

City of Sandy

Agenda

City Council Meeting

Meeting Location: City Hall- Council Chambers,
39250 Pioneer Blvd., Sandy, Oregon 97055

Meeting Date: Monday, January 7, 2019

Meeting Time: 7:00 PM



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1. PLEDGE OF ALLEGIANCE

2. OATH OF OFFICE

- 2.1. Oath of Office - Mayor Stan Pulliam
- Oath of Office - Councilor Jeremy Pietzold
- Oath of Office - Councilor Laurie Smallwood
- Oath of Office - Councilor Carl Exner

3. ROLL CALL

4. CHANGES TO THE AGENDA

5. PUBLIC COMMENT

6. ORDINANCES

- 6.1. FEMA Flood Insurance Rate Maps

3 - 115

Staff recommends the City Council hold a public hearing to take testimony regarding modifications to Chapters 17.02, 17.10, and 17.60 and approve the proposed code revisions. In order to meet the January 18, 2019 deadline, the updated floodplain ordinance must be adopted by emergency.

Call for a 1st Reading of Ordinance 2019-01 by title Only

Make a motion to approve the first reading of Ordinance 2019-01 by title only, by emergency.

Call for a 2nd Reading of Ordinance 2019-01 by Title Only

Make a motion to approve the second reading of Ordinance 2019-01 by title only, by emergency.

7. RESOLUTIONS

- 7.1. Update Bank Signatories 116 - 118

Authorize staff to approve Resolution 2018-40, a resolution updating the signatories on City bank accounts.

[Update Bank Signatories - Pdf](#)

8. NEW BUSINESS

- 8.1. Elect Council President
Section 18. of the City Charter states at its first meeting of each odd-numbered year, the council by ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

9. CONSENT AGENDA

- 9.1. City Council Minutes 119 - 180

[City Council - 17 Dec 2018 - Minutes - Pdf](#)

[City Council Work Session - 11 Dec 2018 - Minutes - Pdf](#)

10. REPORT FROM THE CITY MANAGER

11. COMMITTEE REPORTS

- 11.1. Committee Assignments

12. COUNCIL REPORTS

13. STAFF UPDATES

- 13.1. [Monthly Reports](#)

14. ADJOURN



Staff Report

Meeting Date: January 7, 2019

From Emily Meharg, Associate Planner

SUBJECT: File No. 18-056 DCA, FEMA FIS and FIRM panels

Background:

The Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood plain hazards in the City of Sandy, including an update of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM). As a result of the re-evaluation the Department of Land Conservation and Development (DLCD), on behalf of FEMA, has identified several items within the City of Sandy Development Code that do not meet current FEMA standards. Section 1361 of the Flood Insurance Act of 1968 requires the City of Sandy to update the Development Code to meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program's (NFIP) regulation. As a condition of continued eligibility in the NFIP, the City of Sandy must adopt the required floodplain management regulations. FEMA specifies that the amendments must be effective by January 18, 2019. File No. 18-056 DCA proposes to bring the City of Sandy in compliance with NFIP regulations. In order to remain in compliance with NFIP regulations, the City of Sandy must adopt the updated FIS and FIRMs as well as code changes to Chapters 17.02, The City Council and its Agencies and Officers, 17.10, Definitions, and 17.60, Flood and Slope Hazard Overlay District, prior to January 18, 2019.

I. SUMMARY (3 code sections)

17.02 The City Council and its Agencies and Officers

The proposed code change designates the Director as the floodplain administrator. The language is required by FEMA under Volume 44 of the Code of Federal Regulations 59.22(b)(1).

17.10 Definitions

The proposed code changes add definitions related to floodplains using verbatim language from Volume 44 of the Code of Federal Regulations 59.1.

17.160 Flood and Slope Hazard (FSH) Overlay District

The proposed code changes include language required by FEMA to be added to meet minimum NFIP requirements in multiple sections of Volume 44 of the Code of Federal Regulations. In addition to FEMA/DLCD required changes, the proposed code changes include increasing the required setback along Tickle Creek from 70 feet to 80 feet in compliance with the Oregon Department of Forestry's Forestry Practices Act. Effective July 1, 2017, Tickle Creek was reclassified to a Salmon-Steelhead-Bull Trout (SSBT) stream classification, which requires an 80 foot setback.

According to the DLCD NFIP Program Coordinator, there are roughly 15 flood insurance policies within City limits totaling over \$3 million in insurance. If Council does not adopt these changes by January 18, 2019, these policies would be suspended and no new policies could be issued.

Recommendation:

Staff recommends the City Council hold a public hearing to take testimony regarding modifications to Chapters 17.02, 17.10, and 17.60 and approve the proposed code revisions. In order to meet the January 18, 2019 deadline, the updated floodplain ordinance must be adopted by emergency.

Make a motion to adopt Ordinance 2019-01 by emergency.

Code Analysis:

Chapter 17.02

Chapter 17.10

Chapter 17.60

Budgetary Impact:

None

CHAPTER 17.02 - THE CITY COUNCIL, ITS AGENCIES & OFFICERS

17.02.00 THE CITY COUNCIL AUTHORITY AND RESPONSIBILITY

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

Commented [AC1]: This section meets the requirement for authorization. Per 44 CFR 59.22(a)(2)

17.02.10 POWERS AND DUTIES

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

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

17.02.20 THE PLANNING COMMISSION

The Planning Commission shall be appointed in accordance with the Sandy Municipal Code. The Commission shall have the powers and duties provided therein and provided by this Code. The Commission shall also hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this Code.

17.02.30 QUORUM OF THE PLANNING COMMISSION

Four members shall constitute a quorum.

17.02.40 DIRECTOR

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

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

- Floodplain Administrator. The Director is hereby appointed to administer and implement the City of Sandy flood ordinance by granting or denying development permit applications in accordance with its provisions.

Commented [AC2]: This is required by FEMA under 44 CFR 59.22(b)(1)

17.02.50 CONFLICT OF INTEREST

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

17.02.60 PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

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

CHAPTER 17.10 - DEFINITIONS

17.10.00 INTENT

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

17.10.10 MEANING OF WORDS GENERALLY

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

17.10.20 MEANING OF COMMON WORDS

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

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

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

Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes

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

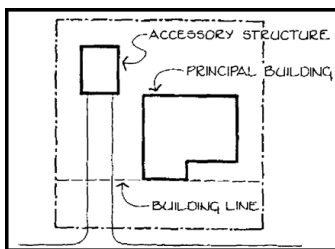
Commented [AC3]: Revisions shown below are to add the verbatim language from Volume 44 Code of Federal Regulations 59.1 as FEMA wants to see the definitions match exactly the wording in the Code of Federal Regulations.

of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

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

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

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



Accessory Structure Example

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

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

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

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

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

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

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Adjacent Lot: Adjacent means the same as abutting lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

Appeal, floodplain: [A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.](#)

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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.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year; ~~also referred to as the 100-year flood.~~

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

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

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

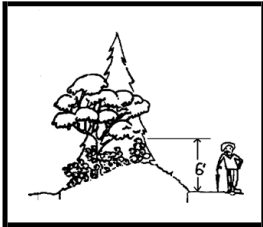
Batten seam: Application of a batten where two exterior boards or panels adjoin (e.g., board and batten siding).

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.

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Berm Example

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

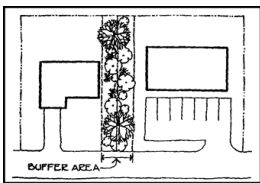
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

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

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

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

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



Buffer Example

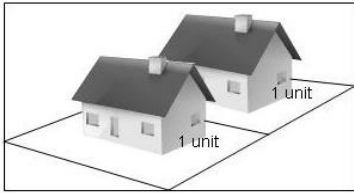
Building: Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind. If within an Area of Special Flood Hazard then the definition of "Structure" provided below in Chapter 17.10 shall apply.

Commented [AC4]: The NFIP has a unique definition for what constitutes a structure.

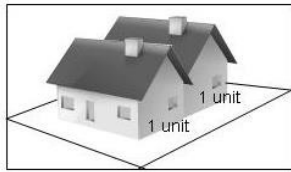
Building Types:

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.

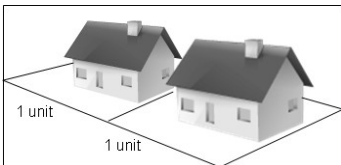


B. Residential: That group of building types comprising the following:

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.



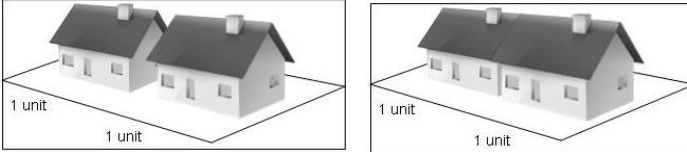
2. Single Detached (Zero Lot Line): A single detached structure with no setback from one lot line.



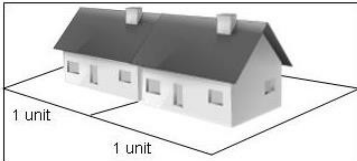
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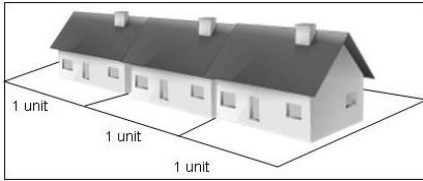
3. **Duplex:** A dwelling containing two independent dwelling units.



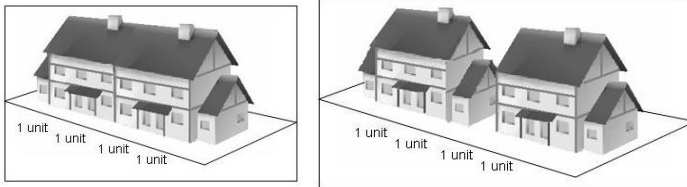
4. **Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



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



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



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

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offer space free in connection with securing the trade or patronage of such person.

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

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

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

Building Height: See Height of Buildings definition.

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

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

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

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

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

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

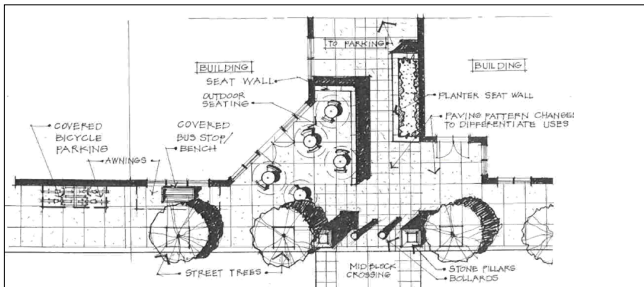
City: The City of Sandy, a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate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

Civic Space: A public or quasi-public gathering space, such as a plaza, square, outdoor seating area, bus waiting area, garden, fountain, sculpture or public art display, or similar space, oriented

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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

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

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

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

Contiguous: The same as abutting.

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

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

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



Gables (cross-gables) Example

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

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

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

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

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

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

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

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

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

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

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

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

Development: Any ~~artificial man-made~~ change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, ~~excavation, vegetation removal, mining, dredging, filling, grading, compaction, paving, 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.

Commented [AC5]: This language varies from the language in 44 CFR 59.1, however, it can be considered to constitute a higher standard and as such should be kept within this definition.

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

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

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

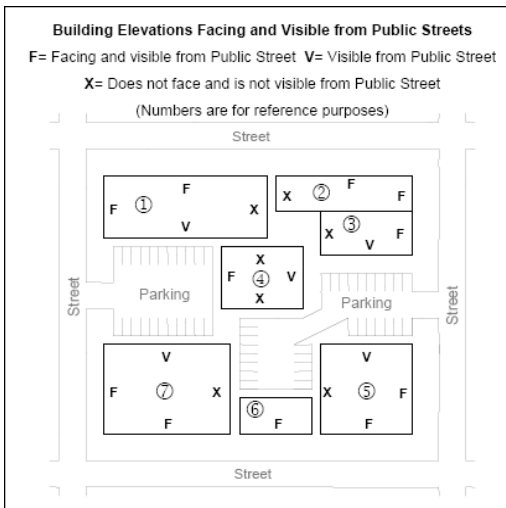
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

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

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

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

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



Facing and visible from a Public Street example

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

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

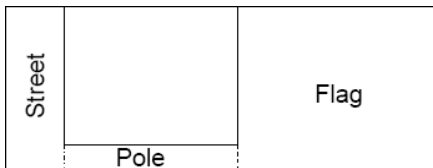
Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, serve as a boundary, or means of protection or confinement.

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

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

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

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



Flag Lot Example

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

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

(Bb) ~~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): ~~An~~ ~~The~~ official map of a community, on which furnished by the Federal Insurance Administration ~~or that~~ ~~has~~ delineated both the special

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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 and coastal waters including, at a minimum, that area identified as the Area of Special Flood Hazard, subject to a one-percent or greater chance of flooding in any given year.

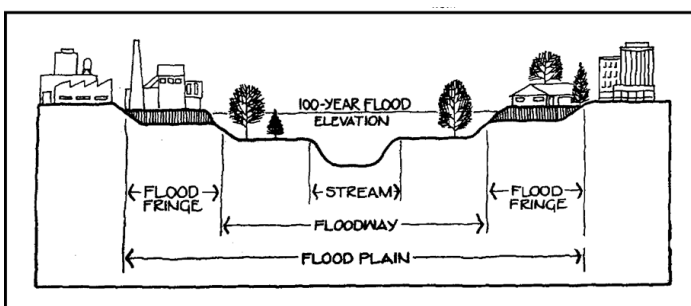
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

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

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

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



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Floodway Example

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

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

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

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

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

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

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

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

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

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

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

Ground floor elevation: The elevation of a building that is at or nearest the ground level measured from the ground to a point 12-feet above the ground. (This definition is used to

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measure the ground floor area subject to window requirements in Chapter 17.90).

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

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

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

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

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

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

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

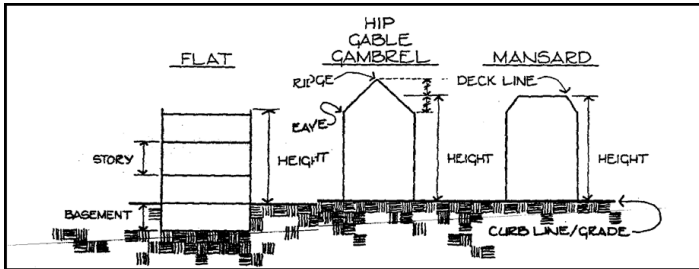
Heavy timber: Exposed timber framing or detailing consisting of larger wooden members, commonly with dimensions in the range of 6" to 12", as opposed to common wood framing which uses many more timbers with dimensions usually in the 2" to 10" range. The methods of fastening the frame members also differ;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

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

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

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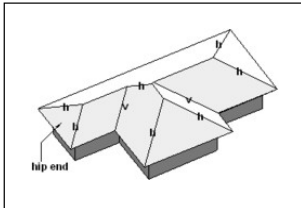


Determining Building Height Example

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:

A1. 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;

B2. 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;

3C. 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

D4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1a. By an approved state program as determined by the Secretary of the Interior or

2b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

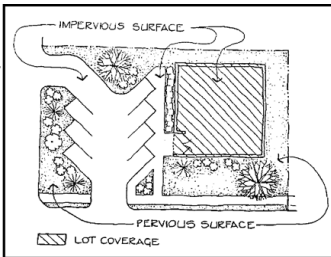
Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

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

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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 general, the burden of being informed rests on the citizen. (See definition for "Limited Land Use Decision" and "Quasi-judicial Decision".)

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

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

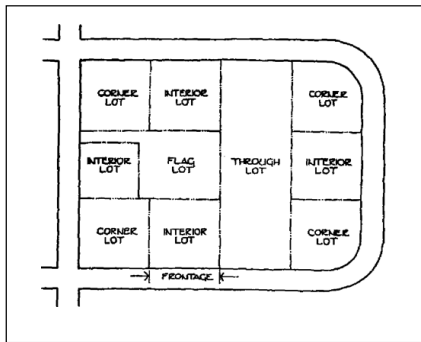
Loading Space: An off-street space within a building or on the same lot with a building for the temporary parking of commercial vehicles or trucks while loading or unloading merchandise or materials and which space has direct access to a street.

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

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

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Lot Corner Example

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

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

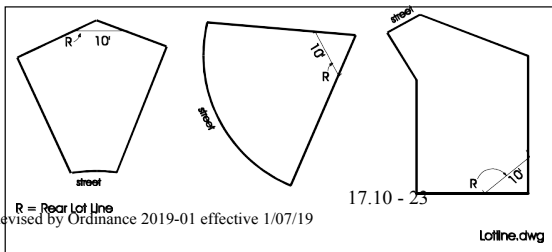
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

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

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

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



Rear Lot Line Example

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

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

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

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

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

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

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



Mansard Roof Example

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

Manufactured Home 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

Commented [AC6]: Revised for consistency with the State of Oregon’s Manufactured Dwelling Installation Specialty Code

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

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

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

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

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

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

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

Modular Structure: A structure not built on-site, but which is placed on a permanent

foundation and meets the State Building Code standards.

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

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

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

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

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

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

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

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

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

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

Open Space, Private: Areas intended for the private use by residents of an individual dwelling unit, designed for outdoor living and recreation or the retention of an area in its natural state.

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Private open spaces may include patios and landscaped areas but does not include off-street parking, maneuvering, loading or delivery areas.

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

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

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

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

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

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

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

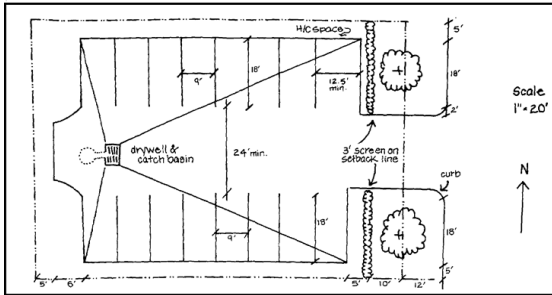
Parking area, Public: An area permanently available, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public which is open for use by the general public, either free or for remuneration. Public parking areas may include parking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

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

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

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Typical Parking Area Example

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

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

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

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



Pergola Example

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

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

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

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

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

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

Practicable: Capable of being effected, feasible.

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

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

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

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

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

- **Public Facility, Major:** Any public service improvement or structure developed by or for a public agency that is not defined as a minor public facility, including but not limited to electrical substations, sewer and water treatment plants, water reservoirs, trunk lines, regional stormwater detention facilities, new or expanded public buildings designed for human occupancy that increase traffic within a neighborhood, and active park improvements such as ball fields or restroom facilities.
- **Public Facility, Minor:** Minor utility structures (e.g., poles, lines, pipes); minor sewer, water

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and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site detention facilities); new or extended public streets (including lane additions); minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutter, sidewalks); minor transit improvements (e.g., bus stops or shelters); passive park improvements (e.g., trails, benches, native plantings or picnic areas); 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:

- A4. Built on a single chassis;
- 2B. 400 square feet or less when measured at the largest horizontal projection;
- C3. Designed to be self-propelled or permanently towable by a light duty truck; and
- D4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

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continuation or widening of the street.

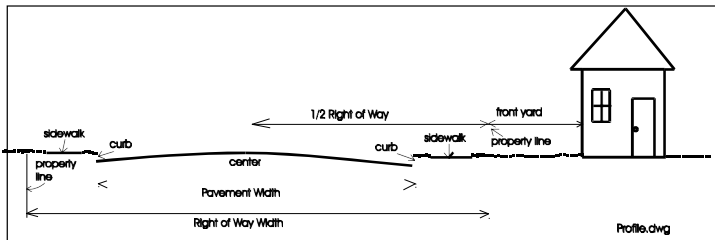
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825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

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

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

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

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



Right-of-way example

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

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

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



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Rusticated stone work example

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

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

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

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

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

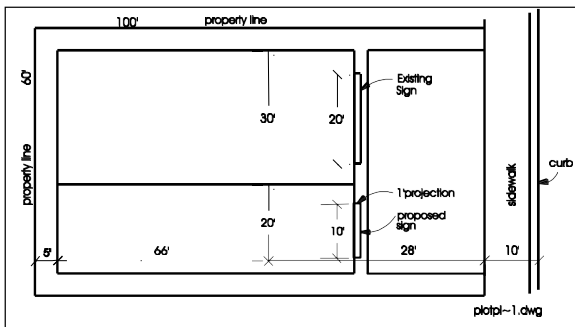
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

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

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

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

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



Site Plan Example

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

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

Special Flood Hazard Area (SFHA): See "Area of Special Flood Hazard."

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



Split-face Concrete Example

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

Start of Construction (Area of Special Flood Hazard): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include

Commented [AC7]: Some of the Code of Federal Regulations language refers to this term, so it is recommended to include it.

land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

- A. Arterial Highways:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. Arterial Streets:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas.
- C. 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. Paved width of 38 feet to 50 feet, minimum three-lane cross section, and may include on-street parking.
- D. Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas.
- E. Local Streets:** The primary function is to provide access to immediately adjacent land.

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Service to through-traffic movement on local streets is discouraged.

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

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

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 ~~repair or~~ reconstruction, rehabilitation, addition, repair, or other improvement of a structure ~~valued at the cost of which equals or exceeds 50 percent or more 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, prior to either the time (a) when the structure was damaged by an act of God or (b) of proposed reconstruction.

The ~~This~~ term does not, however, include either ~~exempts the following:~~

1. Any project ~~to~~ for improvement of a structure to correct ~~comply with~~ existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official ~~Director or his or her designee~~ and which are the minimum necessary ~~regulations that is necessary solely~~ to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure," listed on the National Register of Historic Places.

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

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

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.

Commented [EM8]: This is confusing if it is referring to the specific start of construction definition for flood hazard area since substantial improvement definition needs to be for all improvements. Delete quotations?

Commented [EM9R9]: From Celinda: FEMA requires communities to use the exact definition for "Substantial Improvement" from the Code of Federal Regulations 59.1. So the quotations will need to remain. The intent is to clarify what can be used as the start of construction date based on the way that FEMA identifies (defines) the "start of construction"

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): [Aa grant of relief by a community from the terms of a floodplain management regulation.](#)

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

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

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

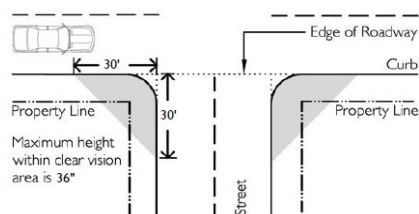
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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

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

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

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



Vision Clearance Example

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

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

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

Water Quality: Water quality for any stream or wetland is measured in terms 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;

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- (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.

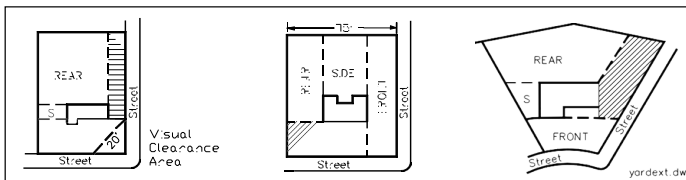
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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.

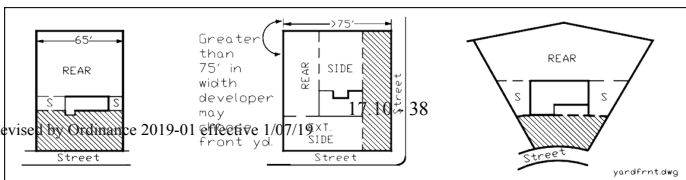
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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

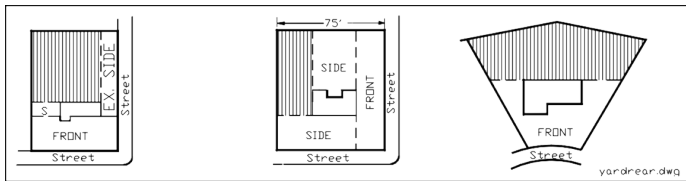
Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



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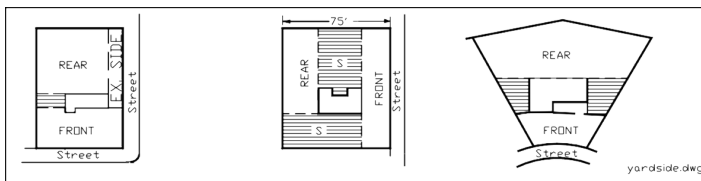
Front Yard Example

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



Rear Yard Example

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



Side Yard Example

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

CHAPTER 17.60 - FLOOD & SLOPE HAZARD (FSH) OVERLAY DISTRICT

17.60.00 INTENT

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

This chapter is also intended to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

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

Commented [AC10]: Language required by FEMA to be added to meet minimum NFIP requirement in 44 CFR 59.2; 59.22(a)(1), (a)(8); 60.22

17.60.10 INTERPRETATION AND MAPPING

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

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

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Section 17 -60 and are on file at the City of Sandy.

Commented [AC11]: Language required by FEMA to comply with minimum standards of NFIP per 44 CFR 59.22(a)(6); 60.2(h)

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

C. Interpretation

All provisions of the FSH overlay code shall be:

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

Commented [AC12]: This language is required by FEMA to meet the minimum standards of the NFIP per 44 60.1(b)-(d). However, you can move this language elsewhere in the code.

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

1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
2. ~~100-year floodplain and floodway~~ Area of Special Flood Hazard boundaries and elevations as determined by the ~~June 17, 2008~~ January 18, 2019 FIS for Clackamas County and Incorporated Areas.
3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
4. The water quality and slope setback area(s) as defined in Section 17.60.30.
5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
8. Existing public rights-of-way, structures, roads and utilities.
9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

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

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underlying district.

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

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

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

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

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- a) Be prepared by a team of specialists in the fields of stream morphology, water quality and riparian vegetation approved by the Planning Director.
- b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
- c) Reduce the steepness of the bank along reaches that have been highly eroded.
- d) Reduce the velocity of water carried by the stream.
- e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.

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

~~11.~~12. [Appurtenant structures as permitted under Section 17.60.70\(J\).](#)

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

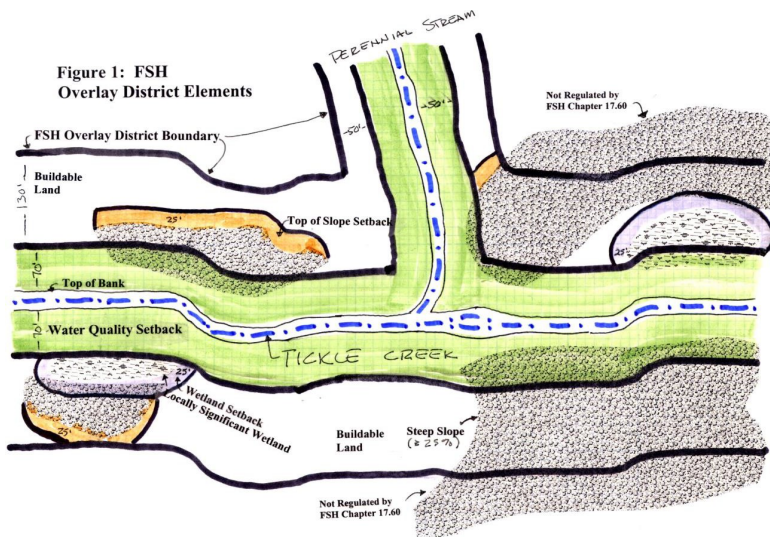
17.60.30 REQUIRED SETBACK AREAS

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

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

- 1. 8070 feet from the top of bank of Tickle Creek;
- 2. 50 feet from top of bank along other perennial streams, except for "No Name Creek" east of Towle Drive, as provided in Section 17.60.30.C.2 below.
- 3. 25 feet around the edge of any mapped locally significant wetland; and
- 4. 25 feet from the top of any 25% slope break where the slope break occurs within the FSH overlay district as mapped by the city.

Commented [EM13]: Changed from 70 to 80 feet based on Oregon Dept of Forestry new SSBT stream category effective July 1, 2017



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

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17.60.40 REVIEW PROCEDURES

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

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

D. Establishment of Development Permit. ~~A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically the following information is required:~~

Commented [AC14]: This language can either be incorporated here or elsewhere in the document so long as it is clear that any development (including substantial improvement within the area of special flood hazard will need a development permit from the City) and that the development permit will need to record/collect the following information.

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

17.60.50 SPECIAL REPORTS

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

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

- A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.
- B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.
- C. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods

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for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

17.60.60 APPROVAL STANDARDS AND CONDITIONS

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

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

B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:

1. The permit requirements of Chapter 17.60 have been satisfied;
2. All other required state and federal permits have been obtained; and,
3. The site is reasonably safe from flooding.

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

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decision approving the proposed development.

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

17.60.70 FLOODPLAIN REGULATIONS

This section regulates development within the 100-year floodplain and floodway Area of Special Flood Hazard.

- A. Habitable Residential and Non-residential Structures. No new habitable residential structures (including manufactured dwellings) with the exception of 17.60.40(B)(3), non-residential structures or critical facilities shall be permitted in the floodplain Area of Special Flood Hazard.
- B. Flood Storage Capacity. On-site flood storage capacity shall not decrease as a result of development. The cumulative effects of any proposed development shall not reduce flood storage capacity or raise base flood elevations on- or off-site.
- C. Public Facilities and Private Roads. Generally, public facilities and private roads shall avoid restricted development areas. However, where avoidance cannot be achieved consistent with City-approved facilities master plans and sound engineering principles, the following standards shall be met.
1. The facility shall be designed, located and constructed to minimize flood damage, excavation and loss of native vegetation and to avoid raising flood levels. Facilities and roads located within a floodway may be permitted only where a registered professional engineer certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Utilities necessary to serve permitted development, or a single family home on a legally-approved lot-of-record, may be permitted only where a registered professional engineer or architect certifies based on hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that water quality will not be adversely affected.
 2. Water supply and sanitary sewer facilities shall be designed, located and constructed to avoid infiltration of floodwaters into the system, and to avoid discharges from such facilities to floodwaters, streams and wetlands.
 3. On-site septic systems, waste disposal systems, and private wells shall be prohibited within the FSH overlay district.
- D. Structural Elevation Report. An application for any substantially improved structure, nonresidential structure or manufactured dwelling within the 100-year floodplain area of special flood hazard shall include the elevation level, referenced to mean sea level, of the lowest floor, of the bottom of the lowest horizontal structural member (for manufactured dwellings), or the elevation to which the structure will be flood-proofed. The elevation level of the lowest habitable floor, and any basement area (whether or not habitable) and the

Commented [AC15]: FEMA no longer uses the term habitable and now uses only what is in the Code of Federal Regulations which under the NFIP refers to habitable structures. Is this intended to mean "residential and non-residential" structures? Non-residential (includes commercial and industrial structures)

Commented [EM16R16]: This looks good

Commented [AC17]: This represents a higher standard © should this be changed to Area of Special Flood Hazard to represent the floodway and the flood fringe (area within the area of special flood hazard that is outside of the floodway)?? Or is it only referring to the Floodway (see the revised definitions section to be sure that this matches the appropriate term given the revised definitions.

Commented [EM18R18]: What do you recommend?

Commented [EM19R18]: From Celinda: DLCD supports communities adopting higher standards beyond the minimum required by FEMA, and if your community is supportive of this higher standard then I would recommend adopting this language as written as it represents a high level of protection against flood hazard risks.

Commented [AC20]: This meets the NFIP requirements per 44 60.3(c)(10)

Commented [AC21]: Either add this to comply with minimum NFIP language for development within the Floodway or you can apply a higher standard and prohibit development of these structures within a floodway.

Commented [EM22R22]: We are fine with this addition.

Commented [AC23]: Higher standard ©

Commented [EM24]: Does this need to be changed to "whether residential or non-residential"?

Commented [EM25R25]: From Celinda: In this case I think the simple fix would be to remove all the wording within the parenthesis.

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elevation of the service facilities/mechanical equipment shall also be provided. A professional engineer registered in Oregon shall prepare the structural elevation report/certificate.

- E. Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)), New construction and substantial improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Materials used shall be resistant to flood damage;
 3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
 4. The lowest floor (including basement) shall be elevated at least one foot or above the base flood level;
 5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Commented [AC26]: The State of Oregon recommends one foot above the Base Flood Level to provide additional protection.

Commented [EM27R27]: Are you recommending to add one foot?

Commented [EM28R27]: From Celinda: Yes, but it is not a minimum requirement of the NFIP. It is a DLCD recommendation. The State Specialty Codes (building codes) used to require 1 foot but they have been amended to allow communities to determine if they want to only meet the minimum requirement of the NFIP or if they want to adopt higher standards.

If you will be allowing new residential structures then I would highly recommend increasing this to add one foot.

- F. Existing Non-Residential Structures, New construction and substantial improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a) above;
 2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.
Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to

Commented [AC29]: Are new non-residential structures allowed?

Commented [EM30R30]: Potentially. Public facilities (e.g. sewer pump station) are allowed under Type II FSH review. Type III FSH review also allows applicant to ask for other development requests not allowed under Type I or II.

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mean sea level to which such structures are floodproofed, shall be provided to the Director for verification,
and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations.

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

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

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

I. Construction materials and methods

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

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

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

1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;
6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);
7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and

Commented [AC31]: This can be revised to say all new construction and substantial improvements to existing residential and nonresidential structures are indeed prohibited with in the area of special flood hazard.

Commented [AC32]: Minimum standards of the NFIP per 44 CFR 60.3(a)(3)(i)

Commented [AC33]: This can be revised to say all new construction and substantial improvements to existing residential and nonresidential structures are indeed prohibited with in the area of special flood hazard.

Commented [AC34]: Minimum standards of the NFIP per 44 CFR 60.3(a)(3)(ii)-(iv) and 60.3(c)(11)

Commented [EM35]: Do we need to add that it can't be storage for petroleum or other toxic chemicals?

Commented [EM36R36]: From Celinda: Bullets 1-6 are the NFIP minimum requirements. Bullets 7 and 8 are requirements specific to the State of Oregon which yes, should be added.

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8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

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

Commented [AC37]: Either need to include this language or modify it to only allow new construction or substantial improvement of existing appurtenant structures, or specify in Chapter 17.60 that appurtenant structures are prohibited within the areas of special flood hazard. Reference 44 CFR 60.3(a)(3)(iv), (c)(5) Technical Bulletin 7.

17.60.80 WATER QUALITY TREATMENT FACILITIES NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

A. Whenever a watercourse is to be altered or relocated, notification shall be sent to adjacent communities Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

Commented [EM38]: Who lets us know this is occurring?

B. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Commented [EM39R39]: From Celinda: These are changes you come aware of through your floodplain permitting process as a floodplain development permit is required for any development within a Special Flood Hazard Area and FEMA needs to be notified of any proposed development that will increase or decrease BFE's. The process to notify them is the Letter of Map Revision (LOMR) process. A community can require the applicant to submit a LOMR to FEMA to meet this requirement. You can add language here that requires the applicant to notify FEMA by submitting a LOMR whenever a proposed development will increase or decrease Base Flood Elevations.

C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

Commented [EM40]: Are we noticing the FIA on all annexations? Or just those in the special flood area?

D. Obtain and maintain the following for public inspection and make available as needed:

Commented [EM41R41]: From Celinda: All annexations, to ensure any new maps they make accurately reflect your community's corporate boundaries.

1. Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new or substantially improved floodproofed structures:
a. Verify and record the actual elevation (in relation to mean sea level), and
b. Maintain the floodproofing certifications required in Section 17.60.70(F).

3. Obtain and maintain certification for flood openings when certification is required under Section 17.60.70(E)(5).

Commented [AC42]: This language is required by FEMA to comply with the minimum standards of the NFIP per 44 CFR 59.22(a)(9)(iii); 60.3(b); 60.3(d)(3); 60.6(a)(6); 60.3(b)(6) and (7); 65.3; and 59.22(a)(9)(v). It does not have to be in a separate section as I have added it, but it does need to be incorporated into your code somewhere.

17.60.90 WATER QUALITY TREATMENT FACILITIES

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

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

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17.60.90100 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

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

17.60.400110 ADJUSTMENTS

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

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

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Commented [AC43]: This is a higher standard than the NFIP minimums.

restricted development areas.

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

17.60.110120 DISCLAIMER

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



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

final version of revisions to development code

Adair, Celinda <celinda.adair@state.or.us>

Thu, Jan 3, 2019 at 5:53 PM

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

Cc: "Roxanne Pilkenton (roxanne.reale-pilkenton@fema.dhs.gov)" <roxanne.reale-pilkenton@fema.dhs.gov>, "Wood-McGuinness, Karen" <Karen.Wood-McGuinness@fema.dhs.gov>, "Kelly O'Neill Jr." <koneill@ci.sandy.or.us>, David Doughman <David@gov-law.com>

Hi Emily,

FEMA has delegated the final review of your community's ordinance to me and after reviewing the final versions you sent through I can confirm that the proposed revisions comply with the minimum requirements of the NFIP and the State of Oregon's standards for floodplain management.

Thank you for all of the great work you and the other staff have done to complete these ordinance revisions. It has been a pleasure working with you on them.

Kind regards,
Celinda

Celinda Adair, CFM

National Flood Insurance Program (NFIP) Coordinator

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Direct: 503-934-0069 | Cell: 503-930-9739 | Main: 503-373-0050

celinda.adair@state.or.us | www.oregon.gov/LCD**From:** Emily Meharg [mailto:emeharg@ci.sandy.or.us]**Sent:** Thursday, January 3, 2019 4:48 PM**To:** Adair, Celinda <cadair@dlcd.state.or.us>**Cc:** Roxanne Pilkenton (roxanne.reale-pilkenton@fema.dhs.gov) <roxanne.reale-pilkenton@fema.dhs.gov>; Wood-McGuinness, Karen <Karen.Wood-McGuinness@fema.dhs.gov>; Kelly O'Neill Jr. <koneill@ci.sandy.or.us>; David Doughman <David@gov-law.com>**Subject:** Re: final version of revisions to development code

[Quoted text hidden]

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NO. 2019-01

AN ORDINANCE AMENDING TITLE 17 OF THE SANDY MUNICIPAL CODE CHAPTER 17.02, THE CITY COUNCIL AND ITS AGENCIES AND OFFICERS, CHAPTER 17.10, DEFINITIONS, AND CHAPTER 17.60, FLOOD & SLOPE HAZARD (FSH) OVERLAY DISTRICT, IN COMPLIANCE WITH FEMA STANDARDS CONCERNING DEVELOPMENT WITHIN THE FLOODPLAIN; AND DECLARING AN EMERGENCY.

Whereas, the City of Sandy regulates development within the floodplain through Chapter 17.60, Flood Slope Hazard Overlay (FSH) district;

Whereas, the City previously relied upon a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) adopted June 17, 2008;

Whereas, the Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood plain hazards in the City of Sandy, including an update of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM);

Whereas, the Department of Land Conservation and Development (DLCD), on behalf of FEMA, has identified several items within the City of Sandy Development Code that do not meet current FEMA standards;

Whereas, Title 44 Part 59 Section 22(a)(1) of the Code of Federal Regulations recognizes that the flood hazard areas of the City of Sandy are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses may be caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage, also contribute to flood loss;

Whereas, Title 44 Part 60 Section 1(b)-(d) states that this ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail;

Whereas, Title 44 Part 59 Section 22(a) states that this ordinance shall apply to all special flood hazard areas within the boundaries of the City of Sandy;

#2019-01

Whereas, Section 1361 of the Flood Insurance Act of 1968 requires the City of Sandy to update the Development Code to meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program's (NFIP) regulation;

Whereas, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), the City of Sandy must adopt or show evidence of adoption of the required floodplain management regulations prior to January 18, 2019;

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

Section 1: Chapter 17.02 (The City Council and its Agencies and Officers) of the Sandy Municipal Code is amended as detailed in Exhibit A, attached and incorporated by reference.

Section 2: Chapter 17.10 (Definitions) of the Sandy Municipal Code is amended as detailed in Exhibit B, attached and incorporated by reference. The amendments identified in Exhibit B are definitions to be added or modified to the existing chapter.

Section 3: Chapter 17.60 (Flood Slope Hazard Overlay District) of the Sandy Municipal Code is amended as detailed in Exhibit C, attached and incorporated by reference.

Section 4: It is necessary the actions taken by this ordinance in adopting revisions to existing floodplain regulations be effective immediately so that current and future residents will be eligible to participate in the National Flood Insurance Program, therefore this ordinance is and shall be effective from and after its passage by the Council.

Section 5: All remaining provisions of Chapters 17.02, 17.10, and 17.60 are hereby reaffirmed in their entirety.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 07 day of January 2019

Stan Pulliam, Mayor

ATTEST:

#2019-01

Karey Milne, City Recorder

#2019-01

CHAPTER 17.02 - THE CITY COUNCIL, ITS AGENCIES & OFFICERS

17.02.00 THE CITY COUNCIL AUTHORITY AND RESPONSIBILITY

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

17.02.10 POWERS AND DUTIES

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

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

17.02.20 THE PLANNING COMMISSION

The Planning Commission shall be appointed in accordance with the Sandy Municipal Code. The Commission shall have the powers and duties provided therein and provided by this Code. The Commission shall also hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this Code.

17.02.30 QUORUM OF THE PLANNING COMMISSION

Four members shall constitute a quorum.

17.02.40 DIRECTOR

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

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

- Floodplain Administrator. The Director is hereby appointed to administer and implement the City of Sandy flood ordinance by granting or denying development permit applications in accordance with its provisions.

17.02.50 CONFLICT OF INTEREST

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

17.02.60 PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

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

CHAPTER 17.10 - DEFINITIONS

17.10.00 INTENT

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

17.10.10 MEANING OF WORDS GENERALLY

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

17.10.20 MEANING OF COMMON WORDS

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

17.10.30 MEANING OF SPECIFIC WORDS AND TERMS

The listed specific words and terms are defined as follows:

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

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

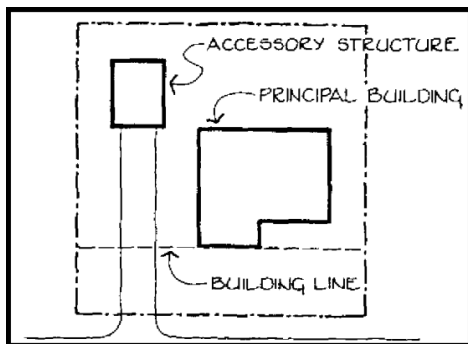
Abutting Lots: Two or more lots joined by a common boundary line or point. For the purposes

of this definition, no boundary line shall be deemed interrupted by a road, street, alley or public way, it being the intent of this definition to treat property lying on the opposite sides of a road, street, alley or public way as having a common boundary line or point.

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

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

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



Accessory Structure Example

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

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

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

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

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

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

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

Adjacent Lot: Adjacent means the same as abutting lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

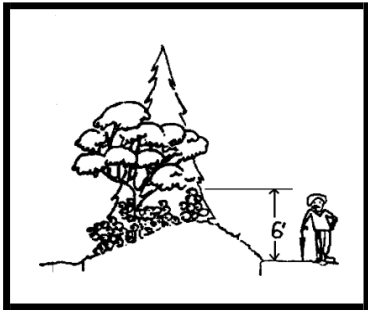
Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

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

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

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

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



Berm Example

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

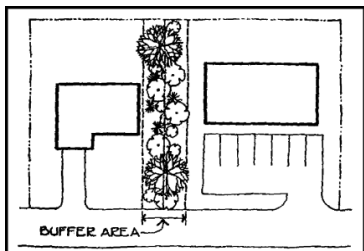
Block: A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

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

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

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

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



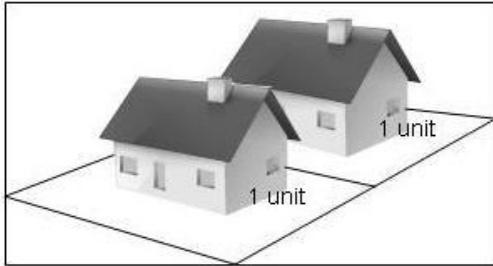
Buffer Example

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

Building Types:

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

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



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

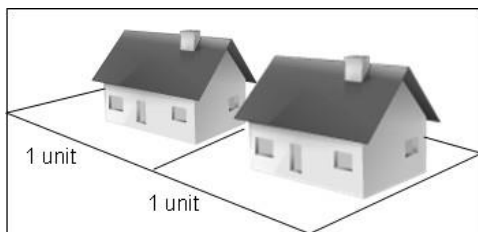


B. Residential: That group of building types comprising the following:

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



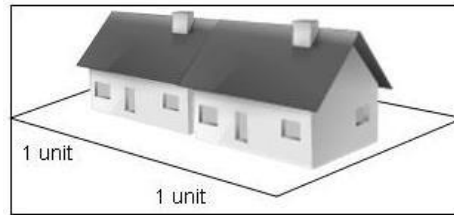
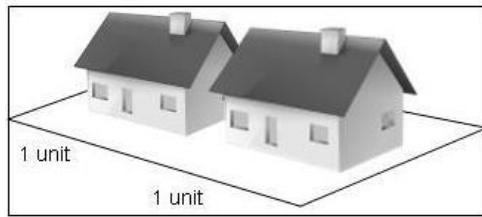
2. **Single Detached (Zero Lot Line):** A single detached structure with no setback from one lot line.



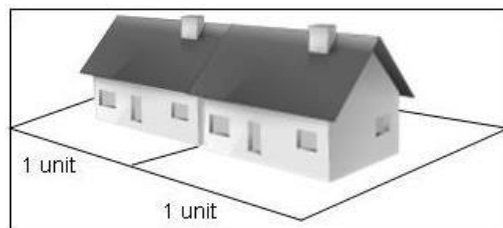
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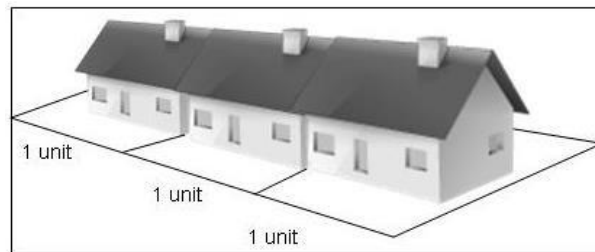
3. **Duplex:** A dwelling containing two independent dwelling units.



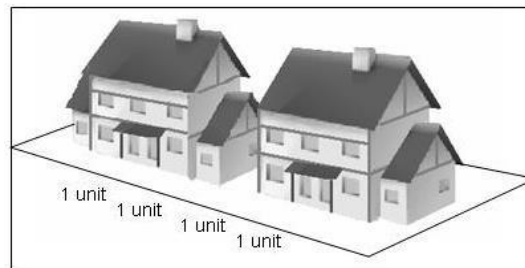
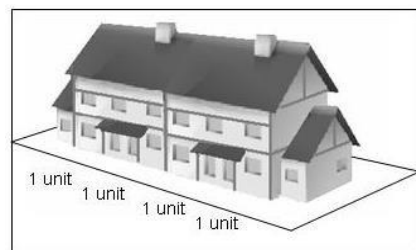
4. **Single Attached (Zero Lot Line):** Two dwelling units located on separate lots but attached side by side sharing some structural parts at a common property line with no setback from one lot line.



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



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



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

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

offer space free in connection with securing the trade or patronage of such person.

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

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

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

Building Height: See Height of Buildings definition.

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

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

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

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

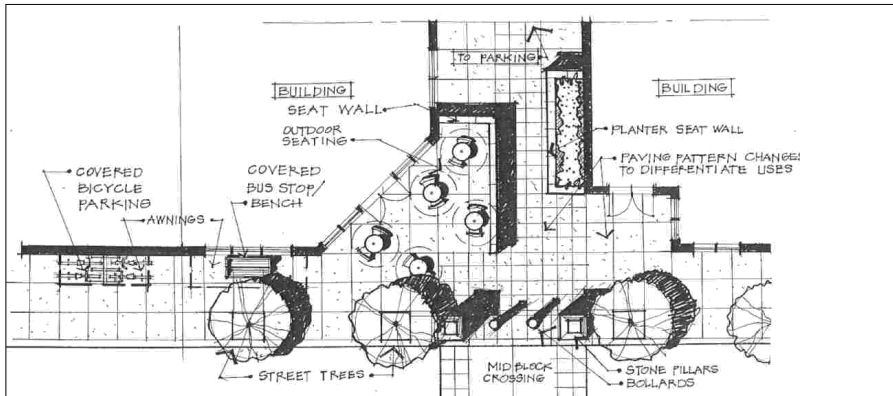
Change of Zone: The legislative act of rezoning one or more lots or parcels

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

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

Civic Space: A public or quasi-public gathering space, such as a plaza, square, outdoor seating area, bus waiting area, garden, fountain, sculpture or public art display, or similar space, oriented

to pedestrians and connecting one or more developments to the adjacent streetscape.



Civic Space Example

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

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

Commission: The Planning Commission.

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

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

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

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

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

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

Congregate Housing: A structure containing two or more dwelling units or rooming units

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

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

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

Contiguous: The same as abutting.

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

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

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



Gables (cross-gables) Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Drive-in Facility: Any portion of a building or structure from which business is transacted, or is

capable of being transacted, directly with customers located in a motor vehicle.

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

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

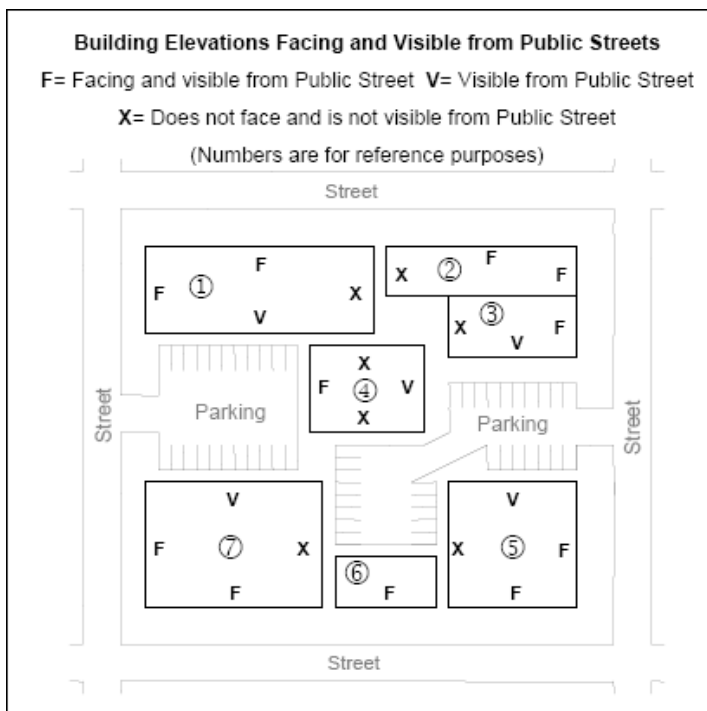
Effects of Buoyancy: Uplift force of water on a submerged or partially submerged object.

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

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

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

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



Facing and visible from a Public Street example

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

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

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

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

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

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

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

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



Flag Lot Example

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

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

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

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

digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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

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

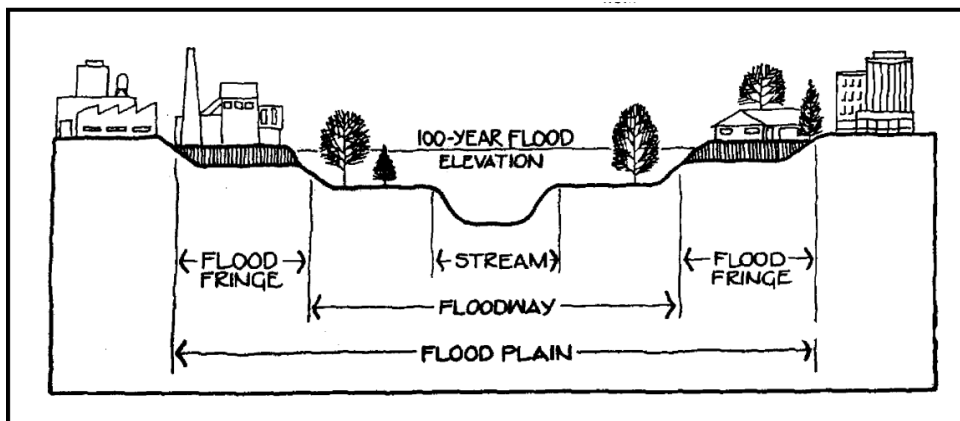
Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood, Slope and Hazard Areas (FSH):

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

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

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



Floodway Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

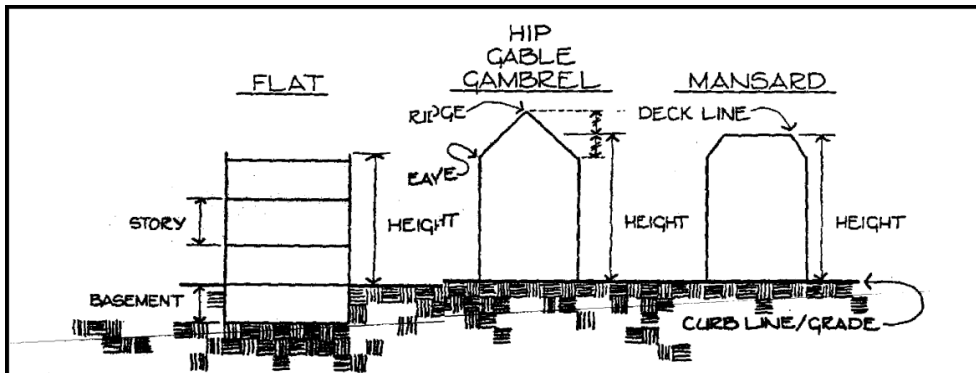
Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

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

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

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

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

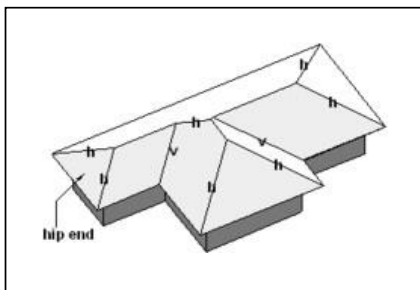


Determining Building Height Example

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

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

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



Hipped Roof Example

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

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

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

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

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

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

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

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

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

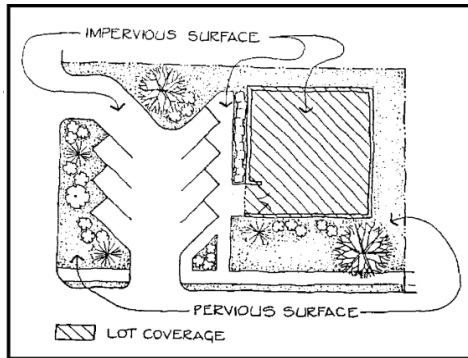
Hotel: A facility offering transient lodging accommodations at a daily rate to the general public. A hotel may provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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

Hydrodynamic Load: Force of water in motion.

Hydrostatic Load: Force of water at rest.

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



Impervious Surface Example

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

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

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

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

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

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

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

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

1. Establishment or modifications of a "tax lot" by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots;
3. An adjustment of a property line by relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable development district criteria established by this Code;

4. Sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See “Property Line Adjustment.”

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

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

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

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

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

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

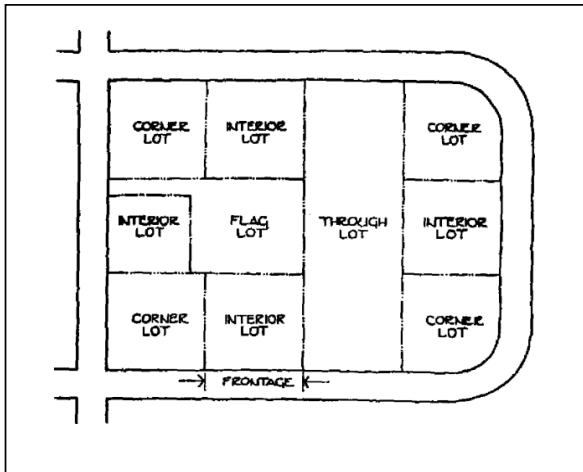
Lien Foreclosure: A lien foreclosure, foreclosure of a recorded contract for the sale of real property or creation of cemetery lots.

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

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

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

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



Lot Corner Example

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

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

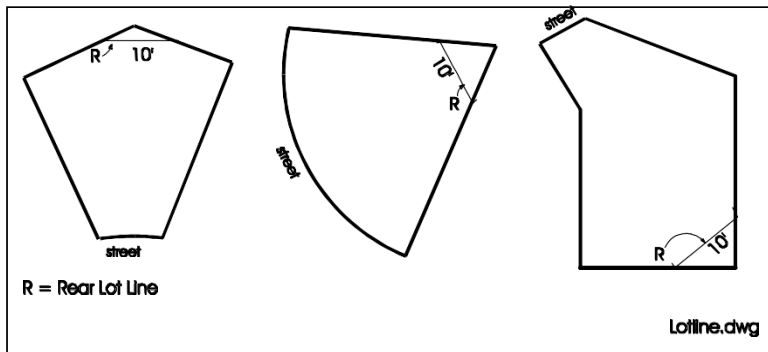
Lot, Interior: A lot other than a corner lot having frontage on only one street.

Lot Line: The property line bounding a lot.

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

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

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



Rear Lot Line Example

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

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

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

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

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

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

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



Mansard Roof Example

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nursing Home: Any home, place, or institution which operates and maintains facilities

providing convalescent or nursing care, or both, for a period exceeding twenty-four hours for six or more ill or infirm patients not related to the nursing home administrator or owner.

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

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

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

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

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

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

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

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

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

Parapet: An extended wall surrounding a roof, typically a decorative wall constructed of the same materials as the supporting wall. The parapet serves as building cap and may be stepped

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

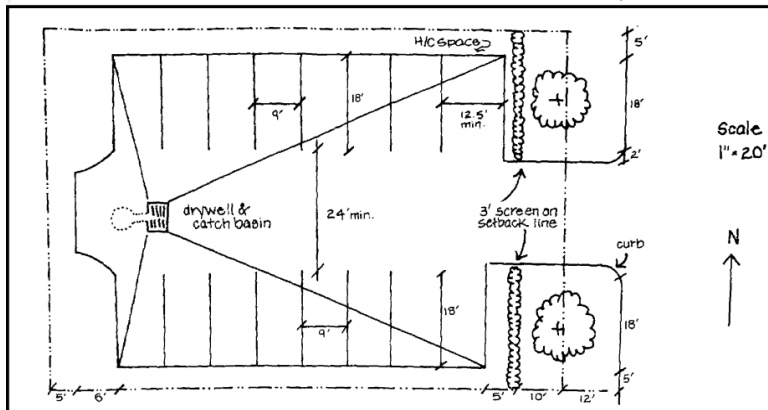
(Stepped Parapet) to provide visual relief (articulation) and a transition between buildings of dissimilar height.

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

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

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

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



Typical Parking Area Example

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

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

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

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



Pergola Example

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

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

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

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

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

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

Practicable: Capable of being effected, feasible.

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

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

Professional Office: An office of a practitioner of an occupation or calling requiring the practice

of an art or science through specialized knowledge based on a degree issued by an institution of higher learning.

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

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

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

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

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

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

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

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

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

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

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

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

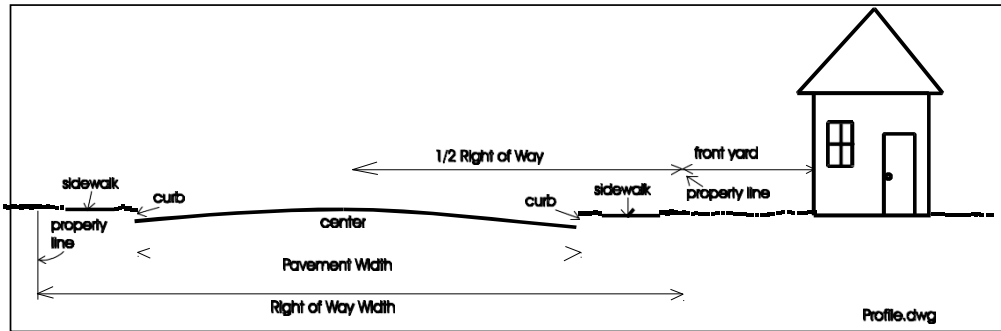
Residential Facility: A residential care facility, residential training facility, residential treatment facility, residential training home or residential treatment home licensed by or under the authority of the Department of Human Resources under ORS 443.000 to 443.825 which provides residential care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

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

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

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

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



Right-of-way example

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

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

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



Rusticated stone work example

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

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

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

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

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

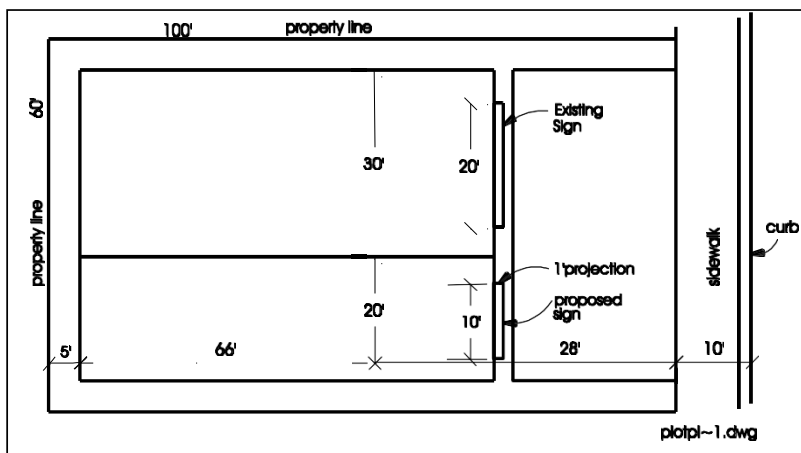
Setback: The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line, to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

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

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

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

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



Site Plan Example

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

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

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

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



Split-face Concrete Example

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

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

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

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

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

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

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

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

- A. Arterial Highways:** These consist of state highways, which carry nearly all vehicle trips entering, leaving, or passing through the Sandy area.
- B. Arterial Streets:** These interconnect and support the arterial highway system and link major commercial, residential, industrial, and institutional areas.
- C. 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. Paved width of 38 feet to 50 feet, minimum three-lane cross section, and may include on-street parking.
- D. Collector Streets:** These provide both access and circulation within residential neighborhoods and commercial/industrial areas.
- E. Local Streets:** The primary function is to provide access to immediately adjacent land. Service to through-traffic movement on local streets is discouraged.
- F. Cul-de-Sac:** A local street with only one outlet and having a bulb at the opposite end.

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

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

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

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

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Director or his or her designee and which are the minimum necessary to assure safe living conditions;

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or

2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

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

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

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

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

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

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

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

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

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

Variance, Area: A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a deviation from dimensional (i.e., height, bulk,

yard, setbacks) requirements of the Code because of unusual or unique conditions.

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

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

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

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

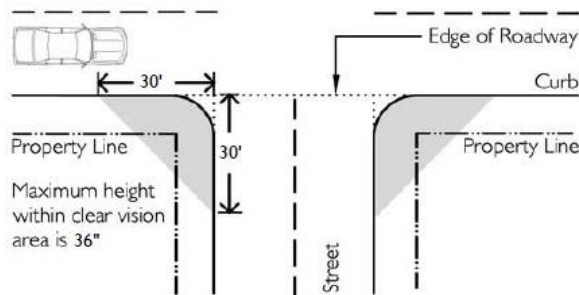
Vehicle: A device in, upon, or by which any person or property is or may be transported upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

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

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

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

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



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Vision Clearance Example

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

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

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

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

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

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

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

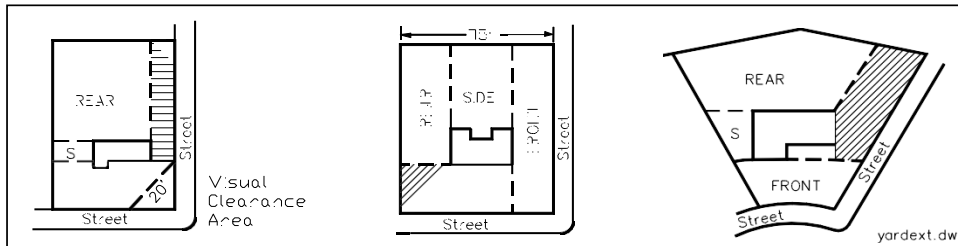
Wetland, Locally Significant: A wetland that meets the criteria for a “locally significant wetland” in OAR 141-86-340 “Procedures for Identifying Locally Significant Wetlands” and which is identified as such on the City of Sandy Local Wetlands Inventory (2001).

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

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

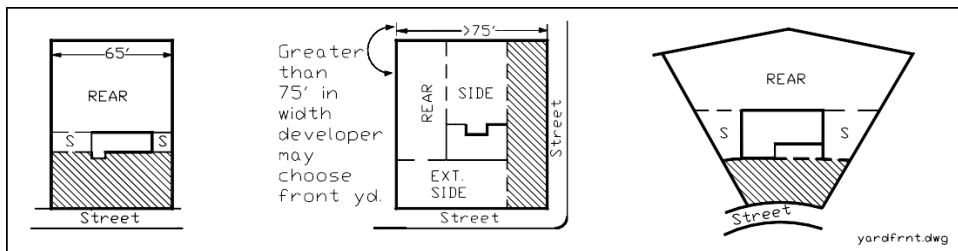
X Zone (floodway): Area of minimal to moderate flood hazards as depicted on the FIRM.

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



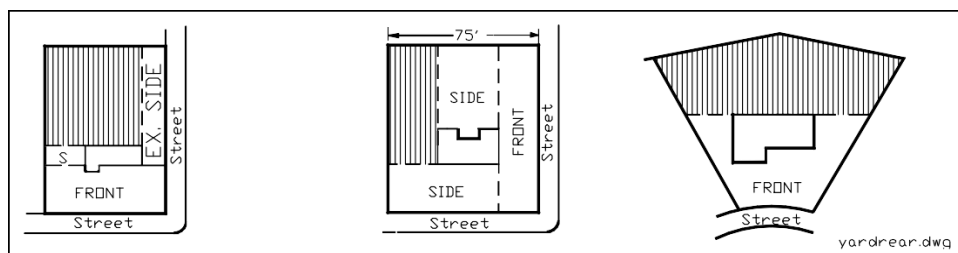
Side Yard (Exterior) Example

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



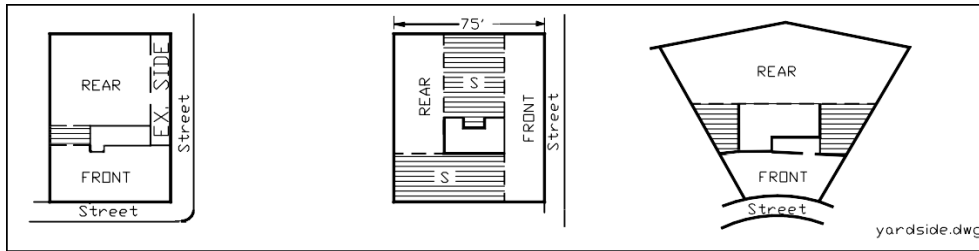
Front Yard Example

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



Rear Yard Example

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



Side Yard Example

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

CHAPTER 17.60 - FLOOD & SLOPE HAZARD (FSH) OVERLAY DISTRICT

17.60.00 INTENT

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

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

17.60.10 INTERPRETATION AND MAPPING

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

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

Section 17.60 and are on file at the City of Sandy.

- B. Development Approval Required. No development shall occur within the FSH overlay district without first obtaining City approval under the provisions of this chapter. The Director shall notify the Oregon Division of State Lands whenever any inventoried wetland is proposed for development, in accordance with ORS 227.350. In riverine situations, the Director shall notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the administrator.
- C. Interpretation
All provisions of the FSH overlay code shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- D. Applicant Responsibilities. The applicant for alteration or development within the FSH overlay district shall be responsible for preparing a survey of the entire site, based on site-specific field surveys or Corps of Engineers data that precisely maps and delineates the following areas:
1. The name, location and dimensions of affected streams or rivers, and the tops of their respective banks.
 2. Area of Special Flood Hazard boundaries and elevations as determined by the January 18, 2019 FIS for Clackamas County and Incorporated Areas.
 3. The City of Sandy FSH overlay district boundary as depicted on the City of Sandy FSH Map.
 4. The water quality and slope setback area(s) as defined in Section 17.60.30.
 5. The size and location of locally significant wetlands shall be determined based on the City of Sandy Locally Significant Wetland Inventory (2002) unless modified by a wetland delineation approved by the Oregon Division of State Lands and submitted to the City. Wetland delineations that have formal concurrence from the Division of State Lands shall be valid for the period specified in that agency's administrative rules.
 6. Steep slope areas where the slope of the land is 25% or greater within the FSH overlay district boundary.
 7. The area enclosed by a continuous line, measured 25 feet horizontally, parallel to and upland from the top of a steep slope area, where the top of the steep slope is within the FSH overlay district boundary.
 8. Existing public rights-of-way, structures, roads and utilities.
 9. Natural vegetation, including trees or tree clusters and understory within the FSH Overlay District boundary.
 10. Existing and proposed contours at 2-foot intervals.

17.60.20 PERMITTED USES AND ACTIVITIES

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

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

- b) Remove invasive vegetation and replace it with multi-layered native vegetation that provides for stream shading within the entire stream bank.
- c) Reduce the steepness of the bank along reaches that have been highly eroded.
- d) Reduce the velocity of water carried by the stream.
- e) Include guarantees and funding to assure at least a 90% survival rate of native plants over a 3-year period.

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

12. Appurtenant structures as permitted under Section 17.60.70(J).

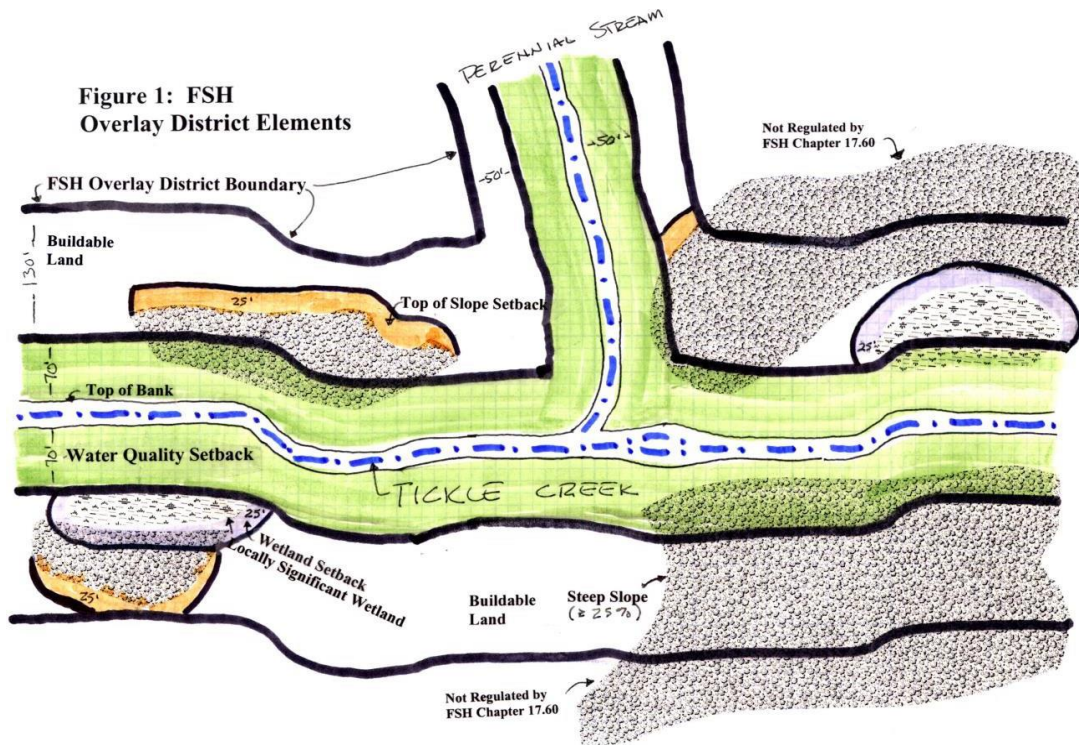
C. Platting of New Lots. No new lot shall be platted or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.

17.60.30 REQUIRED SETBACK AREAS

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

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

**Figure 1: FSH
Overlay District Elements**



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

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17.60.40 REVIEW PROCEDURES

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

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

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

17.60.50 SPECIAL REPORTS

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

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

- A. Hydrology and Soils Report. This report shall include information on the hydrological conditions on the site, the effect of hydrologic conditions on the proposed development, the proposed development's impact on surface and groundwater flows to wetlands and streams, and any hydrological or erosion hazards. This report shall also include soils characteristics of the site, their suitability for development, carrying capacity, and erosion or slumping characteristics that might present a hazard to life and property, or adversely affect the use or stability of a public facility or utility. Finally, this report shall include information on the nature, distribution and strength of existing soils; the adequacy of the site for development purposes; and an assessment of grading procedures required to impose the minimum disturbance to the natural state. A licensed professional engineer registered in Oregon shall prepare the hydrology and soils report.
- B. Grading Plan. The grading plan shall be specific to a proposed physical structure or use and shall include information on terrain (two-foot intervals of property), drainage, direction of drainage flow, location of proposed structures and existing structures which may be affected by the proposed grading operations, water quality facilities, finished contours or elevations, including all cut and fill slopes and proposed drainage channels. Project designs including but not limited to locations of surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices shall form part of the submission. The grading plan shall also include: 1) construction phase erosion control plan consistent with the provisions of Chapter 15.44; and 2) schedule of operations. A licensed professional engineer registered in Oregon shall prepare the grading and erosion control plan.
- C. Native Vegetation Report. This report shall consist of a survey of existing vegetative cover, whether it is native or introduced, and how it will be altered by the proposed development. Measures for re-vegetation with native plant species will be clearly stated, as well as methods

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for immediate and long-term stabilization of slopes and control of soil erosion. A landscape architect, landscape designer, botanist or arborist with specific knowledge of native plant species, planting and maintenance methods, survival rates, and their ability to control erosion and sedimentation shall prepare the vegetation report. The applicant shall be responsible for replacing any native plant species that do not survive the first two years after planting, and for ensuring the survival of any replacement plants for an additional two years after their replacement.

17.60.60 APPROVAL STANDARDS AND CONDITIONS

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

- A. Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.
1. Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.
 2. Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.
 3. Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.
 4. Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.
 5. Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.
 6. Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Two native trees of at least 1.5-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
- B. All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:
1. The permit requirements of Chapter 17.60 have been satisfied;
 2. All other required state and federal permits have been obtained; and,
 3. The site is reasonably safe from flooding.
- C. Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final

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decision approving the proposed development.

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

17.60.70 FLOODPLAIN REGULATIONS

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

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

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- E. Existing Residential Structures (including new construction allowed per Section 17.60.40(B)(3)). Improvements and substantial improvements to an existing residential structure (including manufactured dwellings) or replacement of a single family residence per Section 17.60.20(B)(8) in a flood-prone area shall comply with the following:
1. Improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. Materials used shall be resistant to flood damage;
 3. Utilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding;
 4. The lowest floor (including basement) shall be elevated at least one foot above the base flood level;
 5. Fully enclosed areas below the lowest floor used solely for vehicle parking or building access or storage in an area other than a basement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters and shall either be designed and certified by a registered professional engineer or architect or meet or exceed the following minimum criteria;
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Existing Non-Residential Structures. Improvements and substantial improvements to existing non-residential structures within the floodplain shall comply with one of the following:
1. Elevate the lowest floor (including basement) at least one foot above the base flood level and ensure that any area below the elevated lowest floor meets the requirements of paragraph (E)(5) and (E)(5)(a)above;
 2. Walls and utilities of structures below the base flood level shall be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of NFIP Regulations per Volume 44 of the Code of Federal Regulations.
- Upon completion of the structure, certification by a registered professional engineer or surveyor that the elevation requirements of the lowest floor, including basement, of this section have been satisfied shall be provided to the Director for verification; or certification by a registered professional engineer or architect that the floodproofing requirements of this section are satisfied, including the specific elevation in relation to mean sea level to which such structures are floodproofed, shall be provided to the Director for verification.
- G. Recreational Vehicles. Recreational Vehicles within the floodplain shall comply with one of the following:

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1. Be located on the site for fewer than 180 consecutive days; and
 2. Be fully licensed and ready for highway use; or
 3. Meet the elevation and anchoring requirements for manufactured ~~homes~~ dwellings and permit requirements of NFIP Regulations.
- H. Anchoring. All new construction and substantial improvements (including manufactured dwellings) shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- I. Construction materials and methods.
1. All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and,
 3. All new construction and substantial improvement shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- J. Appurtenant Structures (Detached Garages and Storage Structures).
Appurtenant structures used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements:
1. Use of the appurtenant structure must be limited to parking of vehicles or storage;
 2. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
 3. The appurtenant structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 4. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the Base Flood Elevation;
 5. The appurtenant structure must meet the floodway requirements of Chapter 17.60 and must not result in any increase in base flood elevations and this shall be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices;
 6. The appurtenant structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 17.60.70(E)(5);
 7. The appurtenant structure must not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank elevated at least one foot above Base Flood Elevation; and
 8. Shall not exceed the size requirements in the State of Oregon Residential and Structural Specialty Codes and shall not exceed one story.

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

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17.60.80 NOTIFICATION TO OTHER ENTITIES AND RECORDKEEPING

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

17.60.90 WATER QUALITY TREATMENT FACILITIES

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

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

17.60.100 DENSITY TRANSFER PROVISIONS

Residential density transfer may be approved subject to the following:

- A. Required Setback Areas. Density may be transferred from restricted development areas (i.e., steep slopes, protected water features and required setbacks) to buildable portions of the site.
- B. Density Maximum. The maximum gross density for the buildable area of the site shall not

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exceed 150% of the maximum density allowed by the underlying zoning district for that buildable area.

- C. Housing Types Not Permitted in Underlying Zoning District. Housing types not permitted in the underlying zoning district may only be approved through the PD (planned development) or SAP (specific area plan) process.
- D. Transfer Area. Transfer of density may only occur within the same property and/or to properties contiguous to the primary property. The terms “primary property” identify the legal lot from which density is to be transferred to “secondary property(s)”. Further development or land use action on the primary or secondary properties shall be reviewed together in the same application.

17.60.110 ADJUSTMENTS

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

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

17.60.120 DISCLAIMER

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



Staff Report

Meeting Date: January 7, 2019

From Tyler Deems, Finance Director

SUBJECT: Update Bank Signatories

Background:

As you know, the position/term of City Manager Kim Yamashita and Mayor William King ended January 1, 2019. Both of these individuals are currently signers on our various bank accounts. Our financial institutions require a resolution to make the necessary changes.

Recommendation:

Authorize staff to approve Resolution 2018-40, a resolution updating the signatories on City bank accounts.

Budgetary Impact:

None.



NO. 2018-40

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 the officers authorized to act on behalf of the City be authorized by 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.

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

William King, Mayor
Kim Yamashita, City Manager

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

Stan Pulliam, Mayor
Jordan Wheeler, City Manager

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy that the above changes are authorized, and to have staff prepare the necessary documents to remove signatories from our accounts at US Bank and Clackamas County Bank.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 07 day of January 2019

Stan Pulliam, Mayor

ATTEST:

#2018-40

Karey Milne, City Recorder

#2018-40



MINUTES
City Council Meeting
Monday, December 17, 2018 City Hall- Council Chambers,
39250 Pioneer Blvd., Sandy, Oregon 97055 7:00 PM

COUNCIL PRESENT: Jeremy Pietzold, Council President, Scott Horsfall, Councilor, John Hamblin, Councilor, Jan Lee, Councilor, and Carl Exner, Councilor

COUNCIL ABSENT: Jean Cubic, Councilor

STAFF PRESENT: Karey Milne, Recorder Clerk, Kim Yamashita, City Manager, Andi Howell, Transit Director, Ernie Roberts, Police Chief, Greg Brewster, Assistant IT Director, Tanya Richardson, Community Services Director, Tyler Deems, Finance Director, and Mike Walker, Public Works Director

MEDIA PRESENT:

1. Pledge of Allegiance

2. Roll Call

3. Changes to the Agenda

4. Public Comment

Khryss Jones, Sandy Area Chamber of Commerce, thanked Mayor King for his time as Mayor.

5. Ordinances

5.1. Ordinance Removing Section 9.12.020 of the Sandy Municipal Code

Staff Report - 0083

Chief, Ernie Roberts, In January of 2018, Oregon Revised Statue went into effect changing the legal age to purchase or attempt to purchase tobacco products or inhalant delivery systems (vapping systems) by anyone under the age of 21. Sandy Municipal Code section 9.12.20, which allows the purchase of anyone 18 and older, is now obsolete and in conflict with the Oregon Revised Statue and needs to be removed from SMC Title 9. This is primarily a housekeeping issue, but does require council approval. Staff Recommends council to remove section 9.12.20 from the Sandy Municipal Code.

Moved by Carl Exner, seconded by Jeremy Pietzold

Motion to approve the first reading by title only of Ordinance 2018-38, and Ordinance removing section 9.12.20 of Title 9 of the SMC to follow Oregon Revised Statute for enforcement.

CARRIED.

Moved by Jeremy Pietzold, seconded by Scott Horsfall

Motion to approve the second reading by title only of Ordinance 2018-38, and Ordinance removing section 9.12.20 of Title 9 of the SMC to follow Oregon Revised Statute for enforcement.

CARRIED.

5.2. Ordinance 2018-22 - Public Services Fee

Staff Report - 0084

City Manager, Kim Yamashita, Prior to City Manager Seth Atkinson leaving the City of Sandy, there were several discussions about a fee to off set the purchase or operations of the pool. I believe this was in 2015, and there was a study done by the Oregon Trail School District. Support for a fee was high, but given the time lag between the study and the initiation of a fee I felt it prudent to do more out reach. Also, since that study, other financial needs have been identified and impacted the budget and have shown a need for revenue streams beyond what we currently have available. Specifically we need revenue to off set the police budget, particularly in light of the cancellation of the Estacada contract. We also need revenue beyond the general fund to help off set the operational costs of the pool. Lastly, there is little revenue available for parks, not purchasing of land, but of the maintenance of existing parks and for replacement of capital equipment in our older parks that do not qualify for System Development Charges (SDC) use. In 2017 and 2018 additional research and out reach with citizens were conducted. Those interviewed were very supportive of all three projects. We asked that they indicate comfort level with a monthly fee and we were pleased to find that a vast majority were comfortable supporting \$5 - \$8 dollar monthly fee to be dispersed to these three programs. The attached ordinance was reviewed by our City Attorney. The recommendation from staff is for a fee of \$7 dollars per month per utility account. There is an appeal process and exclusions for ADU's/hardship. City Manager, Kim Yamashita, reviewed the concerns with the Parks, the

Sandy Community Campus and the Police Department and why they could use the funds.

Council had several questions and concerns for staff, City Manager and Staff answered their questions.

Council has mixed feelings on whether to approve the fee.

Council made a decision to hold a first reading of Ordinance 2018-22 and to push the second reading out until January 22nd, 2019 in order to get some more input from the community.

Public Comment - None

Moved by Carl Exner, seconded by Jan Lee

Motion to Approve the first Reading of Ordinance 2018-22 an Ordinance amending Title 3 of the Sandy Municipal Code by adding section 3.34 establishing a fee on all utility bills for the purposes of off setting the cost of certain public services, specifically police and the community center/pool.

CARRIED.

6. Resolutions

6.1. Staff Report Resolution 2018-39 - Transit Asset Management Plan

Staff Report - 0082

Transit Director, Andi Howell, In 2016, the Federal Transit Administration (FTA) published a rule, 49 CFR Part 625, to require public transit providers that receive Federal transit assistance to undertake certain transit asset management activities. The final rule defines the term state of good repair and establishes minimum Federal requirements for transit asset management. This applies to all recipients of Federal financial assistance under 49 U.S.C. Chapter 53 who own, operate, or manage public transportation capital assets. The TAM rule specifies that an asset is in a state of good repair if it is in a condition sufficient for it to operate at a full level of performance. The rule also provides state of good repair standards. As explained on the Oregon Department of Transportation (ODOT) webpage: "Transit Asset Management is a business model that uses the condition of assets to guide the optimal prioritization of

funding at transit agencies in order to keep our transit networks in a state of good repair. Tier II agencies (100 or fewer vehicles; see FTA's Tier Checklist for details) must participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD)." Sandy, owning fewer than 100 vehicles, is included in the group TAM Plan. Sandy will report the condition of our transit assets, including facilities and vehicles to ODOT Rail and Public Transit Division (RPTD). Recommendation: Approve the Transit Asset Management Plan resolution allowing Sandy Transit to participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD).

Transit Director Andi Howell reviewed information on a few pages from her staff report, what she has already been doing and how she agrees with this plan.

Council had some questions and statements.

Moved by Jeremy Pietzold, seconded by Carl Exner

Motion to approve the Transit Asset Management Plan resolution allowing Sandy Transit to participate in a group TAM Plan sponsored by ODOT Rail and Public Transit Division (RPTD).

CARRIED.

7. New Business

7.1. Declaration of Council Seat Vacancy

Staff Report - 0085

City Manager, Kim Yamashita, Ms. Jean Cubic was appointed to City Council seat #6 on May 29, 2018. Since that appointment her participation has decreased and unexcused absences have increased. Further she is not communicating with the Mayor or Staff. Mayor King has made numerous attempts to contact her by phone and email. I have made several attempts to contact her by phone and by email. Her phone is currently answered with the following message "not accepting calls at this time". A letter was sent to Ms. Cubic on November 27, 2018, to her home of record. The letter is attached. You will find that the letter provides her the opportunity to attend the meeting schedule for 12-17-18 to offer explanation for her absences and/or to offer a resignation should she desire to do so. As of 12/5/18 the date this staff report was crafted, I have had no communication with Ms. Cubic. Council should also

be aware that even if Ms. Cubic is in attendance at tonight meeting, and offers explanations for her absences and lack of communication, you may still vote to declare the seat vacant.

Moved by John Hamblin, seconded by Jeremy Pietzold

Make a Motion to declare seat #6 vacant and direct staff to move to bring applicants before council for a new appointment.

CARRIED.

7.2. Sandy Transit Vehicle Replacement

Staff Report - 0078

Transit Director, Andi Howell, Sandy Area Metro (SAM) operates 4 35' Low-Floor Heavy-Duty Diesel vehicles. Currently, SAM operates 3 35' Low-Floor Gilligs and 1 35' Eldorado National EZ Rider II in rotation on our main route, SAM Gresham. One Category A vehicle has met its useful life (12 years or 500,000 miles), one vehicle will have met its useful life upon delivery of new replacement vehicles. Sandy has successfully obtained funding from Federal grant sources for replacement of both vehicles. Staff performed an analysis of alternative vehicles for the replacement including an all-day demonstration of an electric vehicle. At this time, the technology in electric transit vehicles is not sufficient for Sandy routes which include steep grades and long run times. Also analyzed was the return to the smaller cutaway type vehicles. That type of vehicle, though less expensive, must be replaced more frequently (useful life 10 years or 350,000 miles), resulting in minimal costs savings and reduced sustainability. It has been our experience that Gillig buses perform well, replacement parts are located and shipped quickly and the company stands behind their product. The vehicles are well finished (interior & exterior). The seating layout (no seats over wheel wells) allows for 31 ambulatory seats and two wheelchair securement positions. The seating choice allows for a securement mechanism that is quick, safe and easily stowed out of the passengers' way. The securement area, when both are deployed, has ample room for ingress/egress of other passengers. Sandy currently has a quote from Gillig, based on the specifications of our 2017 35' Low-Floor Heavy-Duty Gillig, for \$438,493 per bus. Sandy Transit has procured grant funding in the amount of \$440,000 (394,812 in grant awards and \$45,188 in the local match) and \$440,000 (\$374,000 in grant awards and \$66,000 in the local match). Vehicle to be replaced: 2008 Gillig Low-Floor: mileage as of November 30, 2018: 577,129. Vehicle to be replaced: 2010 El Dorado National EZ Rider II Low-Floor:

mileage as of November 30, 2018: 416,192 Funding for these vehicles will be available in the Sandy Transit FY20 budget. FY20 is the expected delivery time frame as these vehicles require 12 to 18 months for delivery.

Council had a few questions and statements.

Moved by Jan Lee, seconded by Scott Horsfall

Motion to allow Transit Staff to procure 2 35' Low-Floor Heavy-Duty Diesel Gilligs from the Washington State Contract.

CARRIED.

7.3. Waste Water Treatment and Water Plant Operations - Contract

Staff Report - 0086

City Manager, Kim Yamashita, Staff was asked to explore our options for the operation of our Waste Water Treatment Plant and Water Plant operations. While the city has had a long time relationship with Jacobs (AKA CH2M), staff and council discussed the benefits of moving in a new direction. Working with Ashley Driscoll from the Law Firm of Barry Elsner and Hammond, we have advertised for firms that are capable of providing services that meet our needs. Only one company sent a letter of interest. That company is Veolia North America. Veolia Environmental is a French transnational company with activities in four main service and utility areas traditionally managed by public authorities. Those being, water management, waste management, transport and energy services. Veolia North America serves the United States and Canada. They initially sent a proposal during our open contracting solicitation process and are willing to honor that proposal now. Ms. Driscoll, Mike Walker and I have worked with the company to craft a contract that is substantially like the one we have with our current provider. We appreciate the efforts made by Jacobs on our behalf and want to thank them for their service to our community. We would ask council to vote to terminate our agreement with Jacobs at this time.

Council had a few comments

Moved by John Hamblin, seconded by Scott Horsfall

Motion to terminate the agreement with Jacobs and issue a 90 day notice of intent to terminate and to authorize the City Manager to sign the contract with Veolia North America.

CARRIED.

8. Consent Agenda

- 8.1. City Council Minutes
Election Results from Clackamas County

9. Report from the City Manager

Our City Attorney BEH, this year rather than sending a gift, they have made a donation in our name to the Oregon Energy Fund in the City's name. The Arts Commission has voted for Adam Triplett to hold the seat of Chair and Marsha Morrow as Co-Chair, they are working on their bi-laws, mission statement and a few other items and they they will move on to the art!

10. Committee Reports

None

11. Council Reports

Councilor Horsefall, would like to thank the council and residents for allowing him to serve on council. Thanked all for service and dedication.
Councilor Exner, Thank you to Bill for his 8 years of service. Thank you to Kim.
Mayor King, to the Sandy residents for their faith and trust in him for the past eight years, it has been an honor and a privilege, to staff, your hard work has made life much easier for him and he couldn't be more proud of them all, thank you, especially to Kim, to Council, your diverse outlook and passion for the City has helped more than he can say, he is honored to have served with each and everyone of them, thank you for your support and friendship. To his wife who has supported him through all the meetings, conferences, ribbon cuttings, etc and leaving her alone to deal with family functions and all the time away from her, she is his rock and he loves her. He looks forward to what the new year brings and wishes the best to the City Council for all the challenges you will be facing, he knows as a group they will be successful. God Bless you all, Merry Christmas and Happy New Year.

12. Staff updates

- 12.1. [Monthly Reports](#)

13. Adjourn

Mayor, William King

City Council
December 17, 2018

City Recorder, Karey Milne

Draft



MINUTES
City Council Work Session Meeting
Tuesday, December 11, 2018 City Hall- Council Chambers, 39250
Pioneer Blvd., Sandy, Oregon 97055 6:30 PM

COUNCIL PRESENT: Jeremy Pietzold, Council President, John Hamblin, Councilor, Jan Lee, Councilor, and Carl Exner, Councilor

COUNCIL ABSENT:

STAFF PRESENT:

MEDIA PRESENT:

	Page
1. Roll Call	
2. Presentation	
2.1. Informational Meeting - Waste Water Treatment Plant Design Update	3 - 54
Staff Report - 0087	
Murraysmith a Portland firm that specializes in engineering design of transportation, water, wastewater and stormwater systems presented information to council on our current wastewater treatment plant and showed what can be done to improve and expand. See attached PDF presentation.	
Please note, the video only has audio as we had a power outage and we were unable to recover video.	
Sandy WSFP CityCouncil 2018.12.10	
3. Adjourn	

Mayor, William King

City Council Work Session
December 11, 2018

City Recorder, Karey Milne

City of Sandy Wastewater System Facilities Plan Workshop

December 11, 2018

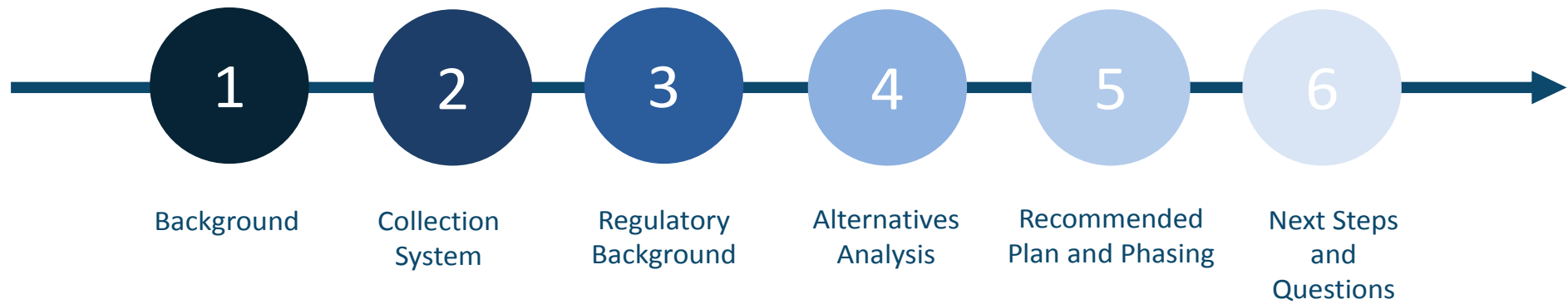
murraysmith



Meeting Purpose

- Update City Council on the status of the plan
- Provide overview of the draft plan and recommendations
- Provide a schedule for finalizing the plan including public comment and plan adoption
- Provide a schedule for implementation of recommendations

Agenda



Sandy Wastewater System Background

- WWTP History
 - **1965** – WWTP original construction
 - **1993** – Last Wastewater System Facilities Plan (WSFP)
 - **1998** – Last WWTP Upgrades completed
- Sandy is one of the fastest growing communities in Clackamas County
- Need to update and implement WSFP to address deficiencies and provide for community growth

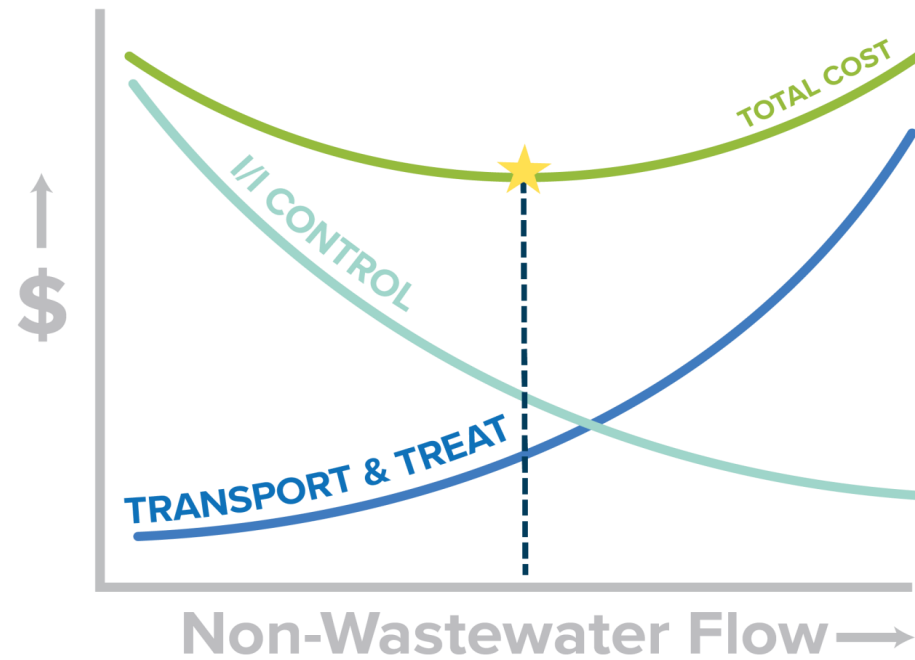
Overview of Wastewater System



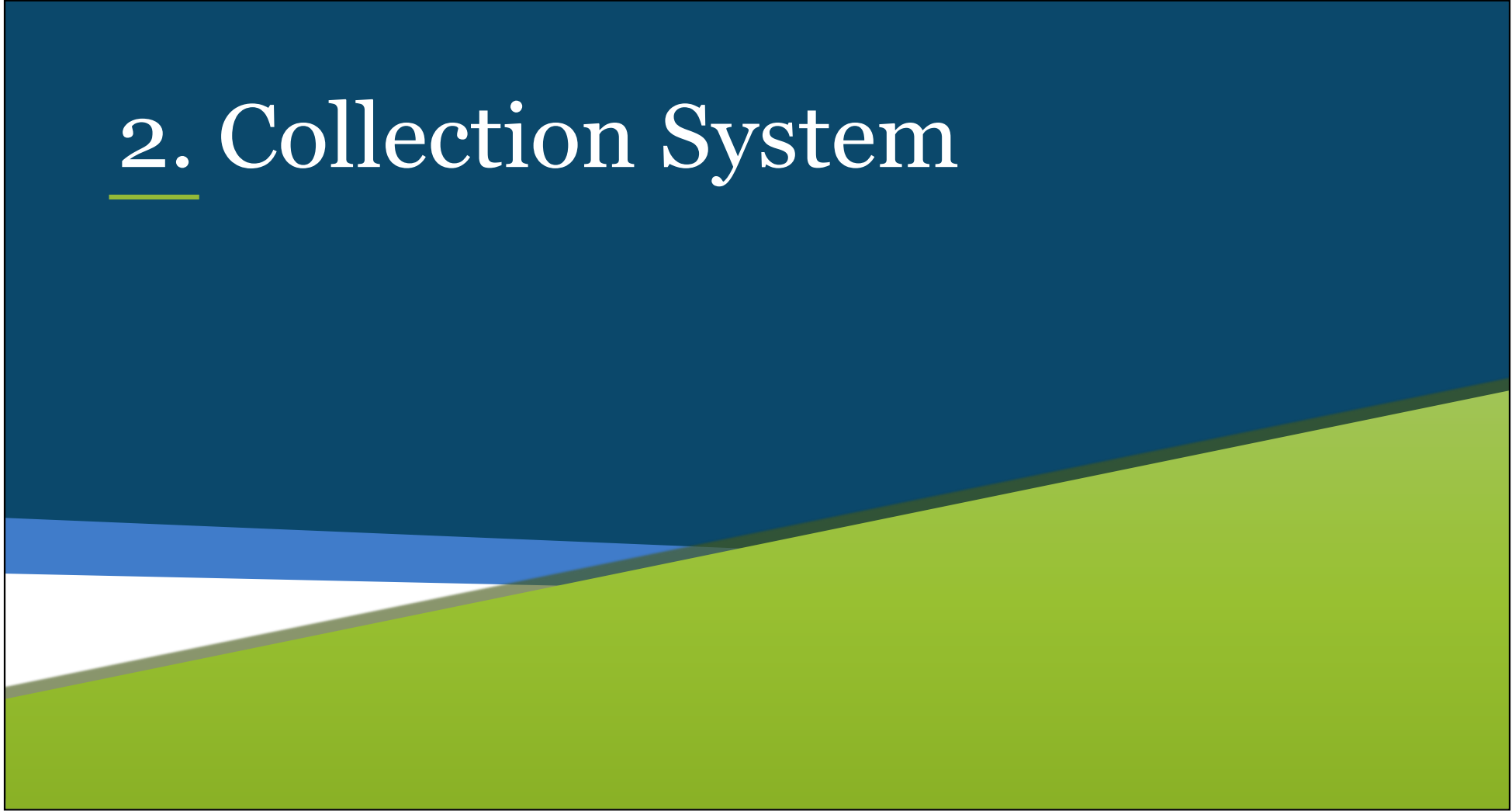
Key Issues

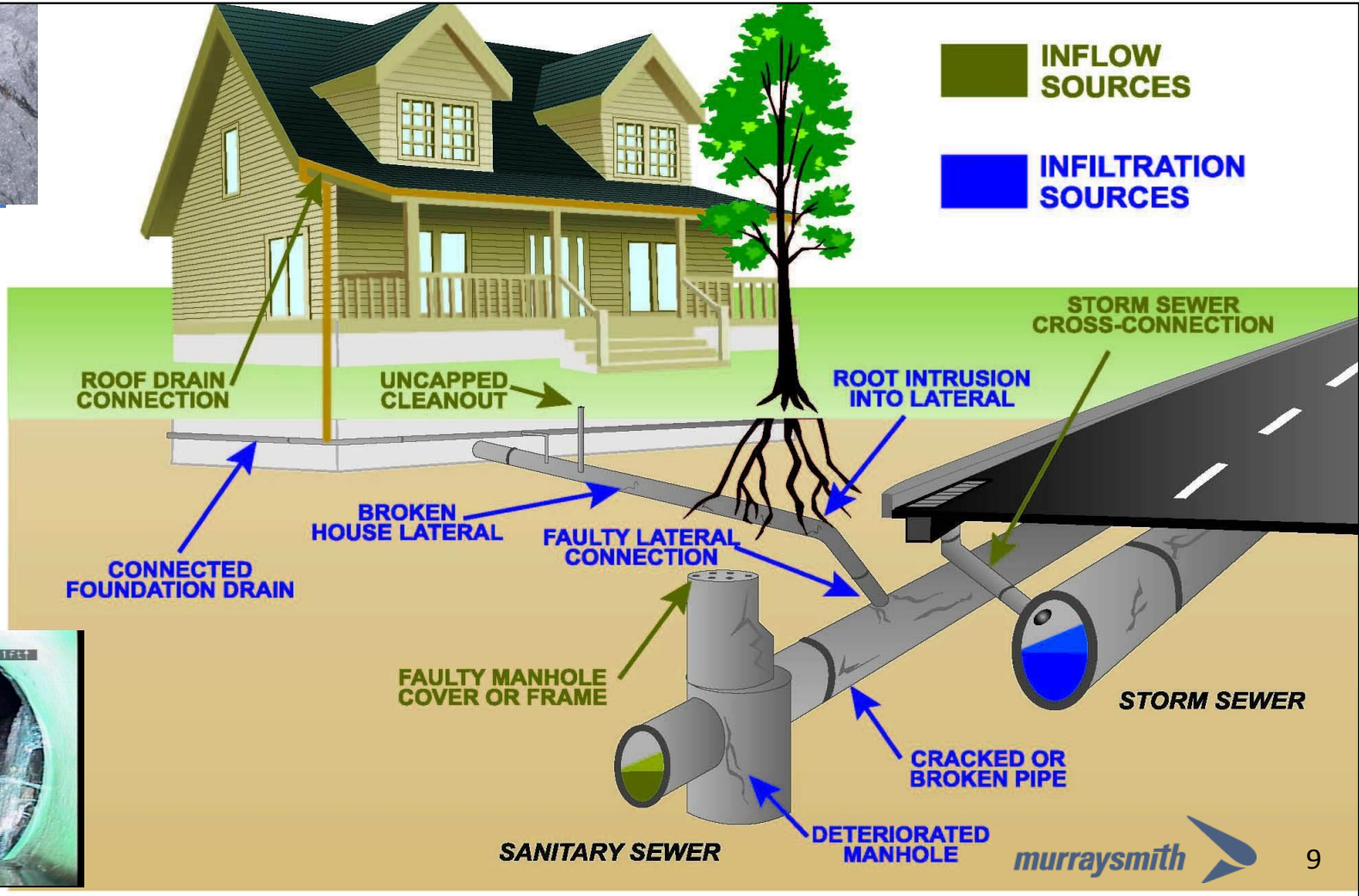
- High Inflow and Infiltration in the City's sanitary sewer collection system
- Existing Wastewater Treatment Plant (WWTP) has limited capacity and is located on a constrained site
- Limited discharge capacity in Tickle Creek
- City now under Mutual Agreement and Order (MAO)

Balancing Collection System and Treatment Plant Investments

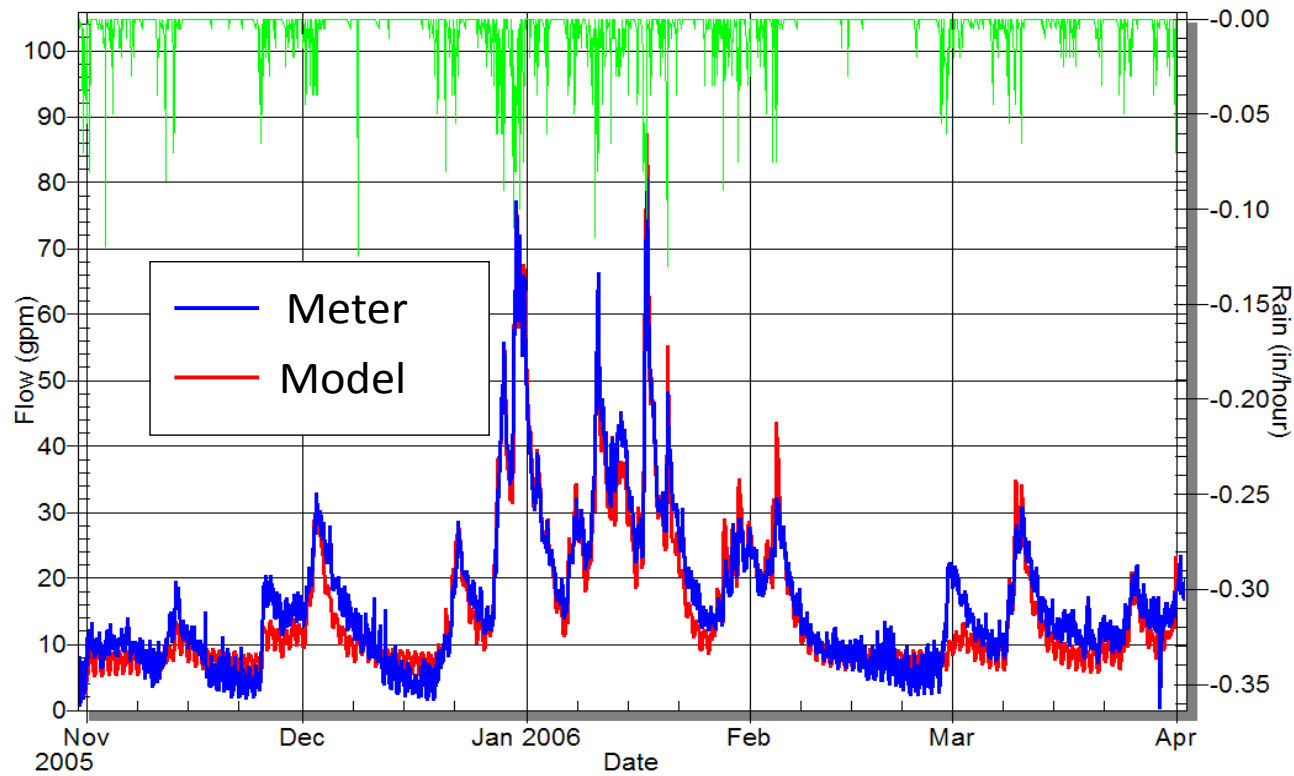


2. Collection System



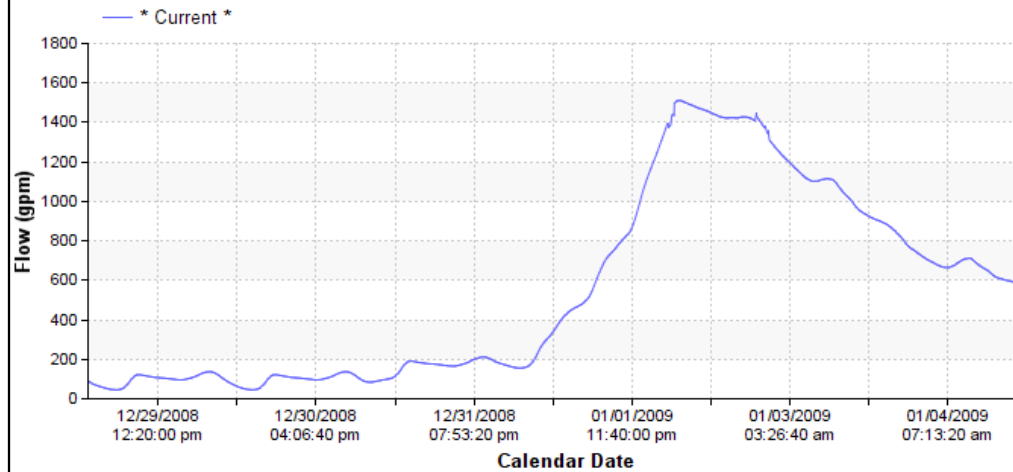


Flow Monitoring and Modeling



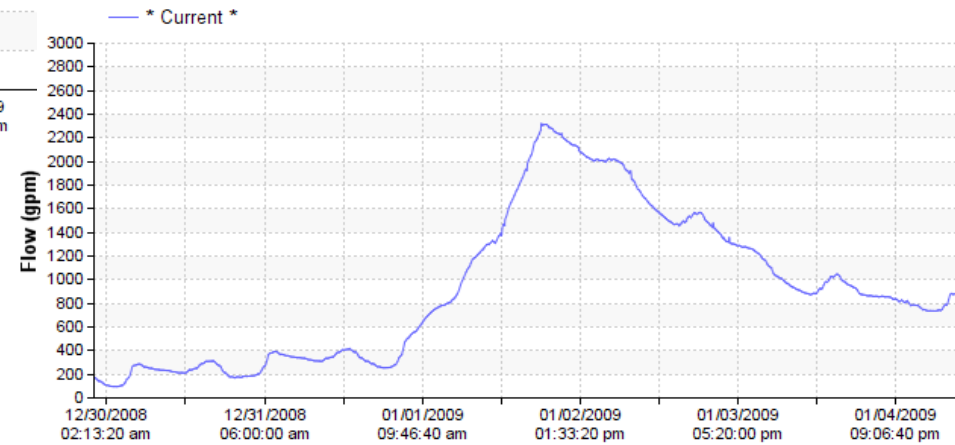
Sandy Wet-Weather Response – Basin 8

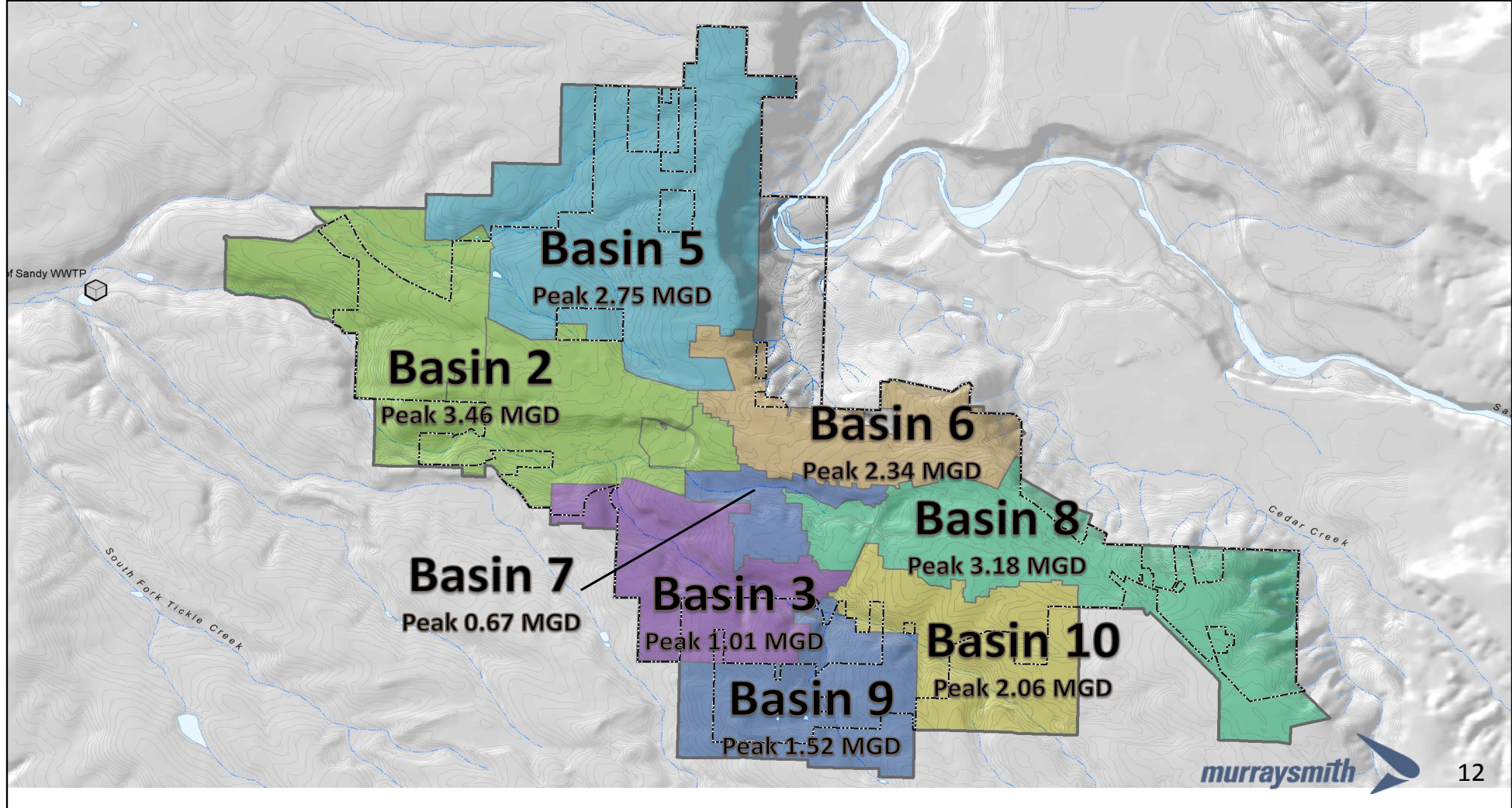
Conduit SSML0267



- 15:1 peaking factor
- Flows remain elevated

Conduit SSML0267



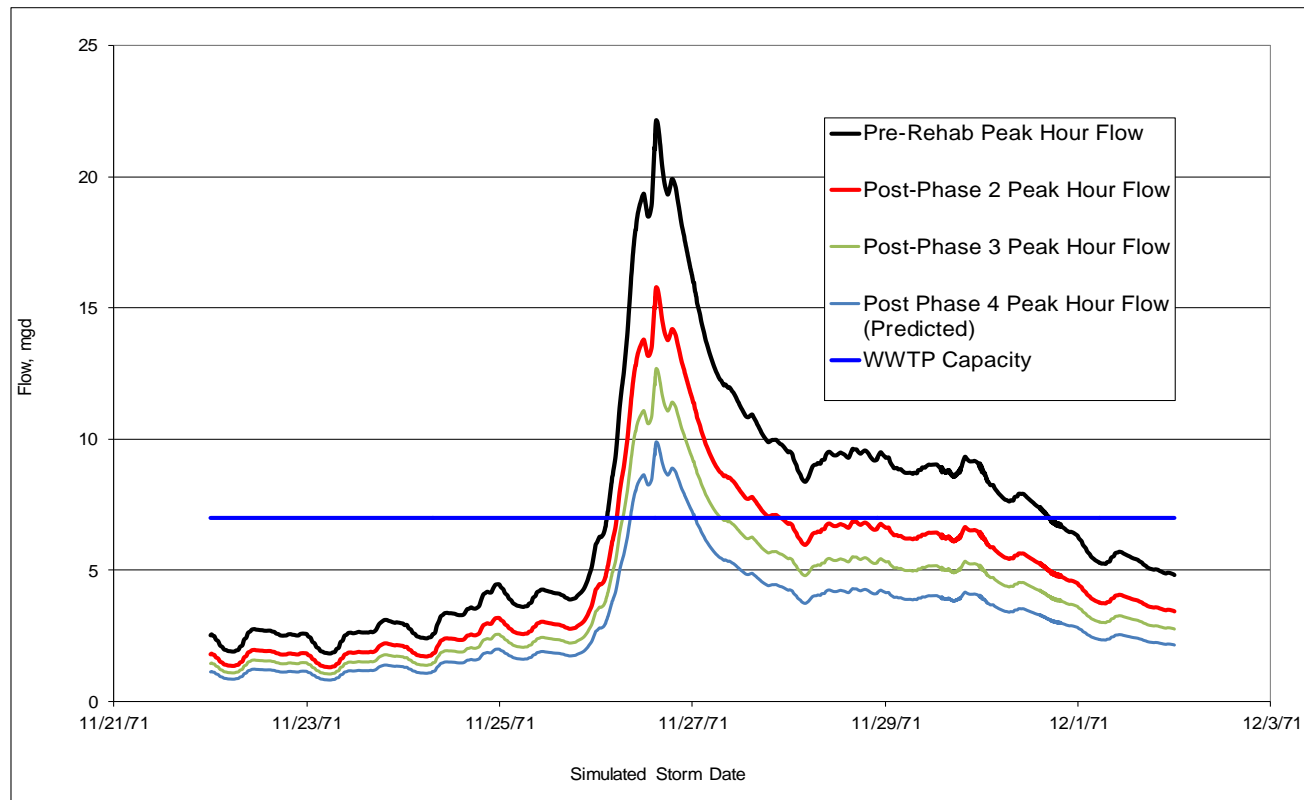


Cost-effectiveness of Rehabilitation Strategies

Method	% Peak I/I Removal
Mains and Laterals	65 to 88%
Mains and ROW Laterals Only	40%
Mainlines Only	12 to 16%

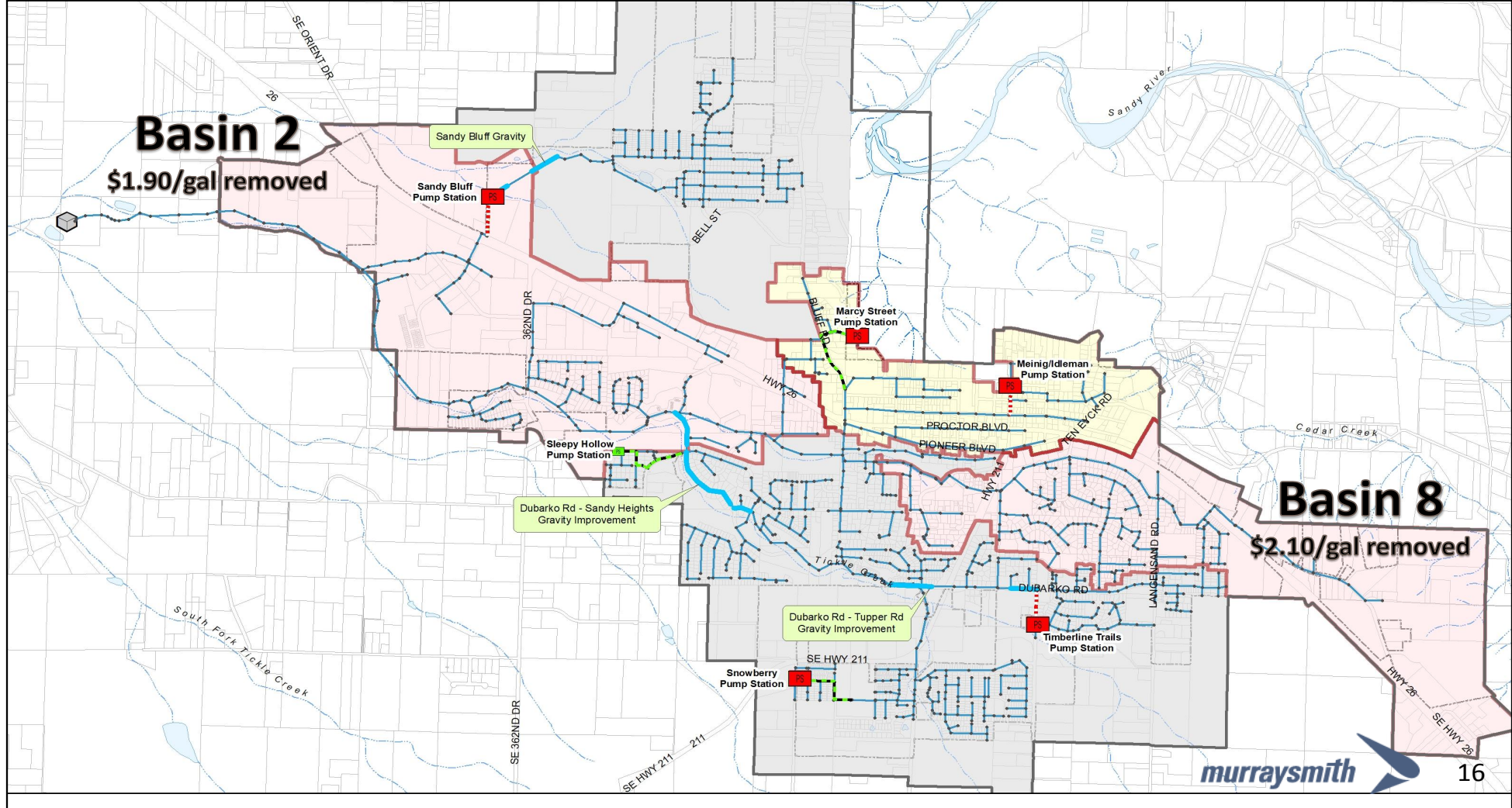
Method	\$/gallons removed
Mains and Laterals	0.41
Laterals Only	26.40
Mainlines Only	27.79

Long-Term Commitment to Program (example: Sweet Home, Oregon)



Initial Phases Generally Most Effective (example: Sweet Home, Oregon)

Phase	Cost	I/I reduction	\$/gallons removed
1 and 2	\$3.0M	6.4 mgd	0.47
3	\$3.1M	2.2 mgd	1.41
4	\$6.0M	2.1 mgd	2.86



Next Steps

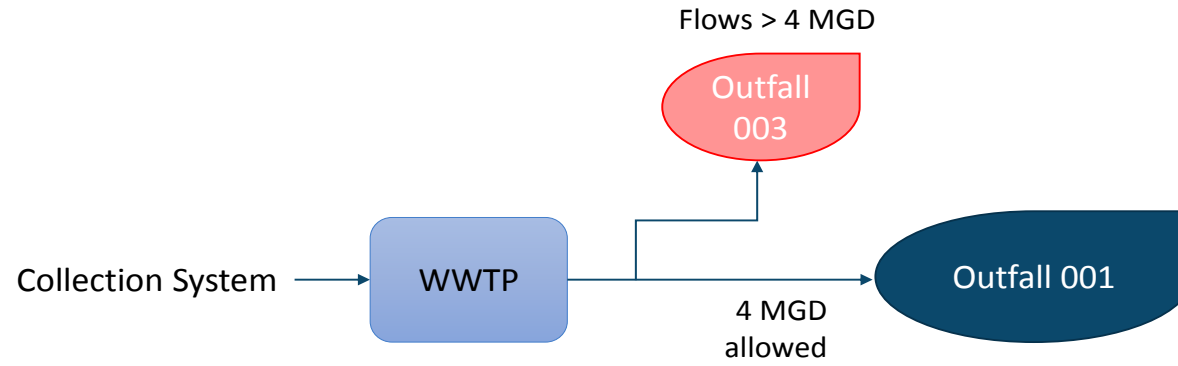
- Smoke Testing (City-wide)
- Remove Inflow Sources
- CCTV (Basins 2 and 8)
- Develop Private I/I Policy
- Flow Monitoring



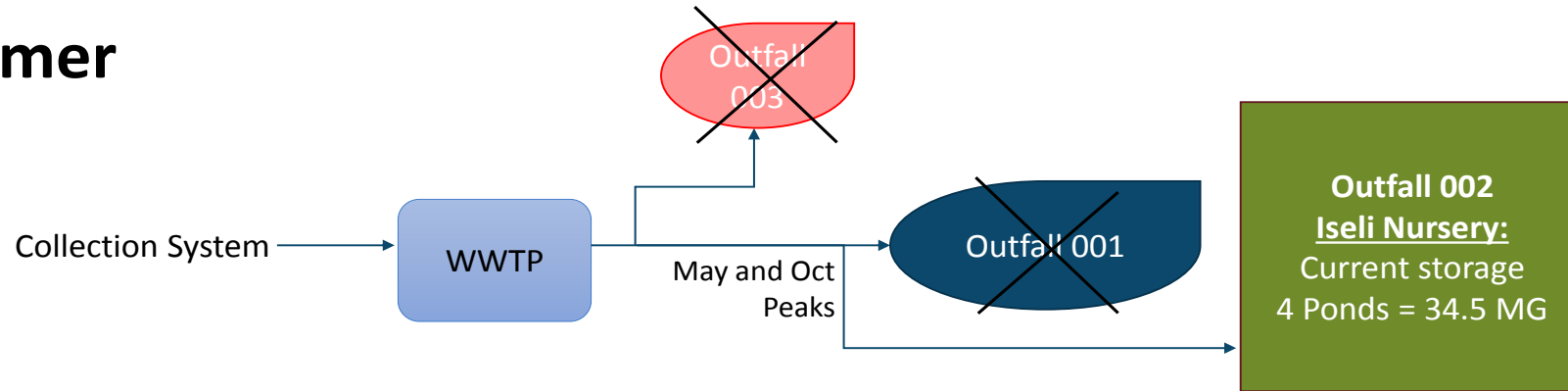
3. Regulatory Background



Winter



Summer



Permitted Discharge Concentration and Mass Load Limits

Parameter	Average Effluent Concentrations		Monthly* Average lb/day	Weekly* Average lb/day	Daily* Maximum lbs
	Monthly	Weekly			
BOD ₅	10 mg/L	15 mg/L	125	187	250
TSS	10 mg/L	15 mg/L	125	187	250

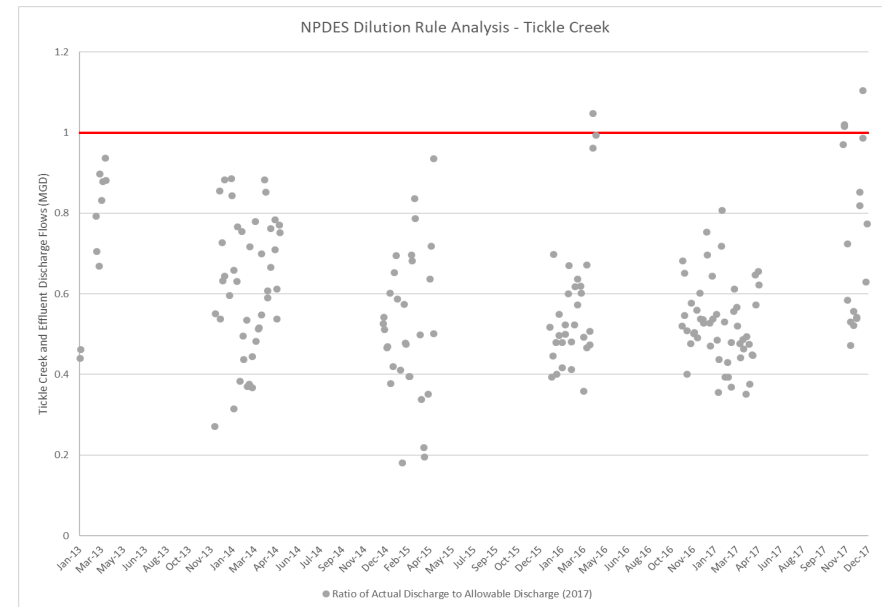
- Tickle Creek discharge Nov-April Only
- Three Basin Rule (OAR 340-041-0350) does not allow mass load limits increase in the Clackamas River Sub-basin.
- Based on current mass loads, 2040 design effluent BOD and TSS concentrations ~ 3.5 mg/L (much less than permitted average effluent concentrations)

Dilution Criteria Evaluation

Currently, exceeding Tickle Creek discharge limits based on NPDES dilution criteria

Need more river flow!

Deep Creek Confluence Flow is estimated to be 2.3X Tickle Creek flow at current outfall.

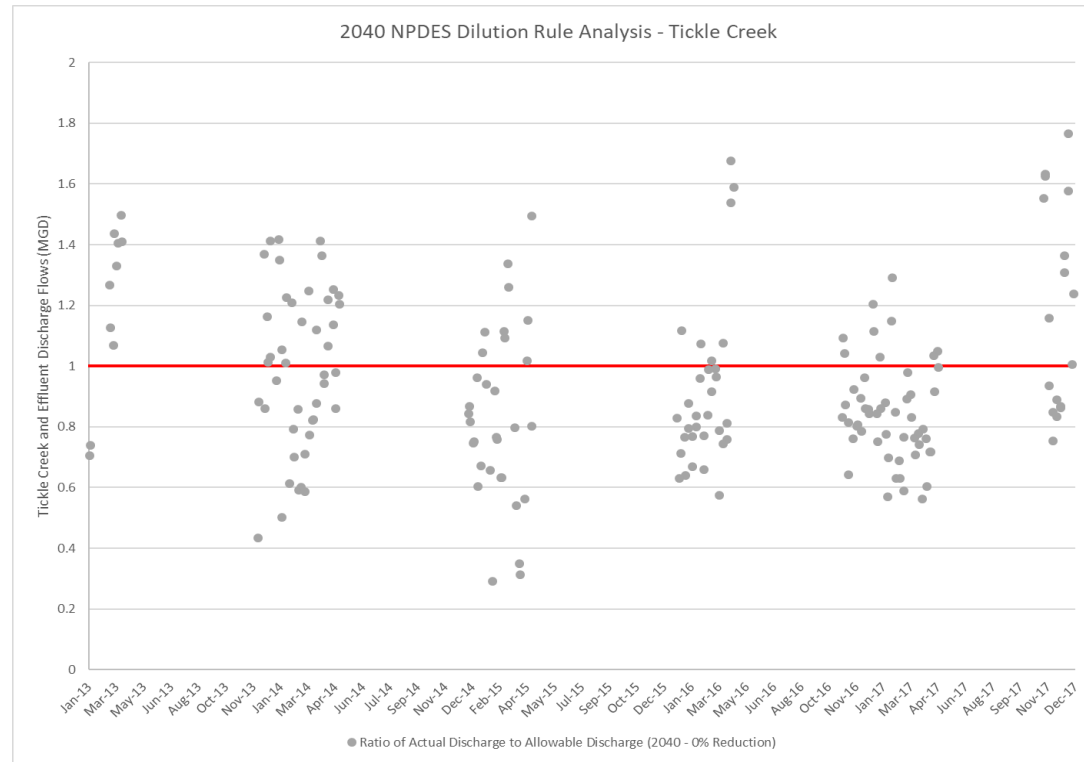


Dilution = $(Q_s + Q_e)/Q_e \geq 10$, where

Q_s = Tickle Creek flow measured at gauge, per Schedule B, 1.e (Note7).

Q_e = Effluent flow measured, per Schedule B, 1.b.

Projected 2040 Dilution Rule Exceedances



Summer Storage Requirements

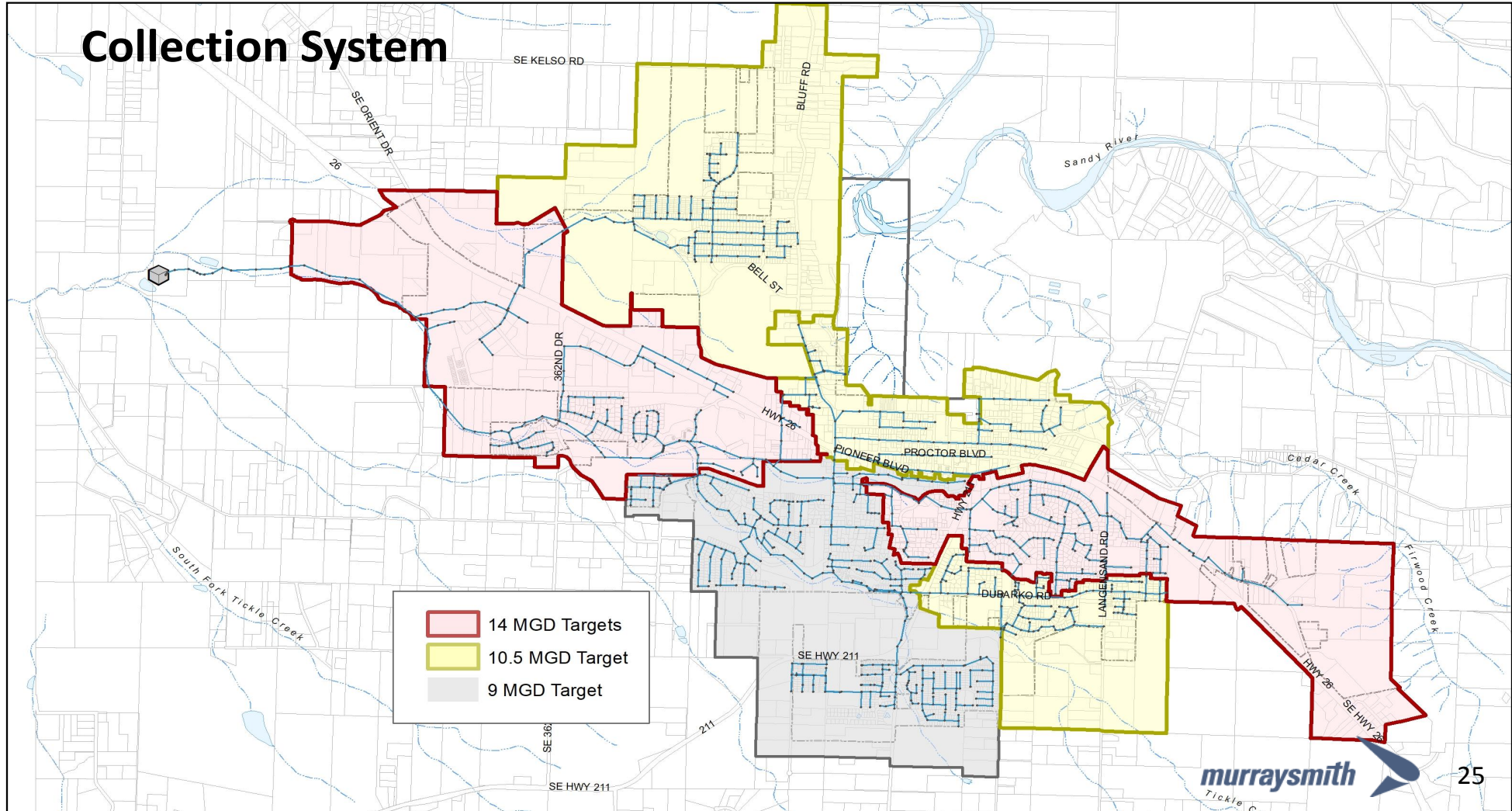
- For the potted plants, Iseli irrigates when dry soils are observed.
- Limited irrigated in shoulder months (May & Oct).
- Issues of having available storage capacity during wet months.
- Need more pond volume to continue current summer season irrigation.



4. Alternatives



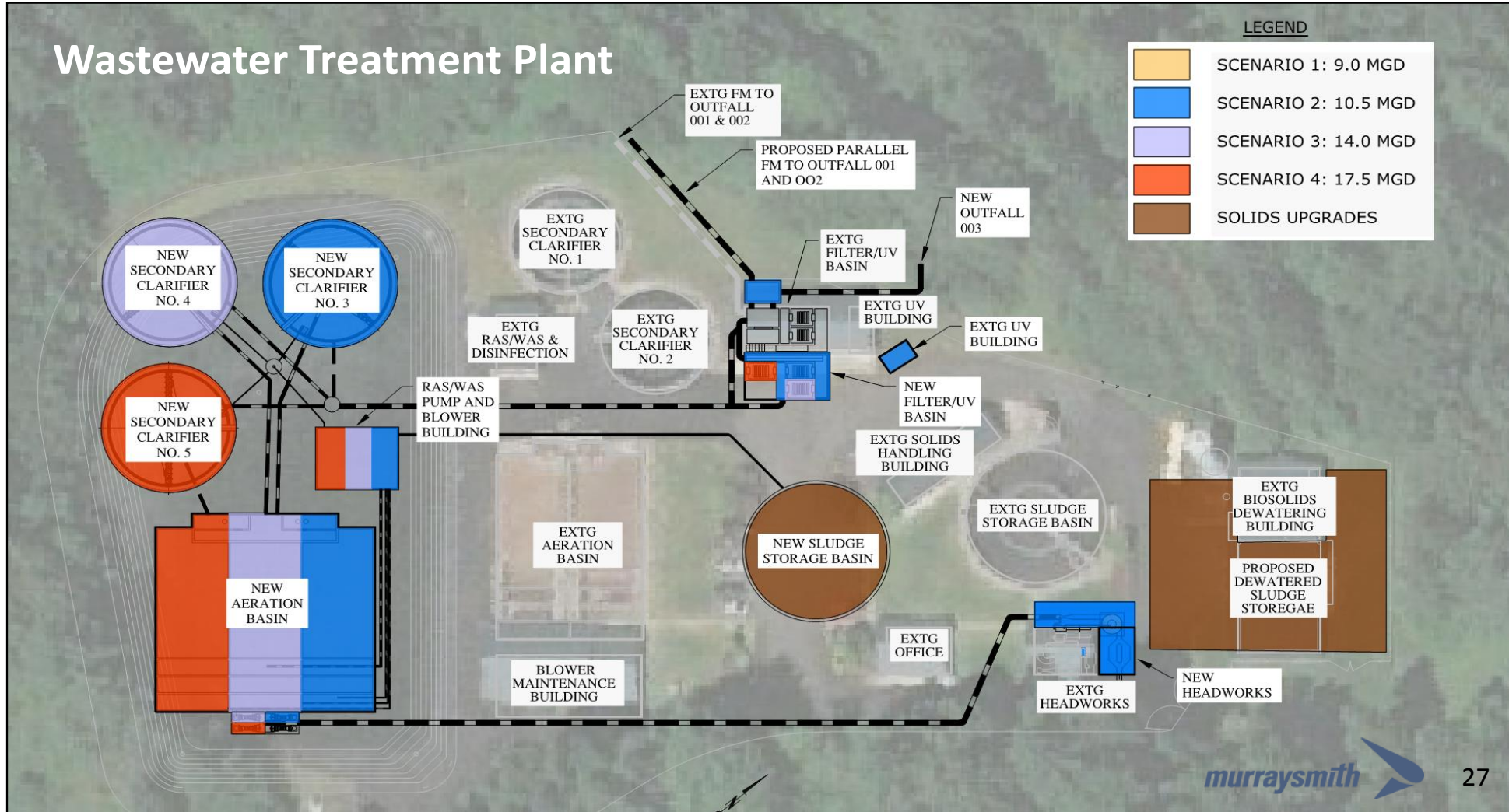
Collection System



Summary of Costs for Collection System for Peak Flow Scenarios

Item	9.0 MGD	10.5 MGD	14.0 MGD	17.5 MGD
Collection System Rehabilitation	\$31.7 M	\$17.9 M	\$6.2 M	\$0 M
Conveyance and Pump Station Upgrades	\$3.8 M	\$5.4 M	\$10 M	\$11.9 M
Total	\$35.5 M	\$23.4 M	\$16.2 M	\$11.9 M

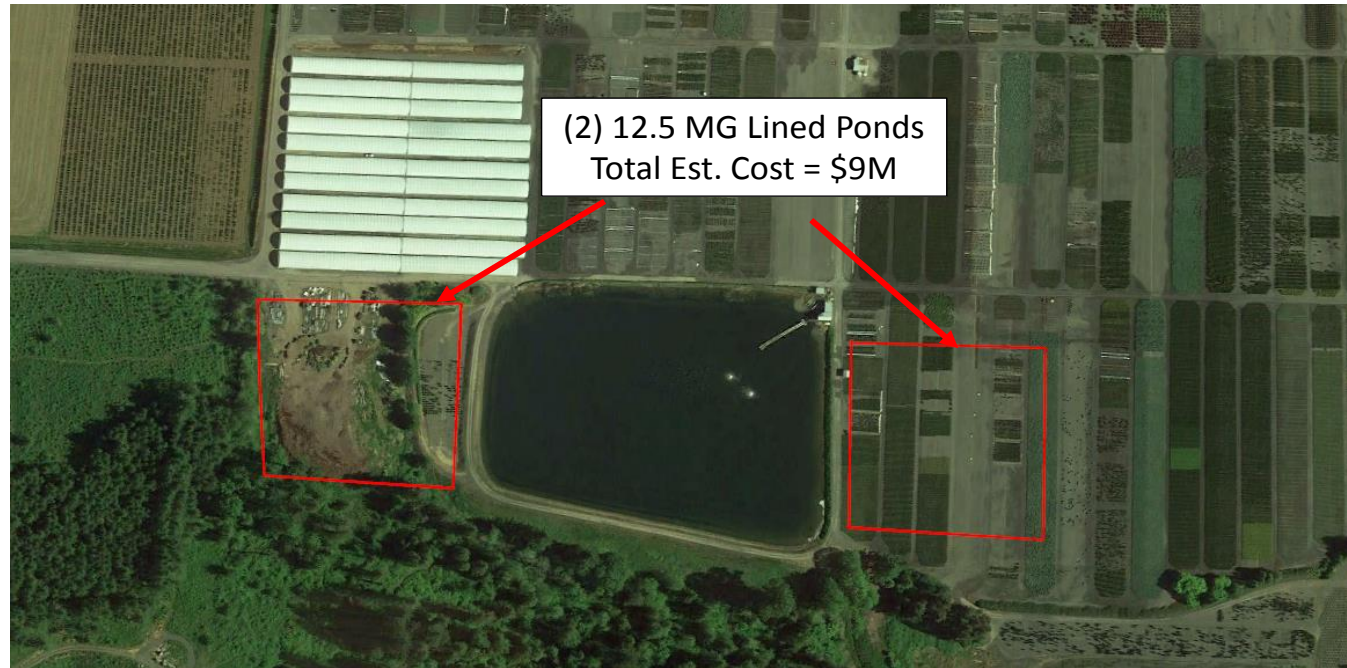
Wastewater Treatment Plant



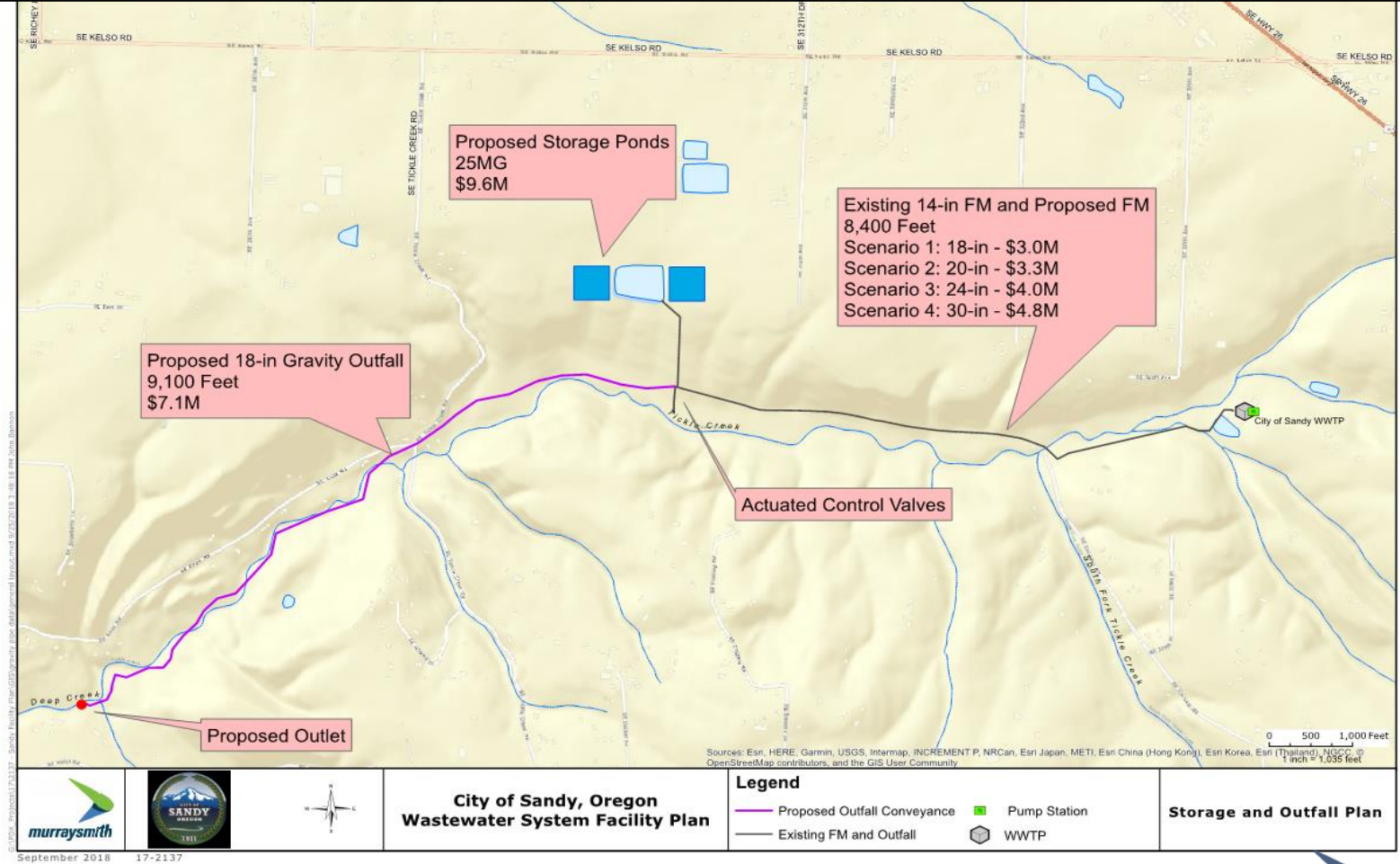
Summary of Costs for WWTP Upgrades for Peak Flow Scenarios



Item	9.0 MGD	10.5 MGD	14.0 MGD	17.5 MGD
Liquid Stream Upgrades	\$ 9.24 M	\$ 12.38 M	\$ 17.45 M	\$ 24.11 M
Solids Stream Upgrades	\$ 6.93 M	\$ 6.93 M	\$ 7.62 M	\$ 7.62 M
Total	\$ 16.17 M	\$ 19.31 M	\$ 25.07 M	\$ 31.73 M

Proposed Storage Ponds Location



Proposed Outfall Location




**City of Sandy, Oregon
Wastewater System Facility Plan**

Legend

- Proposed Outfall Conveyance
- Existing FM and Outfall
- Pump Station
- WWTP

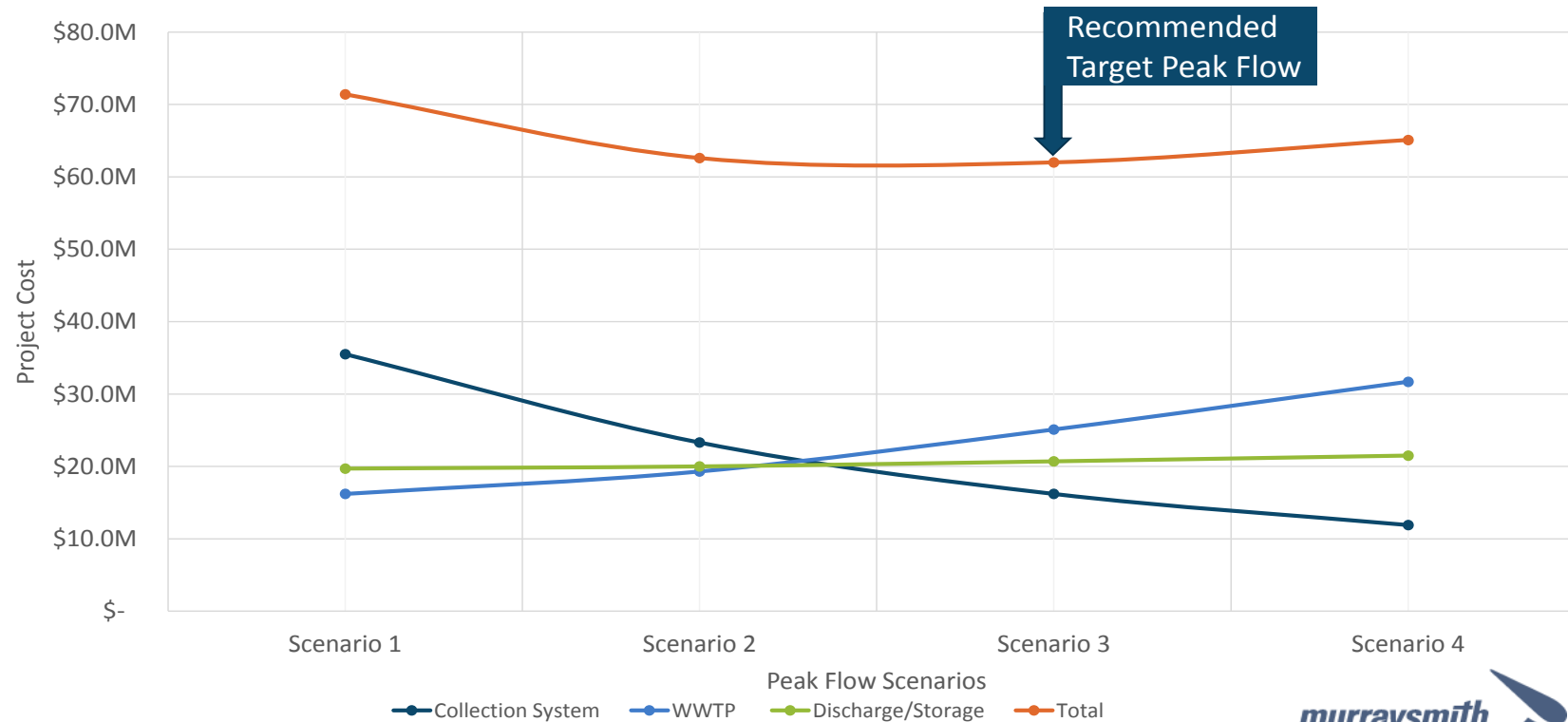
Storage and Outfall Plan



Combined Summary of Costs

Item	9.0 MGD	10.5 MGD	14.0 MGD	17.5 MGD
Collection System Upgrades	\$35.5M	\$23.3M	\$16.2M	\$11.9M
WWTP Upgrades	\$16.2M	\$19.3M	\$25.1M	\$31.7M
Storage/Discharge Upgrades	\$19.7M	\$20M	\$20.7M	\$21.5M
Total	\$71.4M	\$62.6M	\$62.0M	\$65.1M

Combined Treatment and RDII upgrades Costs



5. Recommended Plan and Phasing

- Treatment system
- Collection system
- Discharge scenarios



So... Looking to the Sandy River

- 1993 WSFP evaluated four discharge alternatives
 1. Tickle Creek/Iseli Nursery
 2. Sandy River
 3. Clackamas River
 4. Export to Gresham
- Sandy River discharge was a close second in their evaluation

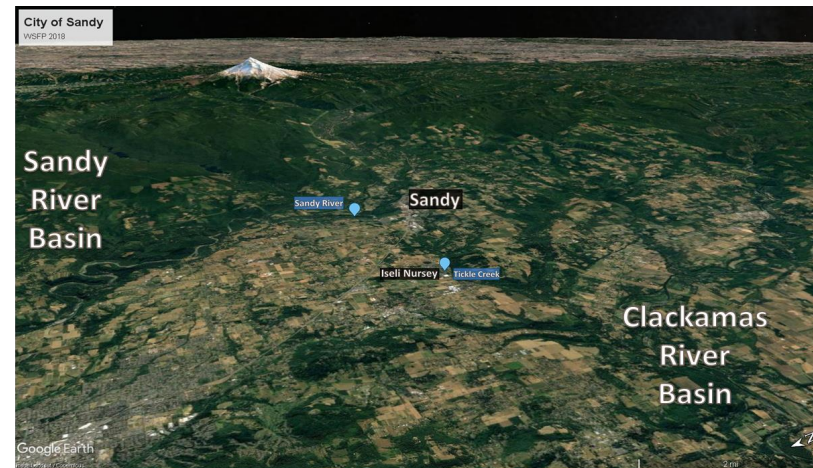


Image Source: Google Earth Pro

Considered Four Sandy River Discharge Alternatives

- **Alternative A** – Existing WWTP site with existing process approach and effluent pump station to the Sandy River
- **Alternative B** – Existing WWTP site with partial MBR conversion and effluent pump station to the Sandy River
- **Alternative C** – Existing WWTP site with primary clarifiers, anaerobic digestion, and effluent pump station to the Sandy River
- **Alternative D** – Existing WWTP site with primary clarifiers and anaerobic digestion. Satellite MBR WW Facility

Considered Four Sandy River Discharge Alternatives

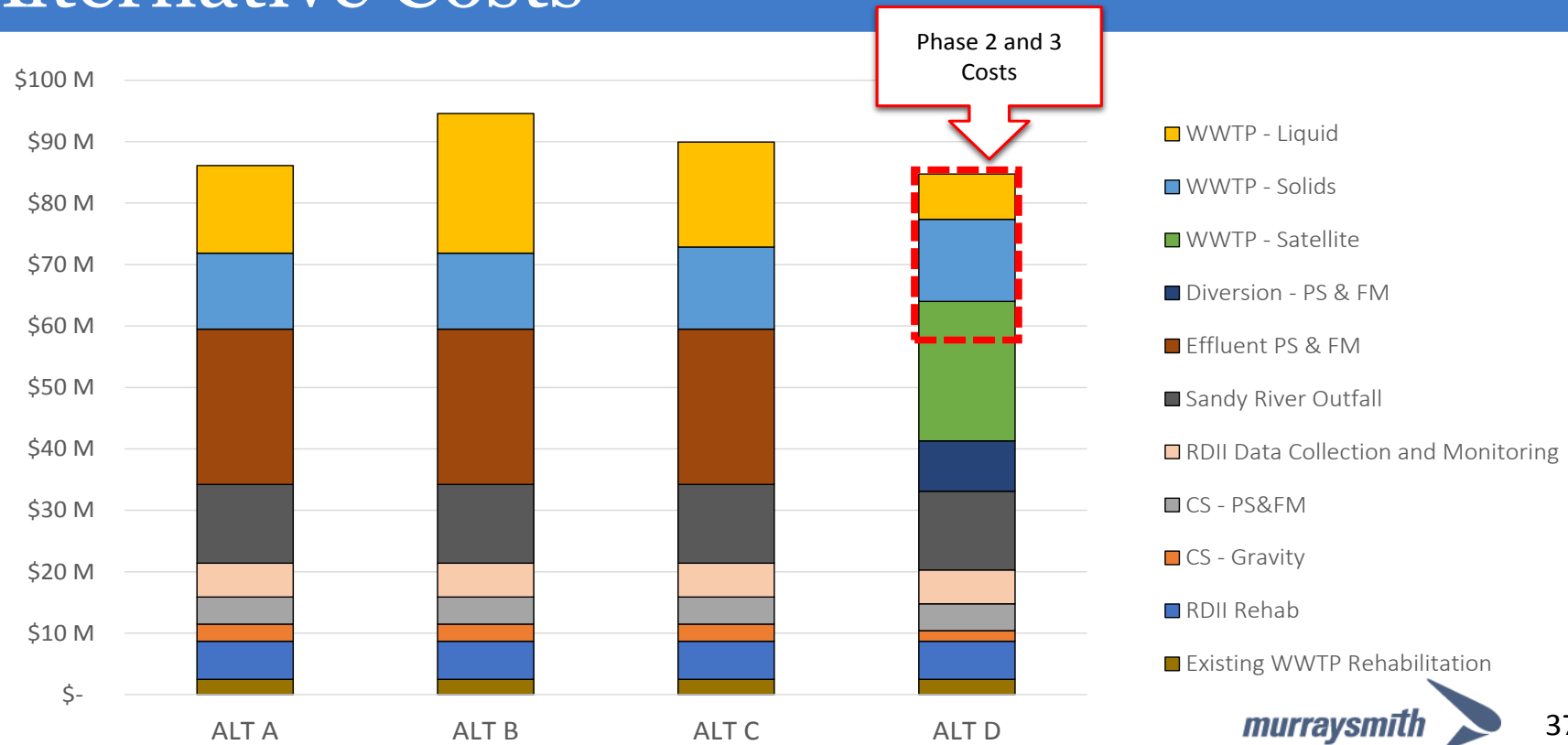
- **Alternative A** – Existing WWTP site with existing process approach and effluent pump station to the Sandy River

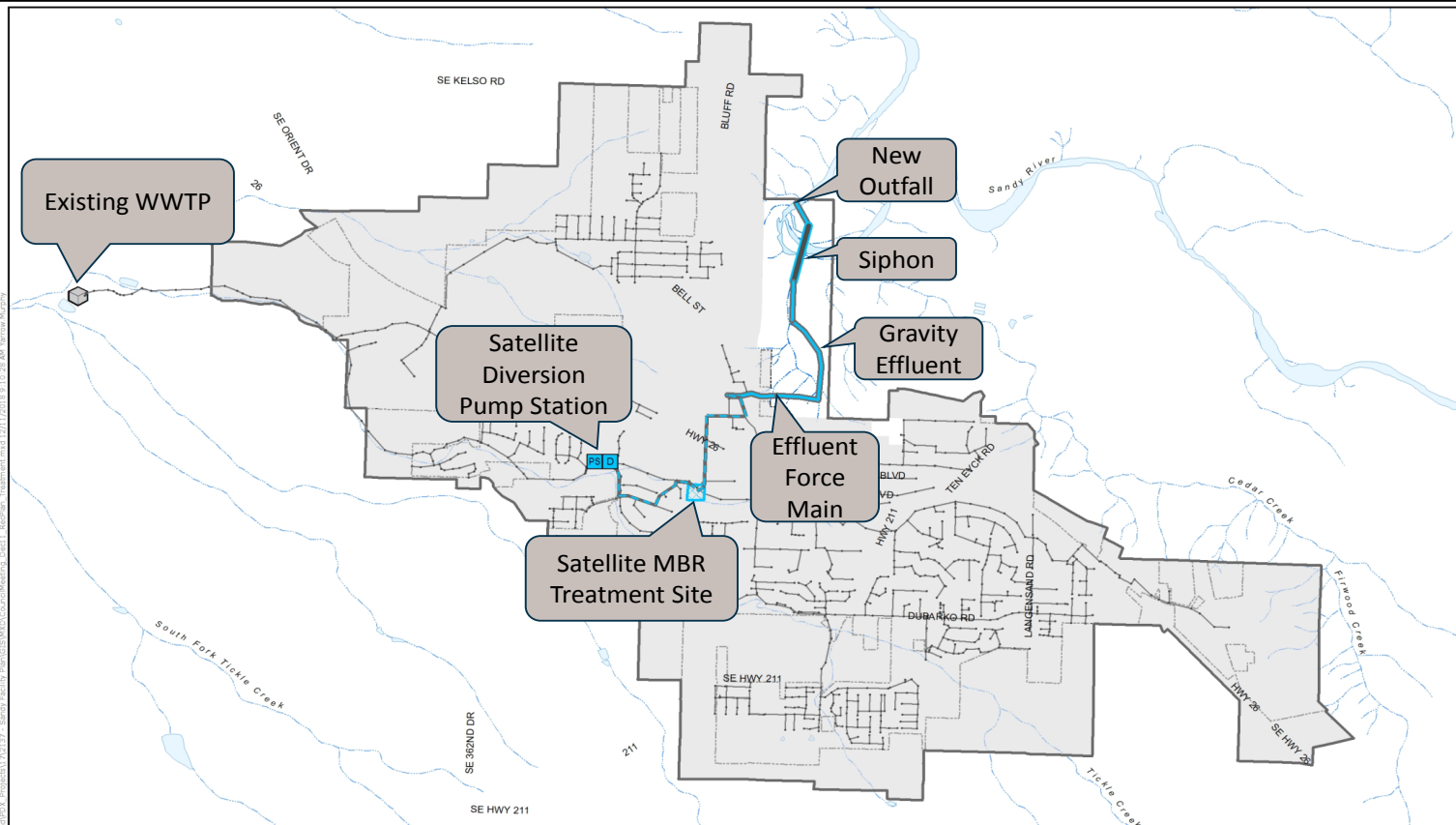
***ALL INVOLVE PUMPING TO SANDY RIVER
FROM EXISTING WWTP***

- **Alternative B** – Existing WWTP site with partial MBR conversion and effluent pump station to the Sandy River
- **Alternative C** – Existing WWTP site with primary clarifiers, anaerobic digestion, and effluent pump station to the Sandy River

- **Alternative D** – Existing WWTP site with primary clarifiers and anaerobic digestion. Satellite MBR WW Facility

Summary of Sandy River Discharge Alternative Costs







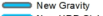







City of Sandy, Oregon
Wastewater System Facility Plan

 UGB

Effluent Improvements

-  New Force Main
-  New Gravity
-  New HDD Siphon
-  Satellite MBR
-  Pump Station

Diversion


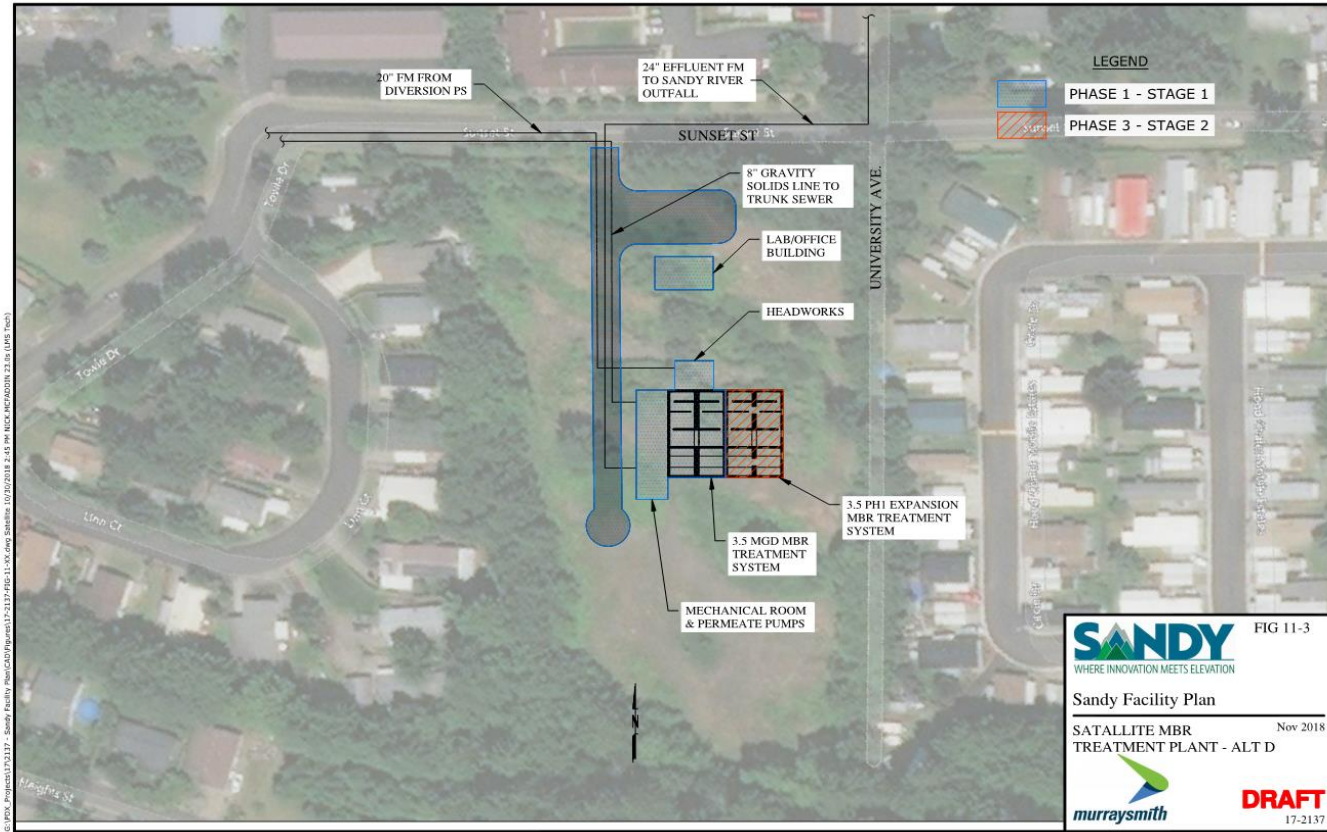
-  Diversion

Figure
Collection System
Improvements
Alternative D



Alternative D – Satellite Facility



SANDY FIG 11-3
 WHERE INNOVATION MEETS ELEVATION

Sandy Facility Plan

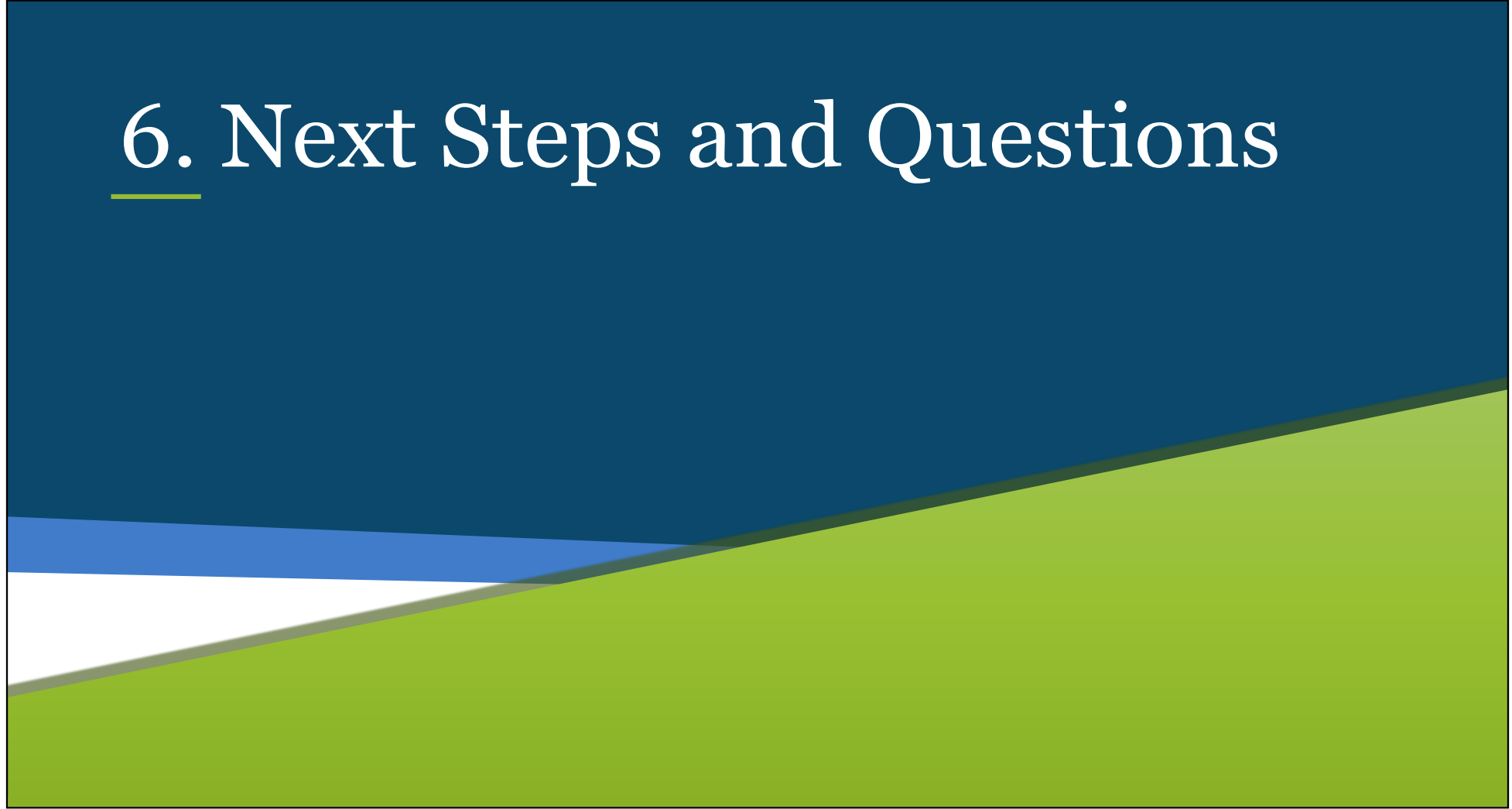
SATALLITE MBR TREATMENT PLANT - ALT D Nov 2018

murraysmith **DRAFT** 17-2137

Phased Implementation Plan

Phase 3 Wastewater CIP	Phase 1 (2018-2025)	Phase 2 (2025-2032)	Phase 3 (2032-2040)	Beyond 2040
Collection System Capacity Upgrades	\$ 4.30 M	\$ 0.90 M	\$ 0.9 M	-
Collection System RDII Reduction Program	\$ 8.34 M	\$ 1.60 M	\$ 1.80 M	\$ 12.00 M
Existing WWTP Improvements	\$ 2.50 M	\$ 19.80 M	\$ 1.40 M	-
Eastside Satellite Treatment Facility	\$ 19.20 M		\$ 3.50 M	-
Diversion Pump Station	\$ 7.20 M			
Force main to Sandy Outfall	\$ 1.00 M			
Sandy River Outfall	\$ 12.80 M			
Iseli Pump Station Upgrades/ Effluent Pump Station & Force Main to Sandy River	\$ 1.40 M			\$ 25.30 M
Total	\$ 56.74 M	\$ 22.30 M	\$ 7.60 M	\$ 37.30 M

6. Next Steps and Questions



WSFP Implementation Schedule

- January 16, 2019 – Incorporate DEQ comments into Draft Facilities Plan and re-submit
- January 18, 2019 – make Draft available to the public and solicit comments
- February 1, 2019 – DEQ submits comments on updated Draft Facilities Plan
- February 4, 2019 or February 19, 2019 – potential dates for public hearing
- Date for close of comment period (TBD)
- March 3, 2019 – Incorporate public comments and resubmit to DEQ
- March 18, 2019 – DEQ must provide provisional approval or approval of Facilities Plan
- Beyond March 2019 – Implement Recommended Plan adopted by City Council

Questions

A. – Existing WWTP site with existing process approach and effluent pump station to the Sandy River

- Upgrade existing treatment plant with existing processes
- Rehab 2 basins
- New effluent pump station to Sandy River Outfall

Item	Cost
WWTP Upgrades	\$30.5M
Collection System Upgrades	\$13.4M
Effluent Infrastructure	\$38.1M
Total	\$82.0M

B. – Existing WWTP site with partial MBR conversion and effluent pump station to the Sandy River

- Upgrade existing treatment plant with advanced treatment technology
- Rehab 2 basins
- New effluent pump station to Sandy River Outfall

Item	Cost
WWTP Upgrades	\$39.0M
Collection System Upgrades	\$13.4M
Effluent Infrastructure	\$38.1M
Total	\$90.5M

C. – Existing WWTP site with primary clarifiers, anaerobic digestion, and effluent pump station to the Sandy River

- Upgrade existing treatment plant and improve solids handling
- Rehab 2 basins
- New effluent pump station to Sandy River Outfall

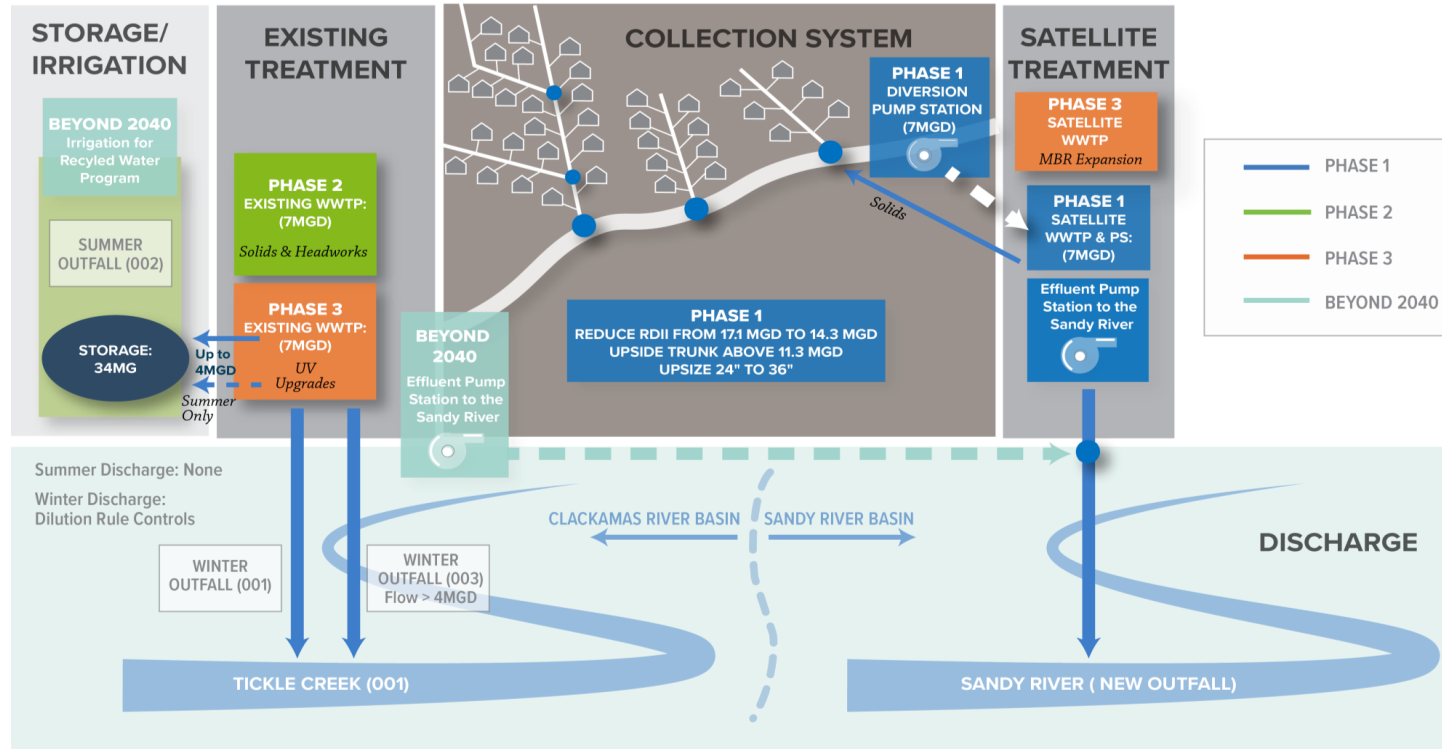
Item	Cost
WWTP Upgrades	\$34.3M
Collection System Upgrades	\$13.4M
Effluent Infrastructure	\$38.1M
Total	\$85.8M

D. – Existing WWTP site with primary clarifiers and anaerobic digestion. Satellite MBR WWR

- Split treatment with Existing WWTP and New Eastside satellite treatment facility construction
- Rehab 2 basin
- Satellite treatment facility effluent pump station and New Sandy River Outfall

Item	Cost
WWTP Upgrades	\$47.3M
Collection System Upgrades	\$12.3M
Effluent Infrastructure	\$21.0M
Total	\$80.6M

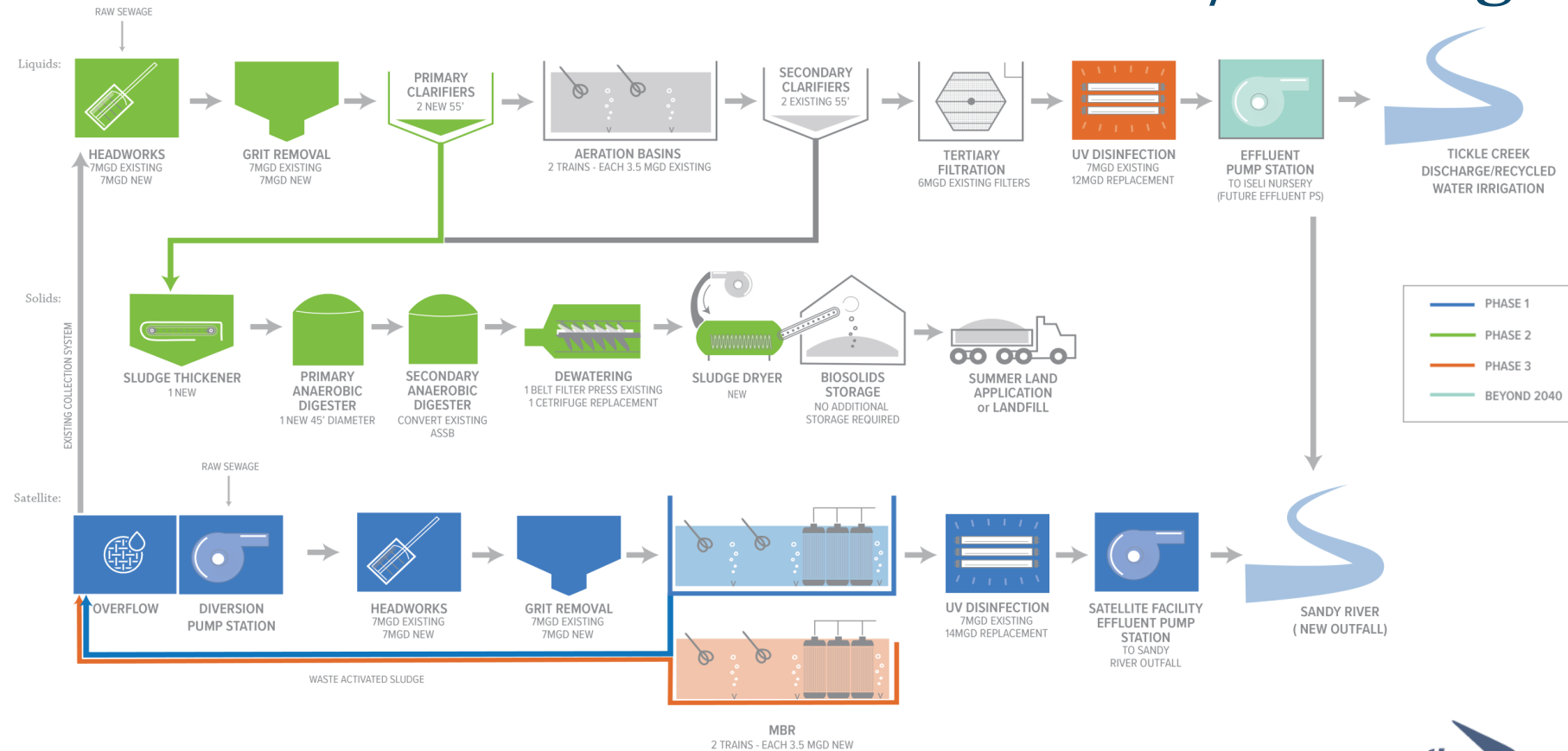
Overview of Recommended Improvements

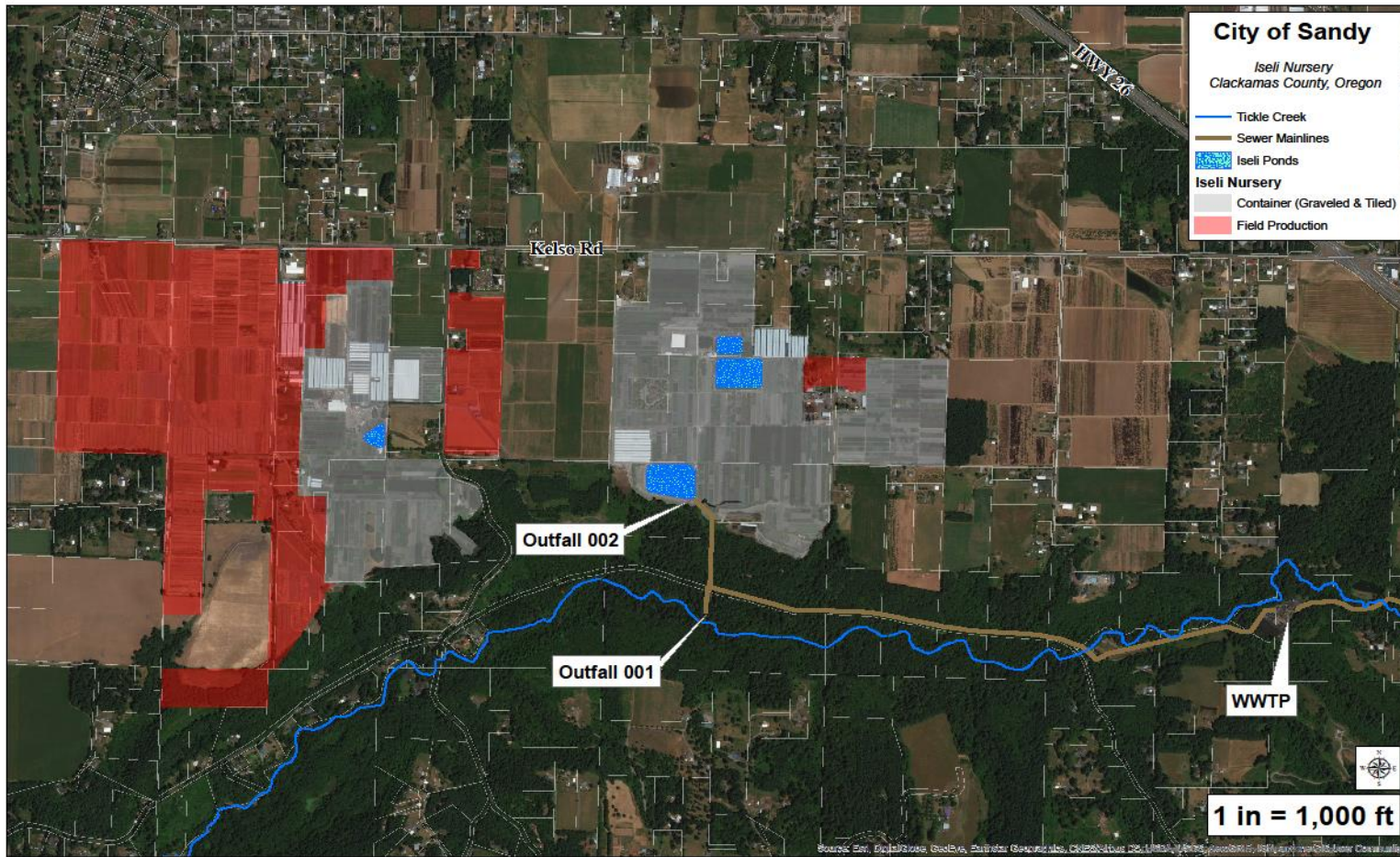


THE PLAN PROVIDES FOR:

- Avoids new trunkline to existing WWTP
- Delays major upgrades at existing WWTP and new effluent pump station and force main
- Greatest ability to phase improvements
- Long-term river discharge to support community growth

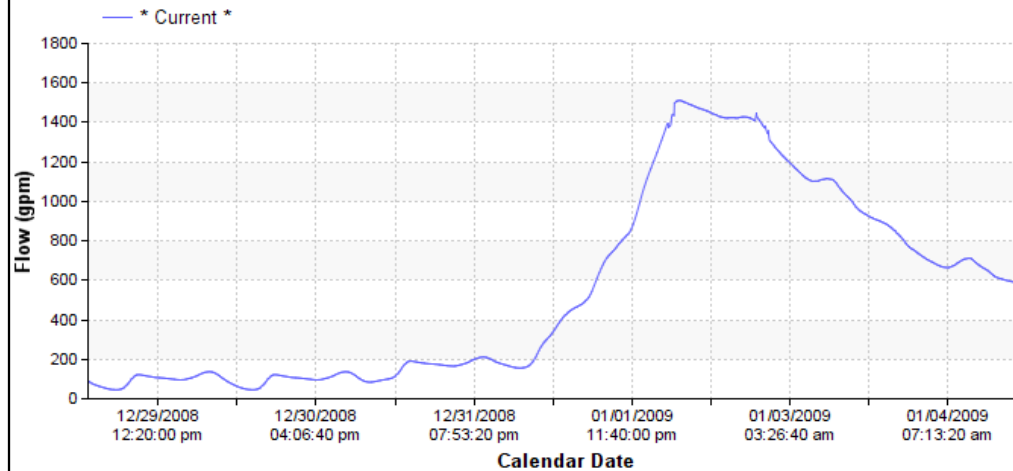
Alternative D – Process Schematic/Phasing





System Wet-Weather Response

Conduit SSML0267



- Basin 8
 - 15:1 peaking factor
 - Flows remain elevated

Conduit SSML0267

