demand bargaining within fourteen (14) calendar days of the notice as provided above shall serve as a waiver of the Association's right to bargain. The Association's written bargaining demand shall specify the nature of the demand and identify whether the Association believes the proposed change involves a mandatory subject of bargaining or a mandatory impact of a permissive subject.

Thereafter, the parties shall bargain in good faith over said changes for a period not to exceed ninety (90) days in accordance with ORS 243.698. If after the passage of ninety (90) days the parties have not reached agreement, either party may declare an impasse and initiate interest arbitration pursuant to ORS 243.746. If the parties cannot mutually agree to an arbitrator, they will, by lot, alternately strike names from a list of seven (7) arbitrators provided by the Employment Relations Board (ERB) and the last one will be the arbitrator. The arbitrator shall conduct a hearing within thirty days of announcement of his/her selection, or at such other time as the parties mutually agree. The parties shall submit evidence in support of their last best offer pursuant to ORS 243.746. The arbitrator shall make a decision whether the City's proposal or the Association's proposal shall be adopted pursuant to the interest arbitration criteria set forth in ORS 243.746.

ARTICLE 7 - ASSOCIATION BUSINESS

Section 1 The City agrees to provide reasonable time on duty for designated representatives to engage in association activities as defined by ORS 243.798 (A-H) without unreasonably interfering with City operations. An association member will not be eligible for contractual overtime while engaged in such time. Conflicts or disputes regarding the reasonable use of time on duty will first be brought forth in labor management meetings, and if not resolved, will solely defer to the grievance process.

Section 2 Association representatives who are certified as such in writing shall be allowed access to employee work locations for the purpose of processing grievances or for contacting members of the Association. Such representatives shall not enter any work location without the consent of the Chief or his designee. Access shall be restricted so as not to interfere with the normal operations of the Police Department or with established security requirements.

Section 3 The City shall allow up to two bargaining unit members to attend contract negotiations during duty hours or through an adjusted schedule without loss of pay. The time, date and place for bargaining sessions shall be established by mutual agreement

between the parties.

Section 4 The City agrees to furnish and maintain a suitable bulletin board for use by the Association. The Association shall limit its posting of notices and bulletins to this board.

Section 5 On duty employees may attend Association meetings if they are held within the City no more often than quarterly and no longer than two hours in duration, but shall be subject to call. City facilities may be used with advance arrangements.

Section 6 For purposes of this Agreement, any notice required to be given to the Association will be deemed met by deliverance of notification to an Association Executive Board member.

ARTICLE 8 – UNION SECURITY AND CHECK-OFF

Section 1 The City and Association recognize that the Association is required to represent every employee covered by this Agreement, making each such employee a recipient of the Association's services. All employees covered under the terms of this Agreement may voluntarily join the Association as a member. The City will deduct Association dues, charges, fees and assessments, and voluntary payments in the amounts determined by the Association from the wages of employees when so authorized and directed in writing by the employee to the City using the Association's form. Any authorization for payroll deductions may be canceled by any employee upon written notice to the City and the Association as is specified in the authorization, to be effective on the first day of the following month.

Such deductions shall be made only if accrued earnings are sufficient to cover the payment of dues after all other authorized payroll deductions have been made.

Section 2 The City agrees to notify the Association of all new hires in the bargaining unit within ten (10) calendar days after their date of hire, furnishing the Association with the new employee's name, mailing address, telephone number and position for which they were hired.

Section 3 The Association agrees that it will indemnify and save the City harmless from all suits, actions, and claims against the City or persons acting on behalf of the City whether for damages, compensation or any combination thereof, arising out of the City's faithful compliance with the terms of this Article. In the event of any suit or proceeding brought to invalidate this Article, the Association will actively defend the suit or proceeding. In the event any determination is made by the highest court having jurisdiction that this Article is invalid, the Association shall be solely responsible for any reimbursement.

ARTICLE 9 - DISCIPLINARY ACTION

Section 1 The City reserves the right to discipline any employee. provided that no regular employee shall be disciplined without just cause. Formal disciplinary action may include termination, demotion, reduction in pay, suspension without pay, or written reprimand. Disciplinary action is usually progressive in nature, but may be imposed at any level if supported by just cause and based upon the seriousness of the offense and the particular circumstances of the employee.

If suspension without pay is the progressive disciplinary action chosen to be administered by the City, the City and the Association on behalf of the employee, by mutual agreement, may choose to accept a reduction in pay equivalent to the economic impact of the suspension without pay.

The reduction in pay option shall be agreed to in writing and shall set out the amount of reduction, the term of reduction and the limits of the reduction.

Counseling. Counseling is not considered discipline and may not be grieved. Counseling documents will be labeled counseling. These are less formal means of resolving issues of performance. Counseling may serve as notice to the employee for future discipline. Counseling memos will be maintained in the supervisory file for up to twelve (12) months or the next annual written evaluation, whichever is later, if there are no repeat instances of the same or similar conduct, and is then considered stale. Upon request, an employee may review and request copies of counseling documents in their supervisory file. The employee may submit a written rebuttal to be placed in the supervisory file with the counseling memo. Nothing in this section shall be construed to prevent or prohibit the Police Chief or superior officer from discussing operational matters with employees. Counseling memos can be retained for civil purposes, notice of rule and consistent with retention laws. For sworn law enforcement officers, counseling memos removed from a supervisory file will be retained in a separate personnel records retention file consistent with law.

Section 2 General Procedures. Any employee who will be interviewed concerning an act which, if proven, could reasonably result in disciplinary action against them will be afforded the following safeguards:

If after the complainant is interviewed regarding an action or inaction of an employee, further investigation is deemed necessary, the employee and the Association shall be notified in writing of the complaint as soon as is practical. This requirement will not apply where the employee is under investigation for violation of the Controlled Substance Act, or violations which are punishable as felonies or misdemeanors under law. Also, the employee will not be notified if doing so would jeopardize either the criminal or administrative investigation.

Investigatory Interview. At least twenty-four hours prior to any interview where the City may impose a formal disciplinary action upon the employee, the employee and the

Association will be informed in writing of the nature of the investigation, status of employee (witness or suspect) and allegations against the employee.

The employee shall be allowed the right to have Association representation present during the interview. The opportunity to consult with the Association representative or to have the Association representative present at the interview shall not unreasonably delay the interview (not to exceed twenty-four hours), except for minor complaints (incidents for which informal counseling or other action no greater than an oral reprimand may result), which may be handled immediately when a representative is not readily available. However, if in the course of the interview it appears as if a more serious disciplinary problem has developed, the employee will be allowed a reasonable period of time (not to exceed twenty-four hours) to obtain a representative to assist them in the interview.

With the exception of telephone interviews, interviews shall take place at Department facilities, or elsewhere if mutually agreed, unless an emergency exists which requires the interview to be conducted elsewhere.

The employer shall make a reasonable good faith effort to conduct these interviews during the employee's regularly scheduled shift, except for emergencies or where interviews can be conducted by telephone. However, where the Chief of Police is a party to any interview, the City may schedule the interview outside of the employee's regular working hours as long as the appropriate overtime or callback payments are made to the employee.

- (A) The employee will be required to answer any questions involving non-criminal matters under investigation and will be afforded all rights and privileges to which they are entitled under the laws of the State of Oregon or the United States of America. The employee will also be required to answer question involving criminal matters during an internal investigation with Garrity protections.
- (B) Interviews shall be done under circumstances devoid of intimidation, abuse or coercion.
- (C) The employee shall be entitled to such reasonable intermissions as they shall request for personal necessities.
- (D) All interviews shall be limited in scope to activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of the investigation. Nothing in this section shall prohibit the City from questioning the employee about information which is developed during the course of the interview or expanding the scope of the investigation, provided the employee and Association are given written notice of the expanded scope of the interview prior to subsequent interviews.
- (E) The Department will audio-record any and all employee interviews, and a copy of the complete interview of the employee, noting all recess periods,

shall be furnished, upon request, to all parties. If the Association or employee audio-records the interview, a copy of the complete interview of the employee, noting all recess periods, shall be furnished, upon request, to all parties. If the interviewed employee is subsequently charged and any part of any recording is transcribed by the City, the employee or the Association shall be given a complimentary copy.

- (F) Interviews and investigations shall be concluded with no unreasonable delay.
- (G) The employee and the Association shall be advised of the results of the investigation and any future action to be taken on the incident.
- (H) The employee and the Association have the right to investigate the matter under the Public Employees Collective Bargaining Act.

Section 3 When the investigation results in a recommendation for disciplinary action involving suspension, demotion, reduction in pay or termination:

- (A) At least seven (7) calendar days prior to a pre-disciplinary meeting, the employee and the Association will be furnished with a copy of the entire investigation with the notice of the disciplinary meeting.
- (B) Pre-disciplinary notice and meeting (Loudermill). The employee and the Association shall be provided with written notice of the charges or reasons for the contemplated disciplinary action, policies potentially violated and type of disciplinary action(s) being contemplated. This notice shall also inform the employee that they have the right to a meeting to present information and evidence they would like to have considered, including information that rebuts or mitigates against the discipline contemplated, prior to any final decision, including a scheduled date and time for the meeting. The meeting is voluntary. The meeting times may be adjusted to accommodate for scheduling conflicts so long as no unreasonably delayed.
- (C) The employee shall have the right to have an Association representative and the Association attorney present at the pre-disciplinary meeting. The employee and/or the Association on behalf of the employee shall have the opportunity to present written and/or oral evidence which may refute and/or mitigate the reasons for the disciplinary action. Prior to the pre-disciplinary meeting, the City will provide a copy of the investigatory report and materials relied upon for the basis of the allegations and findings.
- (D) After the pre-disciplinary meeting, and the completion of any additional investigation by the City as may be deemed appropriate based on the employee's response, the City, Chief of Police or designee shall provide the employee and the Association with a written decision. This written decision

shall be provided within fifteen (15) calendar days following completion of the hearing.

Section 4 When Disciplinary Action Results. When the investigation results in a determination of sustained complaint and disciplinary action, only the findings and the disciplinary order may be placed in the employee's personnel file.

Section 5 Just Cause standards.

For non-sworn employees, "just cause" shall be defined as a cause reasonably related to the employee's ability to perform required work including, but not limited to, competence as an employee, violations of work rules, regulations or written policies, and such other factors as are commonly held by arbitrators to comprise just cause. It is recognized by the parties that each situation calling for possible disciplinary action is unique to its particular circumstances and that appropriate disciplinary action will be considered in the context of such circumstances.

For sworn law enforcement regular employees, all disciplinary actions imposed are subject to the just cause standards governed by ORS 243.808 through 242.812, ORS 236.350 and applicable law.

Section 6 This Article shall not apply to disciplinary action involving probationary employees.

Section 7 The foregoing procedures are intended to apply only to matters involving written reprimand, suspension, reduction in pay, demotion or termination and not to matters of routine supervisory counseling or oral reprimand.

ARTICLE 10 - GRIEVANCE PROCEDURE

Section 1 This procedure shall be the exclusive means of resolving disputes arising under this Agreement. For the purpose of this Agreement, a grievance is defined as any of the following:

- (A) A claim by an employee covered by this Agreement concerning the meaning or interpretation of a specific provision or clause of this Agreement as it affects such employee
- (B) A claim by the Association concerning the interpretation or application of a specific provision or clause of this Agreement as it affects a specific member or group of members of the Association

In the event of a grievance concerning a disciplinary issue, an individual employee who does not wish the Association to pursue a grievance (under Section 1(B) above) may notify the Association in writing at any time. A grievance which is resolved by an

individual's exercise of the right to not pursue a grievance shall not constitute a precedent with regard to the substance of the discipline and/or grievance in question.

Section 2 The City and the Association desire to adjust grievances informally – both supervisors and the grieving party(ies) are expected to resolve problems as they arise. If not resolved informally between the grieving party and the supervisor, the grievance shall be put in writing which shall include:

- (A) statement of the grievance and relevant facts,
- (B) provision of the contract violated, and
- (C) remedy sought

Section 3 Grievance Steps. The following steps shall be followed in submitting and processing a grievance, except for grievances challenging suspensions, terminations and demotions which shall start at Step 3:

- Step 1 Except as stated in Section 7 below, the aggrieved employee or the Association shall present the grievance in writing and identify it as a grievance to the immediate supervisor within twenty calendar days of its occurrence, or the employee's knowledge thereof, excluding the day of the occurrence. The supervisor shall give a reply in writing within twenty calendar days of the day of presentation of the grievance, excluding the day of presentation.
- Step 2 If the grievance is not settled at Step 1 (or the grievance involves a disciplinary matter), the employee and/or the Association shall submit the grievance in writing to the Chief, on an official grievance form, within twenty calendar days following the supervisor's reply, excluding the day of reply. The Chief shall issue a response in writing within twenty calendar days from the date of presentation, excluding the day of presentation, after attempting to resolve the matter.
- Step 3 If the grievance is not settled at Step 2, the employee and/or the Association shall present the grievance to the City Manager or designee within twenty calendar days from the date of response from the Chief, excluding the date of response. The City Manager or designee shall attempt to resolve the grievance and report in writing the decision within twenty calendar days from the date it is submitted to the City Manager, excluding the date of presentation. Grievances challenging suspensions, demotions and terminations shall be filed at Step 3 within twenty calendars days of notice of such action, excluding the date of the notice.
- Step 4 Mediation. If the Association is not satisfied with the decision provided by the City Manager at Step 3, the Association may elect to submit the grievance to mediation within fourteen (14) calendar days from either the City Manager's

response or fourteen (14) calendars days from the due date of the response. The parties may mutually agree to a local mediator or use a mediator provided by the Employment Relations Board. Parties agree to share the cost of the mediator. Unless otherwise agreed by the parties, the period for mediation will be limited to 120 days, starting from timely notice of mediation by the moving party. The parties must meet at least one time and agree to meet in good faith to resolve the dispute. Termination cases are not subject to the mediation process and may move to the next step.

Step 5 If the grievance is not settled at Step 3 4, or if the Association elects to forego mediation, the Association may file a written notice of intent to arbitrate the grievance with the City Manager within twenty (20) calendar days of the date the decision of the City Manager is received, not including the date of receipt. For grievances not involving discipline of a sworn officer, the parties shall request a list of nine arbitrators from the Employment Relations Board. If the parties cannot mutually agree to an arbitrator, they will alternately strike names and the last one will be the arbitrator. For grievances involving discipline of a sworn officer and within fourteen (14) calendar days from the written notice to the City of the Association's intent to arbitrate a grievance involving discipline of a sworn officer, the Association will request an arbitrator from the Employment Relations Board and the parties will select an arbitrator consistent with ORS 243.808 and ERB rules.

Section 4 The arbitrator shall set a hearing date and shall strive to render a decision within one month of the conclusion of the hearing. The power of the arbitrator shall be limited to interpreting this Agreement, determining if it has been violated, and to resolve the grievance within the terms of this Agreement. The arbitrator has no authority to add to, delete from, amend, modify any terms of this Agreement or make a finding in violation of law. For grievances involving discipline imposed on a sworn officer as defined in Article 9, the arbitrator is bound to the just cause standards defined in Article 9 and as set forth in ORS 243.808 through 243.812, ORS 236.350, and applicable law. The decision of the arbitrator shall be final and binding on both parties. Each party shall be responsible for costs of presenting its own case to arbitration. Costs incurred in connection with the arbitration hearing will be borne by the losing party, as determined by the arbitrator.

Section 5 If at any step of the grievance procedure the grievant fails to comply with the time limits or procedures set forth in this Article, the grievance shall be deemed abandoned and non-arbitrable. If at any step of the grievance procedures the City fails to issue a response within the time limits set forth in this Article the grievance will be advanced to the next step. Time limits referred to in this Article may be waived or extended by mutual Agreement in writing.

Section 6 An authorized Association representative and employee(s) who are directly involved in a particular grievance shall be allowed to attend meetings with representatives of the City without loss of regular pay. The Association shall advise

the City as to which employee(s) will attend such meeting. It shall be the responsibility of each individual employee to provide advance notice of the meeting to his/her immediate supervisor.

Section 7 Grievances challenging written reprimands shall be initiated, within the time limit prescribed in Section 3, at Step 2 of this procedure. Grievances challenging suspensions, terminations, and demotions shall be initiated within the time limits prescribed in Section 3, at Step 3 of this procedure.

ARTICLE 11 - ASSIGNMENT PROMOTION AND TRANSFER

Section 1 Vacancies and special assignments and instructorships are to be filled at the sole discretion of the Chief of Police or designee. Incumbents may reapply, provided they are not seeking a continuation of the same special assignment or instructorship. Instead, they must wait out at least one (1) cycle to provide the opportunity for other bargaining unit members to fill the special assignment or instructorship. Employees wishing to be reconsidered for such a posted position may reapply. However, there shall be a process followed in filling these vacancies as follows: Employees wishing to be considered for such posted positions or special assignments to detectives, School Resource Office or the traffic unit shall have ten (10) days to submit a letter of interest, and shall submit the application materials required of all applicants and participate in a testing process established by the City. The length of assignments will be four (4) years. All applicants will continue to retain current status and seniority as an employee of the City.

Section 2 Employees may request reassignment and/or a transfer to another position in the City. Such requests for transfers shall be in writing and shall be submitted to the City Manager or designee. Such requests for transfer shall not take precedence over those who apply for the position.

Section 3 Employees who apply for transfer or promotion to another position shall be considered, if qualified, according to the City's standard criteria.

Section 4 When an employee is promoted to a classification with a higher salary range, commencing with the date of promotion that employee will receive a salary increase equal to at least five percent, so long as it does not exceed the top step of the salary range of the higher classification.

Section 5 When an employee is transferred to a classification with a lower salary range, that employee's base salary shall be either the top step of the range of the lower classification or the employee's current rate of pay, whichever is lower.

Section 6 The provisions of this article do not preclude the City from posting externally for vacant FTE positions in the bargaining unit.

ARTICLE 12 - PROBATIONARY PERIODS

Section 1 All new hires, including a lateral officer, shall be required to complete a probationary period. The probationary period for sworn employees who are not or have not been certified shall be eighteen months, for all other sworn employees shall be twelve months. For all other employees the probationary period shall be six consecutive months. Promotional appointments shall be subject to a probationary period for six consecutive months. A probationary period is intended as a period of time to evaluate employees. An employee's probationary period may be extended, at the City's discretion, and the City may toll an employee's probationary period if the employee has been absent from work for more than fifteen (15) cumulative work days resulting from absences due to medical reasons or medical leave in order to complete the observation period. The City will provide written notice to the employee and Association.

A lateral officer is one who is Oregon DPSST certified or out of state equivalent, as determined by the City, who left in good standing from another law enforcement agency with at least three (3) years of experience.

Section 2 Upon satisfactory completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, and shall be so informed by the appropriate supervisor.

Section 3 During the initial probationary period of a new hire, an employee is not entitled to "just cause" rights and may be disciplined or discharged at any time without appeal under the grievance procedure.

Section 4 Promotions shall be in the sole discretion of the City. In the case of promotional appointments within or outside the bargaining unit, the promoted employee may, at the City's discretion, be returned at any time during the probationary period to their previous classification without appeal rights. the Promoted employees may also elect to return to their previous classification during their probationary period and shall be returned to at classification when the first vacancy occurs. In either case, the employee will be returned with the seniority they had accrued at the time of their promotion restored for all purposes, including placement on the salary schedule.

ARTICLE 13 - SENIORITY LAYOFF AND RECALL

Section 1 Seniority shall be achieved following completion of the employee's probationary period. Seniority shall be determinative with respect to selection of shifts and days off and as otherwise set forth in this Article.

Bargaining unit seniority shall be by continuous service within the bargaining unit from last date of hire. Ties in seniority shall be broken by lot. (*Vacation accrual is addressed in Article 26*)

Section 2 Seniority shall be terminated and the employment relationship will be severed if an employee quits, is terminated for just cause or “at will” during initial probation, is laid off for a period of twenty-four months, is laid off and fails to respond to written notice of recall as provided in Section 5, below, fails to report to work at the expiration of a leave of absence, is unable to return to work due to on-the-job injury or occupational illness for up to three years in accordance with ORS 659A.043 and ORS 659A.046, is separated from employment for non-disciplinary reasons, or is promoted to a position outside of the bargaining unit and does not return to the bargaining unit as set forth in Article 12, Section 4, or is retired.

Section 3 The City shall provide a copy of the seniority list to the Association upon request.

Section 4 If the City should reduce its work force, layoffs shall be made within each job classification on the following basis. Employees will be laid off in inverse order of seniority within their classification. For purposes of determining order of layoff within a classification, seniority shall be based on continuous service, within that classification.

Section 5 An employee notified of layoff may either accept the layoff, or at the employee's option, elect to displace the least senior employee in a lower classification as long as the bumping employee has greater bargaining unit seniority as defined in Section 1 and has previously held the job. An employee who displaces an employee in a classification with a lower salary range for the purpose of avoiding layoff shall be paid at the rate for the job. If the employee's salary is above the top of the lower range, the employee will move to the top of the lower range.

Employees laid off for a period of twenty-four months or who decline or fail to respond to a recall notice lose all seniority credits and shall be removed from the recall list. Employees recalled within twenty-four months of their date of layoff shall be recalled to their prior classification based on bargaining unit seniority. Employees who have previously held a lower classification also have recall rights to that position based on bargaining unit seniority. However, if they decline recall to the lower classification they will remain on the recall list. No new employees shall be hired for a classification until employees laid off from that classification have been notified of an offer of an opportunity to return to work.

The City shall notify a laid off employee, who is still on the recall list, of a position opening within their prior classification or in a lower classification by certified letter, return receipt requested, to their address of record maintained in the employee's personnel file. It shall be the employee's responsibility to ensure that their current address is on file at the time the recall occurs. The employee shall have seven calendar days from receipt or ten calendar days of mailing, whichever occurs later, to notify the City in writing of their intent to return to work. If the employee fails to so respond to a recall notice to their former classification within this time period, all rights to recall shall be terminated. If an employee fails to respond to a recall notice to a lower classification, the employee will remain on the

recall list.

Section 6 Alternatives To Layoff. In the event of a layoff, the City may with the agreement of the affected employee(s) attempt to mitigate the impact on staff by utilizing any of the following options to avoid layoff:

- (A) Schedule the use of compensatory time off;
- (B) Use accrued vacation time; and/or
- (C) Where permitted by the City Manager or designee, take a leave of absence without pay

During the three months immediately following date of layoff, seniority shall remain in effect and continue to accrue. If, however, after seeking alternatives consistent with A-C, above, the City determines the need to lay off employees continues to exist, layoff shall be implemented. The City will also continue to pay its portion of the premium for laid off employees to receive medical benefits for three months following the date of layoff. For the purpose of continued medical insurance, the month in which the layoff occurs will not count toward this three-month period. However, in order to receive continued medical benefits, the affected employee must exercise COBRA continuation rights.

ARTICLE 14 - HOURS OF WORK

Section 1 The workweek shall consist of forty hours of work in seven consecutive calendar days commencing with the first workday of the employee's regular work schedule.

Section 2 Workdays shall consist of twenty-four hour periods commencing with the first workday of the employee's regular work schedule.

Section 3 All patrol employees shall be granted a forty-five-minute compensated meal period during each work shift, to the extent possible and consistent with operation requirements of the Department Employees shall be subject to call during the meal period.

Section 4 All employees may be granted two paid fifteen-minute interruptible rest periods each day, to the extent possible and consistent with operating requirements of the Department.

Section 5 Each employee shall be assigned a regular work schedule, consisting of five consecutive eight hour days followed by two consecutive days off or four consecutive ten hour days followed by three consecutive days off or an alternative schedule, as agreed calendar days' advance written notice of any change in their regular work schedule. Employees whose regular work schedules are changed on less than seven calendar days'

written notice will be paid their overtime rate for time worked outside their regular work schedule during any portion of the seven day period they did not receive such written notice, except in an emergency (Act of God, natural disaster, civil unrest or governmental declaration of emergency); when the need for the schedule change is unknown seven calendar days in advance of the change; and except in the case of schedule changes by mutual agreement between the City and employee. In no event will overtime pay be duplicated under any other provision of this Agreement.

Section 6 Employees who report for their regular shifts shall be compensated for a minimum of five hours of work or pay unless given advance written notice not to report.

Section 7 Officers are expected to report for duty regardless of weather conditions. Office staff who are unable to come to work due to snow or ice conditions may take time off (vacation or comp time). The employee may make other arrangements to get to work, including getting a ride from an on-duty city employee (subject to approval of that employee's supervisor). The employee may also make up the time off by working an equal number of hours during the pay period, subject to the supervisor's approval.

ARTICLE 15 - PATROL SHIFT BID

Section 1 Shift assignments and days off will be bid by employees in the bargaining unit based on bargaining unit seniority.

Section 2 Bidding of shift assignments and days off will take place every six months by March 1st to be effective March 24th, and by September 1st to be effective September 24th. Employees may remain on a shift for up to two consecutive rotations, after which they will rotate to another shift for at least one rotation. Officers who are not released for solo work on March 24th or September 24th will not bid shifts and days off for that bid period. The City may reserve schedule slots on shift for those Officers, but may not reserve days off.

Section 3 Use of vacation and comp time during the weeks of March 15th through 24th and September 15th through 24th (bump) is expressly prohibited, except for employees serving specialty assignments who are not affected by the bump, such as Detective, SRO and Traffic Officers. However, the Chief of Police may review and grant time-off requests of an emergency nature.

ARTICLE 16 – OVERTIME

Section 1 Time and one-half the employee's regular rate shall be paid for authorized work in excess of:

- (A) Eight hours per workday if on a 5-8 schedule, ten hours per workday if

on a 4-10 schedule;

- (B) Forty hours in a workweek;
- (C) Work incident to a schedule change on less than seven calendar days' notice pursuant to Article 14, Section 5.

For the purpose of this Section, compensatory, holiday, vacation time and sick leave shall be considered "hours worked."

Section 2 Supervisors in charge of a shift or unit are the only employees authorized to require or authorize overtime by employees. Employees who work overtime without authorization may be subject to discipline.

Section 3 The following principles will be followed when assigning overtime work:

- Where two or more on-duty employees are known to be willing to work overtime, overtime work of the same nature (same job classification and premium pay assignment) arising on that shift will be assigned on a seniority basis, with the most senior employee being offered the overtime first and continuing in that order.
- Overtime assignments in patrol that are known less than forty-eight hours in advance will be filled by first seeking on-duty personnel and/or calling in early those employees scheduled to work the next shift. If these personnel are not available for overtime, the remaining regular employees will be offered the overtime, with the overtime being offered and filled by order of seniority.
- Except for overtime assignments for special events which are addressed below, overtime assignments that are known at least forty-eight hours in advance will be posted electronically using the Department's scheduling software. Officers who are interested in such overtime assignments are responsible for accessing the scheduling software to sign up for overtime. Overtime will be filled by order of seniority. Officers wishing to bump officers with lower seniority from an overtime assignment will notify the on-duty or on call supervisor by email and copy the bumped employee of their intention to bump an officer with lower seniority more than 96 hours prior to the overtime shift; the shift will be considered locked in 96 hours prior to the shift and the officer who took the shift will not be bumped by an officer with higher seniority. If no officer signs up for the overtime, the Department will fill the assignment using the mandatory list described below.
- Overtime assignments for special events will be posted electronically as special assignments on the Department's scheduling software for a time period designated by the City. In the event that more officers sign up for the special event than are determined necessary by the City, special events overtime will be assigned on the basis of seniority.

- If the City is unable to obtain enough volunteers to cover overtime requirements, overtime shall be assigned in inverse order of seniority on a rotated basis, provided that the overtime assignment will not cause the employee to work more than sixteen (16) hours in a twenty-four-hour period or prevent an employee from receiving at least eight hours off between work assignments. The rotated basis for assignment of mandatory overtime shall begin with the employee with the lowest seniority being assigned the mandatory overtime, followed by the second lowest seniority employee, and continuing in that inverse order through the highest seniority employee. The process will be repeated once the list is exhausted. If an employee does not fill a mandatory overtime assignment because of vacation, illness or any other reason, that employee will remain at the top of the mandatory overtime list until he/she has filled a mandatory overtime assignment. An employee will be excused from filling a mandatory overtime assignment if the City reasonably determines it would create an undue hardship on the employee (e.g. unable to secure childcare, court conflict, less than eight hours off). If an employee volunteers to fill what would otherwise be a mandatory overtime assignment, that employee's name will be struck from the mandatory overtime list until that list rotation is exhausted.
- Once employees sign up to perform overtime work, they are obligated to complete that overtime work. Exceptions will be allowed only when the employee secures a replacement or in the event the employee is prevented from securing a replacement due to a bona-fide emergency. An employee that signs up for overtime in conjunction with a regularly scheduled shift, may not work more than sixteen (16) hours in a twenty-four (24) hour period without an eight (8) hour break before their next regularly scheduled shift.

ARTICLE 17 - COMPENSATORY TIME

Section 1 An employee may elect to be compensated for overtime worked in pay or by accruing compensatory time off. Compensatory time shall be earned at one and one-half time the overtime hours worked. Employees may accrue up to eighty (80) hours of compensatory time at any given time. Any overtime worked in excess of eighty (80) hours in a fiscal year will be paid at the overtime rate. Employees can only use compensatory time accrued as reflected by payroll records.

Section 2 Scheduling of compensatory time shall be approved on a seniority basis, provided that time-off requests are submitted at least forty-eight hours in advance. Any time off requests submitted less than forty-eight hours in advance will be approved on a first come, first served basis. If a supervisor receives two or more requests for time off at the same time, then resolution of the conflicting time off shall be based on seniority.

Section 3 Compensatory time requests shall not be denied unless the granting of the request would cause the department to fall below established minimums. The City reserves the right to change established minimums at any time. Scheduled compensatory time may be adjusted to allow the Department to meet emergency situations (Acts of God, natural disasters, civil unrest or governmental declaration of emergency). However, where such changes are initiated, the City will explore other alternatives where non-recoverable funds are involved.

Section 5 Upon separation of employment, an employee shall be paid for unused compensatory time at a rate of compensation equal to the employee's regular hourly rate received by the employee at the time of termination.

Section 6 Employees may donate compensatory time in accordance with Article 32, Section 4.

ARTICLE 18- CALLBACK

Section 1 An employee who has received notice of a court appearance shall confirm the court appearance at least twelve hours prior to the court appearance. Employees will be paid at the rate of time and one half for all hours worked outside the employee's regular shift as a result of a court appearances with a minimum of two hours pay for court proceedings within Sandy city limits, including video Grand Jury appearances. Employees will be paid a minimum of four hours pay for all other court appearances if the court appearance is on a regular day off, unless the employee is given notice that the court appearance is canceled at least twelve hours prior to the time the employee is to report for the court appearance. For the purposes of this Article, time worked includes travel time to and from the location of the court appearance.

Section 2 For purposes of this Article, court appearance by an employee means a court appearance required as a result of the employee's official capacity with the City of Sandy.

Section 3 For purposes of this Article, reporting time for such appearances is deemed to be one-half hour before the time indicated on the official notice to appear.

Section 4 More than one callback or court appearance within the applicable minimum shall be considered a single callback. Any time worked beyond the minimum will be applied as added time Subsequent court appearances or callbacks, scheduled with more than the applicable time interval shall be paid as separate appearances or callbacks.

Section 5 Employees who are on off-duty status shall not be required to do work beyond the completion of a specific callback or court appearance.

Section 6 All witness fees paid to an employee who is receiving compensation covering the same time and expense covered by said fees shall be turned over to the City.

Section 7 An employee who has a court appearance which conflicts with a leave which has been authorized by the City shall have responsibility for giving the required advance notice to the courts and requesting that the case be rescheduled according to the procedures established by the courts.

Section 8 An employee called back to work other than for a court appearance shall receive a minimum of three hours pay at the rate of time and one half for each call back.

ARTICLE 19-SALARIES

Section 1

Effective and retroactive to July 1, 2022, wages shall be increased across the board by 5%.

Effective and retroactive to July 1, 2022, as a market adjustment the wage scale for the classification of Police Records Specialist and Police Records Specialist/Evidence Technician will be increased by an additional 2%.

Effective with January 2023 payroll, each current employee will receive a one-time payment of \$1,500 as part of the regular payroll process, subject to applicable withholdings.

Effective July 1, 2023, wages shall be increased across the board by 4%.

Effective July 1, 2023, as a market adjustment the wage scale for the classification of Police Records Specialist and Police Records Specialist/Evidence Technician will be increased by an additional 2%.

Effective July 1, 2024, wages shall be increased across the board by the increase in the CPI-W Western Region B/C Index from January 1, 2023, to December 31, 2023 with a minimum increase of 2% and a maximum increase of 4%.

Section 2 The City will make good-faith efforts to pay employees on the last day of each month. If the last day falls on a Saturday, Sunday or Holiday, the City will similarly attempt to pay employees on the last working day preceding the last day of the month. Effective the first pay period of 2023, the salary scale will use the hourly rate for all payroll calculations for hours worked.

Section 3 Wage rates for employees covered by this Agreement shall be in accordance with the salary matrix schedule set forth in Appendix A, which by this reference is incorporated and made a part of this Agreement.

Effective 1/1/23: Salary scale reflects an hourly rate of pay. Monthly values are for reference purposes. Steps are approximately 2.5% apart.

ARTICLE 20 - PREMIUM PAY

Section 1 Employees shall receive premium compensation for professional certification received through the State of Oregon Department of Public Safety Standards and Training and/or educational achievement. An employee may receive a premium of either a four percent (4%) premium or an eight (8%) percent of their base rate. pursuant to this section but may not receive both premiums.

This compensation shall be:

4%	Intermediate
8%	Advanced

Certification/education pay shall be computed based upon the employee's base salary.

Section 2 Employees shall receive premium of five percent (5%) of their base rate while serving as Police Training Officer or detective. The employee must hold PTO certification from the State of Oregon Department of Public Safety Standards and Training. This premium compensation shall be treated in like manner as premium pay under Section 1, pursuant to the provisions of the Fair Labor Standards Act (FLSA).

Section 3 The City shall reimburse employees up to forty-five dollars (\$45) for the cost of membership in a local fitness facility, per month as a reimbursement with documented membership. Effective January 1, 2023, the value will change to \$50.

Section 4 Employees who are bilingual in English and Spanish shall receive premium of three percent (3%) of their base rate. In order to be eligible for bilingual pay an officer must demonstrate proficiency in Spanish as used in law enforcement situations. City may require testing by an independent language expert to determine an officer's proficiency in Spanish.

Section 5 Longevity. Employees with 10 years of service or more of full-time employment with the Sandy Police Department shall receive a longevity premium pay of \$1000 per year, payable with the final November paycheck. Payment shall be due to any such employee who reaches ten years of service on or before the issuance of the paycheck.

Effective July 1, 2023, the longevity premium will change to a percentage value per pay period. Longevity is based on continuous full-time employment with Sandy PD.

After 8 years of continuous service (96) months, the premium value is 1.0% of their base rate.

After 10 years of continuous service (120) months, the premium value is 2.0% of their base rate.

Longevity premium tiers are not cumulative.

Section 6 School Resource Officer. Employees who are assigned to serve as School Resource Officers shall receive premium pay of three percent (3%) of their base rate.

Traffic Unit. Employees who are assigned to serve in the Traffic Unit shall receive premium pay of three percent (3%) of their base rate.

Section 7 Employees who work the graveyard shift shall receive a shift differential of three percent (3%) of their base rate.

Premium pay is paid in each payroll period as earned.

ARTICLE 21 - LIGHT DUTY ASSIGNMENT AND PAY

The City will comply with legal obligations to reasonably accommodate disabled employees to enable them to safely perform the essential duties of their job, consistent with applicable law. Employees who are injured on-the-job or suffer occupational illnesses, as well as those who qualify as disabled under applicable law, may be offered light duty assignments. Any employee who is being considered for a light duty assignment must submit a written release from a health care provider identifying their job-related medical limitations, so the City can evaluate potential light duty assignments. A health care provider's certification that the employee is medically able to perform the light duty assignment will also be required before an employee is placed in that assignment. Employees on light duty assignments due to an on-the-job injury or occupational illness will continue to receive their regular base pay while they are on light duty assignments. Light duty assignments are intended to be temporary and will generally be reevaluated when an employee becomes medically stationary. The City also reserves the right to reevaluate and discontinue or alter light duty assignments based on the anticipated duration of the employee's limitations, the continued availability of suitable light duty work, and other operational needs.

ARTICLE 22 - INSURANCE

Section 1 The City shall provide medical and dental insurance coverage to bargaining unit employees and their eligible dependents, pursuant to the elections made by the employees. Bargaining unit employees will receive the same medical and dental insurance plan options offered to general employees, which will include Regence Copay Plan F and Kaiser Deductible Plan A with alternative care and vision riders, at the option of the Association, for medical plans and ODS, Delta Dental, Willamette and Kaiser Dental for dental plans.

Premium Cost Sharing. The City will pay 100% of the premium for employee medical and dental coverage. Contributions for dependent coverage shall be shared with the City

paying 85% of the premium and employee will paying the remaining 15% of the premium by payroll deduction, irrespective of plans selected and tiers of coverage.

Effective January 1, 2023 or upon ratification of this agreement, the later of either, the premium cost sharing will change to 90% paid by the employer and 10% paid by the employee for all tiers except employee only. The "employee only" tier will remain at 100% employer paid premium contribution.

Insurance eligibility and terms are governed by the City's insurance carrier. In the event the City's carrier changes available plan options or benefits or imposes restrictions that trigger bargaining obligations, the Association will be notified in writing and the City shall comply with its bargaining obligations in accordance with ORS 243.698. If the City's insurance carrier makes additional plan options available to City employees during the term of this Agreement, the City reserves the right to offer such options. In that event, the City will notify the Association in writing. In order to add a plan option, the Association must notify the City Manager of its desire to add that plan to the options offered to employees within the deadlines established by the carrier. Written notice may be delivered via email, regular mail or hand delivery.

Section 2 The City will provide an accidental death and dismemberment term life insurance policy for all bargaining unit members. Dependent coverage is available at the employee's expense.

Effective January 1, 2023 or upon ratification of the agreement, the later of either, the coverage will change to \$100,000. The City also pays an additional \$10,000 statutory life insurance for sworn staff.

Section 3 The City shall allow retired members of the bargaining unit who have retired from City service to participate in insurance plans which the City maintains for current members. Participation shall be administered by CIS and subject to CIS rules and procedures. The retired bargaining unit member shall be responsible to pay the retiree's insurance costs and to submit premium contributions.

ARTICLE 23 - TORT CLAIMS LIABILITY

Section 1 The City shall indemnify and defend employees of the City's Department against claims and judgments incurred in, or arising out of, the performance of their official duties, subject to the limitations of the Oregon Tort Claims Act, ORS 30.260 to ORS 30.300.

ARTICLE 24 - RETIREMENT

Section 1 The City shall provide for participation in the Public Employees Retirement System (PERS), inclusive of OPRSP, for all employees as provided for under the rules and regulations of that system. For the term of this Agreement, the City shall pay the

cost of the employee's contribution to PERS (PERS pickup) consistent with PERS/OPSRP rules and regulations.

Section 2 Deferred Compensation. Effective the pay period following ratification, for all employees, the City will pay a contribution of \$115/month. Changes in the amount of deferred compensation contribution can be made with thirty (30) days' notice and will become effective at the beginning of the pay period following expiration of this thirty (30) day period.

ARTICLE 25 - HOLIDAYS

Section 1 All employees in the bargaining unit shall be entitled to holiday pay for the holidays listed in Section 2 of this Article. Full-time employees shall receive regular compensation (eight hours for each holiday), part-time employees shall be compensated in proportion to the number of hours they are normally scheduled to work (for example, employees working fifteen hours per week shall receive three hours' compensation for each holiday).

Section 2 The following are recognized as holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

Section 3 For employees on a Monday through Friday workweek, if the holiday falls on a Sunday, the following Monday shall be given as the holiday. If the holiday falls on a Saturday, the preceding Friday shall be given as the holiday.

Section 4 For employees scheduled on a Monday through Friday workweek, the City Manager is not precluded from offering non-sworn employees the option to leave early on Christmas Eve without use of accrued leaves.

The City Council may declare other holidays to be observed by the City.

Section 5 Holidays Worked

(A) An employee who works on a recognized holiday as part of their regular work shift,

or who volunteers to work on a recognized holiday shall be compensated at one and one-half times their regular hourly rate of pay for hours worked on that holiday (00:00 – 23:59).

(B) In the event such an employee works in excess of his or her regular work shift, or is mandated involuntarily to work on a recognized holiday (00:00 – 23:59), the employee will be paid double time for those hours.

(C) An employee who is called back to work on a recognized holiday will receive the callback minimums set forth in Article 19 at two and one-half times their regular rate of pay for all hours worked on the recognized holiday (00:00 – 23:59).

Section 6 Holidays which occur during vacation or sick leave shall not be charged against such leave.

Section 7 Holiday pay may be donated to other employees in accordance with Article 32, Section 4.

ARTICLE 26 - VACATION LEAVE

Section 1 Employees shall accrue vacation time in accordance with the following schedule:

0-3 yrs	94 hours
3-5 yrs	114 hours
5-10 yrs	134 hours
10-15 yrs	174 hours
15+ yrs	178 hours + 8 HRS for each additional year of service up to a maximum of 200 hrs

Section 2 New employees shall not be eligible to utilize vacation leave during their first six (6) months of employment, although vacation leave shall accrue from the beginning of employment.

Section 3 Vacation leave can accrue from year to year with a maximum accrual limit of three hundred hours. Employees are responsible for reviewing their paycheck stubs to avoid the three-hundred hour cap. An employee may, in cooperation with their supervisor, make efforts to agree upon a plan to reduce accrued vacation time by forty (40) hours. Vacation accrued beyond the three-hundred-hour (300 hour) limit, and not so utilized will be lost unless the employee was prevented from using the vacation leave by the City's operational needs.

Section 4 Any employee may sell back to the City up to eighty (80) hours of accrued vacation time during any fiscal year, limited to the following conditions:

- (A) A minimum of a like number of vacation hours is taken as vacation within two weeks of any check issued to that employee for vacation reimbursement
- (B) Vacation reimbursement shall occur only once during any fiscal year for each employee, regardless of how many hours are used
- (C) The City shall receive two weeks' prior written notice from any employee requesting vacation reimbursement

Section 5 Employees will be paid at their regular rate of pay for accrued but unused vacation upon termination.

Section 6 Vacation Scheduling.

(A) Priority Vacation Sign-Ups.

Effective for vacations starting March 24, 2020, the City will make available a priority vacation sign-up sheet twice a year. For vacations occurring March 24th through September 23rd, the sign-up sheet will be posted March 1st to March 15th. For vacations occurring September 24th through March 23rd, the sign-up sheet will be posted September 1st to September 15th.

Any conflicts in requested vacation time will be resolved by granting the requested time off to the employee with the most seniority.

Requests for vacations occurring from March 24th through September 23rd will be frozen on March 15th. Requests for vacations occurring from September 24th through March 23rd will be frozen on September 15th.

To assure an orderly process and equitable distribution of vacation time off, employees may sign up for a maximum of eighty (80) hours of priority vacation time for each six (6) month vacation sign-up period. Vacation sign-ups must be in increments of full workdays.

Employees are not required to sign-up to use vacation time off during these two sign-up periods.

(B) Non-Priority Vacation Sign-Ups with 14 Calendar Days' or More Notice.

Employees may request additional vacation time off at any time throughout the year. However, for non-priority vacation requests made with fourteen (14) or more days' notice prior to the requested vacation day, seniority will be used to resolve conflicts only for vacation requests of less than one workweek, provided the bumping employee exercises his/her seniority rights at least thirty (30) calendar days before the effective date of the

vacation request. Non-priority vacation requests of one workweek or more that are made with fourteen (14) or more days' notice prior to the requested vacation day shall be approved on a first come, first served basis.

If an employee is currently assigned a recruit, vacation requests greater than 7 calendar days off need at least 30 calendar days' notice.

(C) Non-Priority Vacation Sign-Ups with less than 14 Calendar Days' Notice.

Vacation requests submitted less than fourteen (14) calendar days prior to the requested vacation day shall be approved on a first come, first served basis, subject to operational need. The denial may not be arbitrary.

ARTICLE 27 - SICK LEAVE

Section 1 All employees shall earn sick leave at the rate of eight hours for each calendar month of service. Effective January 1, 2023, employees shall earn sick leave at the rate of ten (10) hours for each calendar month of service. For historical reference, the increase to a ten (10) hour per month accrual rate reflects additional time in consideration of bereavement leave.

Section 2 Employees are eligible to utilize accrued sick leave for the following reasons:

- (A) For an employee's mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventative medical care;
- (B) For care of an employee's family member with a mental or physical illness, injury or health condition, care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or care of a family member who needs preventive medical care;
- (C) When the employee is unable to perform their duties due to personal off-the-job illness or injury;
- (D) When a public health authority or health care provider has determined that the presence of the employee in the community would jeopardize the health of others;
- (E) For personal medical and dental appointments;
- (F) When an employee is unable to perform his/her work duties due to an on-the-job injury or occupational illness, as set forth in Section 7 below;
- (G) For a public health emergency as defined in ORS 653.616(6) and

- (H) For other leaves in which use of accrued sick leave is mandated by federal or state law, to include Oregon's Sick Time Act..
- (I) Bereavement. Employees may use accrued leaves as permitted by OFLA and City Policy. Employees may request vacation or compensatory time off to attend the funeral or grieve the death of a person not covered by OFLA. All such requests are subject to approval at the discretion of the Chief of Police and are not grievable.
- (J) Use of sick leave as allowed by Oregon or Federal law.

Section 3 Sick leave shall be charged for the time an employee is absent from their regularly scheduled work shift. If an employee takes more than three consecutive scheduled workdays of sick time for a purpose described in this Article, the City will require the employee to provide verification from a health care provider of the need for the sick time; no medical diagnostic information is required of the employee.

Section 4 Abuse of sick leave is cause for disciplinary action. The City may require an employee to submit written certification from a health care provider or other acceptable verification of eligibility to receive sick leave benefits for absences not covered by state or federal family medical leave laws, whenever the City has reasonable cause to believe that a misuse or abuse of sick leave may be occurring. "Reasonable cause" shall include:

- (A) A pattern of usage in conjunction with days off, vacation, holidays or compensatory time;
- (B) A pattern of usage on days when a spouse or significant other is off work;
- (C) A pattern of calling in sick on a previously denied day off;
- (D) The existence of indicator(s) that the absence was motivated by a desire to avoid undesirable working assignments, deadlines, etc.;
- (E) Statements or actions that indicate an intent to deliberately mislead or misrepresent the reasons for reported absence; or
- (F) Physical observations (return to work with signs of outdoor recreation, such as sun burns, etc.) and/or other information that provides a factual basis for the suspicion that the employee was not absent for reasons that qualify for sick leave usage under this Article.

Section 5 An employee's supervisor shall have the authority to send an employee home on sick leave if the employee demonstrates illness and either cannot perform duties accurately or may jeopardize or endanger the health of others.

Section 6 Employees are expected to inform their supervisor of any anticipated medical treatment so that the Department may plan for the employee's absence. If the need to use sick time is unforeseeable, the employee shall provide notice to the City as soon as practicable.

Section 7 Worker's Compensation. When an employee is absent from work because of an on-the-job injury or occupational illness, employees will be compensated as follows:

- (A) For the first one hundred eighty (180) consecutive calendar days from the date immediately following a compensable injury or occupational illness, the City shall pay the difference between workers' compensation time loss benefits and the employee's regular straight-time net wages. This 180-day period begins on the original date of injury.
- (B) After one hundred eighty (180) consecutive calendar days immediately following a compensable injury or occupational illness, the employee shall use available sick leave to make up the difference between workers' compensation time loss benefits and their regular straight-time net wages. Comp time, vacation and holiday banks may be utilized when sick leave has been exhausted. Employees may designate the order in which their other leave banks will be used. In the event there is no designation, compensatory leave will be used first, followed by holiday pay, then vacation pay.
- (C) During the period of such absences, the City will deduct the employee's share of the insurance premium through payroll deduction. In the event the employee's paid leave banks are insufficient to cover the cost of the employee's share of the premium, the employee will be responsible for remitting such payment directly to the City by no later than the fifteenth of the month in which payment is due.

In the event an employee's sick leave accruals are not charged for an injury or illness that is later determined to be non-compensable, the City can deduct the amount of such over payment from the employee's sick leave account. In the event there is insufficient sick leave accrual to cover the overpayment, the City may reduce comp time, followed by holiday pay, then vacation pay to cover the overpayment. In the event the overpayment cannot be recouped from the employee's sick leave or other paid leave banks, the City can automatically deduct any overpayment in full from the employee's next paycheck or subsequent paychecks, if there is not a sufficient amount in the next paycheck to cover the overpayment.

Section 8 The City may require a health care provider's approval of an employee to return to work from OFLA and/or FMLA leave. The City may also require a medical release or medical verification of an employee's work-related limitations, including responses to medical questionnaires, whenever it has a good faith concern, consistent with the ADA, about whether an employee's physical or mental condition is affecting their ability to safely perform essential job duties.

Section 9 Unused sick leave shall not be paid to any employee upon termination, whether voluntarily or involuntarily, but shall be reported to PERS as prescribed in ORS 238.350.

ARTICLE 28 - OTHER LEAVES

Section 1 Military Leave. Military leave shall be granted in accordance with state and federal law.

Section 2 Jury/Witness Leave. If an employee is called for jury duty or is subpoenaed as a witness in a matter that is not personal to the employee, the employee shall be granted leave with pay. Compensation received (except travel reimbursement) shall be remitted to the City. Upon being excused from such duty for a portion of any day, the employee shall immediately contact their supervisor, who at the supervisor's discretion may assign the employee for the remainder of their regular working day.

Section 3 Personal Leave. In the sole discretion of the City, an employee may be granted leave of absence without pay not to exceed one hundred eighty calendar days, if the City finds there is reasonable justification to grant such leave and if it does not unduly interfere with the normal operations of the Police Department.

The City may interrupt or terminate such leave by twenty days' written notice by Certified Mail to the address given by the employee on their written application for such leave to the City Manager. After actually being made aware that the City desires their return to work, the employee shall respond within five days or be subject to disciplinary action, including termination. Such leave shall not be approved for the purpose of accepting employment outside the service of the City. Employees on leave of absence without pay shall not accrue during the absence and will be required to apply for COBRA continuation rights and reimburse the City for continued insurance premiums. If the City, in its sole judgment, does not require an employee to reimburse the City for insurance premiums, such action will not be deemed a binding precedent on the City, nor will the Association maintain that such action establishes a past practice. The leave shall not prejudice an employee's seniority accrued to the date of leave.

Section 4 Family Medical Leave. Consistent with City policy and applicable law, an employee may be eligible for State or Federal Family Medical Leave. Please refer to the City's Leave of Absence policy for a comprehensive description of employee rights under State and Federal Medical Leave laws.

- (A) Except as otherwise provided in this Article, leave requests will be administered in accordance with the City's Leave of Absence policy. The City will also comply with any applicable federal or state laws. Leaves under this Article will run concurrently where permitted by law.

- (B) If the leave is for a qualified state or federal family leave purpose, all leaves of absence, no matter how classified, shall be granted against the employee's annual family leave entitlement. In such case, the employee, upon request, shall provide health certification, including second and third opinions and fitness for duty certification as provided by family leave laws.

ARTICLE 29 - UNIFORMS AND EQUIPMENT

Section 1 Employees who are required to wear uniforms shall be furnished such uniforms by the City. Effective July 1, 2023, the City will provide a duty equipment reimbursement up to \$350 annually. Employee must submit requests for reimbursement within 45 calendar days of the purchase to be eligible for repayment.

Section 2 The City shall contract with a dry cleaner located within the city limits to provide uniform cleaning services to employees.

Section 3 The City shall reimburse employees for personal property which is stolen, damaged or destroyed, as a direct result of the employee's performance of official duties, with the approval of the employee's supervisor.

Reimbursement will not be granted if the negligence or wrongful conduct of the employee was a contributing factor to the theft, damage or destruction of the personal property.

Section 4 The City shall replace ballistic vests every five years or on a cycle recommended by an independent testing agency, whichever is longer.

ARTICLE 30 - EXPENSE REIMBURSEMENT

Section 1 Employees will be eligible for reimbursement of reasonable actual mileage at the current IRS rate, meals, lodging, registration and other necessary expenses incurred as a result of their official duties. Employee must submit requests for reimbursement within forty-five (45) calendar days of the event or occurrence to be eligible for repayment.

Section 2 Lodging and registration expenses shall generally be paid in advance.

Section 3 Reasonable cash advances will be provided on employee's request, the amount of such advance to be determined by the nature and duration of the travel. Appropriate accounting for expenses incurred against cash advances shall be required (within five working days from return of travel) Reimbursement for incurred expenses, verified by receipt, shall be made on a timely basis upon presentation of expense

vouchers approved by the Department. Mileage reimbursement for authorized use of personal vehicles will be at the current IRS mileage rate. Use of personal vehicles will only be authorized with supervisor approval.

ARTICLE 31 - OUTSIDE EMPLOYMENT

Section 1 No employee shall accept outside employment, whether part-time, temporary or permanent, without prior written approval from the City Manager. Each change in outside employment shall require separate approval.

Section 2 To be approved, outside employment must:

- (A) be compatible with the employee's City work (compatibility is determined by the employee's adherence to the Police Officer's Code of Ethics);
- (B) in no way detract from the efficiency of the employees in their City duties;
- (C) not take preference over extra duty assignments which may be required by the City; and
- (D) in no way conflict with the interests of the City or be a discredit to the City.

ARTICLE 32 – MISCELLANEOUS

Section 1 General and Special Orders. The City shall furnish the Association with copies of all policies and orders in effect as of the signing of this Agreement and shall provide the Association with all additional policies and orders promulgated during the term of this Agreement. All such documents will be provided electronically.

Section 2 Use of Force Situations. Employees involved in the use of deadly force shall be advised of their rights to and shall be allowed to consult with, an Association representative or attorney prior to being required to give an oral or written statement about the use of force. Such right to consult with a representative or with counsel shall not unduly delay the giving of the statement.

Section 3 Legal Defense Insurance. The City will contribute towards the PORAC Legal Defense Plan to provide sworn and nonsworn bargaining unit employees with legal representation in matters involving criminal investigations and charges arising from the performance of their duties. Coverage for new employees will commence on the first of the month following employment. Coverage for employees who resign, are terminated or otherwise leave the City's employment will end on the last day of the month of separation from employment. The City will contribute the current contribution amount for Plan II coverage not to exceed seven dollars (\$7) per employee per month. The Association

agrees to make PORAC payments on behalf of bargaining unit employees and further agrees to submit an invoice to the City for reimbursement of such amounts on a quarterly basis.

The Association will provide a Legal Defense Plan description to the City. The City recognizes that communications between employees and attorneys provided through PORAC coverage are subject to attorney-client privilege, unless waived by the employee.

Section 4 Paid Leave Donations. In conjunction with City Policy, an employee may donate accrued but unused sick, vacation, or comp time hours to another employee under the following conditions:

- (A) The donation is truly voluntary and is donated to a specific employee;
- (B) An employee may only donate up to 80 hours of sick per year or 50% of their current sick leave balance, whichever is less, however, employees also must retain at least 80 hours of sick leave after any donation.
- (C) The donating employee receives no payment for the donated time;
- (D) The employee to whom the time is being donated has suffered a major illness or other medical condition that requires a prolonged absence and has exhausted all accrued vacation, comp time and sick leave that meets the eligibility requirements of FMLA/OFLA;
- (E) The sick, vacation and/or compensatory time will be valued at the donating employee's current rate of pay, and then converted to the appropriate amount of time based on the donee's current rate of pay. (For example, if an employee earning \$10.00 an hour donates two hours of sick leave to an employee earning \$20.00 an hour, the donee will be credited with one hour of sick leave.)
- (F) Once the donation is made, the donated time cannot be returned to the donating employee and must remain available for use by the employee designated to receive the donation.
- (G) The provisions of donated sick leave may be extended in cases where an employee has exceeded FMLA/OFLA condition subject to the circumstance of a reasonable accommodation under the ADA.

ARTICLE 33 - PERSONNEL FILES

Section 1 The City will maintain individual employee personnel files. For sworn law enforcement employees, personnel files will be maintained at a minimum of ten (10) years post-employment consistent with applicable law.

Section 2 A copy of any written document that is critical of the employee's performance or conduct shall be provided to the employee before it is placed in an employee's personnel file. The employee may respond to any information contained in such documents that the employee disagrees with within seven (7) calendar days after receipt. All such responses shall also be placed in the employee's personnel file. Materials received prior to the date of employment shall not be subject to the provisions of this Article.

Section 3 Any employee or representative of the employee who has been given written permission by the employee shall have the right to inspect the employee's personnel file and receive copies of items in the file.

Section 4 Except as provided in this Article, no portion of any employee's personnel file shall be transmitted outside the City organization or City agents without the employee's consent, except as required by or in connection with the presentation of evidence in a threatened or pending case and except as required by law.

Section 5 Employees shall notify the City within three calendar days of any change in address, telephone number or record of immediate family and emergency contact persons.

Section 6 The City agrees to notify an employee in writing concerning any request by anyone other than a City representative for any part of their personnel file.

Section 7 Upon written request by an employee, all letters of warning and reprimands will be removed from Association member's personnel files at the time prescribed by OAR 166-200-0305, unless other similar discipline has been issued to the employee within the applicable period. Letters of warning and reprimand that have been removed from an employee's personnel file will not be used against the employee for the purpose of progressive discipline. They may, however be used by the City for the purpose of establishing the employee's knowledge of a rule, policy or practice, and will be retained consistent with applicable law (Section 1). They may also be used in proceedings involving other employees or matters to establish consistency, lack of discrimination, compliance with employment laws or the supervisory status of those recommending or making supervisory decisions. In such event the name of the employee(s) shall be redacted.

ARTICLE 34 - TRAINING SCHEDULE

Section 1 The City may implement a work schedule that will allow completion of mandatory training with minimal impact on patrol shift and avoidance of overtime.

Section 2 Each officer will be advised in writing of their training schedule at least two weeks in advance of their training day. Each officer will be provided at least eight hours between the beginning or end of their working shift and the beginning or end of their scheduled training day.

Section 3 Officers participating in training shall not be eligible for any contractual overtime payment because of the designated change in schedules for training. However, if officers participating in training do not receive at least eight hours off per Section 2, above, the hours worked in violation of Section 2, above, shall be paid at one and one-half times the officer's regular rate of pay.

Section 4 Schedule changes for voluntary training must be mutually agreed upon between the officer and their supervisor and will not result in overtime.

Section 5 Employees shall submit written requests for training and tuition reimbursement in a timely manner. The City shall provide a written response to all submitted written training and tuition reimbursement requests within ten calendar days of the written request.

ARTICLE 35 - SAVINGS CLAUSE

Section 1 Should any portion of this Agreement or supplement thereto be finally adjudged by the Supreme Court, by any other court of appropriate jurisdiction by ruling by the Employment Relations Board, by constitutional amendment or be in violation of any state or federal law, including administrative regulations, then such portion or portions shall become null and void, and the balance of this Agreement will remain in effect. Both parties agree to immediately renegotiate any part of this Agreement found to be in such violation by the court or otherwise in violation of law, and to bring it into conformance in accordance with ORS 243.698. The parties agree that the Agreement will not serve to restrict the City's obligation to comply with the federal and state laws. The parties further reserve the right to challenge whether the portion of the Agreement in question violates a ruling, administrative regulation or law.

ARTICLE 36 - CLOSURE

Section 1 Pursuant to their statutory obligations to bargain in good faith, the City and the Association have met in full and free discussion concerning matters of employment

relations as defined by ORS 243.650 (et seq). This Agreement incorporates the sole and complete agreement between the City and the Association resulting from these negotiations.

Section 2 This Agreement is subject to amendment, alteration or addition only by subsequent written agreement executed by the City and the Association. Alleged violations of any such agreements will be subject to the grievance and arbitration procedure set forth in Article 10 of this Agreement.

ARTICLE 37 - TERM OF AGREEMENT

Section 1 This Agreement shall be effective upon ratification and shall remain in full force and effect until June 30, 2025, and shall continue in effect during the period of negotiations until a successor agreement is reached.

This Agreement shall be automatically reopened for negotiation of a successor agreement on February 1, 2025.

FOR THE SANDY POLICE ASSOCIATION

FOR THE CITY OF SANDY

Association President

City Manager

Association Vice-President

Chief of Police

Date

Date

APPENDIX A – SALARY SCHEDULE

City will provide

APPENDIX B – DRUG AND ALCOHOL POLICY

This Appendix is hereby incorporated into the Agreement between the City of Sandy and the Sandy Police Association.

The City of Sandy and the Sandy Police Association recognize a responsibility to the citizens to maintain a safe and productive working environment. Consistent with this commitment, the City and the Association have agreed to this Drug and Alcohol Policy. This policy will supersede and replace the current Department Policy 1006 – Drug and Alcohol Free Workplace.

PURPOSE:

It is the mission of the Sandy Police Department to enhance public safety through the use of a reasonable employee drug testing program and the enforcement of rules prohibiting the consumption of alcohol or use of drugs which interfere with this mission.

To ensure the integrity of the City's law enforcement system and preserve public trust and confidence in an alcohol/drug free service, the City has adopted the following rules and procedures:

PROHIBITED CONDUCT:

The following conduct is strictly prohibited:

1. Buying, selling, consuming, distributing or possessing unlawful drugs or alcohol during working hours, including rest and meal periods, except as necessary in the performance of duties (confiscated evidence, approved undercover operations, etc.)
2. Reporting for work or returning to duty under the influence of alcohol or drugs, except as necessary in the performance of an official special assignment or if directed otherwise. Employees who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance. For the purpose of this Policy, an employee is considered to be "under the influence" of drugs, if the employee tests positive according to the thresholds set forth in the Federal Mandatory Guidelines for Federal Workplace Drug Testing for having such substances present in their body. An employee will be considered to be "under the influence of alcohol" if their blood or breath tests greater than 0.02 consistent with LESC standards.

To ensure compliance with this Policy and safety standards, employees who have consumed alcoholic beverages within four (4) hours of responding to the callback or, for any reason, believe they are impaired by alcohol are required to notify the supervisor upon being contacted for callback.

3. Failing to promptly report arrests, convictions and/or plea-bargains for an alcohol or drug-related criminal offense to the Chief or his designee, irrespective of the jurisdiction where such action was taken.
4. Failing to comply with City directives regarding enforcement of this Policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted or altered samples; obstructing the testing process; failing to comply with rehabilitation conditions imposed by the City or rehabilitation counselors pursuant to this Policy.
5. Failure to disclose use of over-the-counter or prescribed medication containing controlled substance, as required, below.

For the purpose of this Policy, “drugs” include, but is not limited to the following controlled substances: opiates, synthetic opioids, cocaine, marijuana (THC), phencyclidine (PCP), amphetamines/ methamphetamines and barbiturates, or other synthetic equivalents. However, “drugs” does not include prescription and over-the-counter medications that are lawfully prescribed and used in a manner consistent with a physician’s instructions and/or medication warnings.

Employees who engage in any prohibited conduct will be subject to discipline, including discharge.

MARIJUANA:

In addition to the above, employees must comply at all times with all federal and state statutes and regulations regarding the illegal use of drugs. It is important to note that marijuana is an illegal drug under the federal Controlled Substances Act, which means that it has no acceptable medical or recreational use under federal law. Therefore, any on or off duty use of marijuana which is inconsistent with the “prohibited conduct” listed above will be considered a violation of this policy, even if an employee has a prescription for the use of marijuana under the Oregon Medical Marijuana Act or is using marijuana in compliance with state law. However, employees who are using marijuana in compliance with a medical marijuana card will not automatically be subject to termination of employment. Instead, such employees are required to disclose any use which would constitute “prohibited conduct.” If the City determines that the employee using medical marijuana is disabled under applicable disability discrimination statutes, the employee will be asked to enter into an interactive discussion with designated representative(s) to determine whether a reasonable accommodation can be made that would allow the employee to continue to be employed without violating standards.

DISCLOSURE OF MEDICATIONS:

Employees are responsible for consulting with their physicians and carefully reviewing medication warnings, including any warnings pertinent to the effects of use of a combination of medications. Employees who are using over-the-counter or prescribed medications under circumstances where the employee knows or should know that use of the medication will produce side effects that will affect their ability to safely perform all

essential job duties must notify the Chief of Police or designee of the substance taken and its side effects before reporting for work. Medical verification of ability to safely perform job duties may be required before the employee is allowed to continue his/her job assignment. Employees are eligible to utilize sick leave benefits pending receipt of acceptable verification.

Although the use of prescribed and over-the-counter medication as part of a medical treatment program is not grounds for disciplinary action, failure to fully disclose the use of substances which could reasonably impair the safe performance of essential job duties, illegally obtaining the substance or use which is inconsistent with prescriptions or labels will subject an employee to disciplinary action.

EMPLOYEE TESTING:

Employees will be required to undergo drug and/or alcohol testing as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

1. Reasonable Suspicion

The Chief of Police, designee or a supervisor may order an employee to immediately submit to a urinalysis test for drugs and/or a breathalyzer test for alcohol whenever the City has reasonable suspicion to believe that the employee has violated the provisions of this Policy concerning reporting to work or being at work "under the influence" of drugs or alcohol.

"Reasonable suspicion" shall be defined as suspicion based on articulated observations concerning the appearance, unusual behavior, speech, breath odor, body symptoms or other reliable indicators that would cause a reasonable person to believe that an employee has consumed drugs and/or alcohol in violation of this Policy.

2. Rehabilitation Treatment

Where testing is required pursuant to a Rehabilitation and Return to Work Agreement imposed by the City or an employee's rehabilitation counselors, individualized suspicion-less testing may be required as outlined in that Agreement.

Urinalysis testing will be conducted for all types of drug testing. Breathalyzer testing will be conducted for all types of alcohol testing.

TESTING PROCEDURES:

The drug testing will be conducted at a laboratory certified by the federal DOT and shall be conducted in accordance with the standards for procedural safeguards and testing integrity disseminated by the NIDA. All drug tests will be conducted through collection of a split sample. All positive drug tests will be confirmed by a second cross confirmatory test from the same sample using GCMS testing methodology and reviewed by a Medical

Review Officer before the test result is reported as positive. The City shall pay for such testing.

The other sample shall remain at the facility in frozen storage for a minimum of ninety days from the date the test was conducted. This sample shall be made available to the employee or his attorney, should the original sample result in a legal dispute or the chain of custody be broken.

Whenever there is a reasonable suspicion to believe that the employee may have altered or substituted the specimen to be provided or the initial test was not determinative, a second specimen may be obtained immediately, using testing procedures deemed appropriate by the testing laboratory personnel.

If the confirmatory test is positive for the presence of a controlled substance, the employee will have the option of submitting the split untested sample to a qualified and certified laboratory of the employee's own choosing. The employee will pay for these types of tests.

All records pertaining to City required drug and alcohol tests, as well as compliance with rehabilitation terms shall remain confidential, and shall not be released, except on a need to know basis, in accordance with applicable law. All documents pertaining to testing and test results will be maintained in employee medical, not personnel, files.

CONSEQUENCES OF VIOLATIONS:

1. EMPLOYEES WHO REPORT DEPENDENCIES AND SEEK ASSISTANCE BEFORE COMMITTING A POLICY VIOLATION – REHABILITATION.

The City encourages employees who have drug and/or alcohol dependencies or think they may have such dependencies to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency to the Chief of Police or designee and seeks assistance before violating this Policy, that employee will be placed on a leave of absence or adjusted working hours to allow for in-patient or out-patient rehabilitation treatment as recommended by a Substance Abuse Professional (SAP).

The employee will not be permitted to work until such time as a Substance Abuse Professional agrees the employee:

- a. Has been evaluated by a Substance Abuse Professional (SAP); and
- b. If recommended by the SAP, is complying with all-rehabilitation/after-care prescribed; and
- c. Has a verified negative drug or alcohol test (as applicable).

In order to return to work for the City, an employee seeking assistance must agree to all treatment, rehabilitation, after-care and follow-up testing as set forth in a written Rehabilitation and Return to Work Agreement required by the City. Such agreements will be effective for no longer than five (5) years from the date signed. Any employee who violates the terms of the Agreement is subject to termination.

During the time an employee is off work undergoing rehabilitation the employee may draw their unused, accumulated sick leave, vacation pay, holiday pay or compensatory time. Also, employees who are receiving health insurance coverage will be eligible for continuation of health insurance benefits through the end of the month in which their paid leave is depleted or for the period required under FMLA and/or OFLA, whichever is greater.

It is understood and agreed that nothing in this Policy prohibits the City from disciplining or discharging an employee for engaging in illegal conduct, irrespective of when that conduct is discovered.

2. EMPLOYEES WHO REPORT DEPENDENCIES AND SEEK TREATMENT *AFTER* COMMITTING A POLICY VIOLATION.

Employees who notify their supervisor, the Chief or the Human Resources Director of drug or alcohol dependencies *after* violating this Policy are subject to discharge, irrespective of such dependencies.

The City may however, at its discretion, allow an employee to undergo evaluation and rehabilitation in lieu of discipline and discharge, provided the employee promptly complies with the terms and conditions set forth in Section 1 – Consequences of Violations, above. The City will consider the following factors in exercising its discretion: the employee's length of service; the employee's work record, in particular, whether the employee has committed a previous alcohol or drug policy infraction; the consequences of the violation; any other circumstances offered by the employee that mitigate against discharge.

IT IS UNDERSTOOD AND AGREED THAT THE REFERENCES TO DISCIPLINE AND DISCHARGE SET FORTH IN THIS POLICY AND THE REHABILITATION AND RETURN TO WORK AGREEMENT ARE NOT INTENDED TO SUPERSEDE "JUST CAUSE" OBLIGATIONS.



Staff Report

Meeting Date: January 17, 2023
From Kelly O'Neill Jr., Development Services Director
SUBJECT: Industrial Design Standards Modifications

DECISION TO BE MADE:

Whether to adopt an ordinance to modify the design standards for two industrial zoning districts.

BACKGROUND / CONTEXT:

Over the past five years, the Planning Commission has approved several variances and design deviations to the design standards in Section 17.90.130, most recently at the US Metals site and Trillium Machine. The Planning Commission will hear another variance request on January 30, 2023, related to roof slope for the new Johnson RV service facility at 16800 362nd Drive. The existing development code regulations in Section 17.90.130, which are currently applicable to the Light Industrial (I-2) zoning district, are creating unnecessary burdensome design requirements that are consistently being waived by the Planning Commission. The existing design requirements are not conducive for industrial development, such as manufacturing, distribution, or processing facilities. All of these industrial uses are needed employers in Sandy.

City staff received input on the proposed code modifications from a local planner, a local architect, and the clear and objective code audit contractor, MIG-APG. The input was very helpful and was incorporated into the proposed code modifications. On September 26, 2022, the Planning Commission reviewed the proposed code amendments, made some slight modifications, and forwarded to the City Council for approval.

KEY CONSIDERATIONS / ANALYSIS:

Section 17.90.130 of the Design Standards in Title 17 of the Sandy Municipal Code is not accommodating of most industrial uses and was written prior to the additional screening standards in Section 17.50.30(C) that were added to the municipal code in 2012 (Ordinance 2012-05). The additional screening standards have rendered a number of the design requirements, both for building design and site design, to be overly burdensome and unnecessary to new industrial sites being screened from streets. The proposed code changes expand the vegetative screening requirement in the Light Industrial (I-2) and General Industrial (I-3) zoning districts while removing the requirement for certain design elements that would not be visible to the public due to the required vegetative screen.

There are a number of code standards in Section 17.90.130, such as roof slope, building articulation, and window requirements, that are not necessary due to the screening requirements. These additional design requirements provide Sandy with a competitive disadvantage for attracting some industrial development, as they add cost and undesirable design elements for industrial facilities.

Currently, there is no property inside the city limits of Sandy that is zoned I-3, however, there is land inside the UGB that is zoned I-3. Section 17.90.130 is currently only applicable to the Light Industrial (I-2) zoning district, but the Planning Commission and staff propose making these standards applicable to the General Industrial (I-3) zoning district as well. If the code is not modified to include the I-3 zoning district, then there will be no codified code language to guide site and building design once I-3 land is eventually annexed in the future.

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council discuss the proposed code modifications. If the City Council is satisfied with the proposed code modifications, then staff recommends that Council adopts the attached ordinance. Alternatively, if the City Council wants additional time to digest the proposed code modifications or prefers additional modifications followed by further review then please direct staff on your preferences so that staff may return with additional code modifications at a future City Council meeting date.

BUDGETARY IMPACT:

The proposed code modifications will reduce construction costs for industrial businesses and make construction of such businesses less cost burdensome in Sandy, therefore, providing a competitive advantage as related to our existing code.

LIST OF ATTACHMENTS/EXHIBITS:

- Ordinance 2023-01
- Exhibit A. Code Modifications to Section 17.90.130
- Exhibit B. Ordinance Findings



NO. 2023-01

AN ORDINANCE AMENDING CHAPTER 17.90 OF TITLE 17 OF THE SANDY MUNICIPAL CODE.

Whereas, the City Council wants to modify Section 17.90.130 of Chapter 17.90, Design Standards, applicable to the Light Industrial (I-2) zoning district and wants to apply the same standards to the General Industrial (I-3) zoning district; and

Whereas, the City Council wants to expand the vegetative screening requirement in the Light Industrial (I-2) and General Industrial (I-3) zoning districts while removing the requirement for certain design elements that would not be visible to the public due to the required vegetative screen; and

Whereas, the City Council wants to modify the code to reduce construction costs for industrial businesses and make construction of such businesses less cost burdensome in Sandy, therefore, providing a competitive advantage as related to our existing code; and

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

Whereas, on August 15, 2022, 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 September 26, 2022, and forwarded a recommendation of approval to the City Council; and

Whereas, the City Council then held a public hearing to review the proposal on January 17, 2023.

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

Section 1. Sandy Municipal Code Chapter 17.90 is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2. In support of this ordinance, the City Council adopts the findings and conclusions attached as Exhibit B.

Section 3. All remaining provisions of the Sandy Comprehensive Plan and Title 17 of the Sandy Municipal Code are reaffirmed in their entirety.

Section 4. This Ordinance shall become effective 30 days from the date of adoption.

#2023-01

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of January 2023

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2023-01

Sec. 17.90.130. Light Industrial (I-2) and General Industrial (I-3) design standards.

A. *Access.*

1. All lots shall abut or have legal access to a dedicated public street.
2. All lots ~~which that~~ have access to a public alley shall provide for all personal and service access for vehicles from that alley.
- ~~3. Parking lots may include public alley accessed garages at the rear property line.~~
- 4.3. Joint use of access points and interconnections shall be required, where deemed needed by the Director and ~~City Engineer~~ Public Works Director.
- 5.4. Each lot shall be permitted one access point, except lots with street frontage of 150 feet or more may be permitted one or more additional access points, if approved by the ~~City Engineer~~ Public Works Director.
- ~~6. Connection to Adjacent Properties: The location of any real improvements to the property must provide for a future street and pedestrian network to adjacent properties.~~

B. *Pedestrian Accessibility.*

1. Special attention shall be given to designing a primary building entrance for each unit within a building that, ~~which~~ is both attractive and functional (e.g., SandyStyle).
2. Building entries ~~must~~ shall comply with the accessibility requirements of the Oregon State Structural Specialty Code.
- ~~3. Buildings located at the intersection of two streets shall consider the use of a corner entrance to the building.~~
- ~~4. Pedestrian environment may be enhanced by street furniture, landscaping, awnings, and movable planters of seasonal flowers.~~

C. *Building ~~Facades, Materials and Colors~~ for All Structures.*

- ~~1. Facades. Facades shall be varied and articulated to provide visual interest to pedestrians. Within larger projects, variations in facades, floor levels, architectural features, and exterior finishes shall create the appearance of several smaller buildings.~~
- 2.1. *Building Materials.* Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, ~~and wood~~, composite siding, and metal are permitted, ~~are encouraged~~. ~~Metal is not allowed as the primary exterior building material except in the I-2 and I-3 districts, but it may be used for accents including awnings.~~
- ~~3. Siding. Lap or horizontal siding or walls of brick, masonry or stone shall be required. Vertical grooved (i.e., T1-11) sheet siding is prohibited.~~
- 4.2. *Masonry Finishes.* Where masonry is used for exterior finish, decorative patterns must be incorporated. Examples of these decorative patterns include multicolored masonry units, such as brick, stone, or cast stone, in layered or geometric patterns or split-faced concrete block to simulate a rusticated stone-type construction.
- 5.3. *Change in Relief.* Buildings must include changes in relief on ten percent of the facades facing public streets or residential development. ~~Relief changes include cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.~~

~~64. Colors. Building exteriors shall comply with the following standards: Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be utilized as trim and detail colors but shall not be used as primary wall colors.~~

- a. Permitted colors include warm earth tones (tans, browns, reds, grays, and greens).
- b. High-intensity primary colors, metallic colors and black, may be utilized as trim and detail colors only, not to exceed one percent (1%) of the surface area of any elevation. Such color shall not be used as primary wall colors.
- c. Day-glow colors, highly reflective colors, and similar colors are not permitted.

~~75. Ornamental Devices.~~ Ornamental devices, such as molding, entablature and friezes, are encouraged at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.

~~8. Alcoves, Porches, Arcades, etc.~~ Building must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticoes to protect pedestrians from the rain and sun. Awnings and entrances may be designed to be shared between two structures.

~~9. Continuous Outdoor Arcades.~~ Continuous outdoor arcades are strongly encouraged.

~~10. Traditional Storefront Elements.~~ For buildings designed to house retail, service, or office businesses, traditional storefront elements are required. These elements include:

- a. Clearly delineated upper and lower facades;
- b. A lower facade dominated by large display windows and a recessed entry or entries;
- c. Smaller, regularly spaced windows in the upper floor;
- d. Decorative trim, such as window hoods, surrounding upper floor windows;
- e. A decorative cornice near the top of the facade.

D. Roof Pitch, Materials, and Parapets.

1.

Zoning District	Minimum Pitch (principal and accessory structures)
I-2 and I-3	3:12 1:12

- 2. Flat roofs (with minimum pitch for drainage) are permitted with detailed stepped parapets or detailed brick coursing.
- 3. Parapet corners ~~must~~ shall be stepped or the parapet ~~must~~ shall be designed to emphasize the center or primary entrance(s), unless the primary entrance is at the corner of the building.
- 4. Visible roof materials shall be architectural grade composition shingle, slate, concrete tile, or metal. Metal with standing or batten seam shall conform to the Color Palette in Appendix D. ~~must be wood or architectural grade composition shingle, slate, tile or sheet metal with standing or batten seam.~~
- 5. All roof and wall-mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, must be screened from public view by parapets, walls or by other approved means.

E. Building Orientation and Entrance Standards.

1. Primary entries shall face a public street or designated pedestrian way [that connects to a parking lot](#).
- ~~2. Primary entrances must be architecturally emphasized and visible from the public right-of-way.~~
- ~~3. Buildings must have an entrance connecting directly between the right-of-way and the building interior.~~
- 4.2. Secondary entries may face parking lots or loading areas. ~~Buildings must have an entrance connecting directly between the street and the building interior.~~
- 5.3. [Pedestrian Entries, but not garage door entries](#), shall be sheltered with an overhang or portico with a depth of at least ~~four~~ [five \(5\)](#) feet.
- ~~6. Multiple units: Ground floor units shall face a public street or designated pedestrian way and be visible from the street whenever feasible and shall avoid out-of-direction travel.~~

F. *Windows.*

1. ~~Windows, which allow views to the interior activity or display areas, are encouraged. Windows shall be located in a manner that enables tenants, employees, and police to watch over pedestrian, parking and loading areas.~~ Windows shall include sills at [the](#) bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass ~~shall not be used~~ [are prohibited](#).
- ~~2. Ground Floor Windows. All new buildings must provide ground floor windows along street frontages.~~
 - ~~a. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.~~
 - ~~b. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.~~
 - ~~c. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited for ground floor windows along street façades.~~
 - ~~d. Any wall that faces a public right-of-way must contain at least ten percent of the ground floor wall area in display areas, windows, and doorways. Blank walls facing a public right-of-way are prohibited.~~
 - ~~e. Glass curtain windows are not permitted fronting public rights-of-way.~~
- ~~3. Upper Floor Window Standards.~~
 - ~~a. Glass area dimensions shall not exceed five feet by seven feet. (The longest dimension may be taken either horizontally or vertically.)~~
 - ~~b. Windows must have trim or molding at least two inches wide around their perimeters.~~
 - ~~c. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than two feet by three feet. Windows that have one foot by one foot grid inside double pane glass are appropriate and are encouraged.~~

G. *Landscaping/Streetscape.*

1. [All buildings \(regardless of use\) that are visible from a local street, collector street, arterial street, or highway shall be screened from view by a vegetative buffer as specified below:](#)
 - [Minimum depth of the buffer shall be 20 feet measured from the property line and run the entire length of the property.](#)
 - [Existing trees shall be preserved to the greatest extent possible.](#)

c. Evergreen trees at least eight feet in height and capable of growing to at least 30 feet in height shall be planted at a density that will create a visual screen within five years.

d. If the property does not abut a local street, collector street, arterial street, or highway, the screening requirement can be met by an offsite screen that has the effect of screening the property from view from collector streets, arterial streets and highways.

2. Benches, outdoor seating, and trash receptacles ~~must~~ shall complement the existing ornamental street lighting and be in keeping with the overall architectural character of the area.

~~2. Benches and other streetscape items may be placed within the public right-of-way but must not block free movement of pedestrians. A minimum pedestrian walkway width of five (5) feet ~~must~~ shall be maintained at all times.~~

H. *Lighting.*

1. Streetscape lighting shall conform to Chapter 15.30 Dark Sky Ordinance.

2. Exterior lighting shall be an integral part of the architectural design and shall complement any ornamental street lighting and remain in context with the overall architectural character of the district.

3. Lighting shall be adequate for safety purposes. Building entrances, walkways, and parking lots shall be illuminated to at least 1.5 – 2.0 foot candles.

~~1. All building entrances and exits must be well lighted.~~

~~2. Exterior lighting must be an integral part of the architectural design and must complement any ornamental street lighting and remain in context with the overall architectural character of the district.~~

~~3. Lighting must be adequate for safety purposes.~~

~~4. Lighting must be of a pedestrian scale and the source light must be shielded to reduce glare.~~

I. *Safety and Security.*

~~1. Locate windows in a manner, which enables tenants, employees and police to watch over pedestrian, parking and loading areas.~~

~~2. In commercial, public and semipublic development and where possible in industrial development, locate windows in a manner which enables surveillance of interior activity from the public right-of-way.~~

~~3.1. Provide an identification system, which that clearly locates buildings and their entries for patrons and emergency services.~~

4.2. On-site lighting shall be located, oriented, and selected on-site lighting to facilitate surveillance of on-site activities from the public right-of-way or other public areas.

J. *External Storage.*

1. The exterior storage of merchandise and/or materials, except as specifically authorized as a permitted accessory use, is prohibited.

K. *Trash Collection/Recycling Areas.*

1. All trash collection/recycling areas ~~must~~ shall be located within the structure or behind the building in an enclosure in accordance with the provisions of the City of Sandy Design Standards, Appendix A.

EXHIBIT B

Exhibit B Ordinance No. 2023-01 Industrial Design Standards Code Modifications

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 September 26, 2022. The City Council held a public hearing on January 17, 2023. 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 notice to the State of Oregon on August 15, 2022. 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. Goal 7 does not apply to the decision.
8. Goal 8 – Recreational Needs. Goal 8 does not apply 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. The primary goal of the amendments is to expand the vegetative screening requirement in the Light Industrial (I-2) and General Industrial (I-3) zoning districts while removing the requirement for certain design elements that would not be visible to the public due to the required vegetative screen with the intent of lowering the cost of industrial development in Sandy, thereby increasing the likelihood of industrial development in the future. Therefore, Goal 9 is satisfied.
10. Goal 10 – Housing. Goal 10 does not apply to the decision.
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 and is not expected to result in a significant increase in demands on public facilities. Goal 11 is satisfied.
12. Goal 12 – Transportation. The City has adopted a Transportation System Plan (TSP) as Goal 12 requires. This text amendment will not undermine or contradict any aspect of the existing

transportation system plan and is not expected to result in more intensive demands on transportation facilities. Goal 12 is satisfied.

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.



File # 22-025 DCA
Ordinance # 2023-01

Industrial Design Standards

City Council
January 17, 2023

Procedural Background

Legislative Hearing to adopt Ordinance #2023-01.

Notice was sent to DLCD, was provided in Pamplin Media, and on the City Facebook page.

Public Hearing occurred before the Planning Commission on September 26, 2022.



Affected Code Chapters

- One Chapter:
 - 17.90 Design Standards, more specifically Section 17.90.130.



Reasons for Code Amendments

Unnecessary burden for building design in the I-2 zoning district where there are uses such as manufacturing, assembly, warehousing, distribution, automotive repair, salvage yards, etc.

Additional screening standards that were added to the development code in 2012 (Ordinance 2012-05), make several of the standards in Section 17.90.130 unnecessary and overly burdensome. This includes items such as roof slope, building articulation, and window requirements.

We want to attract industrial businesses!



Example of Screening



Examples of Code Amendments

Roof Slope:

Currently – 3:12

Proposed – 1:12



Examples of Code Amendments

Alcoves, Porches, Arcades, etc.:

Currently – Buildings must incorporate features such as arcades, awnings, roofs, porches, alcoves, and porticos to protect pedestrians from the rain and sun.

Proposed – **Removes the above requirements.**



Examples of Code Amendments

Articulation:

Currently – Facades shall be varied and articulated to provide visual interest to pedestrians. **-AND-** Buildings must include changes in relief on ten percent of the façades facing public streets or residential development. Relief changes include cornices, bases, fenestration, fluted masonry or other treatments for pedestrian interest and scale.

Proposed – Buildings must include changes in relief on ten percent of the façades facing public streets or residential development.

Sep. 26, 2022 Planning Commisison Hearing

- Minor changes to a few sentences.
- No public comments.



Recommendation

The Planning Commission and staff recommend the City Council approve the proposed code amendments.





Staff Report

Meeting Date: January 17, 2023

From Emily Meharg, Senior Planner

SUBJECT: 22-043 DCA Self-service storage code amendments

DECISION TO BE MADE:

Whether to approve, approve with modifications, or deny proposed code modifications adding regulations regarding self-service storage

PURPOSE / OBJECTIVE:

While there is certainly a need for self-service storage, important reasons exist to add regulations to the Development Code:

- Self-service storage facilities do not create living wage jobs. For example, a new 116,000 square foot self-service storage complex in WA created three (3) minimum wage jobs.
- Self-service storage developments are land intensive.
- Self-service storage facilities cannot easily be redeveloped into something else if they fail.

BACKGROUND / CONTEXT:

EDAB discussed this issue at their meeting on March 30, 2022, and explored multiple options for regulating self-service storage, including an outright ban, eliminating the use in commercial zones, setting a limit on total square footage, and requiring any self-service storage development to be mixed-use. In general, EDAB recognized there is still some need for self-service storage and thus did not support an outright ban. EDAB instead supported placing restrictions on self-service storage development including removing self-service storage as a permitted use in the City's commercial districts so that commercial land can be preserved for other uses. This is particularly important given the large area of commercially zoned land that will open up once the Bell/362nd extension is completed. EDAB also supported potentially setting a limit on the total square footage allowed in self-service storage developments and/or exploring a requirement that any proposed self-service storage developments be mixed-use.

Based on input from EDAB, staff drafted the proposed code amendments related to self-service storage. The primary goal of the amendments is to remove self-service storage as an allowed use from the Central Business District (C-1) and General Commercial (C-2) zoning districts and to restrict self-service storage to a conditional use in the Industrial Park (I-1) zoning district so that land may be preserved for uses with larger employment growth. New self-service storage facilities will still be permitted outright in the Light Industrial (I-2) zoning district and as a conditional use in the

Industrial Park (I-1) zoning district, and existing self-service storage facilities in the industrial park and commercial zones will remain as non-conforming uses.

EDAB reviewed the draft code amendments and provided a letter of support (Exhibit A).

The Planning Commission held a hearing on November 28, 2022. The November 28, 2022, staff report is attached as Exhibit B. The Commission discussed the proposed code modifications and voted 6:0 to forward a recommendation of approval with one minor point of clarification. The Commission requested additional clarification on the “visible from a public right-of-way” language in proposed code Section 17.48.20(B.4.b), which pertains to additional design standards for self-service storage as a conditional use in I-1 and reads: “Exterior access to individual units is not permitted if visible from a public right-of-way.” The proposed code amendments included with this staff report reflect an updated Section 17.48.20(B.4.b) that reads: “Exterior access to individual units is not permitted on the activated elevation of a building.”

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council approve the proposed code modifications.

SUGGESTED MOTION LANGUAGE:

"I move to approve the first reading of Ordinance 2022-26"

LIST OF ATTACHMENTS/EXHIBITS:

- Exhibit A - EDAB letter of support
- Exhibit B - Planning Commission staff report (Nov 28, 2022)
- Ordinance 2022-26 with exhibits

EXHIBIT A

October 31, 2022

Dear Sandy Planning Commission & Sandy City Council –

The City of Sandy Economic Development Advisory Board (EDAB) was recently asked to review and weigh in on recently proposed modifications to the Sandy Municipal Code with regard to self-storage facilities. These code modifications would essentially eliminate self-storage businesses as an outright permitted use in the C-1 and C-2 commercial zones and the I-1 industrial zone within Sandy's city limits.

Upon completing the requested review, the Economic Development Advisory Committee approves of the proposed code changes for a number of reasons. First, self-storage facilities typically only create one or two FTE positions per facility, and those positions are almost always entry-level jobs that do not pay a living wage. Because self-storage businesses do not create living wage jobs – in fact, they create very few jobs of any kind – they are by definition not the kind of business that this advisory board wants to promote and encourage in Sandy's commercial zones.

Second, self-storage facilities are very land intensive by definition. Sandy has had a shortage of all types of commercially developable land for many years – this issue will be brought into clearer focus as the City completes its most recent economic opportunities analysis (EOA) sometime in early 2023. This committee wishes to avoid seeing any of our precious vacant commercial land developed by business types that have extremely low job creation capabilities, as this kind of action will make commercially developable land in Sandy even more scarce than it already is.

Finally, this committee is concerned about the potential future redevelopment of self-storage sites if the demand for this service should weaken in the future. Self-storage businesses are difficult to redevelop into another type of business due to the specific way the buildings and lots are configured. The committee feels that this would make self-storage business sites less marketable to other prospective buyers should they fail in the future, increasing the probability that the city government would have to step in and provide resources to encourage redevelopment.

In conclusion, the City of Sandy EDAB stands in strong support of these changes to the Sandy Municipal Code and encourages the Sandy Planning Commission and City Council to proceed with modifying the municipal code as suggested.

-- David Snider, EDAB staff liaison
on behalf of The City of Sandy Economic Development Advisory Board



Staff Report

Meeting Date: November 28, 2022

From Emily Meharg, Senior Planner

SUBJECT: 2022-043 DCA Self-Service Storage Code Modifications

DECISION TO BE MADE:

Forward a recommendation to the City Council or reconvene at a future meeting date to discuss additional modifications prior to forwarding to the City Council.

BACKGROUND / CONTEXT:

The Economic Development Advisory Board (EDAB) met March 30, 2022, and discussed self-service storage. The primary reasons to restrict self-service storage are:

- They don't create living wage jobs. For example, a new 116,000 square foot self-service storage complex in WA created three (3) minimum wage jobs.
- Self-service storage developments are land intensive.
- Self-service storage facilities can't easily be redeveloped into something else if they fail.

EDAB discussed multiple options for restricting self-service storage, including an outright ban, eliminating the use in commercial zones, setting a limit on total square footage, and requiring any self-service storage development to be mixed-use. In general, EDAB recognized there is still some need for self-service storage and thus did not support an outright ban. EDAB supported placing restrictions on self-service storage development including removing self-service storage as a permitted use in the City's commercial districts. EDAB also supported potentially setting a limit on the total square footage allowed in self-service storage developments and/or exploring a requirement that any proposed self-service storage developments be mixed-use.

Based on input from EDAB, staff drafted the proposed code amendments related to self-service storage. The primary goal of the amendments is to remove self-service storage as an allowed use from the Central Business District (C-1) and General Commercial (C-2) zoning districts and to restrict self-service storage to a conditional use in the Industrial Park (I-1) zoning district so that land may be preserved for uses with larger employment growth.

EDAB reviewed the draft code amendments and provided a letter of support (Exhibit G).

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed code modifications. If the Planning Commission is satisfied with the proposed code modifications, or chooses to make only a few amendments, then staff recommends you forward a recommendation of approval to

the City Council. Alternatively, if the Planning Commission wants additional time to digest the proposed code modifications or prefers additional modifications followed by further review then please direct staff on your preferences so that staff may return with additional code modifications at a future Planning Commission meeting date.

LIST OF ATTACHMENTS/EXHIBITS:

Draft Code Amendments

Exhibit A: Chapter 17.08 Nonconforming Development

Exhibit B: Chapter 17.10 Definitions

Exhibit C: Chapter 17.42 Central Business District C-1

Exhibit D: Chapter 17.44 General Commercial C-2

Exhibit E: Chapter 17.48 Industrial Park I-1

Exhibit F: Chapter 17.52 General Industrial I-3

Exhibit G: Letter of support from EDAB

Title 17 - DEVELOPMENT CODE
CHAPTER 17.08 NONCONFORMING DEVELOPMENT

CHAPTER 17.08 NONCONFORMING DEVELOPMENT

Sec. 17.08.00. Intent.

These regulations are intended to permit nonconforming uses and structures to continue, but not to encourage their perpetuation. The regulation of nonconforming development is intended to bring development into conformance with this Code and the Comprehensive Plan.

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

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

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

Sec. 17.08.10. General provisions.

- A. *Alterations of a Nonconforming Use.* No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.
- B. *Alteration of a Nonconforming Structure.* Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area.

Sec. 17.08.20. Discontinuance of a nonconforming use.

Whenever a nonconforming use is discontinued for more than one year, further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. "Discontinued" shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

Sec. 17.08.30. Damage to a nonconforming use.

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

{00819525; 1 }

Sec. 17.08.40. Reclassification to conditional development.

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

Sec. 17.08.50. Exceptions.

A. *Multi-Family Dwellings, Office Uses, Automotive Fueling Stations, Car Washes, and Retail Auto Dealerships in the C-1 Zoning District.*

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

B. *Self-Service Storage in the C-1, C-2, and I-1 Zoning Districts.*

1. Self-service storage facilities in the C-1 or C-2 zoning districts in existence as of [DATE] shall not be classified as nonconforming development. Permitted expansion of an existing self-service storage facility shall be limited to an increase in building footprint of 20 percent and shall be permitted only on the subject property.
2. Self-service storage facilities in the I-1 zoning district in existence as of [DATE] shall not be classified as nonconforming development. Expansion of an existing self-service storage facility shall be permitted only on the same property or on property contiguous to and in the same ownership as the existing self-service storage facility as of [DATE]. If the existing self-service storage building is proposed to be altered or expanded on the subject property or if a new building is proposed to be constructed on the subject property, the application shall be processed as a conditional use permit.

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

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- | **ED.** *Nonconforming Lots of Record.* An existing lot of record may not meet the lot size requirements of the zoning district in which it is located. Such a lot may be occupied by a use permitted in the district. If, however, the lot is smaller than the size required in its district, residential use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the district. Also, other applicable requirements of the zoning district must be met.
 - | **ED.** *Street and Drainageway Dedications.* The act of conveyance to or appropriation by the City for street, drainage or other public purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.
 - | **FE.** *Residential Uses.* Any residential dwelling permitted prior to adoption of this Code, but which is no longer allowed as a new use, may be modified or enlarged, provided it complies with required development standards of the district.
 - | **GF.** *Legally Required Alterations.* Alterations of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use.

(Ord. No. 2000-02, 2000)

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Title 17 - DEVELOPMENT CODE
CHAPTER 17.10 DEFINITIONS

CHAPTER 17.10 DEFINITIONS¹

Sec. 17.10.00. Intent.

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

Sec. 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.

Sec. 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.

Sec. 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

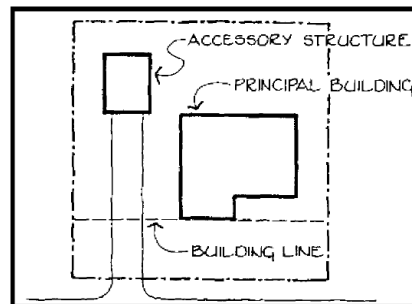
¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2020-24, effective September 21, 2020. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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 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 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,

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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 chapter 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.

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

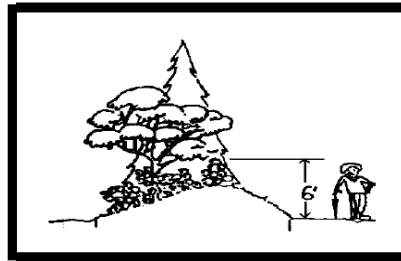
Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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.

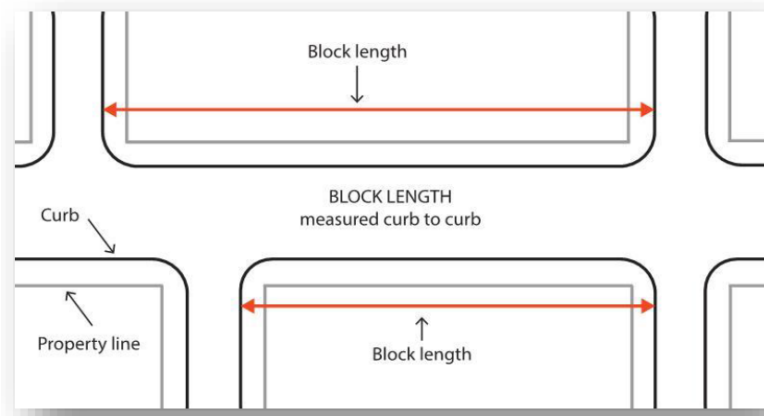


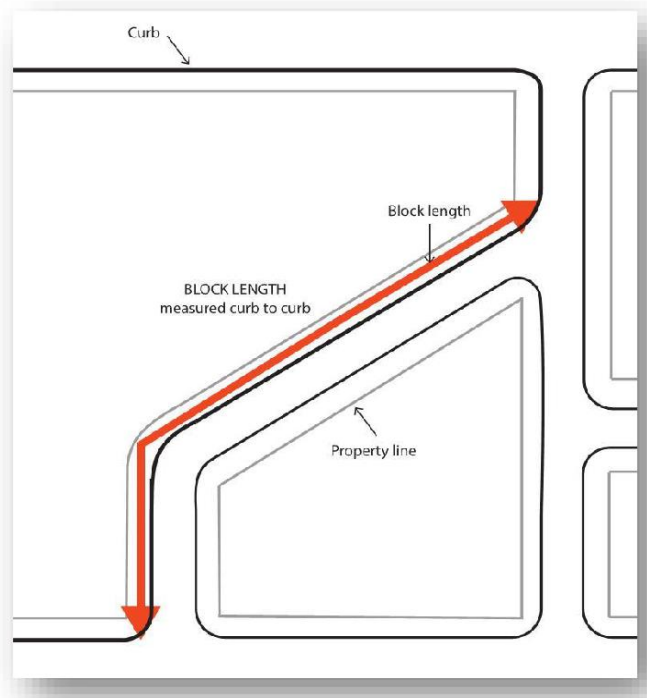
Berm Example

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.

Block length: The distance along a block face measured from curb to curb between the edges of the two bounding intersections.



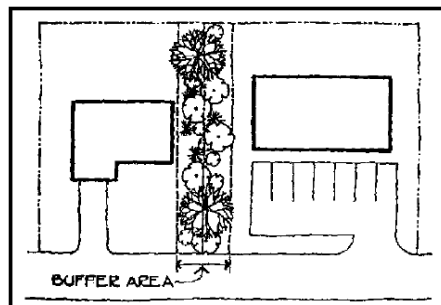


Boarding, lodging or rooming house: An establishment with lodging for not less than five persons nor more than ten persons not including members of the owner-occupant or tenant-occupant family, other than a hotel or motel, where lodging, with or without meals, is provided.

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.



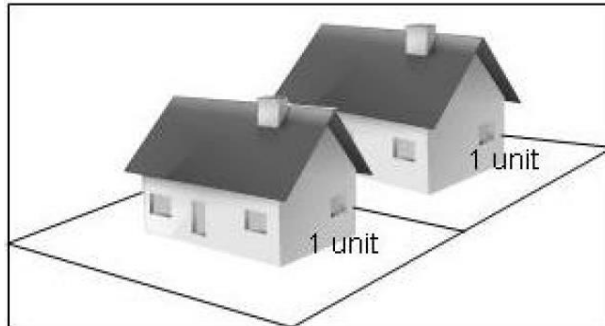
Buffer Example

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.

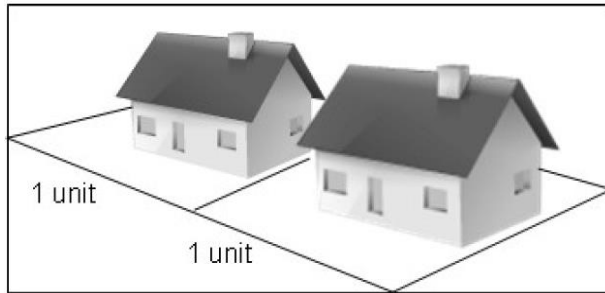


B. **Residential:** That group of building types comprising the following:

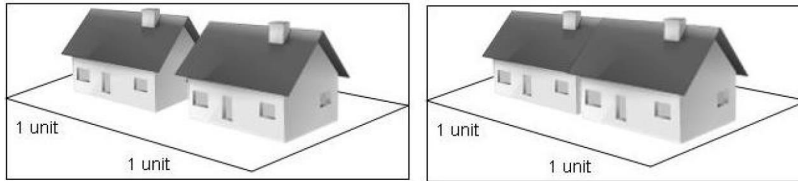
1. **Single detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



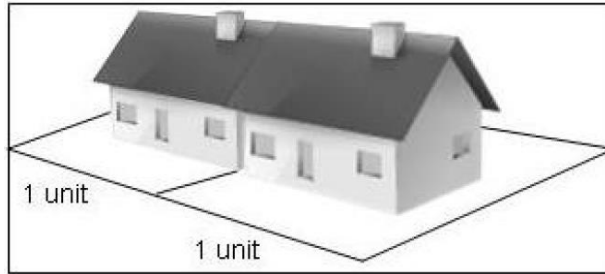
2. **Single detached (zero lot line):** A single detached structure with no setback from one lot line.



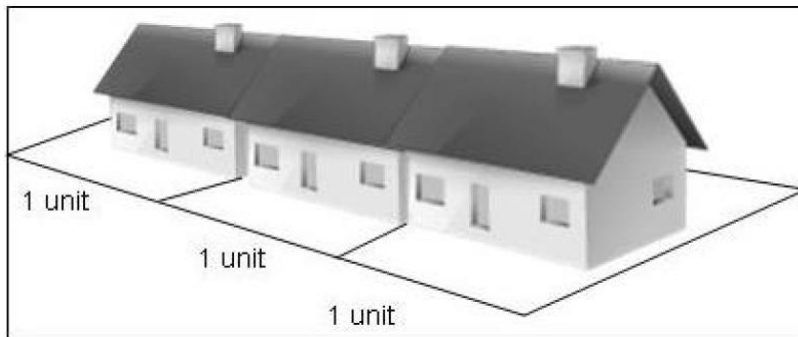
3. *Duplex*: A dwelling containing two independent dwelling units. The two dwelling units may be attached or detached, as shown in the images below. A duplex could be two units on a single lot, or on separate lots if divided pursuant to a middle housing land division.



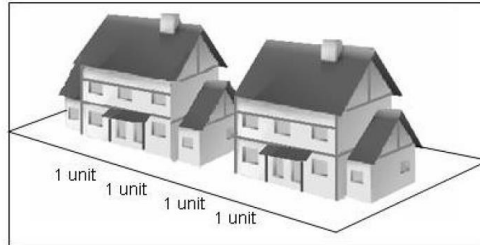
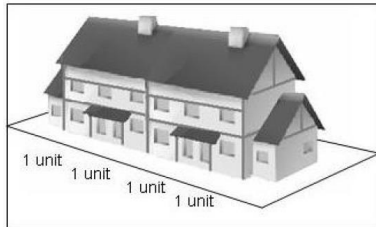
4. *Single attached (zero lot line)*: Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



5. *Attached (row house)*: More than two 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 three 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

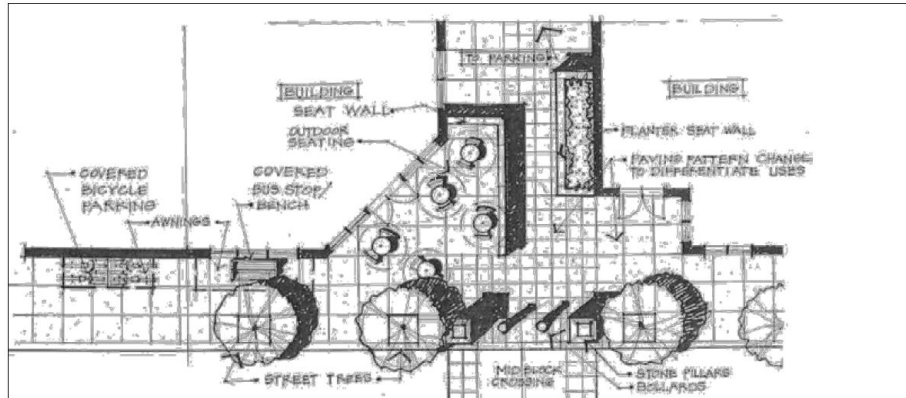
Church: An institution that people regularly attend to participate in or hold religious services, meetings and other activities.

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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

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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 percent 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 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed other than a single family dwelling. Also known as a "Certified Child Care Center" as defined in OAR 414, Division 300.

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

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

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

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

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

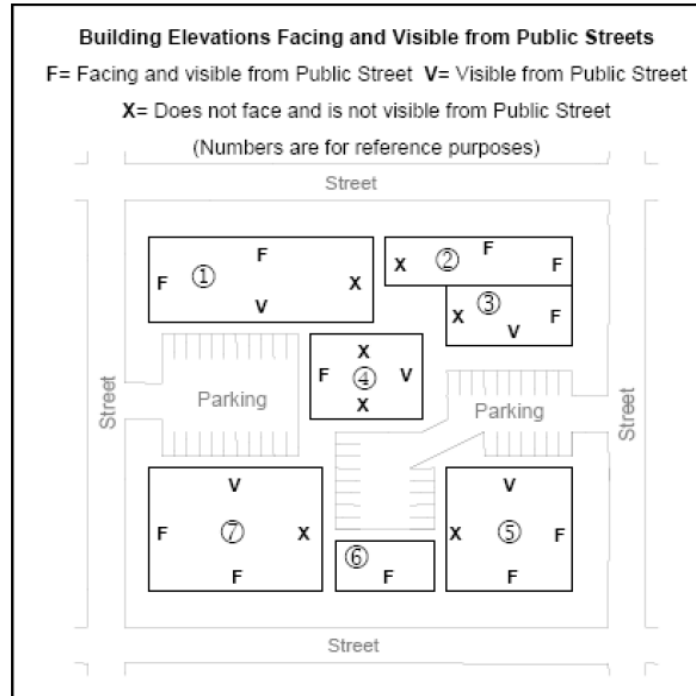
Excavation: The process of altering the natural (grade) elevation by cutting and/or filling the earth or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

Expedited land division: A division of land under ORS Sections 197.360 to 197.380. Middle housing land divisions shall be processed pursuant to the expedited land division procedures set forth in ORS Chapters 197.360 to 197.380.

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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 five 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.

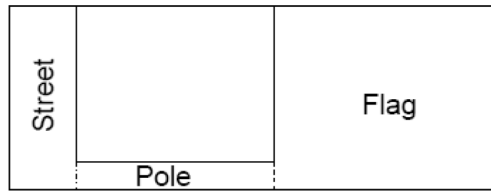
Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

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 Subsection 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.

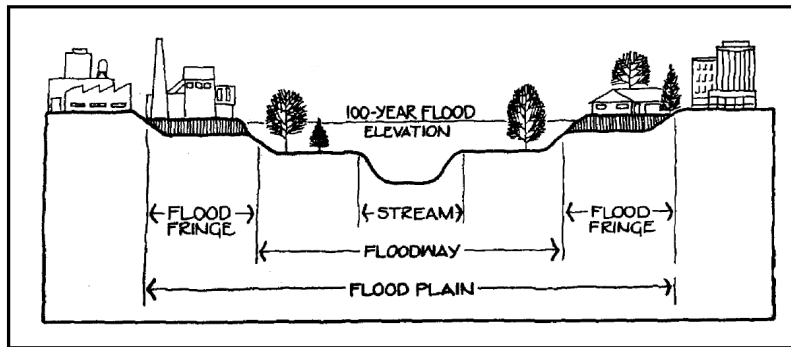
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, slope and hazard areas (FSH):

- A. Buildable areas: Accessible lands of less than 25 percent slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).
- B. Restricted development areas: As shown on the City of Sandy Zoning Map including:
 1. Slopes of 25 percent or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least ten 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 five 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 five feet from the building, between the building and a line five feet from the building.

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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 five 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 one-half-street improvement includes curb and pavement two feet beyond the centerline of the right-of-way. A three-quarter street improvement includes curbs on both sides of the street and full pavement between curb faces.

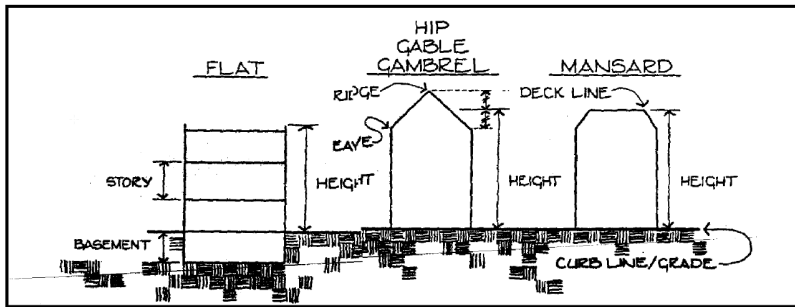
Health/recreation facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

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 six inches to 12 inches, as opposed to common wood framing which uses many more timbers with dimensions usually in the two inches to ten inches 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 five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item "A" above is more than ten feet above lowest grade.

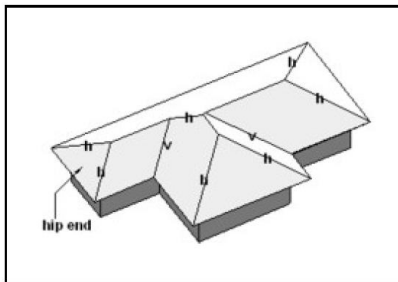


Determining Building Height Example

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 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.

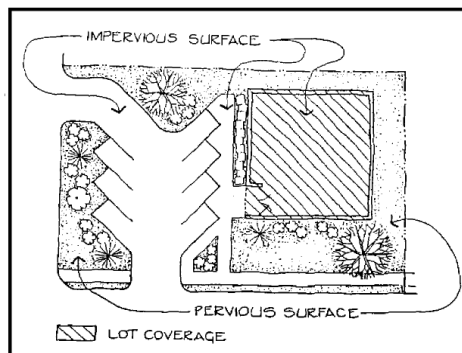
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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-1 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

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general, the burden of being informed rests on the citizen. (See definition for "limited land use decision" and "quasi-judicial decision.")

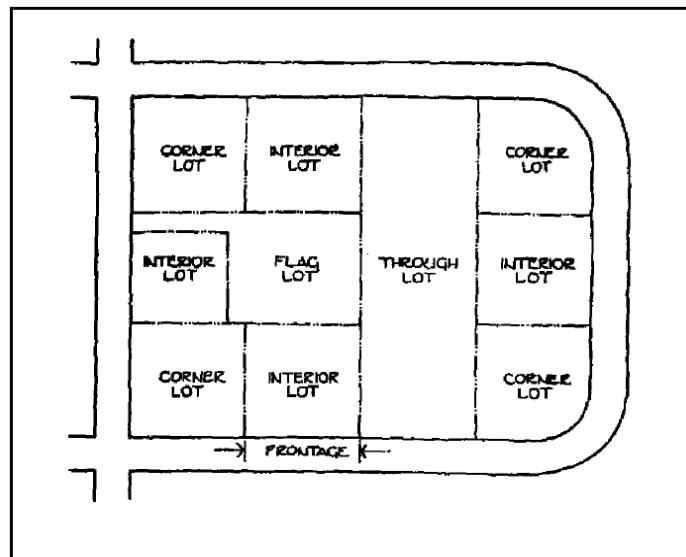
Lien foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

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 TWO 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.

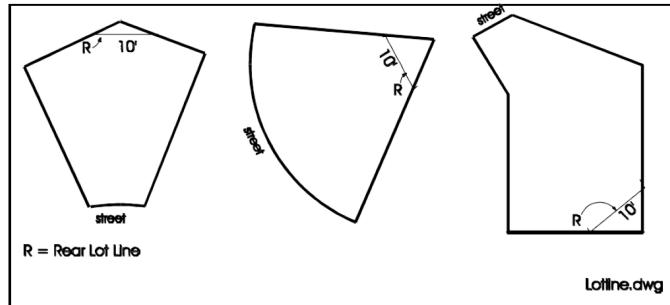
Lot, interior: A lot other than a corner lot having frontage on only one street.

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 ten 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 chapter.

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 or 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.

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Middle housing: Middle housing refers to duplexes, triplexes, quadplexes, cottage clusters, and townhouses as defined in ORS 197.758. For the purposes of middle housing land division, middle housing only refers to duplexes.

Middle housing land division: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) or (3). Middle housing land division applications shall be processed pursuant to the expedited land division procedures set forth in ORS Sections 197.360 to 197.380 and Section 17.18.120 of this development code.

~~*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 24 hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

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

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

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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 record owner of the real property or person with a legal or equitable interest in the property that entitles the person to conduct the proposed activity, 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.

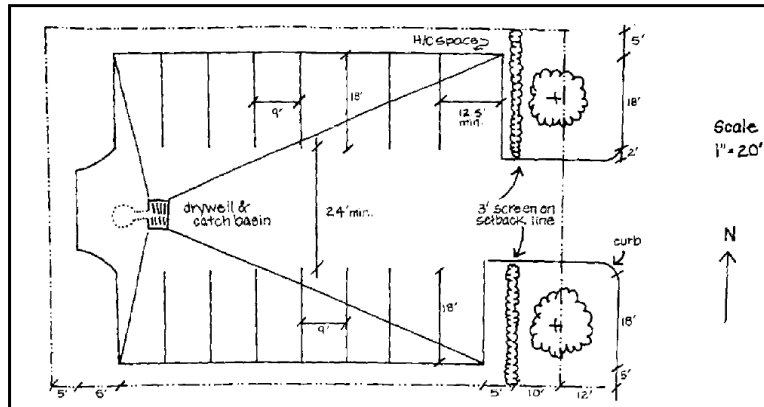
Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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 percent 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.

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. Four hundred 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 four or more additional lots, deletion of four or more lots, or reconfiguring of four or more lots.

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

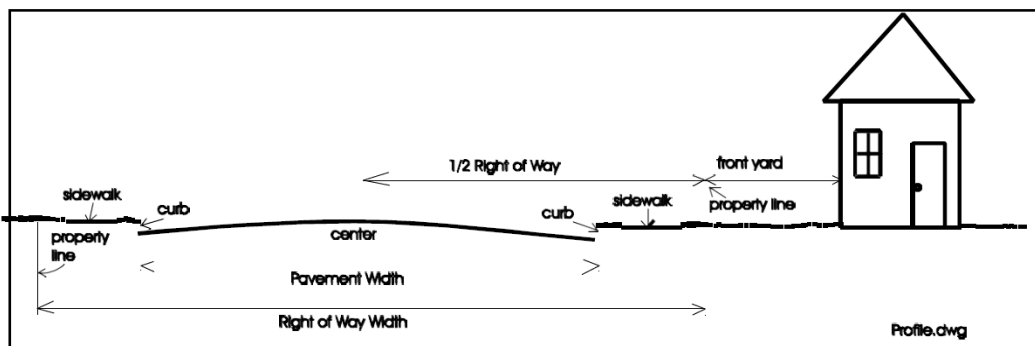
Residential facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 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 two units, often with two 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.

Self-service storage facility: [Real property that is designed and used for renting or leasing individual storage space to occupants who have exclusive access to the storage space to store or remove personal property. A self-service storage facility does not include a transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.](#)

Senior housing complex: A housing development designed for or occupied solely of persons over the age of 60 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 chapter 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.

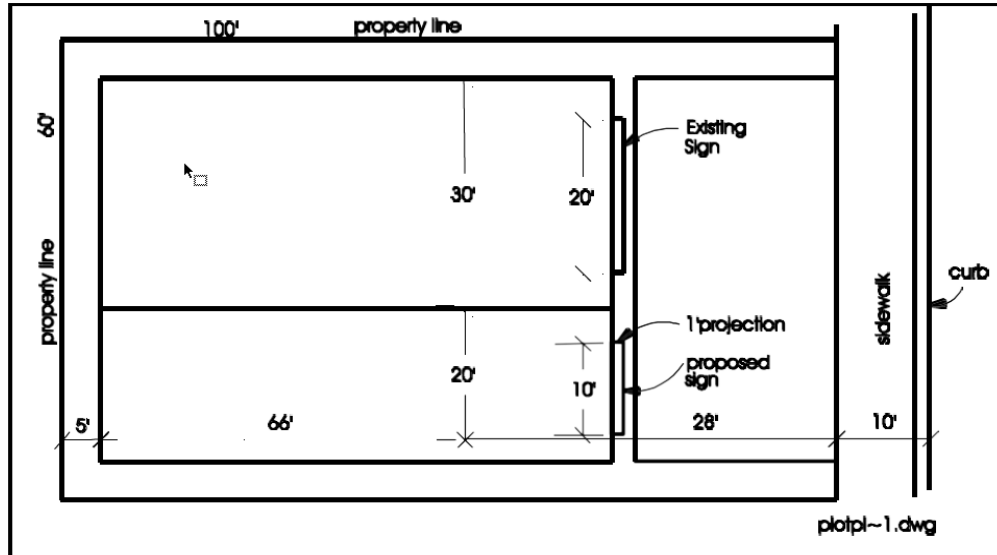
Shopping center: A grouping of retail business and service uses on a single site with common parking facilities.

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.

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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."

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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 eight 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:

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- A. 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
 - B. 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.

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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.

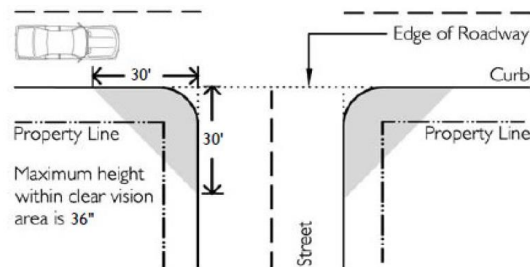
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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 chapter 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 three feet and eight 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.

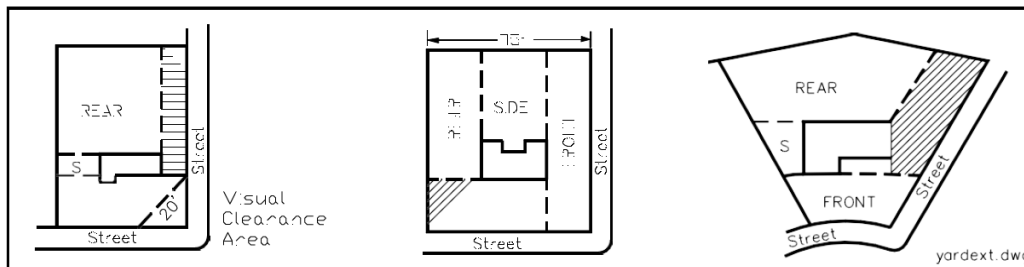
Wetland, locally significant: A wetland that meets the criteria for a "locally significant wetland" in OAR 141-86-340 "Procedures for Identifying Locally Significant Wetlands" and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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.

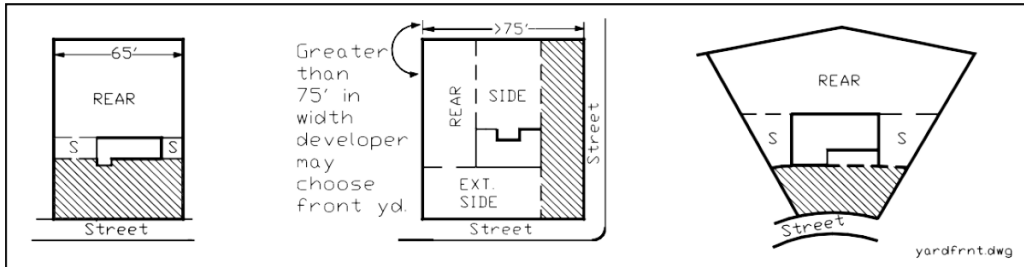
X zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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



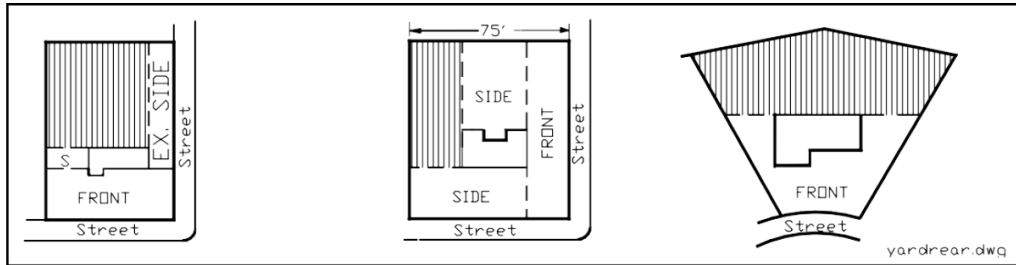
Side Yard (Exterior) Example

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.



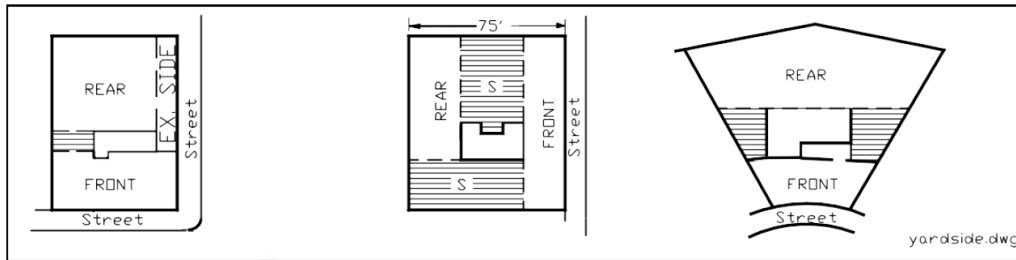
Front Yard Example

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.

(Ord. No. 2021-03 , § 1(Exh. A), 5-17-2021; Ord. No. 2021-16 , § 1(Exh. A), 8-16-2021; Ord. No. 2022-07 , § 1(Exh. A), 5-2-2022)

Title 17 - DEVELOPMENT CODE
CHAPTER 17.42 CENTRAL BUSINESS DISTRICT (C-1)

CHAPTER 17.42 CENTRAL BUSINESS DISTRICT (C-1)¹

Sec. 17.42.00. Intent.

This district is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core. This district is not intended for intensive automobile or industrial uses. This district is intended to provide the principal focus for civil and social functions within the community.

This commercial district is intended for civic uses and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the district does not permit new low density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. All development and uses shall be consistent with the intent of the district, as well as compatible with the space, access and exposure constraints and opportunities of the central city.

Sec. 17.42.10. Permitted uses.

A. *Primary Uses Permitted Outright—Residential:*

1. Attached row houses existing prior to adoption of this Code;
2. Duplexes existing prior to adoption of this Code;
3. Residential Care Facility;
4. Residential dwellings attached to a commercial business;
5. Single Attached (Zero Lot Line, 2 Units) existing prior to adoption of this Code;
6. Single Detached existing prior to adoption of this Code;
7. Single Detached (Zero Lot Line) existing prior to adoption of this Code.

B. *Primary Uses Permitted Outright—Commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities:*

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 restaurants but excluding drive-up/drive-through uses;
 - d. Grocery store or supermarket.
2. Service and professional businesses and organizations, including but not limited to:

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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- a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - ~~i. Self-service storage;~~
 - ~~ij. 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. Nursery/greenhouse.
 8. Outdoor recreation.
 9. Overnight lodging.
 10. Park and ride station.
 11. Parking lot or garage (when not an accessory use).
 12. Public park, plaza, playground or recreational area, and buildings.
 13. Warehousing and distribution facilities for wholesale merchandise.
 14. Other uses similar in nature.
- C. *Accessory Uses Permitted Outright:*
1. A use customarily incidental and subordinate to a principal use permitted outright.
 2. Outdoor display or storage of merchandise covering no more than ten percent of the total retail sales area.
 3. Accessory dwelling unit.
 4. Accessory structures, detached or attached.
 5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone.
 6. Home businesses.
 7. Parking lot or garage (when associated with development).

Sec. 17.42.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

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

Sec. 17.42.30. Development standards.

A.

Type	Standard
<i>Residential—Not Above Commercial Building</i>	
Density/Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98
<i>Commercial</i>	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum ¹ ; maximum 10 ft.
Lot Coverage	No maximum
Landscaping	10% minimum (includes required civic space in Section 17.90.110.)
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

Footnote:

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

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.44 GENERAL COMMERCIAL (C-2)

CHAPTER 17.44 GENERAL COMMERCIAL (C-2)¹

Sec. 17.44.00. Intent.

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

Sec. 17.44.10. Permitted uses.

- A. *Primary Uses Permitted Outright—Residential:*
1. Multi-family dwellings above a commercial business.
- B. *Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:*
1. Retail businesses, including but not limited to:
 - a. Automotive fueling station;
 - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
 - c. Convenience market/store;
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
 - f. Grocery store or supermarket.
 2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - ~~i. Self-service storage;~~

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2019-21, effective November 20, 2019. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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- j. Social organization.
 - 3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room.
 - 4. Bus station or terminal.
 - 5. Group care and assisted living.
 - 6. Minor public facility.
 - 7. Nursery/greenhouse.
 - 8. Outdoor recreation.
 - 9. Overnight lodging.
 - 10. Park and ride station.
 - 11. Parking lot or garage (when not an accessory use).
 - 12. Public park, plaza, playground or recreation area, and buildings.
 - 13. Trucking terminal, distribution center, or transit center.
 - 14. Warehousing and distribution facilities for wholesale merchandise.
 - 15. Wholesale lumber or building materials yard.
 - 16. Other uses similar in nature.

C. *Accessory Uses Permitted Outright:*

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

Sec. 17.44.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

- 1. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area.
- 2. Major public facility.
- 3. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks.
- 4. Other uses similar in nature.

(Ord. No. 2021-16 , § 6(Exh. F), 8-16-2021)

Sec. 17.44.30. Development requirements.

A.

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

Footnote:

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

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

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.48 INDUSTRIAL PARK (I-1)

CHAPTER 17.48 INDUSTRIAL PARK (I-1)¹

Sec. 17.48.00. Intent.

It is the intent of this district to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites, which will blend harmoniously with their surroundings, and adjacent land uses.

This district is intended primarily for light manufacturing, select warehousing and wholesaling, storage and office uses, with limited provisions for limited commercial uses which, due to their activity and space requirements, are compatible in industrial areas without causing use or other activity conflicts with the primary uses. Commercial uses located in this district are those whose activities are compatible with industrial uses, those which supplement and support surrounding industrial activity and the needs of the employees of nearby firms and those which have extensive space and land area requirements.

Sec. 17.48.10. Permitted uses.

- A. *Primary Uses Permitted Outright in buildings with less than 60,000 square feet of gross floor area:*
1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room.
 2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment.
 - b. Automotive repair and service.
 - c. Commercial day care facility.
 - d. Community services.
 - e. Education facility (e.g., pre-school, school, college).
 - f. Financial institution.
 - g. Medical facility (e.g., clinic, hospital, laboratory).
 - h. Professional or general business office.
 - ~~i. Self-service storage.~~
 - ~~ij.~~ Social organization.
 3. Retail businesses, including but not limited to:
 - a. Automotive fueling station.

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2016-06, effective November 8, 2016. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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- b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental.
 - c. Convenience market/store.
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses).
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants.
 - f. Grocery store or supermarket.
4. Bus station or terminal.
 5. Group care and assisted living.
 6. Overnight lodging.
 7. Minor public facility.
 8. Nursery/greenhouse.
 9. Outdoor recreation.
 10. Park and ride station.
 11. Parking lot or garage (when not an accessory use).
 12. Public park, plaza, playground or recreation area, and buildings.
 13. Trucking terminal, distribution center, or transit center.
 14. Warehousing and distribution facilities for wholesale merchandise.
 15. Wholesale lumber or building materials yard.
 16. Other uses similar in nature.

B. *Accessory Uses Permitted Outright:*

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

Sec. 17.48.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

1. Buildings designed for one or more occupants with more than 60,000 square feet of gross floor area;
2. Major public facility;
3. Medical marijuana grow site;
4. [Self-service storage complying with the following additional design standards \(in addition to those contained in Section 17.90.120\):](#)

- [a. Self-service storage is permitted only within multi-story structures.](#)
- [b. Exterior access to individual units is not permitted if visible from a public right-of-way.](#)
- [c. Each floor above the ground floor of a self-service storage facility building that is facing a street shall at a minimum be comprised of 15 percent glass.](#)
- [d. At least 75 percent of the width of any new or reconstructed first-story building wall facing a collector or arterial street shall be devoted to interest-creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.](#)

- 54. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
- 65. Other uses similar in nature.

(Ord. No. 2021-16 , § 7(Exh. G), 8-16-2021)

Sec. 17.48.30. Development requirements.

A.

Lot Area—Park	No minimum
Lot Area—Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks	
Front	10 ft. minimum; 50 ft. maximum
Side	None—Unless abutting a more restrictive district; if abutting, the min. setback is 30 ft.
Rear	None
Corner	15 ft.
Lot Coverage	80% maximum
Landscaping Requirement	20% minimum (includes required civic space per Section 17.90.120)
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

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

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

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.52 GENERAL INDUSTRIAL (I-3)

CHAPTER 17.52 GENERAL INDUSTRIAL (I-3)¹

Sec. 17.52.00. Intent.

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

Sec. 17.52.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Any industrial use excluding uses with a primary function of storing, utilizing, or manufacturing toxic or hazardous materials;
2. Administrative, educational or other related activities subordinate to a permitted use on the same premises;
3. Carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses when enclosed in a building;
4. Minor utility facility;
5. Truck, trailer and heavy equipment sales, rental or repair;
6. Vehicle repair shop, entirely within an enclosed building;
7. Warehousing and distribution facilities for wholesale merchandise, with indoor or outdoor storage (not including ~~mini~~-self-service storage facilities);
8. Wholesale lumber or building materials yard with no retail sales;
9. Other uses similar in nature.

B. *Accessory Uses Permitted Outright:*

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

Sec. 17.52.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:* None.

B. *Conditional Uses:*

1. Commercial uses which the Planning Commission finds meet the following criteria:
 - a. The use is supportive and complementary to the principal industrial uses in the district;
 - b. The scale, activity and design of the use proposed is appropriate to the location and trade area;

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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

Sec. 17.52.30. Development requirements.

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

- A. *Special Setbacks—Side or Rear Yard Abutting a More Restrictive District.*
1. An additional ten feet shall be added for each ten-foot increment in building height over 35 feet;
 2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
 3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must

be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.
- B. *Off-Street Parking.* Parking shall not be located in a required standard 30-foot front setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.

Sec. 17.52.40. Additional requirements.

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

October 31, 2022

Dear Sandy Planning Commission & Sandy City Council –

The City of Sandy Economic Development Advisory Board (EDAB) was recently asked to review and weigh in on recently proposed modifications to the Sandy Municipal Code with regard to self-storage facilities. These code modifications would essentially eliminate self-storage businesses as an outright permitted use in the C-1 and C-2 commercial zones and the I-1 industrial zone within Sandy's city limits.

Upon completing the requested review, the Economic Development Advisory Committee approves of the proposed code changes for a number of reasons. First, self-storage facilities typically only create one or two FTE positions per facility, and those positions are almost always entry-level jobs that do not pay a living wage. Because self-storage businesses do not create living wage jobs – in fact, they create very few jobs of any kind – they are by definition not the kind of business that this advisory board wants to promote and encourage in Sandy's commercial zones.

Second, self-storage facilities are very land intensive by definition. Sandy has had a shortage of all types of commercially developable land for many years – this issue will be brought into clearer focus as the City completes its most recent economic opportunities analysis (EOA) sometime in early 2023. This committee wishes to avoid seeing any of our precious vacant commercial land developed by business types that have extremely low job creation capabilities, as this kind of action will make commercially developable land in Sandy even more scarce than it already is.

Finally, this committee is concerned about the potential future redevelopment of self-storage sites if the demand for this service should weaken in the future. Self-storage businesses are difficult to redevelop into another type of business due to the specific way the buildings and lots are configured. The committee feels that this would make self-storage business sites less marketable to other prospective buyers should they fail in the future, increasing the probability that the city government would have to step in and provide resources to encourage redevelopment.

In conclusion, the City of Sandy EDAB stands in strong support of these changes to the Sandy Municipal Code and encourages the Sandy Planning Commission and City Council to proceed with modifying the municipal code as suggested.

-- David Snider, EDAB staff liaison
on behalf of The City of Sandy Economic Development Advisory Board



NO. 2022-26

AN ORDINANCE AMENDING CHAPTERS 17.08, 17.10, 17.42, 17.44, 17.48, and 17.52 OF TITLE 17 OF THE SANDY MUNICIPAL CODE

Whereas, the City Council wants to preserve employment lands for uses with larger employment growth; and

Whereas, the City Council wants to remove self-service storage as an allowed use in the Central Business District (C-1) and General Commercial (C-2) zoning districts; and

Whereas, the City Council wants to restrict self-service storage to a conditional use in the Industrial Park (I-1) zoning district; and

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

Whereas, on October 13, 2022, the City provided notice of the proposed amendments to DLCD in conformance with ORS 197.610; and

Whereas, the Planning Commission held a public hearing to review the amendments on November 28, 2022, and forwarded a recommendation of approval to the City Council; and

Whereas, the City Council then held a public hearing to review the proposal on January 17, 2023.

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

Section 1: Sandy Municipal Code Chapter 17.08 is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2: Sandy Municipal Code Chapter 17.10 is amended as detailed in Exhibit B, attached and incorporated by reference.

Section 3: Sandy Municipal Code Chapter 17.42 is amended as detailed in Exhibit C, attached and incorporated by reference.

Section 4: Sandy Municipal Code Chapter 17.44 is amended as detailed in Exhibit D, attached and incorporated by reference.

#2022-26

Section 5: Sandy Municipal Code Chapter 17.48 is amended as detailed in Exhibit E, attached and incorporated by reference.

Section 6: Sandy Municipal Code Chapter 17.52 is amended as detailed in Exhibit F, attached and incorporated by reference

Section 7: In support of this ordinance, the City Council adopts the findings and conclusions attached as Exhibit G.

Section 8: 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 January 2023

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2022-26

Title 17 - DEVELOPMENT CODE
CHAPTER 17.08 NONCONFORMING DEVELOPMENT

CHAPTER 17.08 NONCONFORMING DEVELOPMENT

Sec. 17.08.00. Intent.

These regulations are intended to permit nonconforming uses and structures to continue, but not to encourage their perpetuation. The regulation of nonconforming development is intended to bring development into conformance with this Code and the Comprehensive Plan.

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

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

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

Sec. 17.08.10. General provisions.

- A. *Alterations of a Nonconforming Use.* No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.
- B. *Alteration of a Nonconforming Structure.* Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area.

Sec. 17.08.20. Discontinuance of a nonconforming use.

Whenever a nonconforming use is discontinued for more than one year, further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. "Discontinued" shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

Sec. 17.08.30. Damage to a nonconforming use.

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

{00819525; 1 }

Sec. 17.08.40. Reclassification to conditional development.

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

Sec. 17.08.50. Exceptions.

A. *Multi-Family Dwellings, Office Uses, Automotive Fueling Stations, Car Washes, and Retail Auto Dealerships in the C-1 Zoning District.*

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

B. [Self-Service Storage in the C-1, C-2, and I-1 Zoning Districts.](#)

1. [Self-service storage facilities in the C-1 or C-2 zoning districts in existence as of February 16, 2023, shall not be classified as nonconforming development. Permitted expansion of an existing self-service storage facility shall be limited to an increase in building footprint of 20 percent and shall be permitted only on the subject property.](#)
2. [Self-service storage facilities in the I-1 zoning district in existence as of February 16, 2023, shall not be classified as nonconforming development. Expansion of an existing self-service storage facility shall be permitted only on the same property or on property contiguous to and in the same ownership as the existing self-service storage facility as of February 16, 2023. If the existing self-service storage building is proposed to be altered or expanded on the subject property or if a new building is proposed to be constructed on the subject property, the application shall be processed as a conditional use permit.](#)

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

{00819525; 1 }

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(Supp. No. 1)

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

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

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

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

(Ord. No. 2000-02, 2000)

{00819525; 1 }

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(Supp. No. 1)

Title 17 - DEVELOPMENT CODE
CHAPTER 17.10 DEFINITIONS

CHAPTER 17.10 DEFINITIONS¹

Sec. 17.10.00. Intent.

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

Sec. 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.

Sec. 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.

Sec. 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

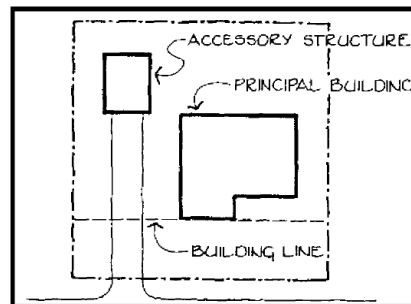
¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2020-24, effective September 21, 2020. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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 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 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,

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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 chapter 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.

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

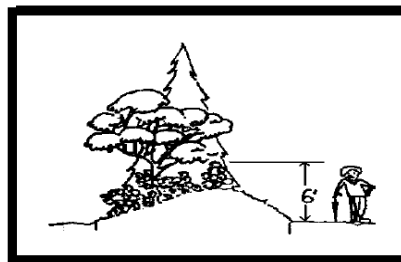
Base flood elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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.

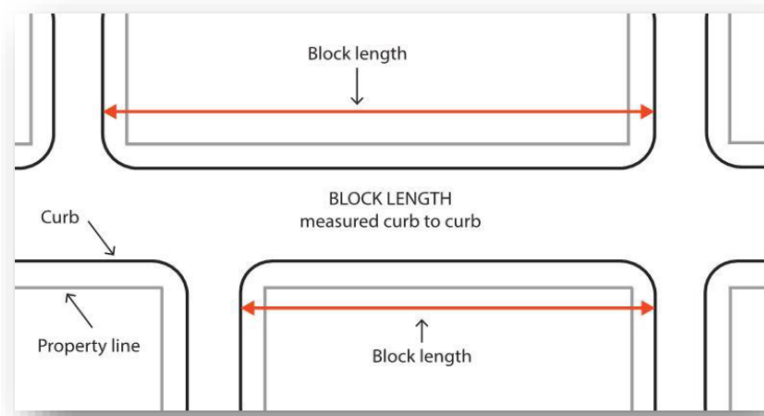


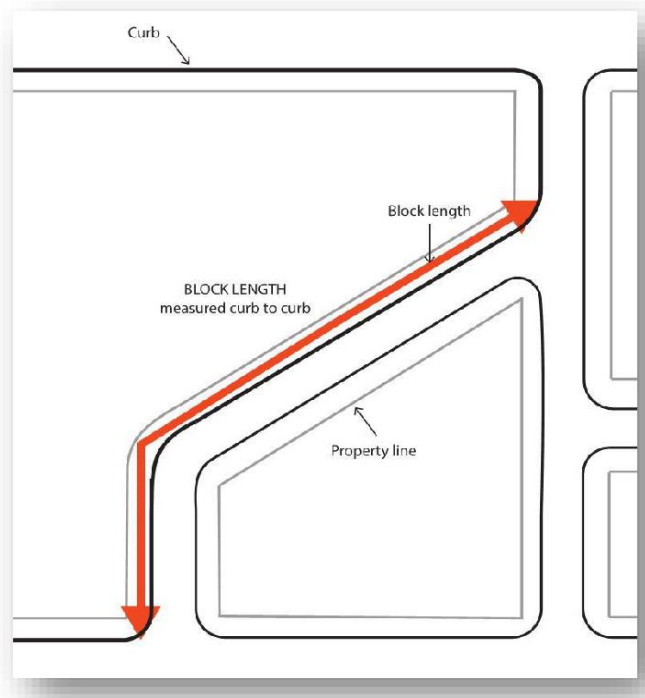
Berm Example

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.

Block length: The distance along a block face measured from curb to curb between the edges of the two bounding intersections.



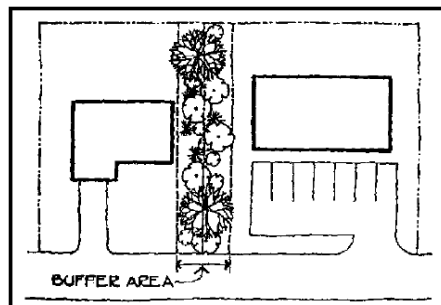


Boarding, lodging or rooming house: An establishment with lodging for not less than five persons nor more than ten persons not including members of the owner-occupant or tenant-occupant family, other than a hotel or motel, where lodging, with or without meals, is provided.

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.



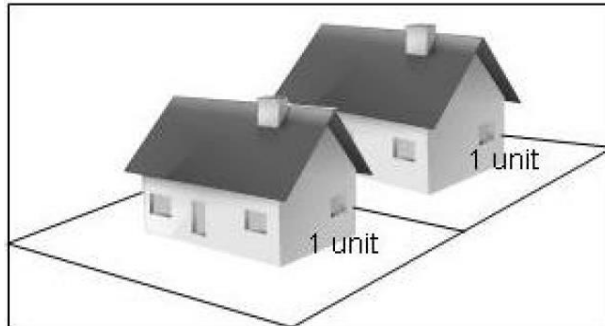
Buffer Example

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.

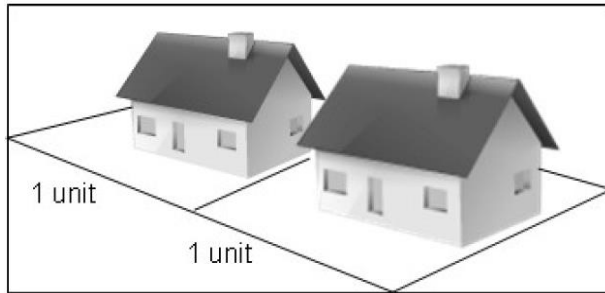


B. **Residential:** That group of building types comprising the following:

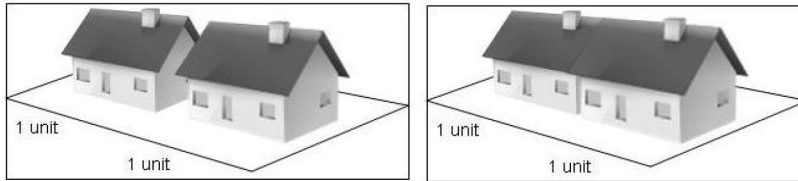
1. **Single detached:** One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this chapter.



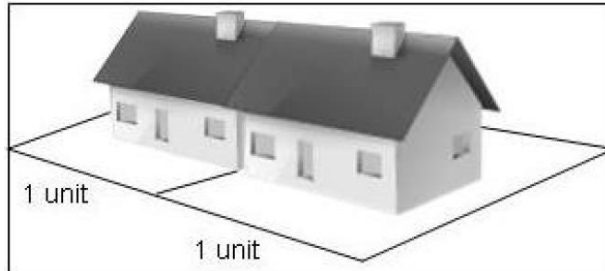
2. **Single detached (zero lot line):** A single detached structure with no setback from one lot line.



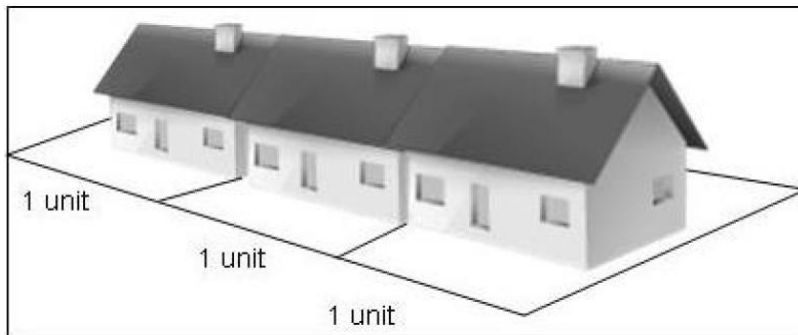
3. *Duplex*: A dwelling containing two independent dwelling units. The two dwelling units may be attached or detached, as shown in the images below. A duplex could be two units on a single lot, or on separate lots if divided pursuant to a middle housing land division.



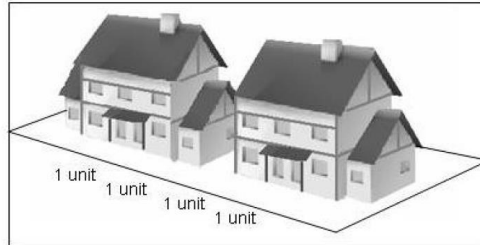
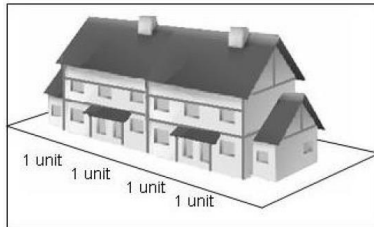
4. *Single attached (zero lot line)*: Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



5. *Attached (row house)*: More than two 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 three 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

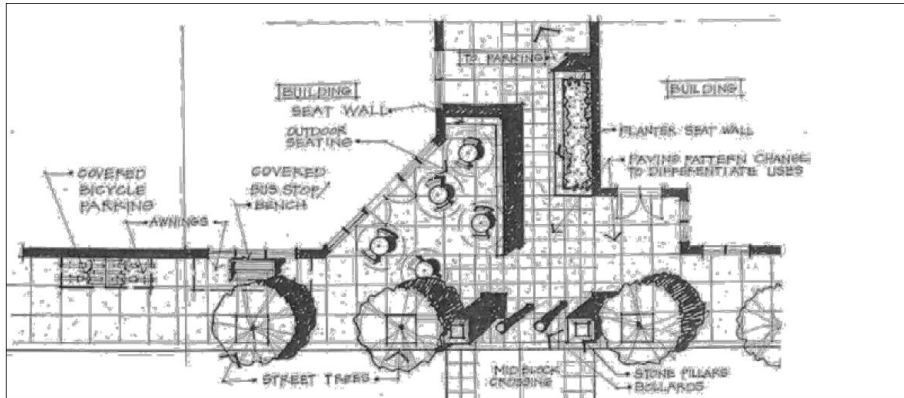
Church: An institution that people regularly attend to participate in or hold religious services, meetings and other activities.

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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 percent 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 13 or more children, or a facility that is certified to care for 12 or fewer children and located in a building constructed other than a single family dwelling. Also known as a "Certified Child Care Center" as defined in OAR 414, Division 300.

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

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

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

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

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

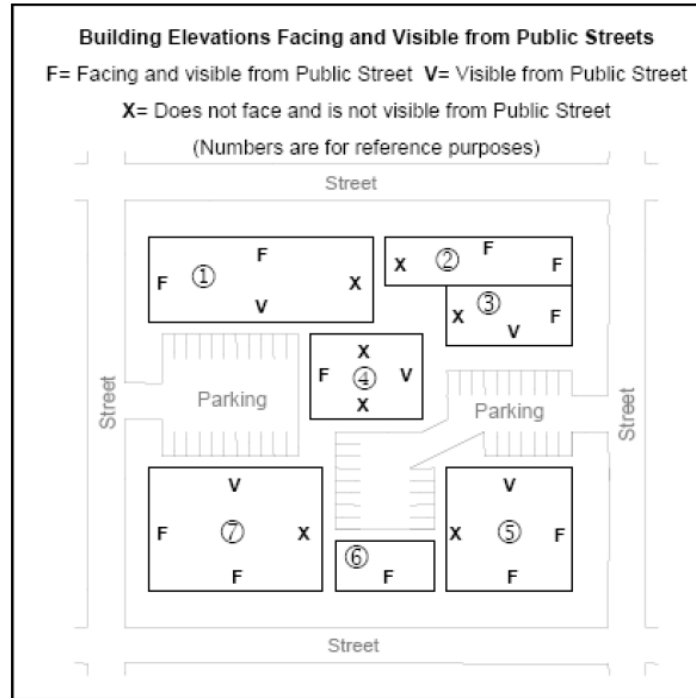
Excavation: The process of altering the natural (grade) elevation by cutting and/or filling the earth or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

Expedited land division: A division of land under ORS Sections 197.360 to 197.380. Middle housing land divisions shall be processed pursuant to the expedited land division procedures set forth in ORS Chapters 197.360 to 197.380.

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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 five 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.

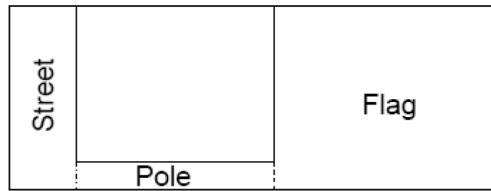
Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

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 Subsection 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.

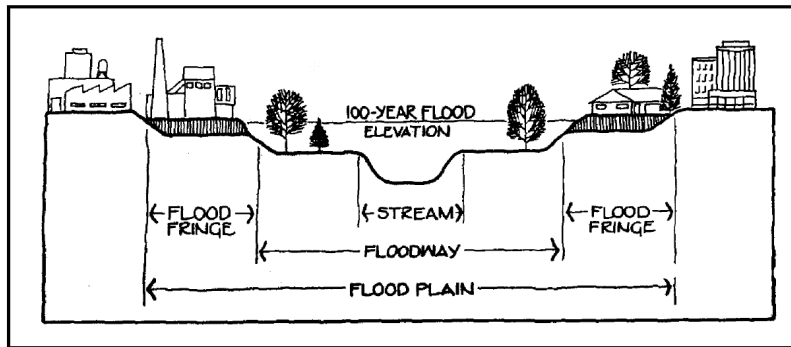
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, slope and hazard areas (FSH):

- A. Buildable areas: Accessible lands of less than 25 percent slope that lie outside steep slope and water quality setback areas as defined in Chapter 17.60, Flood and Slope Hazard (FSH).
- B. Restricted development areas: As shown on the City of Sandy Zoning Map including:
 1. Slopes of 25 percent or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least ten 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 five 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 five feet from the building, between the building and a line five feet from the building.

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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 five 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 one-half-street improvement includes curb and pavement two feet beyond the centerline of the right-of-way. A three-quarter street improvement includes curbs on both sides of the street and full pavement between curb faces.

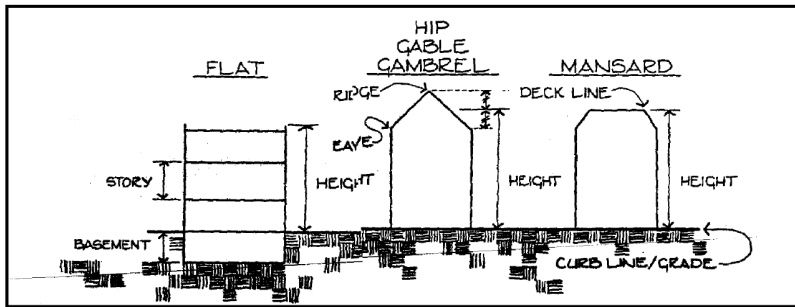
Health/recreation facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

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 six inches to 12 inches, as opposed to common wood framing which uses many more timbers with dimensions usually in the two inches to ten inches 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 five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item "A" above is more than ten feet above lowest grade.

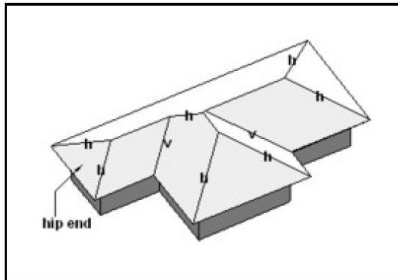


Determining Building Height Example

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 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.

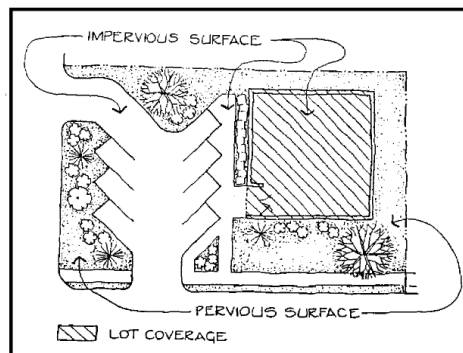
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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-1 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

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general, the burden of being informed rests on the citizen. (See definition for "limited land use decision" and "quasi-judicial decision.")

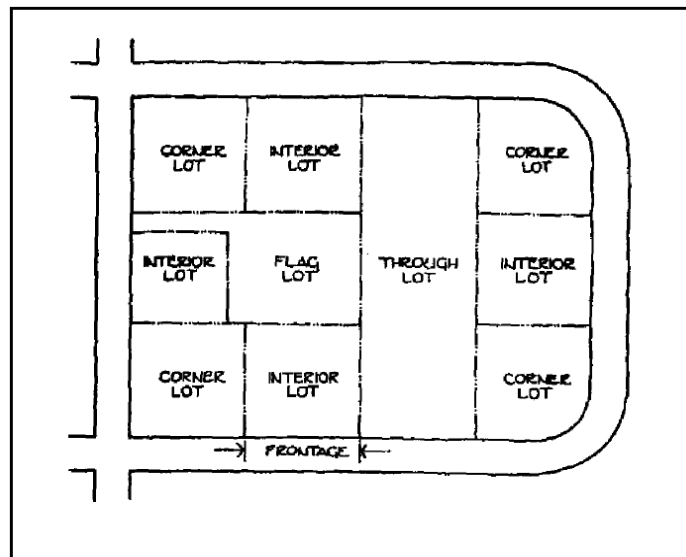
Lien foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

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 TWO 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.

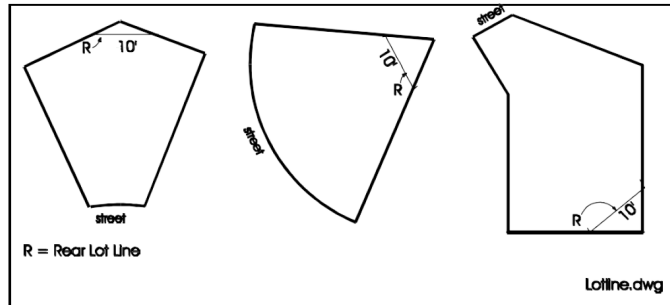
Lot, interior: A lot other than a corner lot having frontage on only one street.

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 ten 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 chapter.

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 or 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.

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Middle housing: Middle housing refers to duplexes, triplexes, quadplexes, cottage clusters, and townhouses as defined in ORS 197.758. For the purposes of middle housing land division, middle housing only refers to duplexes.

Middle housing land division: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) or (3). Middle housing land division applications shall be processed pursuant to the expedited land division procedures set forth in ORS Sections 197.360 to 197.380 and Section 17.18.120 of this development code.

~~*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 24 hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

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

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

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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 record owner of the real property or person with a legal or equitable interest in the property that entitles the person to conduct the proposed activity, 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.

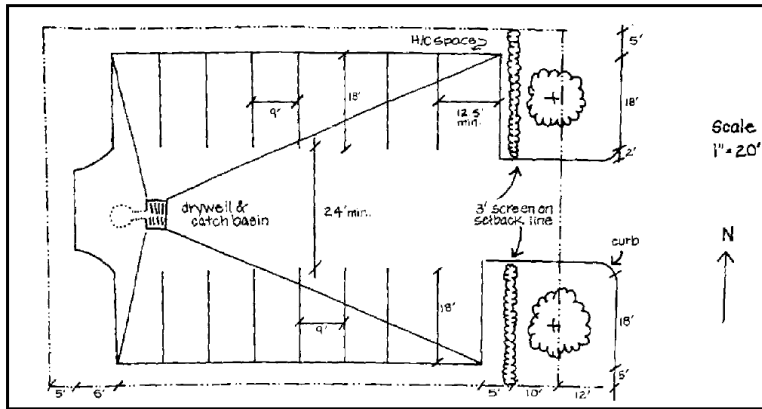
Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped (Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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 percent 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.

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. Four hundred 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 four or more additional lots, deletion of four or more lots, or reconfiguring of four or more lots.

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

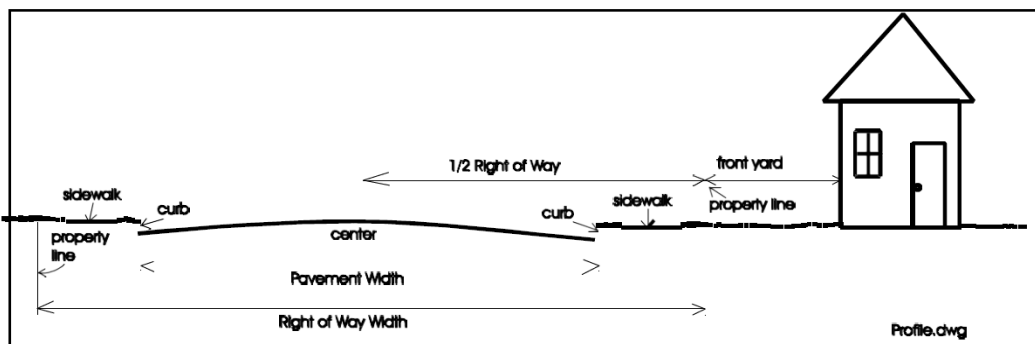
Residential facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 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 two units, often with two 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.

Self-service storage facility: [Real property that is designed and used for renting or leasing individual storage space to occupants who have exclusive access to the storage space to store or remove personal property. A self-service storage facility does not include a transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.](#)

Senior housing complex: A housing development designed for or occupied solely of persons over the age of 60 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 chapter 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.

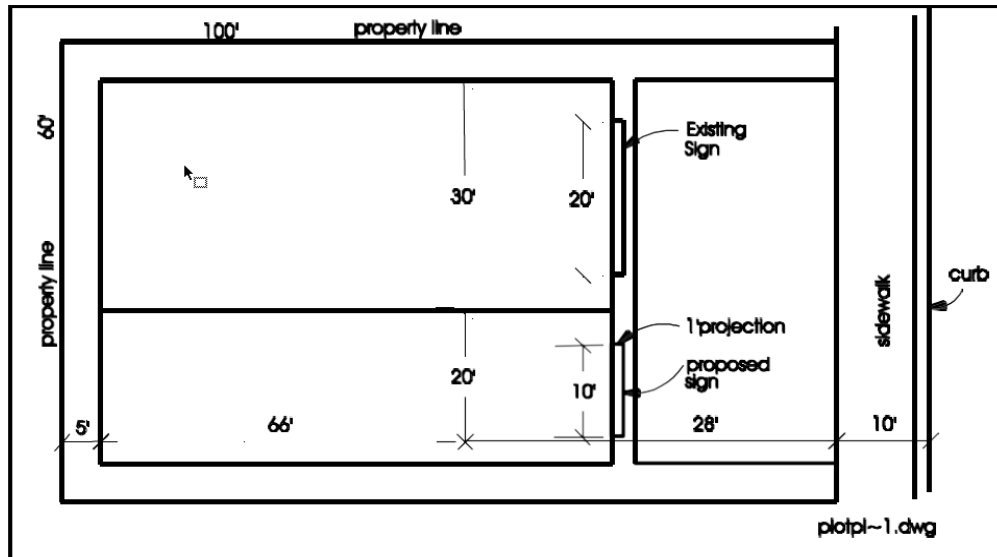
Shopping center: A grouping of retail business and service uses on a single site with common parking facilities.

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.

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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."

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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 eight 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:

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- A. 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
 - B. 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.

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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.

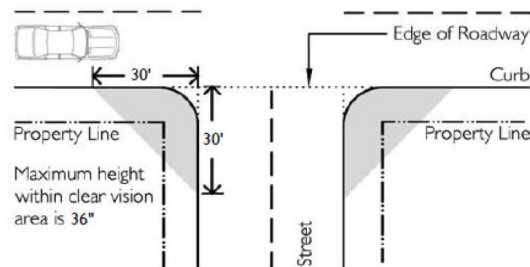
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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 chapter 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 three feet and eight 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.

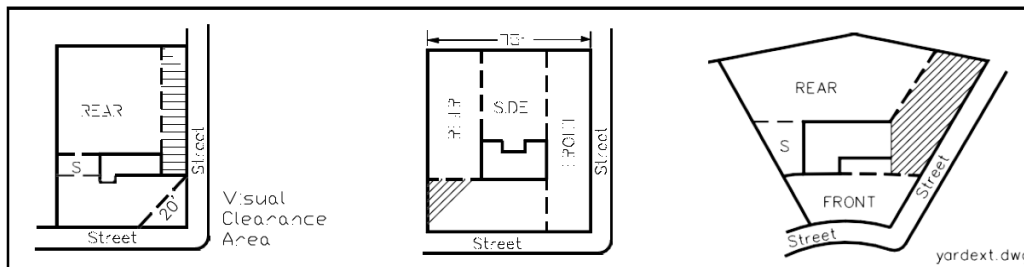
Wetland, locally significant: A wetland that meets the criteria for a "locally significant wetland" in OAR 141-86-340 "Procedures for Identifying Locally Significant Wetlands" and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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.

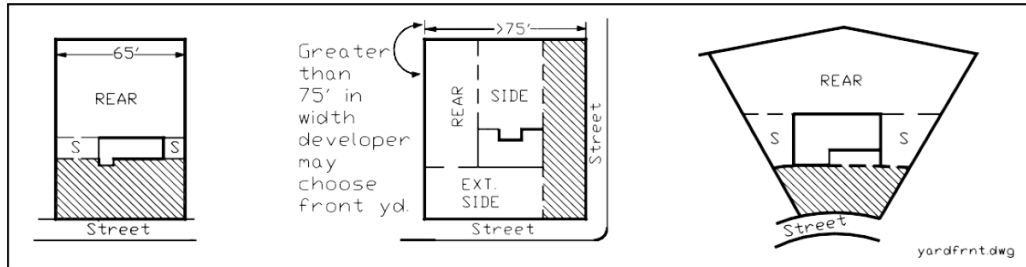
X zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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



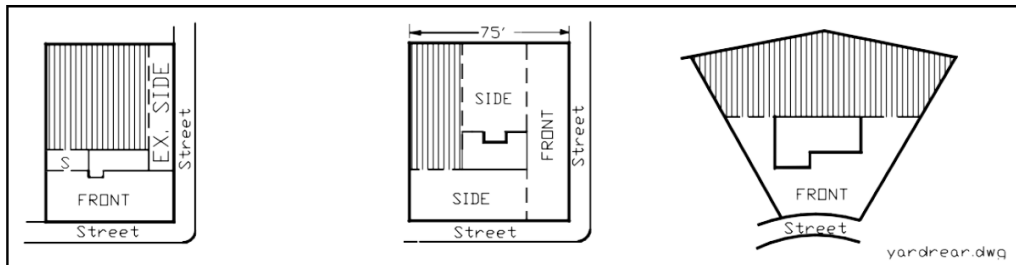
Side Yard (Exterior) Example

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.



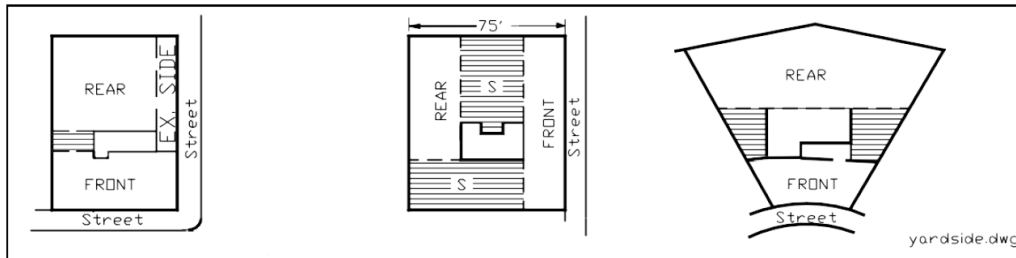
Front Yard Example

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.

(Ord. No. 2021-03 , § 1(Exh. A), 5-17-2021; Ord. No. 2021-16 , § 1(Exh. A), 8-16-2021; Ord. No. 2022-07 , § 1(Exh. A), 5-2-2022)

Title 17 - DEVELOPMENT CODE
CHAPTER 17.42 CENTRAL BUSINESS DISTRICT (C-1)

CHAPTER 17.42 CENTRAL BUSINESS DISTRICT (C-1)¹

Sec. 17.42.00. Intent.

This district is intended to provide the community with a mix of retail, personal services, offices and residential needs of the community and its trade area in the city's traditional commercial core. This district is not intended for intensive automobile or industrial uses. This district is intended to provide the principal focus for civil and social functions within the community.

This commercial district is intended for civic uses and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the district does not permit new low density building types, it is not intended to preclude dwelling units in buildings containing commercial activities. All development and uses shall be consistent with the intent of the district, as well as compatible with the space, access and exposure constraints and opportunities of the central city.

Sec. 17.42.10. Permitted uses.

- A. *Primary Uses Permitted Outright—Residential:*
 - 1. Attached row houses existing prior to adoption of this Code;
 - 2. Duplexes existing prior to adoption of this Code;
 - 3. Residential Care Facility;
 - 4. Residential dwellings attached to a commercial business;
 - 5. Single Attached (Zero Lot Line, 2 Units) existing prior to adoption of this Code;
 - 6. Single Detached existing prior to adoption of this Code;
 - 7. Single Detached (Zero Lot Line) existing prior to adoption of this Code.
- B. *Primary Uses Permitted Outright—Commercial in buildings with up to 30,000 square feet of gross floor area and without drive-through facilities:*
 - 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 restaurants but excluding drive-up/drive-through uses;
 - d. Grocery store or supermarket.
 - 2. Service and professional businesses and organizations, including but not limited to:

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

-
- a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - ~~i. Self-service storage;~~
 - ~~ij. 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. Nursery/greenhouse.
 8. Outdoor recreation.
 9. Overnight lodging.
 10. Park and ride station.
 11. Parking lot or garage (when not an accessory use).
 12. Public park, plaza, playground or recreational area, and buildings.
 13. Warehousing and distribution facilities for wholesale merchandise.
 14. Other uses similar in nature.
- C. *Accessory Uses Permitted Outright:*
1. A use customarily incidental and subordinate to a principal use permitted outright.
 2. Outdoor display or storage of merchandise covering no more than ten percent of the total retail sales area.
 3. Accessory dwelling unit.
 4. Accessory structures, detached or attached.
 5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone.
 6. Home businesses.
 7. Parking lot or garage (when associated with development).

Sec. 17.42.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

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

Sec. 17.42.30. Development standards.

A.

Type	Standard
<i>Residential—Not Above Commercial Building</i>	
Density/Lot Dimension	In conformance with Chapter 17.40 (R-3)
Setbacks	In conformance with Chapter 17.40 (R-3)
Lot Coverage	No maximum
Structure Height	45 ft. maximum
Landscaping	20% minimum
Off-Street Parking	See Chapter 17.98
<i>Commercial</i>	
Lot Area	No minimum
Lot Dimension	No minimum
Setbacks	No minimum ¹ ; maximum 10 ft.
Lot Coverage	No maximum
Landscaping	10% minimum (includes required civic space in Section 17.90.110.)
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

Footnote:

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(Supp. No. 1)

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

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.44 GENERAL COMMERCIAL (C-2)

CHAPTER 17.44 GENERAL COMMERCIAL (C-2)¹

Sec. 17.44.00. Intent.

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

Sec. 17.44.10. Permitted uses.

- A. *Primary Uses Permitted Outright—Residential:*
 - 1. Multi-family dwellings above a commercial business.
- B. *Primary Uses Permitted Outright in buildings with less than 60,000 square ft. of gross floor area:*
 - 1. Retail businesses, including but not limited to:
 - a. Automotive fueling station;
 - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
 - c. Convenience market/store;
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
 - f. Grocery store or supermarket.
 - 2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);
 - h. Professional or general business office;
 - ~~i. Self service storage;~~

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2019-21, effective November 20, 2019. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

-
- j. Social organization.
 - 3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room.
 - 4. Bus station or terminal.
 - 5. Group care and assisted living.
 - 6. Minor public facility.
 - 7. Nursery/greenhouse.
 - 8. Outdoor recreation.
 - 9. Overnight lodging.
 - 10. Park and ride station.
 - 11. Parking lot or garage (when not an accessory use).
 - 12. Public park, plaza, playground or recreation area, and buildings.
 - 13. Trucking terminal, distribution center, or transit center.
 - 14. Warehousing and distribution facilities for wholesale merchandise.
 - 15. Wholesale lumber or building materials yard.
 - 16. Other uses similar in nature.

C. *Accessory Uses Permitted Outright:*

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

Sec. 17.44.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

- 1. Buildings designed for one or more occupants with more than 60,000 square ft. of gross floor area.
- 2. Major public facility.
- 3. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks.
- 4. Other uses similar in nature.

(Ord. No. 2021-16 , § 6(Exh. F), 8-16-2021)

Sec. 17.44.30. Development requirements.

A.

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

Footnote:

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

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

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.48 INDUSTRIAL PARK (I-1)

CHAPTER 17.48 INDUSTRIAL PARK (I-1)¹

Sec. 17.48.00. Intent.

It is the intent of this district to allow desirable and beneficial mixing of light industrial and warehousing businesses and commercial uses totally enclosed within buildings on large, landscaped sites, which will blend harmoniously with their surroundings, and adjacent land uses.

This district is intended primarily for light manufacturing, select warehousing and wholesaling, storage and office uses, with limited provisions for limited commercial uses which, due to their activity and space requirements, are compatible in industrial areas without causing use or other activity conflicts with the primary uses. Commercial uses located in this district are those whose activities are compatible with industrial uses, those which supplement and support surrounding industrial activity and the needs of the employees of nearby firms and those which have extensive space and land area requirements.

Sec. 17.48.10. Permitted uses.

- A. *Primary Uses Permitted Outright in buildings with less than 60,000 square feet of gross floor area:*
1. Manufacturing, assembly, processing, and production (that do not produce significant levels of noise or odor beyond the boundaries of the site), including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room.
 2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment.
 - b. Automotive repair and service.
 - c. Commercial day care facility.
 - d. Community services.
 - e. Education facility (e.g., pre-school, school, college).
 - f. Financial institution.
 - g. Medical facility (e.g., clinic, hospital, laboratory).
 - h. Professional or general business office.
 - ~~i. Self service storage.~~
 - ~~ij.~~ Social organization.
 3. Retail businesses, including but not limited to:
 - a. Automotive fueling station.

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2016-06, effective November 8, 2016. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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- b. Automotive, trailer, recreational vehicle, and motorcycle sales and rental.
 - c. Convenience market/store.
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses).
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants.
 - f. Grocery store or supermarket.
4. Bus station or terminal.
 5. Group care and assisted living.
 6. Overnight lodging.
 7. Minor public facility.
 8. Nursery/greenhouse.
 9. Outdoor recreation.
 10. Park and ride station.
 11. Parking lot or garage (when not an accessory use).
 12. Public park, plaza, playground or recreation area, and buildings.
 13. Trucking terminal, distribution center, or transit center.
 14. Warehousing and distribution facilities for wholesale merchandise.
 15. Wholesale lumber or building materials yard.
 16. Other uses similar in nature.

B. *Accessory Uses Permitted Outright:*

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

Sec. 17.48.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

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

B. *Conditional Uses:*

1. Buildings designed for one or more occupants with more than 60,000 square feet of gross floor area;
2. Major public facility;
3. Medical marijuana grow site;
4. [Self-service storage complying with the following additional design standards \(in addition to those contained in Section 17.90.120\):](#)

- [a. Self-service storage is permitted only within multi-story structures.](#)
- [b. Exterior access to individual units is not permitted on the activated elevation of the building.](#)
- [c. Each floor above the ground floor of a self-service storage facility building that is facing a street shall at a minimum be comprised of 15 percent glass.](#)
- [d. At least 75 percent of the width of any new or reconstructed first-story building wall facing a collector or arterial street shall be devoted to interest-creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.](#)

- 54. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks;
- 65. Other uses similar in nature.

(Ord. No. 2021-16 , § 7(Exh. G), 8-16-2021)

Sec. 17.48.30. Development requirements.

A.

Lot Area—Park	No minimum
Lot Area—Individual Lot	No minimum
Lot Dimension	No minimum
Setbacks	
Front	10 ft. minimum; 50 ft. maximum
Side	None—Unless abutting a more restrictive district; if abutting, the min. setback is 30 ft.
Rear	None
Corner	15 ft.
Lot Coverage	80% maximum
Landscaping Requirement	20% minimum (includes required civic space per Section 17.90.120)
Structure Height	45 ft. maximum
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.120

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

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

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(Supp. No. 1)

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

Title 17 - DEVELOPMENT CODE
CHAPTER 17.52 GENERAL INDUSTRIAL (I-3)

CHAPTER 17.52 GENERAL INDUSTRIAL (I-3)¹

Sec. 17.52.00. Intent.

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

Sec. 17.52.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Any industrial use excluding uses with a primary function of storing, utilizing, or manufacturing toxic or hazardous materials;
2. Administrative, educational or other related activities subordinate to a permitted use on the same premises;
3. Carpentry, cabinetry, auto repair, painting, welding or machine shop not engaged in manufacturing, sheet metal shop, tire or lube shops or other similar uses when enclosed in a building;
4. Minor utility facility;
5. Truck, trailer and heavy equipment sales, rental or repair;
6. Vehicle repair shop, entirely within an enclosed building;
7. Warehousing and distribution facilities for wholesale merchandise, with indoor or outdoor storage (not including ~~mini~~-self-service storage facilities);
8. Wholesale lumber or building materials yard with no retail sales;
9. Other uses similar in nature.

B. *Accessory Uses Permitted Outright:*

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

Sec. 17.52.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:* None.

B. *Conditional Uses:*

1. Commercial uses which the Planning Commission finds meet the following criteria:
 - a. The use is supportive and complementary to the principal industrial uses in the district;
 - b. The scale, activity and design of the use proposed is appropriate to the location and trade area;

¹Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

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

Sec. 17.52.30. Development requirements.

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

- A. *Special Setbacks—Side or Rear Yard Abutting a More Restrictive District.*
1. An additional ten feet shall be added for each ten-foot increment in building height over 35 feet;
 2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district;
 3. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be freestanding. The building then must

be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

4. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.
- B. *Off-Street Parking.* Parking shall not be located in a required standard 30-foot front setback area. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a public right-of-way, driveways for ingress or egress shall be limited to one per 150 feet. For lots with frontage of less than 150 feet or less, shared access may be required.

Sec. 17.52.40. Additional requirements.

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

Ordinance No. 2022-26: Exhibit G
Self-Service Storage Code Modifications

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 November 28, 2022. The Council held a public hearing on January 17, 2023. 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 46-day notice to the State of Oregon on October 13, 2022. 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. Goal 7 does not apply to the decision.
8. Goal 8 – Recreational Needs. Goal 8 does not apply 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. The City last conducted an EOA in 2015; however, the City is in the process of conducting a current EOA, which is scheduled to be completed in early 2023. The City’s Economic Development Advisory Board (EDAB) is interested in attracting uses with large employment growth to the City and does not want to see vacant commercial land developed by business types that have extremely low job creation capabilities. EDAB met in early 2022 to discuss potential ways to restrict self-service storage since self-service storage facilities typically don’t create living wage jobs and are very land intensive. Based on input from EDAB, staff drafted the proposed code amendments related to self-service storage. The primary goal of the amendments is to remove self-service storage as an allowed use from the Central Business District (C-1) and General Commercial (C-2) zoning districts and to restrict self-service storage to a conditional use in the Industrial Park (I-1) zoning district so that land may be preserved for uses with larger employment growth. Therefore, Goal 9 is satisfied.
10. Goal 10 – Housing. Goal 10 does not apply to the decision.
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 and is not expected to result in a significant increase in demands on public facilities. Goal 11 is satisfied.

12. Goal 12 – Transportation. The City has adopted a Transportation System Plan (TSP) as Goal 12 requires. This text amendment will not undermine or contradict any aspect of the existing transportation system plan. Goal 12 is satisfied.
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.



File # 22-043 DCA
Ordinance # 2022-26

Self-Service Storage Code Modifications

City Council
January 17, 2023

Procedural Background

Legislative Hearing to adopt Ordinance #2022-26.

Notice was sent to DLCD, and a Measure 56 notice was mailed to all property owners with land zoned C-1, C-2, and I-1. Notice was provided in Pamplin Media and on the City Facebook page.

Public Hearing occurred before the Planning Commission on November 28, 2022.



Affected Code Chapters

- Six Chapters:
 - 17.08 Nonconforming Development
 - 17.10 Definitions
 - 17.42 Central Business District (C-1)
 - 17.44 General Commercial (C-2)
 - 17.48 Industrial Park (I-1)
 - 17.52 General Industrial (I-3)

EDAB Input

The Economic Development Advisory Board (EDAB) met in March 2022 and discussed restricting self-service storage. The primary reasons to restrict self-service storage are:

- They don't create living wage jobs. For example, a new 116,000 sq. ft. self-service storage complex in Washington created 3 minimum wage jobs.
- Self-service storage developments are land intensive.
- Self-service storage facilities can't easily be redeveloped into something else if they fail.



Options for Restricting Self-Service Storage

- Outright ban.
- **Eliminating the use in specific zones (e.g., commercial zones).**
- Setting a limit on total square footage.
- Requiring self-service storage development to be mixed-use.

Proposed Code Amendments

- Remove self-service storage as an allowed use from the Central Business District (C-1) and General Commercial (C-2) zoning districts.
- Restrict self-service storage to a conditional use with additional design requirements in the Industrial Park (I-1) zoning district.
- Primary goal: Preserve land for uses with larger employment growth.



Proposed Code Amendments

- New self-service storage facilities would continue to be permitted outright in the I-2 (Light Industrial) zone and would be permitted as a conditional use in the I-1 zone.
- Existing self-service storage facilities in the C-1 or C-2 zone would be permitted to expand up to a 20% increase in building footprint, and those in the I-1 zone would be permitted to expand through a conditional use permit.

Self-Service Storage in I-1

- Permitted only within multi-story structures.
- Exterior access to individual units not permitted on the activated elevation of a building. (Note change from: “Exterior access to individual units not permitted if visible from a public right-of-way.”)



Photo source City of Vancouver, WA



West Coast Self-Storage Columbia City - Seattle, WA
Source: Google Photos 2019



Self-Service Storage in I-1

- Each floor above the ground floor that is facing a street shall at a minimum be comprised of 15% glass.
- At least 75% of the width of any new/reconstructed first-story building wall facing a collector or arterial street shall be devoted to interest-creating features, such as:
 - Pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.

Nov. 28, 2022 Planning Commisison Hearing

- Minor change to the additional requirement in the I-1 related to exterior access to individual units.
- One public comment:
 - Ara Nenninger, Spartan Investment Group: self-service storage is an amenity for residents.

Recommendation

The Planning Commission and staff recommend the City Council approve the proposed code amendments.





Staff Report

Meeting Date: January 17, 2023

From Tyler Deems, Deputy City Manager

SUBJECT: Hoodview Disposal & Recycling Rate Increase Request

DECISION TO BE MADE:

Whether to approve Hoodview Disposal's request for an increase to solid waste collection rates

BACKGROUND / CONTEXT:

Hoodview Disposal & Recycling holds an exclusive franchise with the City of Sandy to provide the collection and transportation of solid waste, recyclable materials, and yard debris within city boundaries. Per Section 7.3 of [the franchise agreement](#), rates will be adjusted on an annual basis. The Council first received a briefing of this rate increase request at the [January 3, 2023 Council Meeting](#). Rates are approved by City Council resolution. The last rate increase went into effect in March 2022, and was equal to \$1.21 per month for the 35 gallon cart service.

The franchisee requested a work session with the City Council to present the rate increase request, which would become effective in March 2023. The rate request is attached to this staff report, and discusses the current circumstances and status of the recycling markets. The requested rate increase is equal to approximately 5.6%, and would be \$1.89 per month for the 35 gallon cart service.

The monthly rate is set by a few different components: operating and tipping fees.

- The formula to calculate the operating component of the fee is based on 80% of the annual change in CPI-U or 5%, whichever is less. The period used for this CPI measurement was the first half of 2021 versus the first half of 2022, and was equal to 6.52%, above the 5% maximum threshold.
- The tipping fee component has two distinct areas: solid waste disposal and yard debris processing:
 - There are no changes to the solid waste disposal component of the rate.
 - The yard debris processing component is based off the tipping fee, which is increasing by over 27% on January 1, 2023, from \$11.00 to \$14.00.

Section 7.3.1 of the agreement states: "Subject to the terms herein, the Company shall be entitled to an annual adjustment of all rates." The requested rate increase meets the criteria outlined in the franchise agreement. As noted during the January 3rd meeting, if

the request meets the criteria of the agreement, the Council shall approve the request. After review by City Attorney Josh Soper, it was determined that the Council shall approve the requested rate increase, so long as all necessary steps and calculations had been completed. Staff was able to confirm the tipping fee increase and believes that the request complies with all conditions as outlined in the Agreement. Once approved, Hoodview Disposal and Recycling's team will begin noticing their customers for the March 1, 2023 effective date.

The existing agreement does allow for the Council to conduct market tests of rates (at the City's expense), as well as rate adjustments in connection with a change in the scope of services (such as less frequent yard debris collection). If there is an interest from the Council in either of these options, staff can work with Hoodview in advance of the anticipated rate increase request meeting next year.

Staff has also asked Hoodview to conduct research regarding the feasibility of a financial assistance program for low income customers. Additional information has not yet been obtained, but staff will continue to follow up with Hoodview to determine if this is possible or not, and what the scope of the program could look like.

Term of Agreement

A question was asked regarding the term of the existing agreement. The initial agreement went into effect May 2015 for a term of 10 years. The agreement states that the term will automatically renew annually for a ten year period each July. Should the Council wish to terminate the agreement, notice would need to be provided no later than May 31 of any given year, and the agreement would remain in place for nine (9) additional years.

RECOMMENDATION:

Approve Resolution 2023-02, a resolution approving an increase to solid waste collection rates.

BUDGETARY IMPACT:

A slight increase in franchise fee revenue for waste collection.

SUGGESTED MOTION LANGUAGE:

I move to approve Resolution 2023-02, a resolution approving an increase to solid waste collection rates.

LIST OF ATTACHMENTS/EXHIBITS:

- Hoodview Rate Increase Request - Effective March 2023
- Resolution 2023-02



November 10, 2022

City of Sandy
Attn: Tyler Deems
39520 Pioneer Blvd.
Sandy, OR 97055

Hello Tyler,

Per our conversation Hoodview Disposal and Recycling would like to propose a rate adjustment for solid waste and recycling services in the City of Sandy effective March 1, 2023. Section 7.3 of the franchise agreement references rates will be adjusted on an annual basis. I have included an analysis on the rate adjustment for your review that aligns with the contract language.

In addition to the disposal and operating component per the franchise agreement, our business has experienced dramatic increases in fuel, labor, and an exceptionally large increase in the cost to recycle. Fuel has increased nearly 70% year over year which is a big cost component of our P&L. As a company we have also raised employee wages significantly to remain competitive in such a challenging labor market, and the cost of recycling has increased unprecedentedly due to the declining economy and less demand for materials. The industry in general has experienced significant cost pressures and headwinds.

Thank you for your time and consideration on this request. Hoodview Disposal and Recycling truly appreciates the great working relationship we have with the City of Sandy. If you have any questions, please feel free to give me a call anytime.

Sincerely,

A handwritten signature in black ink that reads "Josh Brown". The signature is written in a cursive, slightly slanted style.

Josh Brown
District Manager



**Analysis of Proposed Rate Increase for Average Single-Family
Customer Using 35-gallon Roll Cart
Effective March 1, 2023**

	<u>Current Rate</u>	<u>Increase</u>	<u>New Rate</u>
Operating Component	\$ 20.03	\$ 1.00	\$ 21.03
Tipping Fee Components:			
Solid Waste Disposal	6.94	-	6.94
Recyclable Materials Processing	3.00	-	3.00
Yard Debris Processing	<u>3.27</u>	<u>0.89</u>	<u>4.16</u>
	<u>\$ 33.24</u>	<u>\$ 1.89</u>	<u>\$ 35.13</u>

Calculation of Component Increase Percentages:

Operating Component - Section 7.3.2; Adjustment of the Operating Component; based on 80% of the annual change in the CPI-U or 5.00%, whichever is less

CPI U 2022 1st Half	314.466	
CPI U 2021 1st Half	290.781	
80% of annual change in CPI U		6.52%
Eligible Increase - CPI-U or 5% whichever is less		5.00%

Solid Waste Disposal - Section 7.3.3; Adjustment of the Tipping Fee Component; pass through of actual tipping fee increases from regulatory agencies

January 1, 2023 tip fee at Troutdale (\$/ton)	120.900	
Current Troutdale tip fee in contract (\$/ton)	120.900	
Percent increase in net tip fee at Troutdale		0.00%

Recyclable Materials Processing - Section 7.3.3; There shall be no adjustment to the Recyclables Materials Processing tipping Fee Component of each rate over the Term of the Agreement.

Yard Debris Processing - Section 7.3.3; Adjustment of the Tipping Fee Component; pass through of actual tipping fee increases from regulatory agencies

January 1, 2023 tipping fee (\$/CY)	14.000	
Current tipping fee in contract (\$/CY)	11.000	
Percent increase in yard debris tipping fee		27.27%



NO. 2023-02

A RESOLUTION APPROVING AN INCREASE TO SOLID WASTE COLLECTION RATES

Whereas, the City of Sandy has awarded an exclusive franchise to Hoodview Disposal & Recycling for solid waste collection, container service, and certain other services; and

Whereas, in accordance with Article 7 of the Franchise Agreement between the City and Hoodview Disposal & Recycling, the Council reviewed a proposal for adjusting solid waste collection rates within the City at their January 3, 2023 meeting; and

Whereas, the Council finds that the proposed rates and ratemaking methodology comply with the process in Sections 7.3 through 7.8 of the Franchise Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy that the solid waste collection rates and phased implementation schedule proposed in Exhibit A are hereby approved.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 17 day of January 2023

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2023-02

Exhibit A

City of Sandy
 Adopted Residential Rates Effective March 1, 2023

Hoodview Disposal & Recycling, Inc.

Regularly Scheduled Curbside Collection Services

Basic Service

Size of Solid Waste Receptacle	Service Frequency	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
20-gal cart	1 pick-up/wk	0.84	\$17.67	\$5.83	\$2.52	\$3.49	\$29.51
35-gal cart	1 pick-up/wk	1.00	\$21.03	\$6.94	\$3.00	\$4.16	\$35.13
60-gal cart	1 pick-up/wk	1.60	\$33.65	\$11.11	\$4.80	\$6.65	\$56.21
90-gal cart	1 pick-up/wk	1.78	\$37.44	\$12.36	\$5.34	\$7.40	\$62.53
32-gal can	1 pick-up/month	0.56	\$11.78	\$3.89	\$1.68	\$2.33	\$19.67

Yard Debris

Size of Yard Debris Receptacle	Service Frequency	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
65-gal cart	1 pick-up/wk	N.A.	\$3.77	N.A.	N.A.	\$4.16	\$7.93

City of Sandy
 Adopted Residential Rates Effective March 1, 2023

Hoodview Disposal & Recycling, Inc.

Regularly Scheduled Curbside Collection Services (Continued)

Recyclable Materials (Customers that do not subscribe to weekly solid waste service can receive recyclable materials collection service)

Size of Recyclable Materials Receptacle	Service Frequency	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
95-gal cart for commingled materials and 14-gallon bin for glass	1 pick-up/wk	N.A.	N.A.	N.A.	N.A.	N.A.	\$0.00

Extra Pick-Ups/On-Call Collection Services

Type of Service	Size of Receptacle	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
Extra can or bag of Solid Waste collected on customer's regularly scheduled collection day	32-gal can or bag	Ops Component = basic service rate for weekly 35-gallon cart	\$7.21	\$1.60	N.A.	N.A.	\$8.82
Extra can or bag of Yard Debris collected on customer's regularly scheduled collection day	32-gal can, 32-gal bag, or 2 foot x 2 foot bundle	Op Component = rate for weekly yard debris	\$1.92	N.A.	N.A.	\$1.92	\$3.83

Backyard/Sideyard Service

Description	Distance from Curb to Receptacle	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
Extra monthly fee paid by able-bodied customers for backyard or sideyard Collection of all Customer Receptacles (including Solid Waste, Recyclable Materials, and Yard Debris Receptacles)	<u>Walk-In or Drive-In Service:</u>						
	50 feet or less	N.A.	\$55.67	N.A.	N.A.	N.A.	\$55.67
	<u>Drive In Service:</u>						
	51 - 100 feet	N.A.	\$59.84	N.A.	N.A.	N.A.	\$59.84
	101 - 200 feet	N.A.	\$63.97	N.A.	N.A.	N.A.	\$63.97
	201 - 400 feet	N.A.	\$72.29	N.A.	N.A.	N.A.	\$72.29
	401 - 600 feet	N.A.	\$80.62	N.A.	N.A.	N.A.	\$80.62
601 feet or more	N.A.	\$88.94	N.A.	N.A.	N.A.	\$88.94	

City of Sandy
 Adopted Residential Rates Effective March 1, 2023

Hoodview Disposal & Recycling, Inc.

Miscellaneous Charges

Service Type	Description	Operating and Solid Waste Components Rate Factor	Tipping Fee Component				Total Rate
			Operating Component	Solid Waste Disposal	Recyclable Materials Processing	Yard Debris Processing	
Call back charge	Extra fee paid if customer did not set Receptacles Curbside for Collection before Company's vehicle passes customer's house and customer requests Company to return to Premises to pick-up materials	N.A.	\$8.46	N.A.	N.A.	N.A.	\$8.46
Restart service	Extra fee paid if customer stops and than restarts Collection services more than once during the year or when service is reinstated after it has been	N.A.	\$14.82	N.A.	N.A.	N.A.	\$14.82
Cart delivery/pick-up	Extra fee paid if customer requests a change in Cart size more than once per year	N.A.	\$19.82	N.A.	N.A.	N.A.	\$19.82
Cart replacement	Extra fee paid if customer requires Cart replacement (one replacement per year at no cost)	N.A.	\$70.00	N.A.	N.A.	N.A.	\$70.00
Hourly fee for services	Truck and one person	N.A.	\$88.86	Actual costs billed to customer	N.A.	N.A.	\$88.86
Hourly fee for services	Truck and two persons	N.A.	\$120.02	Actual costs billed to customer	N.A.	N.A.	\$120.02
Tire collection	Fee per tire for 18" and under rim size, tire off the rim	N.A.	\$10.74	\$2.50	N.A.	N.A.	\$13.24
Tire collection	Fee per tire for 18" and under rim size, tire on the rim	N.A.	\$10.74	\$4.69	N.A.	N.A.	\$15.43
Furniture and recyclable appliances	Fee per item Collected		\$6.00 to \$40.00 based on weight and need for special handling. If item not easily accessible, hour rate applies. Freon removal charged for air conditions and refrigerators will be added onto rate.				

City of Sandy
 Adopted Commercial Rates Effective March 1, 2023

Hoodview Disposal & Recycling, Inc.

Type of Service	Receptacle	Service Frequency (Pick-Ups/Week)	Rate Factor	Tipping Fee Component			Total Rate
				Operating Component	Solid Waste Disposal	Recyclable Materials Processing	
Regularly Scheduled Cart Services*							
Solid Waste	One 35-gallon cart	1	1.00	\$19.62	\$6.94	\$3.00	\$29.56
Solid Waste	Two 35-gallon carts	1	2.00	\$39.25	\$13.88	\$6.00	\$59.13
Solid Waste	One 60-gallon cart	1	1.62	\$31.70	\$11.21	\$4.85	\$47.76
Solid Waste	Two 60-gallon carts	1	3.10	\$60.86	\$21.53	\$9.30	\$91.69
Solid Waste	One 90-gallon cart	1	1.75	\$34.30	\$12.13	\$5.24	\$51.67
Solid Waste	Two 90-gallon carts	1	3.36	\$65.85	\$23.29	\$10.07	\$99.21
Solid Waste	Additional 90 gallon cart	1	1.67	\$32.71	\$11.57	\$5.00	\$49.27
Regularly Schedule Container Services*							
Solid Waste	1 cubic yard container	1	1.00	\$111.34	\$32.72	\$15.00	\$159.06
Solid Waste	1 cubic yard container	2	1.90	\$211.55	\$62.17	\$28.50	\$302.21
Solid Waste	1 cubic yard container	3	2.85	\$317.32	\$93.25	\$42.75	\$453.32
Solid Waste	1 cubic yard container	4	3.80	\$423.09	\$124.33	\$57.00	\$604.43
Solid Waste	1 cubic yard container	5	4.75	\$528.87	\$155.41	\$71.25	\$755.53
Solid Waste	1 cubic yard container	6	5.70	\$634.64	\$186.50	\$85.50	\$906.64
Solid Waste	1.5 cubic yard container	1	1.39	\$154.27	\$45.33	\$20.78	\$220.39
Solid Waste	1.5 cubic yard container	2	2.58	\$287.42	\$84.46	\$38.72	\$410.61
Solid Waste	1.5 cubic yard container	3	3.81	\$424.36	\$124.70	\$57.17	\$606.24
Solid Waste	1.5 cubic yard container	4	5.04	\$561.24	\$164.93	\$75.61	\$801.78
Solid Waste	1.5 cubic yard container	5	6.26	\$696.75	\$204.75	\$93.87	\$995.36
Solid Waste	1.5 cubic yard container	6	7.90	\$879.36	\$258.41	\$118.47	\$1,256.24
Solid Waste	2 cubic yard container	1	1.68	\$186.77	\$54.88	\$25.16	\$266.81
Solid Waste	2 cubic yard container	2	3.22	\$358.19	\$105.26	\$48.26	\$511.71
Solid Waste	2 cubic yard container	3	4.76	\$529.49	\$155.60	\$71.33	\$756.42
Solid Waste	2 cubic yard container	4	6.30	\$700.91	\$205.97	\$94.43	\$1,001.31
Solid Waste	2 cubic yard container	5	7.83	\$872.27	\$256.33	\$117.51	\$1,246.11
Solid Waste	2 cubic yard container	6	9.56	\$1,064.58	\$312.84	\$143.42	\$1,520.84
Solid Waste	3 cubic yard container	1	2.30	\$256.54	\$75.39	\$34.56	\$366.49
Solid Waste	3 cubic yard container	2	4.39	\$488.48	\$143.55	\$65.81	\$697.84
Solid Waste	3 cubic yard container	3	6.61	\$736.33	\$216.38	\$99.20	\$1,051.90
Solid Waste	3 cubic yard container	4	8.85	\$985.10	\$289.48	\$132.71	\$1,407.30
Solid Waste	3 cubic yard container	5	11.08	\$1,233.76	\$362.55	\$166.21	\$1,762.52
Solid Waste	3 cubic yard container	6	13.13	\$1,462.30	\$429.71	\$197.00	\$2,089.01

City of Sandy
 Adopted Commercial Rates Effective March 1, 2023
Hoodview Disposal & Recycling, Inc.

Type of Service	Receptacle	Service Frequency (Pick-Ups/Week)	Rate Factor	Tipping Fee Component			Total Rate
				Operating Component	Solid Waste Disposal	Recyclable Materials Processing	
Solid Waste	4 cubic yard container	1	2.97	\$330.92	\$97.24	\$44.58	\$472.74
Solid Waste	4 cubic yard container	2	5.15	\$573.17	\$168.43	\$77.22	\$818.82
Solid Waste	4 cubic yard container	3	7.68	\$854.81	\$251.20	\$115.16	\$1,221.17
Solid Waste	4 cubic yard container	4	10.21	\$1,136.27	\$333.90	\$153.08	\$1,623.26
Solid Waste	4 cubic yard container	5	12.74	\$1,417.98	\$416.69	\$191.03	\$2,025.70
Solid Waste	4 cubic yard container	6	16.94	\$1,886.22	\$554.28	\$254.11	\$2,694.62
Solid Waste	6 cubic yard container	1	4.22	\$469.41	\$137.94	\$63.24	\$670.59
Solid Waste	6 cubic yard container	2	8.17	\$909.55	\$267.28	\$122.54	\$1,299.37
Solid Waste	6 cubic yard container	3	12.12	\$1,349.63	\$396.60	\$181.82	\$1,928.06
Solid Waste	6 cubic yard container	4	16.07	\$1,789.72	\$525.93	\$241.11	\$2,556.75
Solid Waste	6 cubic yard container	5	20.03	\$2,229.80	\$655.25	\$300.40	\$3,185.45
Solid Waste	6 cubic yard container	6	24.03	\$2,675.63	\$786.26	\$360.46	\$3,822.35
Solid Waste	8 cubic yard container	1	5.62	\$625.88	\$183.92	\$84.32	\$894.12
Solid Waste	8 cubic yard container	2	10.89	\$1,212.74	\$356.37	\$163.38	\$1,732.49
Solid Waste	8 cubic yard container	3	16.16	\$1,799.51	\$528.80	\$242.43	\$2,570.75
Solid Waste	8 cubic yard container	4	21.43	\$2,386.29	\$701.23	\$321.48	\$3,409.01
Solid Waste	8 cubic yard container	5	26.70	\$2,973.06	\$873.66	\$400.54	\$4,247.26
Solid Waste	8 cubic yard container	6	32.04	\$3,567.50	\$1,048.35	\$480.62	\$5,096.47

*Note that the rates provided herein shall be for basic collection services; and therefore, shall include collection of solid waste at the service level noted and collection of recyclable materials in receptacles selected by customer.

Other Services

Compacted Container Service	1 to 8 cubic yard container	1 to 6 pick-ups per week	N.A.	Rates for compacted containers shall equal 3 times the container rate listed above.			
Extra can or bag of Solid Waste collected on customer's regularly scheduled collection day	32-gal can or bag	Per occurrence	N.A.	\$7.21	\$1.60	N.A.	\$8.82
Extra pick-up for on-call service or overage pick-up service for regular container customers	1 to 8 cubic yard container	Per cubic yard per occurrence	N.A.	\$24.11	\$7.56	N.A.	\$31.66
Push/pull	N.A.	Per Month	N.A.	\$16.95	N.A.	N.A.	\$16.95
Lock/unlock	N.A.	Per Month	N.A.	\$16.95	N.A.	N.A.	\$16.95
Steam cleaning	N.A.	Per occurrence	N.A.	\$84.70	N.A.	N.A.	\$84.70

Note: Miscellaneous charges listed on the residential rate sheet apply to commercial customers as appropriate

City of Sandy
 Adopted Drop Box Rates Effective March 1, 2023
 Hoodview Disposal & Recycling, Inc.

Type of Service	Receptacle	Service Frequency	Operating Component	Tipping Fee Component	Total Rate
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Regularly Scheduled Collection Service (Monthly Rate not including rental & delivery fees which are charge

All Material Types	10 cubic yard drop box	1 pickup/week	\$143.18	Company to bill customer actual tipping cost	\$143.18
All Material Types	20 cubic yard drop box	1 pickup/week	\$143.18		\$143.18
All Material Types	30 cubic yard drop box	1 pickup/week	\$174.68		\$174.68
All Material Types	40 cubic yard drop box	1 pickup/week	\$174.68		\$174.68

On-Call Collection Service (Per Pick-Up Rate not including rental and delivery fees which are charged separ

All Material Types	10 cubic yard drop box	On-call pickup	\$183.78	Company to bill customer actual tipping cost	\$183.78
All Material Types	20 cubic yard drop box	On-call pickup	\$183.78		\$183.78
All Material Types	30 cubic yard drop box	On-call pickup	\$224.21		\$224.21
All Material Types	40 cubic yard drop box	On-call pickup	\$224.21		\$224.21

Rental Service

Rental	All drop box sizes	Per day**	\$11.23	N.A.	\$11.23
Rental	All drop box sizes	Per month**	\$112.35	N.A.	\$112.35

** Customer receives two days of drop box use at no cost; rental fee charged per day for each day in excess of the first two days of use. Total charge shall be based on the per-day rate or per-month rate whichever is less.

Delivery Service

Delivery	All drop box sizes	Initial delivery to collection site	\$35.52	N.A.	\$35.52
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