

Sandy Clear & Objective Code Audit

Code changes recommended by the Sandy Planning Commission and City Staff

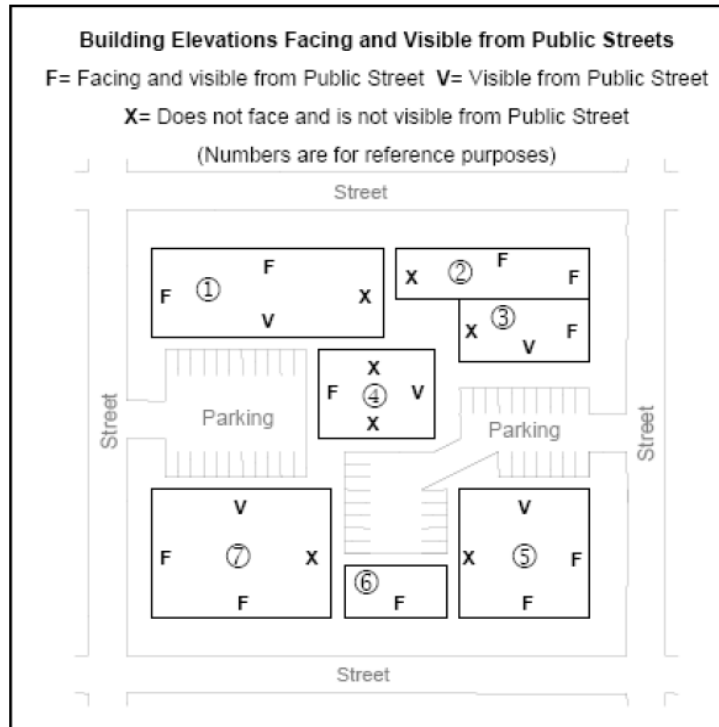
At the public hearing on January 22, 2024 for File Number 23-046 DCA, the Planning Commission recommended multiple revisions to the draft Development Code amendments as part of the Clear and Objective Code Audit. Most of the recommended changes are relatively minor. City staff and the consultant team discussed these changes and identified several additional related changes needed for consistency throughout the Code. This document summarizes the changes made between the Planning Commission Hearing Draft (dated January 22, 2024) and the City Council Hearing Draft (dated February 20, 2024).

NOTE: Page numbers refer to the Code packet itself, not the agenda packet.

- **Throughout the packet:** Updated the references to Oregon Revised Statutes (ORS) 197 that are now in ORS 197A. Much of ORS 197 was renumbered at the end of 2023 based on recent legislative changes.
- **Page 7:** The prior draft included specific definitions for “affordable housing,” based on the eligibility criteria in Chapter 17.88 and associated state legislation. Instead of re-iterating those definitions in Chapter 17.10, staff recommends simply pointing to Ch. 17.88 where the criteria are detailed.
- **Page 18:** Deleted the diagram illustrating examples of building elevations “facing” and “visible” from public streets (see diagram below). Planning Commissioners noted that the diagram causes confusion because the right-facing side of building #4 appears to meet the definition of “facing” a public street. City staff identified other issues with the diagram and recommends deleting it rather than attempting to fix it.

Related updates:

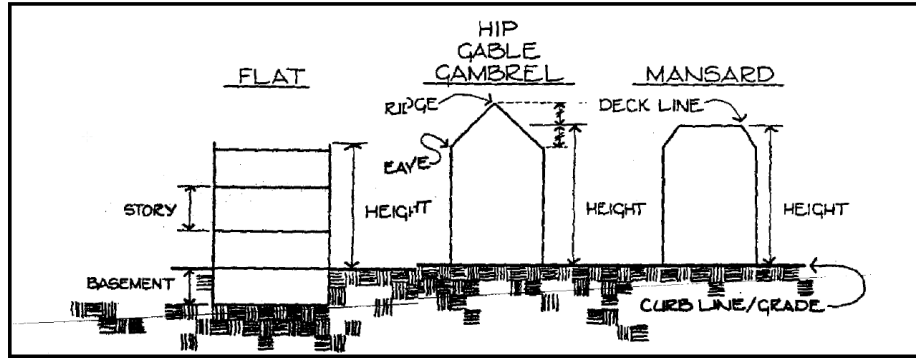
- **Page 40:** Deleted the reference to this diagram in the “visible (building elevation)” definition on.
- **Page 18:** Updated the definition of “facing (building elevation)” to clarify that elevations must be visible from the street and not obstructed by another building.
- **Page 139:** Updated the “Required Design Elements” standards for street-facing facades of ADUs in Sec. 17.74.70.C.4. The prior draft indicated that the standards “apply even if the ADU is located behind the primary residence.” However, that would technically disqualify the façade from meeting the updated “street-facing” definition, which specify that the façade is not obstructed by another building. Staff recommends updating the standard to indicate that if the ADU is behind the primary residence, the design standards apply to the façade “closest to and within 45 degrees of” the street.



Facing and visible from a Public Street example

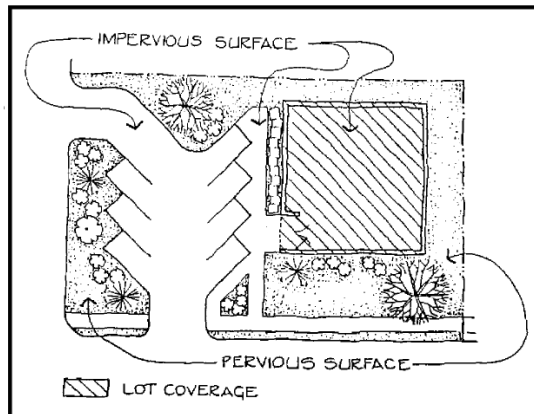
- Page 22:** Updated the definition of “grove (tree)” to include more than just native trees and to change the size threshold from 11 inches to 6 inches DBH. The term “grove” is only used in a few Code sections – in the application submittal requirements for Flood and Slope Hazard areas (Sec. 17.60.10) and in examples of “usable recreation areas” (Sec 17.90.110.M and 17.90.120.M). In both places, it makes sense to apply a somewhat broader definition of tree grove.
- Page 21-22:** Modified the “height of buildings” diagram (below) to remove “eave.” The building height definition specifies that height is measured to the “average height of the highest gable of a pitched or hipped roof.” Planning Commissioners noted that the diagram caused confusion as to whether the average height should be measured from the bottom of a roof eave. City staff’s practice is to not include the eave in the calculation.

Staff also recommends modifying the “height of buildings” definition to specify the “midpoint” of the highest gable, which is clearer than the “average height” of the highest gable.



Determining Building Height Example

- Page 24:** Deleted the “impervious surface” diagram. Planning Commissioners pointed out that parking lots can be paved with pervious pavement, which is not captured by the diagram. Staff noted that the diagram is outdated and should be removed.



Impervious Surface Example

- Page 32:** Revised the “primary entrance” definition to remove language that could be interpreted as conflicting with clear and objective requirements. The previous definition stated that a primary entrance is “typically emphasized” by architectural features, and included a list of potential features. Staff noted that where certain architectural features are required for primary entrances, that is specified in the Code standards (e.g., Sec. 17.90.110.B.2.), so it is not necessary to state this in the definition. Staff also notes that there can be multiple primary entrances to a building, including commercial buildings and multi-family buildings.

Staff also recommended updating the definition to specifying that the primary entrance is accessible to “all” building users, including employees, customers, residents, and visitors, “as applicable.”

Given that there can be multiple primary entrances, staff also recommended updating a few standards to note that “at least one” primary entrance must meet certain specifications –

for example, being oriented to the street. These changes were made on pages 105, 106, and 148.

- **Page 33:** Modified the format of the “recreational vehicle (area of special flood hazard)” definition to remove the numbered list and instead use semicolons for better consistency with the standard “recreational vehicle” definition.
- **Page 44:** Spelled out “MH parks” as “manufactured dwelling parks.”
- **Page 55:** Fixed the numbering in Sec. 17.20.50, where E and F had repeated.
- **Page 112:** Deleted “clusters” from “tree groves clusters.” Staff and consultants had intended to replace “clusters” with “groves” which is now defined in the code.
- **Page 150:** Added a reference to the 2022 Parks and Trails Master Plan, which may also specify locations for multiuse paths.
- **Pages 164-166, 226, and 241:** Updated the term “manufactured home park” to be “manufactured dwelling park.” This term was already changed in other sections of the code for consistency with the ORS.
- **Pages 171-173:** In 2023, House Bill 3151 expanded the eligibility for affordable housing projects permitted by-right, pursuant to ORS 197A.445 (i.e., Senate Bill 8 from 2021). The property ownership criteria were expanded to include: “A nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of affordable housing; a housing authority, as defined in ORS 456.005; and a manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.” Also, HB 3151 added to the eligible housing projects to include manufactured dwelling parks “that serve only households with incomes of 120 percent or less of the area median income.” These provisions have been incorporated into the Affordable Housing provisions in Sec. 17.88.100.
- **Pages 186 and 200:** Clarified the sentence requiring certain roof forms over primary building entrances. The sentence was reordered for clarity and staff recommended adding “shed roof” as an option, in addition to gabled roof. Shed roofs are frequently requested by applicants and approved by the City in commercial zones.

Also, a new definition for “shed roof” was added on page 35.
- **Pages 187 and 201:** Updated the requirement for certain siding materials to clarify that concrete fiberboard is distinct from composite-wood, and to also include “fiber cement” which is another term used for concrete fiberboard.
- **Page 198:** Fixed the reference to the 2011 TSP to be the 2023 TSP.

Relatedly, a new definition for “Transportation System Plan” was added on page 39.

- **Page 225:** Changed the reference to “significant tree specimens” to “significant trees.” The standard in Sec. 17.92.10.C notes that trees of 11-inches DBH or greater are considered significant.
- **Page 252:** Clarified the bicycle rack standard in Sec. 17.98.160.C.3. Planning Commissioners noted that the prior reference to “both cable and U-shaped locks” made it seem like the bicycle rack needed to accommodate both types of locks at the same time. By specifying that U-shaped locks can be used, the rack will also accommodate cable locks, which are more flexible.