



PLANNING COMMISSION MEETING

Tuesday, May 27, 2025 at 6:30 PM
Sandy City Hall and via Zoom

AGENDA

TO ATTEND THE MEETING IN-PERSON:

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

TO ATTEND THE MEETING ONLINE VIA ZOOM:

Please use this link: <https://us02web.zoom.us/j/85487621626>

Or by phone: (253) 215-8782; Meeting ID: 85487621626

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Approval of Minutes

REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON- AGENDA ITEMS

The Commission welcomes your comments at this time. Please see the instructions below:

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

DIRECTOR'S REPORT

- [2.](#) Director's Report for May 2025

COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

WORK SESSION

- [3.](#) Chapter 17.74 Work Session
- [4.](#) Chapter 8.36 Outdoor Burning Code Amendments

GOAL DISCUSSION

- [5.](#) Goal Priorities for 2025-2027

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) at least 48 hours prior to the scheduled meeting time if you need an accommodation to observe and/or participate in this meeting.

Sandy Planning Commission Regular Meeting Monday, January 13, 2025

Chair Wegener called the meeting to order at 6:30 p.m.

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Commissioner Crosby – Present
Commissioner Poulin – Present
Commissioner Zawaski – Present
Commissioner Malone – Present
Commissioner O’Leary – Present
Vice Chair Lee – Present
Chair Wegener – Present

Council Liaison Mayton – Present

Others present: Development Services Director Kelly O’Neill Jr., Executive Assistant Rebecca Markham, Senior Planner Patrick Depa, City Attorney Josh Soper

3. APPROVAL OF MINUTES – November 25, 2024

Chair Wegener asked for any edits to the draft minutes. With no requested edits, Wegener declared the minutes approved.

4. REQUESTS FROM THE FLOOR – CITIZEN COMMUNICATION ON NON-AGENDA ITEMS:

None

5. DIRECTOR’S REPORT

Development Services Director Kelly O’Neill Jr. reminded the Commission of the next Planning Commission meeting on the 18th of February which will be a joint work session with the City Council on “mass timber”. O’Neill provided a brief background on mass timber and how the City secured a grant from DLCD to assist with recommended code modifications so that mass timber products can be constructed in Sandy.

O’Neill provided the code enforcement year-end report for 2024. He said that out of the 451 closed cases this last year one-third of them were for noxious vegetation. O’Neill completed his report by mentioning the two City projects the Planning Division is currently working on. The reservoir upgrade on Revenue Avenue is in the beginning stages with a pre-application meeting occurring in January and staff is currently reviewing the design review application for the new Deer Pointe Park.

Chair Wegener asked staff how the “electronic plan review” was working for the building permit submittals. O’Neill explained that it has only been a few weeks since the State’s requirement to allow for electronic plan review was implemented. He also explained it’s been quite so far but that the department is prepared for electronic plan review. The Building Division purchased an iPlan Table that allows the Building Official to review the plans in actual size and hired a consultant, SAFEbuilt, to help with electronic plan review.

6. CITY COUNCIL LIAISON REPORT

City Council Liaison Chris Mayton said he'll find out at the next City Council meeting if he'll continue to be the City Council Liaison to the Planning Commission. He explained that the new Mayor will be completing the new liaison assignments.

7. SELECTION OF CHAIR AND VICE CHAIR

Commissioner Lee nominated Chair Wegener as Chair and Commissioner Crosby as Vice Chair. Commissioner Malone seconded the motion. The new positions will take effect at the next Planning Commission meeting.

Motion: Motion to appoint Chair Wegener as Chair and Commissioner Crosby as Vice Chair.

Moved by: Commissioner Lee

Seconded by: Commissioner Malone

Yes votes: All Ayes

No votes: None

Abstentions: None

8. NEW BUSINESS:

8.1. Land Use Training

City Attorney Josh Soper conducted a Land Use training session which included an overview of land use basics, important issues, and he provided a brief history of land use law in Oregon over the last 50 years. Soper also explained the role of the State of Oregon and cities, the types of land use decisions, and the differences between legislative decisions and quasi-judicial decisions. He then explained "bias" by providing an overview of several court cases, explained ex-parte contacts, conflicts of interest, and other government ethics issues.

Lastly, Soper explained the 120-day rule, fixed goalpost rule, clear and objective requirements, constitutional issues, and recent legislation with Senate Bill 1537. O'Neill explained how City staff is currently working on submitting an exemption to DLCD for Senate Bill 1537.

8.2. Planning Commission Goals Discussion

Staff Report:

O'Neill explained that due to the moratorium and having fewer big applications to review, he felt this was a good time to discuss goal setting with the Commission. O'Neill also mentioned that moving forward he would like to get more Commissioner input on code edits outside of Title 17.

O'Neill narrowed the focus of the discussion down to six thematic areas he felt the Commission and Planning Division could discuss and prioritize. Those six areas were "economic development", "housing choice and production", "transportation planning", "fire and natural hazards resiliency", "water conservation", and "wetland and urban forestry." O'Neill emphasized that "urban forestry" has been one of the more pressing issues for staff as they field questions related to trees regularly.

Chair Wegener asked each Commissioner to share their top priorities or interests out of the six thematic areas presented in the staff report.

Commissioner Crosby's top priorities were housing choice and production, fire and natural hazards resiliency, and wetland and urban forestry protections. Out of those three, his top priority is housing choice as he wants to see "truly" affordable homes that will help younger people build equity and stay in Sandy.

Vice Chair Lee's top priorities were housing choice and production, specifically affordable housing. Lee also prioritized fire and natural hazard resiliency and economic development. She stated that the City could explore discounts on permit fees for affordable housing and move forward with creating a Bell Street business development plan.

Commissioner Malone's top priority was economic development as she wants to see the City prioritize filling empty commercial spaces especially in the downtown. Malone also prioritized fire and natural hazards resiliency and urban forestry protections.

On a side note, Malone also asked staff about the "safe routes to school" program and what projects or gaps need filling to complete this. O'Neill explained that he applied for a facilities evaluation grant back in 2019 with the school district and was awarded the grant that identified about \$800,000 worth of prioritized projects. In 2021 the City and school district applied for an improvement grant, but narrowly missed the awarding of the grant. O'Neill said it will take a joint effort from the school district and the City Council to meet and come to a cost sharing agreement before applying for the improvement grant again.

Commissioner Zawaski's top priorities were fire and natural hazards resiliency, housing choice and production, and water conservation. Zawaski stated that he would like to see the City explore options on creating a new reservoir for treated effluent that could be used to fight wildfires.

Commissioner Poulin's top priorities were water conservation, housing choice and production, and fire and natural hazards resiliency. Poulin felt that water conservation was the most important.

The Commission then discussed different ideas, solutions, and challenges to water conservation efforts as well as ideas for incentivizing the conservation of water. Wegener suggested larger efforts at the subdivision level such as drought resistant plants that surround the subdivision. Poulin also asked if residents were allowed to harvest their own water in the city limits. O'Neill said that residents are allowed to use rain barrels with dripline systems for irrigation purposes. The Commission stated that they would like to see the City Council encourage and educate the community on harvesting water with rain barrels. O'Neill stated that as much as he thinks that water conservation efforts for new development is a great idea, it will be difficult as new homeowners can replace landscaping or low flow devices without checking with the City.

Commissioner O'Leary stated that he had nothing new to add as he's just listening and would like the more experienced commissioners to lead the goal setting efforts for 2025-2027.

Chair Wegener's top three priorities were economic development, fire and natural hazards resiliency, and housing choice and production. Wegener stated that he would like to see more ERU's for businesses and additional sewer solutions for commercial/industrial businesses that have available land. Wegener also expressed concern over the cities lack of trained and designated natural hazard assessment evaluators. If a natural disaster occurs, the City's lack of trained and designated building assessors will slow the process of getting help for our community. Wegener also agreed with the previous Commissioners in saying that the City needs to get creative in achieving affordable housing.

O'Neill noted that the top three goals from the Commissions comments were "fire and natural hazard resiliency", "housing choice and production", and "economic development". O'Neill also explained that there isn't a lot the City can do right now with affordable housing production due to the lack of ERUs, but said that there are strategies that the City Council could adopt now to

help preserve existing manufactured homes which are one of the few options remaining for affordable housing in Sandy.

Senior Planner Depa suggested that once mass timber becomes more affordable that could be another option to help keep the costs down and provide more affordable housing options. Malone also suggested that the City should be open to a subdivision of “tiny homes”.

Chair Wegener asked O’Neill what his top priority was from the staff report which O’Neill stated was fire and natural hazard resiliency.

Commissioner O’Leary asked staff how as a city we can encourage other businesses or builders to use mass timber. O’Neill said that the first step is to ensure our code is written in a way that allows for mass timber construction and the City could also consider avenues to incentivize mass timber construction. Depa also provided additional information on the benefits of using mass timber such as fire hardiness.

9. ADJOURNMENT

Chair Wegener adjourned the meeting at 9:28 p.m.

Chair Darren Wegener

Attest:

Date signed:

Kelly O’Neill Jr.,
Development Services Director



STAFF REPORT

Planning Commission

Item # 2.

Meeting Type: Planning Commission
Meeting Date: May 27, 2025
From: Kelly O'Neill Jr., Development Services Director
Subject: Director's Report for May 2025

Next Meetings:

June 30 at 6:30 PM – Planning Commission Meeting with the following tentative items:

- a. Legislative Hearing on FEMA PICM code amendments
- b. Legislative Hearing on Alternative Treatment Systems

July 28 at 6:30 PM – Planning Commission Meeting with the following tentative items:

- a. Design Review and variances for covered basketball court at Deer Pointe Park

August 25 at 6:30 PM – Nothing tentatively scheduled at this time

Previous and future Development Services Department report content will be posted on the City's WordPress site, here: <https://reports.cityofsandy.com/planning/>



STAFF REPORT

Planning Commission

Work Session

Item # 3.

Meeting Type: Planning Commission
Meeting Date: May 27, 2025
From: Kelly O'Neill Jr.
Subject: Chapter 17.74 Work Session

DECISION TO BE MADE:

Hold a work session to discuss proposed code amendments for fences/retaining walls and temporary uses/structures in Chapter 17.74 of the Sandy Municipal Code.

APPLICABLE COUNCIL GOAL:

6.10: Continue to improve and refine code language, policies, and practices related to code enforcement.

BACKGROUND / CONTEXT:

On November 27, 2023, the Planning Commission held a [work session](#) to discuss municipal code amendments. The work session included a prioritization of code amendments, which included input from the Commission that code amendments from the City Council and City Administration should be completed first. As discussed during that work session, the code amendments would come before the Commission after the adoption of the Clear and Objective Code Audit.

The City Council adopted the Clear and Objective Code modifications by ordinance on February 20, 2024. On June 10, 2024, the Planning Commission held a [work session](#) to discuss code amendments to fences/retaining walls and temporary uses/structures. This work session before the Commission is a continuation of the efforts from June 10, 2024, to address fences/retaining walls and temporary uses/structures. Since that work session, staff has completed the following edits based on Commissioner input and direction:

Fences and retaining walls.

- a. Added that fence and retaining wall height shall be measured from the finished grade upon which the fence is constructed to the top of the fence or retaining wall.
- b. Added that fencing in the I-2 and I-3 zoning districts shall be placed behind the required landscape buffer that is required in accordance with Section 17.90.130.G.
- c. Modified Wire Fences in F.2. of Section 17.74.40 to include battery-charged electric fencing in the I-1, I-2, and I-3 zones as required by ORS 195.870.
- d. Added a subsection G. in Section 17.74.40. for fence and retaining wall design standards, including the following:
 - i. Added clarity that 'galvanized finish' is not allowed for front yard fences, except for barbed hog wire framed with wood.

- ii. Added that fencing shall not consist of polyethylene or plastic mesh, unless permitted through a trade permit, grading permit, or temporary use permit.
- iii. Added that retaining walls shall have an architectural grade finish and consist of warm earth tones such as gray, brown, or tan.
- iv. Added that retaining walls and fences shall not have high intensity primary colors.
- v. Added that retaining walls shall not consist of railroad ties, tires, or refuse.
- e. Added a subsection H. in Section 17.74.40. regarding building code requirements.

As recommended by the City Attorney we will also be repealing [Section 8.16.070](#) in Title 8 as it violates ORS 195.870 and conflicts with Chapter 17.74.

Temporary uses and structures.

- a. Added more provisions to Subsection A.6. in Section 17.74.60, regarding temporary fabric structures.
- b. Added clarity to Subsection A. regarding the renewal process and the maximum number of extensions that can be granted by the Director.
- c. Added clarity to Subsection B.3. in Section 17.74.60. that the Building Official has discretion to waive ingress and egress requirements.
- d. Added clarity to Subsection B.4. in Section 17.74.60. that utility services and plans are only required if utilities are needed.
- e. Added Subsection B.5. in Section 17.74.60. that temporary structures shall not be recreational vehicles and shall be maintained in good condition.
- f. Added Subsection B.6. in Section 17.74.60. that allows temporary structures to be sited immediately during emergencies that are declared by the President of the United States, Governor of Oregon, the City of Sandy, or their designee. Similar to the hazardous tree provisions in Chapter 17.102, the agency that placed the temporary structure has to apply for a temporary structure permit within seven days of placement.
- g. Added clarity to Subsection B. regarding the renewal process and the maximum number of extensions that can be granted by the Director.
- h. Added clarity to Subsection C. in Section 17.74.60. for permitted placement of portable outdoor storage units.

KEY CONSIDERATIONS / ANALYSIS:

The following information outlines the primary proposed code modifications:

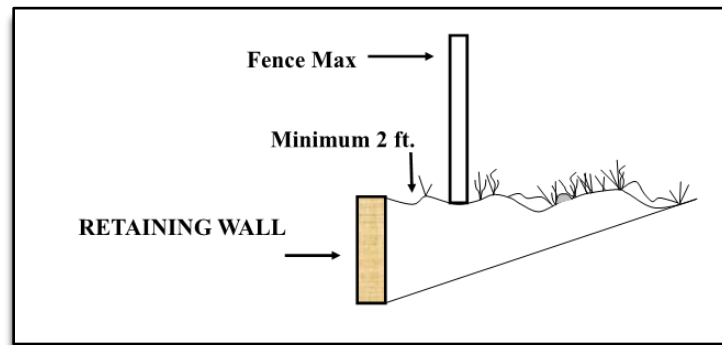
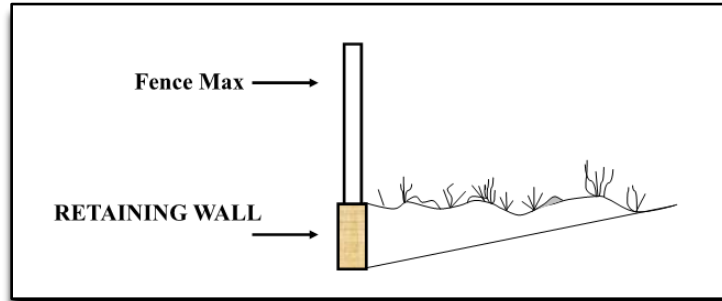
Section 17.74.40. Fences and retaining walls:

Staff brought proposed amendments regarding fences and retaining walls to the Planning Commission in November 2015, but those code amendments were never adopted. The height of fences and retaining walls are currently regulated by regulations based on the zoning district of the property and the location of the fence or wall. For example, in a residential zone the maximum fence/retaining wall (for combination walls also) is only permitted at 8 feet in height in rear yards and interior side yards, and 6 feet in height in side yards abutting a right-of-way.

Due to topography in Sandy, many lots have slopes that make strict adherence to fence and retaining wall height regulations challenging. We occasionally receive requests from property owners wanting to exceed the eight-foot combined height for fences and retaining walls in rear and side yards. There have been cases where modifications to this standard can be processed through an adjustment or variances process.

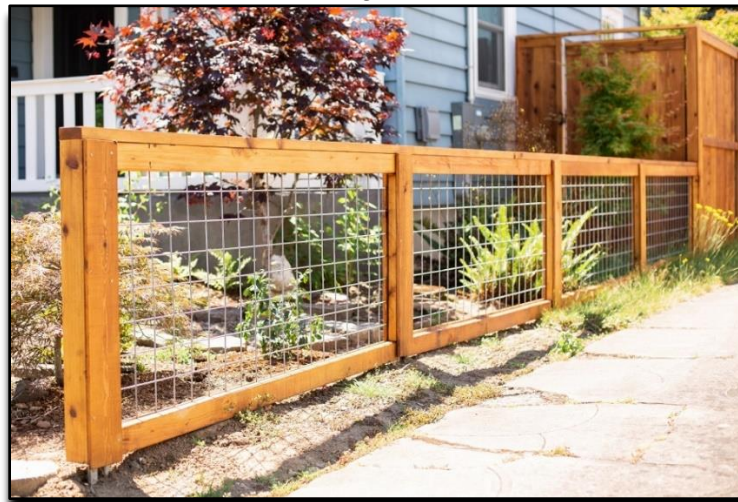
Creating additional code language for combined fences/retaining walls could allow for increased flexibility without violating the intent of the regulations. Staff recommends new standards are adopted to allow a fence/retaining wall combination to exceed the eight-foot height maximum under some circumstances. The proposal is to allow a combined height up to 10 feet when a fence is on top of a retaining wall and allow a combined height up to 12 feet when the fence is setback at least two linear feet from the retaining wall.

Diagram of combined fence/retaining wall:



The proposed code modifications also include a limitation on galvanized metal fencing in front yards, except for barless hog wire framed with wood.

Picture of barless hog wire framed with wood:



Section 17.74.60. Temporary uses or structures:

A few years ago, City Administration asked for updates to this code section to align code language with temporary use and temporary structure permits that have been issued the past few years. The proposed code language incorporates standards that are commonly integrated into the findings and conditions for temporary uses and structures.

The Development Services Department routinely issues temporary use permits for events, such as the Mount Hood Farmers Market or Sandy Invitational Chainsaw Carving Event. Temporary structure permits are more routinely issued for construction trailers and temporary storage.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed code modifications and provide staff with suggested modifications for staff to prepare a legislative public hearing.

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A. Chapter 17.74 markup

Sec. 17.74.40. Fences and retaining walls.

Fence and retaining wall height shall be measured from the finished grade upon which the fence is constructed to the top of the fence or retaining wall.

A. ~~Fences—Residential~~/Parks and Open Space zoning districts.

1. Fences on ~~e~~Corner ~~l~~ots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the vision clearance area as specified in Section 17.74.30.
2. Fences in a ~~f~~Front ~~y~~ard. The height of a fence or retaining wall in a front yard shall not exceed four feet.
3. Fences—Side and rear yards abutting streets. The height of a fence, retaining wall, or a combination of the two in a side or rear yard abutting a public right-of-way shall not exceed six feet above the grade of the right-of-way.
4. Fences—Side and rear yards abutting other lots. The height of a fence, ~~or~~ retaining wall, ~~or a combination of the two~~ in a side or rear yard abutting other lots shall not exceed eight feet. ~~above the grade of the right-of-way.~~ The combined height of a fence with a retaining wall may exceed eight feet in height in accordance with the following:
 - a. The total combined height of a fence and retaining wall shall not exceed 10 feet with the fence or retaining wall not exceeding a total individual height of eight feet.
 - ~~a.~~b. The total combined height of a fence and retaining wall shall not exceed 12 feet with the fence or retaining wall not exceeding a total individual height of eight feet, provided that the fence is setback a minimum of two horizontal feet from the retaining wall.
5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the ~~clear~~-vision clearance area. Deciduous trees separated by at least 15 feet may grow to any height.
6. Front Yard Fences for Existing Dwellings on Major Arterials. The height of a fence in a front yard for an existing dwelling (constructed prior to July 1, 1996) facing a major arterial shall not exceed a height of six feet outside the ~~clear~~-vision clearance area.
7. Fences on Through Lots. Gates are required in rear-yard fences on through lots since it remains the property owners' responsibility to maintain the area from the curb or edge of pavement to a proposed fence.

B. ~~Fences—Commercial/Industrial~~ zoning districts.

1. Fences on ~~e~~Corner ~~l~~ots. Any fence or retaining wall, constructed upon or adjacent to any property line that abuts two or more intersecting streets, shall not exceed three feet in height within the ~~clear~~-vision clearance area as specified in Section 17.74.30.
2. Fences in a ~~f~~Front ~~y~~ard (specific to ~~C~~commercial zoning districts). The height of a fence or retaining wall in a front yard shall not exceed four feet.

3. Fences in a front yard (~~specific to industrial~~ zoning districts). The height of a fence or retaining wall in a front yard shall not exceed six feet. Front yard fencing in the I-2 and I-3 zoning districts shall be placed behind the required landscape buffer that is required in accordance with Section 17.90.130.G.
 4. Fences—Side and ~~R~~rear ~~Y~~yards. The height of a fence or retaining wall adjacent to a side or rear yard or a side or rear property line shall not exceed eight feet. Fencing in the I-2 and I-3 zoning districts shall be placed behind the required landscape buffer that is required in accordance with Section 17.90.130.G. The combined height of a fence with a retaining wall may exceed eight feet in height in accordance with the following:
 - a. The total combined height of a fence and retaining wall shall not exceed 10 feet with the fence or retaining wall not exceeding a total individual height of eight feet.
 - ~~a.~~ b. The total combined height of a fence and retaining wall shall not exceed 12 feet with the fence or retaining wall not exceeding a total individual height of eight feet, provided that the fence is setback a minimum of two horizontal feet from the retaining wall.
 5. Sight Obscuring Hedges. Trees or shrubs that form a sight-obscuring hedge shall comply with the same height requirement as a fence within the ~~clear~~-vision clearance area. Deciduous trees separated by at least 15 feet may grow to any height.
- C. *Fence Regulations for Recreation Areas.* Any recreational court may be enclosed by a wire fence not exceeding 12 feet in height provided that no part of the court fence is within 20 feet of any ~~street~~ public right-of-way.
- D. *Fence Regulations for Swimming Pool/Hot Tub Areas.* A swimming pool, hot tub, or other human-made outside body of water, which has a depth greater than 18 inches shall be enclosed with a fence not less than four feet and not more than eight feet in height. If located on or surrounded by a deck, the deck shall be enclosed with a railing ~~with a height~~ of not less than four feet and not more than eight feet in height. The fence or railing shall not have any openings, holes, or gaps larger than four inches square, except for doors or gates. Any gate shall be equipped with a self-closing, self-latching device. A dwelling unit and/or accessory building may form part of the enclosure.
- E. *Fence Regulations for Stormwater Detention Facilities and Human-Made Wetlands.* A stormwater detention facility or human-made wetlands, which is designed for a water depth greater than 18 inches, shall be enclosed with a black vinyl coated chain link fence not less than six feet and not more than eight feet in height.
- F. *Wire Fences.*
1. Barbed wire fencing may be permitted for agricultural, community service, commercial, or industrial uses when the wire is employed on the top of any other type of fencing, and when the barbed wire is a minimum of six feet above the finished ground surface and does not extend over a public right-of-way. The maximum combined height of the fence with barbed wire shall not exceed eight feet.
 2. No electrically charged or sharp pointed fencing such as razor wire (other than barbed wire fencing) shall be constructed or maintained within the city limits, except that a battery-charged fence as defined in ORS 195.870(1)(b) and which meets the standards of ORS 195.870(2) is permitted on properties which are both not used for residential use and located in the following zones: Industrial Park (I-1), Light Industrial (I-2), and General Industrial (I-3).
- G. Fence and Retaining Wall Design Standards.
1. Front yard fencing shall not have a galvanized metal finish, except for barbless hog wire framed with wood.

2. Fencing shall not consist of polyethylene or plastic mesh, unless permitted through a trade permit, grading permit, or temporary use permit.
 3. Retaining walls that exceed two feet in height shall be constructed with an architectural grade finish covering the entire portion of the retaining wall that is visible from the public right-of-way. For purposes of this section, an "architectural grade finish" means that (1) the visible materials consist only of natural or artificial stone, stamped concrete, or broomed concrete, and (2) the color of the visible materials is gray, brown, or tan.
 4. Retaining walls and fences shall not have high intensity primary colors, metallic colors, day-glow colors, and highly reflective colors.
 5. Retaining walls shall not consist of creosote-treated railroad ties, tires, or refuse.
- H. *Building Code Requirements.* The following are building code requirements for fences and retaining walls:
1. Fences in excess of seven ~~(7)~~ feet in height require a building permit, ~~in accordance with Title 15.~~
 - ~~1-2.~~ Retaining walls regardless of height that support a building surcharge or a walking surface or retaining walls exceeding four feet in height but not supporting a building surcharge or a walking surface, require a building permit and may require engineering as specified by the Building Official.

(Ord. No. 2021-03 , § 6(Exh. F), 5-17-2021)

Sec. 17.74.60. Temporary uses or structures.

A. *Temporary Uses.* Temporary uses, as defined in Chapter 17.10—Definitions, not located within a structure (except for fire-retardant fabric structures), may be permitted for a period not to exceed 90 days, provided a temporary use permit is first obtained under the Type I procedure. Temporary use permits shall meet all the following standards:

1. The temporary use shall be located within the boundaries of the property and not located in the right-of-way unless the City approves the use in the right-of-way under a separate process.
2. The temporary use shall not interfere with ADA compliant parking spaces and vehicles shall not be parked on unimproved surfaces, such as grass, unless permitted by the temporary use approval.
3. The temporary use shall be monitored to ensure there is no disruption to traffic or adverse impacts to surrounding properties.
4. The temporary use shall comply with Title 8 of the Sandy Municipal Code regarding music and amplified music.
5. The temporary use shall comply with Title 15 of the Sandy Municipal Code in regard to signage.
6. If the temporary use includes a fabric structure(s) the fabric structure shall be secured at all corners to prevent being blown by the wind. The securing system used shall not penetrate any parking lot surfaces or damage any trees/landscaping. A fabric structure associated with a temporary use does not have to adhere to the temporary structure requirements in subsection B. of this code section, except that ingress and egress shall be maintained for ADA access.
7. The use shall continuously meet the requirements of the Oregon Fire Code, Chapter 31.

When a temporary use permit expires, the applicant shall return the site to pre-temporary use conditions immediately. The ~~R~~ renewal of a temporary permit shall be processed under the Type II procedure and shall be applied for at least 30 days prior to the expiration of the temporary use permit. The temporary use may remain in place until the Type II renewal procedure is completed. The Director may grant one extension through a Type II procedure not to exceed 90 days.

B. *Temporary Structures.* Temporary structures in connection with the building or sale of dwellings and land, ~~and~~ construction of industrial or commercial facilities, construction of parks, or in conjunction with an emergency (e.g. a commercial kitchen fire or natural disaster), may be permitted, for a period not to exceed one (1) year, provided a temporary structure permit is first obtained under the Type I procedure. ~~Renewal of a temporary permit shall be processed under the Type II procedure.~~ Temporary structure permits shall meet all the following standards:

1. Temporary structures shall be located within the boundaries of the property, not located in the right-of-way, and shall not include any overnight accommodation.
2. Setbacks, height requirements, and other locational standards for structures in the applicable underlying zoning district shall be met for any temporary structure.
3. Ingress and egress to the temporary structures shall meet the requirements of the latest edition of the Oregon Building Codes, unless waived by the Building Official.
4. When utilities are necessary, the temporary structures shall be served by public utilities for sanitary sewer and water needs, and franchise utilities for applicable service needs.
5. Temporary structures shall not be recreational vehicles as defined in Chapter 17.10 and shall be maintained in good condition to present a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.

6. In the event of an emergency that is declared by the President of the United States, Governor of Oregon, the City of Sandy, or their designee, temporary structures associated with the emergency may be placed immediately without the approval of a Type I procedure. The agency that placed the temporary structures shall apply for a temporary structure permit within seven days following the placement of the temporary structures.

When a temporary structure permit expires, the applicant shall remove the temporary structures from the site within 24 hours of permit expiration. The renewal of a temporary structure permit shall be processed under the Type II procedure and shall be applied for at least 30 days prior to the expiration of the temporary structure permit. The temporary structure may remain in place until the Type II renewal procedure is completed. The Director may grant one extension through a Type II procedure not to exceed one (1) year.

- C. *Portable Outdoor Storage Unit.* Portable outdoor storage units may be placed on private property~~a lot~~ without a permit, including within the setback areas, for not more than 60 days (any portion of a day, between 12:00 a.m. and ending at 11:59 p.m., shall be counted as a day) within any 12~~-~~month period. Portable outdoor storage units shall not be ~~located~~ placed in the public right-of-way unless the Public Works Department approves the siting of the storage unit and shall not restrict access to any walkway, sidewalk, or utility box/cleanout/manhole.



STAFF REPORT

Planning Commission

Work Session

Item # 4.

Meeting Type: Planning Commission Work Session
Meeting Date: May 27, 2025
From: Patrick Depa, Senior Planner
Subject: Chapter 8.36 Outdoor Burning Code Amendments

DECISION TO BE MADE:

Hold a work session to discuss proposed code amendments to Chapter 8.36 - Outdoor Burning in Sandy's Municipal Code.

APPLICABLE COUNCIL GOAL:

6.8: Study options for updating the City's regulations on outdoor burning.

BACKGROUND / CONTEXT:

Depending on where you live, cities, counties, and local fire districts have their own restrictions on outdoor burning. Throughout the year, there may be bans or restrictions in place for open burning to keep air healthy to breathe or to mitigate the potential of wildfires. The agencies that have jurisdiction over the City of Sandy are Clackamas Fire (in contract with Sandy Fire), the Department of Environmental Quality (DEQ), and the Oregon Department of Forestry (ODF) for burning of slash.

In Sandy, the Oregon DEQ (Department of Environmental Quality) burning seasons are from March 1st to June 15th (spring) and October 1st to December 15th (fall). These seasons are subject to changes based on high fire danger or other factors. Clackamas Fire's burn seasons mirror the Oregon DEQ burn seasons.

The City of Sandy's regulations on outdoor burning are found in **Chapter 8.36 - Outdoor Burning** and were last updated in 2005. The current code for "Outdoor Burning" is relatively short, vague, limited, and does not address matters like "Enforcement and Violations" (See Exhibit A).

Councilor Hokanson reached out to the City Manager with a request to add more regulations to Chapter 8.36. The goal of this code update, as described by Councilor Hokanson, is to add more regulations and to cite Fire Code and DEQ regulations. Councilor Hokanson brought up amending Chapter 8.36 during the City Council goal setting session in February 2025 and it became one of the Council's goals for 2025-2027.

On January 13, 2025, the Planning Commission and staff introduced a long list of goals and objectives that were recently approved in the 2050 Comprehensive Plan in order to set priorities for the same

biennial goal period as the City Council. Amending Chapter 8.36 - Outdoor Burning was identified as one of the higher goals on that list.

KEY CONSIDERATIONS / ANALYSIS:

The purpose of this code modification will continue to promote public health, safety, and welfare. The Clackamas County Fire Marshal's Shawn Olson and Mike Boumann reviewed the draft code amendments, as did the City Attorney. Their comments and suggested edits have been incorporated into the draft code amendments.

Department of Environmental Quality (DEQ)

Burning of yard debris, sometimes referred to as backyard burning, is allowed only during two Department of Environmental Quality (DEQ) burn seasons; March 1 to June 15 and October 1 to December 15. No permits are required for burning of yard debris; however, the homeowner is still responsible for complying with all safety rules and DEQ regulations. Each day before burning, residents are required to call the DEQ recorded burn information line (503-668-0126) and obtain verification that burning is allowed for the day. DEQ has a defined burn boundary within the fire district that specifies where open burning (backyard burning) is not allowed. Sandy does not fall into any of these DEQ districts.

The following information outlines the primary proposed code modifications:

These new standards will create a better understanding of where and when outdoor burning may be allowed. Multiple subsections of this new code were taken from the Clackamas Fire District "Open Burn Guidelines" and the Oregon Fire Code (Interpretations and Technical Advisories) sheet consistent with OAR 340.

Open fires must be limited in size, be controlled, and not be a hazard to people, property, or standing vegetation. The modified code addresses the following:

1. Outlines jurisdiction requirements, including Sandy Fire District #2 which is part of Clackamas Fire and the Department of Environmental Quality (DEQ).
2. Added Agriculture Burn Permit requirements and parameters.
3. Added additional yard debris burning (i.e. Backyard Burning) requirements and parameters.
4. Created minimum lot size parameters for agricultural burning and backyard burning.
5. Added timeframes for Agricultural and Backyard burning: All fires shall be extinguished two hours before sunset.
6. Added parameters for burn pile size and height.
7. Added adjacent ground cover restrictions of vegetation growth to mitigate fire spread.
8. Added safety provisions such as having a garden hose present within 25 feet and connected to a water supply and that burning material shall be constantly attended.
9. Added that materials that emit noxious odors are prohibited.
10. Added enforcement standards.

11. Added violation parameters.

TOPICS FOR ADDITIONAL DISCUSSION:

The following is a list of items that are not governed by the fire district, DEQ, or ODF and therefore the City has discretion on the standards that we implement:

- Minimum lot sizes for permitted burns (agricultural and backyard burning)
 - Agricultural Burning: minimum of five acres (83 parcels in Sandy)
 - Backyard Burning: minimum of one acre (309 parcels in Sandy)
- Distance of the burn piles to lot lines and structures
 - Agricultural Burning: 200 feet to any property line or structure
 - Backyard Burning: 50 feet to any property line or structure
- Fine amounts (proposed as Class A infraction at \$1,000)
- Size of burn piles (proposed to not exceed 10 feet in diameter and 3 feet in height)
- Burn times (fires must be extinguished two hours before sunset for agricultural and backyard burning)

BUDGET IMPACT:

None

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed code modifications and provide staff with suggested modifications for staff to prepare a work session for the City Council.

LIST OF ATTACHMENTS / EXHIBITS:

Exhibit A: Chapter 8.36 with track change amendments

Title 8 - HEALTH AND SAFETY
CHAPTER 8.36 OUTDOOR BURNING

CHAPTER 8.36 OUTDOOR BURNING

Sec. 8.36.010. Outdoor burning.

- A. No person shall kindle, maintain, or allow to be maintained, an outdoor fire, bonfire, rubbish fire, or garbage fire; nor shall any person kindle, maintain, or allow to be maintained a fire for the purpose of burning grass, hay or straw, tree limbs, and trimmings; nor shall any person maintain or allow to be maintained a fire for land clearing operations, or commercial burning; nor shall any person kindle, maintain, or allow to be maintained any other type of open burning with the following exceptions:
1. Outdoor recreation fire no larger than three feet by three feet used for cooking with the fire in a fireplace, barbecue set, grill, wood smoker, pellet smoker, or outdoor fire pit. All such fires must comply with all applicable law, including but not limited to regulations of Sandy Fire District No. 72 (the "fire district"), the Oregon Department of Environmental Quality ("DEQ"), and the Oregon Department of Forestry (ODF).
 2. Fires set and maintained by the fire district for firefighting training or training fire protection personnel.
 3. ~~In cases of fire hazard that cannot in the judgment of the fire district be removed or disposed of in any other practical manner, a fire may be allowed by written permit only. Said permit is to be issued by the fire district.~~ Burning of slash as permitted by the Oregon Department of Forestry (ODF).
 4. Burning for which an Agricultural Burn Permit has been issued by the fire district. The following burning conditions shall apply:
 - a. Must comply with all applicable laws, including but not limited to regulations of the fire district and DEQ.
 - b. Must meet the definition of an agricultural operation before a permit is issued.
 - c. Must be located on a property at least five acres in size.
 - d. Must be located at least 200 feet from any property line or structure.
 - e. Burn piles may not exceed 10 feet in diameter and three feet in height and shall be done in a barrel or on the ground cleared of all vegetative growth.
 - f. All fires shall be extinguished two hours before sunset.
 - g. Must call the daily burn message line to verify burning is allowed.
 5. Burning of ~~cut or limbed brush and yard debris~~ (vegetation, tree limbs, and small wooded material) is allowed during the time periods designated for backyard burning by DEQ. on lots larger than one-quarter acre, provided such burning complies with all requirements and restrictions of the Sandy Fire District fire district (including permits, when required). Outdoor burning within the Sandy Fire District fire district is prohibited at certain times of the year due to fire hazard or air pollution constraints; any person maintaining or allowing to be maintained an outdoor fire under sSection 8.36.010.A.4. ~~shall contact the Sandy Fire District fire district before starting the fire.~~ The following burning conditions shall apply:
 - a. Must comply with all applicable laws, including but not limited to regulations of the fire district and DEQ.
 - b. Must be located on a property at least one acre in size.
 - c. Must be located at least 50 feet from any property line or structure.

- d. Burn piles may not exceed 10 feet in diameter and three feet in height and shall be done in a barrel or on the ground cleared of all vegetative growth.
 - e. All fires shall be extinguished two hours before sunset.
 - f. Must call the daily burn message line to verify burning is allowed.
 - 6. Nothing in this chapter shall be construed to prohibit the otherwise lawful use of flame-based equipment such as torches used for welding, roofing, plumbing, or paving.
 - B. In addition to complying with all other applicable laws, the following regulations shall be followed at all times for all types of outdoor burning:
 - 1. The smoke from the fire must not have a noxious odor.
 - 2. The fire must be attended constantly until it is completely out.
 - 3. A water hose connected to an active water service or other extinguishing source must be readily available within 25 feet of the fire.
 - 4. The burning of materials such as rubber, plastics, paints, tarpaper, asphalt, shingles, animal remains, petroleum treated materials, painted or pressure/weather treated wood, or any other material that creates a public nuisance, is strictly and expressly prohibited.

Sec. 8.36.020. Enforcement.

- A. Burning in violation of this chapter is a civil infraction under Chapter 1.18. Nothing in this section is intended to limit or prohibit any other enforcement permitted by law, including but not limited to enforcement by the fire district or DEQ for violation of their respective regulations.

Sec. 8.36.030. Violations.

Upon conviction, any person who violates any of the provisions of this chapter is subject to the following:

- A. Any person violating any of the provisions of this chapter commits a Class A Civil Infraction.
- B. Each day a property is in violation of these regulations, it shall be considered a new violation.

(Ord. No. 06, 2005)



STAFF REPORT

Planning Commission

Item # 5.

Meeting Type: Planning Commission
Meeting Date: May 27, 2025
From: Kelly O'Neill Jr., Development Services Director
Subject: Goal Priorities for 2025-2027

PURPOSE / OBJECTIVE:

Seeking input from the Planning Commission on goal priorities for biennial budget 2025-2027.

BACKGROUND / CONTEXT:

On January 13, 2025, the Planning Commission discussed [goal priorities](#) during a Planning Commission meeting. Those goals were advanced to the City Council who then set a [goals list for 2025-2027](#). Based on the Council goals list, Planning Commission goals as discussed in January, and Development Services Department staff goals we have compiled the following list.

Ongoing Administrative Goals:

- Continue to pursue options for cost recovery.
- Establish a code enforcement abatement fund.
- Develop a clear policy for ERU allocation that is strategically aligned with the City's interests.
- Work with developers to plat subdivisions, construct apartments, and successfully open several new commercial facilities while navigating the constraints of the moratorium.
- Administer Urban Renewal grant programs and projects to support and revitalize the city's commercial districts.
- Ensure compliance with state legislative and regulatory mandates through code amendments that are responsible and reflect the community's values.
- Continue to improve and refine code language, policies, and practices related to code enforcement.

Long Range Planning Projects:

- Complete the Housing Production Strategy in accordance with House Bill 2003.
- Create a post disaster response program for conducting rapid assessments of damaged buildings and essential facilities.
- Develop policies and pursue funding opportunities to make the community more resilient against wildfire and other natural hazards.
- Review the Public Works Department's adopted 2016 Water Management and Conservation Plan, or any subsequent conservation plans, to identify strategies to conserve water, including but not limited to requirements for drought tolerant and native plants.
- Take action to update the City's zoning map.
- Revisit the Pleasant Street Master Plan with minimal reliance on consulting services.
- Apply for an ODOT Safe Routes to School Grant with cooperation and financial contribution from the Oregon Trail School District.

Code Modifications:

Tentative for 2025:

- Modify Chapter 17.60 – Flood and Slope Hazard (FSH) Overlay District: modify code to address court mandate for [habitat assessment showing 'no net loss'](#).
- Modify Chapters 17.12 and 17.84 – Alternative Wastewater Systems
- Modify Chapter 17.74 – Fences/Retaining Walls and Temporary Uses/Structures
- Modify Chapter 8.36 – Outdoor Burning
- Modify Chapter 15.32 – Sign Code

Tentative for 2026 and 2027:

- Modify Chapter 17.102 – Urban Forestry
- Modify Chapter 17.90 – Design Standards: modify code for accessory structures
- Modify the development code to include administrative revisions in accordance with the Mass Timber Code-Up Audit.
- Adopt an addressing code to standardize and codify our processes.
- Adopt a property maintenance code to assist code enforcement.
- Develop short-term rental regulations as a Housing Production Strategy.
- Review and formally adopt the Economic Development Strategic Plan as a Comprehensive Plan background document.

RECOMMENDATION:

City staff recommend that the Planning Commission discuss the goals in this staff report and provide the Development Services Director with feedback.