



PLANNING COMMISSION MEETING

Monday, March 30, 2026 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/84679572775>
Or by phone: (253) 215-8782; Meeting ID: 846 7957 2775

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Minutes from January 12, 2026

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 March 2026

COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

NEW BUSINESS

3. File No. 26-004 DCA: Pre-House Bill 2005 Compliance Amendments (legislative hearing)
4. Civil Infractions Work Session

ADJOURN

Americans with Disabilities Act Notice: Please contact Sandy City Hall, 39250 Pioneer Blvd. Sandy, OR 97055 (Phone: 503-668-5533) or (Email: recorder@ci.sandy.or.us) 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 12, 2026**

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

1. MEETING FORMAT NOTICE: Instructions for electronic meeting

2. ROLL CALL

Before roll call, Development Services Director Kelly O'Neill Jr. stated that in December 2025 the City Council appointed Darren Wegener to another 4-year term. He also reminded everyone that Commissioner Poulin decided not to apply to serve another term, which now leaves the Planning Commission with six members at this time.

Commissioner Lee – Excused
Commissioner Zawaski – Present
Commissioner Malone – Present
Commissioner O'Leary – Present
Vice Chair Crosby – Present
Chair Wegener – Present

Council Liaison Ramseyer – Present

Staff present: Development Services Director Kelly O'Neill Jr., Senior Planner Patrick Depa, Development Services Specialist II Rebecca Markham, City Attorney Josh Soper

3. APPROVAL OF MINUTES – October 27, 2025

Chair Wegener asked for any edits to the draft minutes. With no edits needed, the minutes were approved.

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

None

5. DIRECTOR'S REPORT

Development Services Director Kelly O'Neill Jr. told the Commissioners they were sent a link to the monthly departmental report, also provided to the City Council.

Chair Wegener asked if there was a recap on development activity from last year. O'Neill said the data usually isn't ready until after the goal setting session in February but will share it with the Commission when it's completed.

Vice Chair Crosby asked what type of response the City's had to the "alternative wastewater system" option recently adopted into the Development Code. O'Neill said they had two developers who were interested but now that it's adopted there has been no interest. That said, O'Neill thinks that keeping alternative wastewater systems in the code permanently makes sense as certain situations could make sense even after the moratorium is repealed.

Chair Wegener asked if the Bornstedt Views and Sandy Woods II subdivisions were preparing to build homes in the near future. O'Neill stated that both are close to being "platted" at the County but doesn't know an exact timeline when building permits will be pulled.

6. COUNCIL LIAISON AND PLANNING COMMISSIONER DISCUSSION

City Council Liaison Ramseyer told the Commission that Winterfest had around 35,000 visitors and around 1,000 people at the tree lighting event. She also said that the City's "shortest day" event was well attended despite the rain event that occurred two days earlier.

O'Neill asked the Commission to decide if they desired to meet in February. Otherwise, the next meeting will be held in March. The Commission decided to forego a meeting in February.

6.1 Planning Commission Chair Appointments for 2026

Vice Chair Crosby nominated Commissioner Malone as Chair. Commissioner Malone nominated Vice Chair Crosby to serve a second year as Vice Chair. Commissioner Zawaski agreed with the nominations.

Motion: Motion to appoint Commissioner Malone as Chair and Commissioner Crosby as Vice Chair of the Sandy Planning Commission for the calendar year 2026.

Moved by: Commissioner Crosby

Seconded by: Commissioner Malone

Yes votes: All Ayes

No votes: None

Abstentions: None

7. NEW BUSINESS:

7.1. Major Modification request for the Deer Pointe Basketball Court Structure (File No. 25-051 MOD)

Chair Wegener opened the quasi-judicial public hearing on File No. 25-051 MOD at 6:45 p.m. Chair Wegener called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commission.

Ex-Parte contact:

Commissioner O'Leary stated that he lives directly across the street from the park.

Commissioner Malone stated that she drove over to the site, took some photos, and made some observations.

Chair Wegener stated that he hasn't been to the site but has heard updates on the project from other public meetings.

Staff Report:

Senior Planner Patrick Depa presented a PowerPoint presentation that included the two main requests from the applicant to remove the faux wood grain paint on the gable end I-beams and to remove the requirement to install a cupola or cupolas as a secondary roof feature, both of which were originally conditioned by the Commission in July with File No. 25-037 DR/VAR.

Depa also provided background information on the faux wood paint, the architectural plans, explanation of the Special Variance section in Chapter 17.66 of the Sandy Development Code, as well as the secondary roof form requirements. Lastly, Depa went over staff's recommendation to approve the applicant's request for a major modification.

O'Neill suggested keeping the quasi-judicial public hearing "open" until the Commission was ready to make a decision. By leaving the hearing open, it would allow the Commission to ask

questions of the applicant during their deliberation. O'Neill finished with an overview of the "scope" and "process" for Major Modifications as requested by Chair Wegener.

Applicant Report:

Tyler Deems, City Manager, City of Sandy

Deems stated that staff did a great job highlighting the main points in the modification request. He also said that when this came before the Commission in July, they only had the renderings of the structure and now the construction is nearly complete. With construction nearing completion people can now view how well the structure fits into the landscape without the faux wood paint finish on the gable I-beams and how the cupolas on the roof would not provide functionality. Deems also explained the confusion over the painting of the I-beams and how it could be "funny looking". He finished by stating that the applicant feels they've made the structure blend into the natural environment as well as looking aesthetically pleasing.

Public Testimony:

None

Staff Recap:

Depa stated that he agrees with the City Manager and believes the structure is sufficient as constructed. He reiterated that staff recommend both the removal of the faux wood paint in the gable ends, as well as the removal of the requirement to install cupolas.

Applicant Rebuttal:

None

Discussion:

Commissioner O'Leary urged caution to his fellow Commissioners about approving the modifications as it may open the City to scrutiny on being more lenient on City projects. He stated that he wants to be careful on how the decision is made but is in full support of both the removal of the faux wood paint and the cupolas as it isn't necessary for a park.

O'Neill explained that if someone made a claim that the City is treating themselves differently, he doesn't believe it would hold much weight since the project is so unique and the structure is located in the Parks and Open Space zoning district.

Chair Wegener asked how they ended up originally conditioning the faux wood if the applicant had already met enough "Sandy Style" elements in the original application request. O'Neill and Depa both stated that it was an "offset" since staff was recommending approval of three variances. O'Neill also said it's typical for staff to recommend some sort of offset depending on the number of variances.

Brian Martin, Lango Hanson Landscape Architects

Martin explained that his research revealed that structures with shallower roof pitches and without walls, like the Deer Pointe Park covered basketball court structure, typically don't include cupolas. He said that cupolas are typically on structures with steeper pitched roofs, such as barns.

Commissioner Crosby agreed that the I-beams would look silly painted with the faux wood grain and Commissioner Malone felt the cupolas would look silly on the large shelter. O'Neill stated that Planning Division staff will be working on a new code section in 2026 for park structures that aren't enclosed.

Chair Wegener stated that he feels differently from Commissioners Crosby and Malone and feels the building is standard looking and needs additional architectural interest. He also stated that it doesn't have to be a cupola on the roof but feels it should have something that incorporates Sandy Style as required by the code. Chair Wegener also stated that he feels like the intent of the code is being ignored.

Commissioner Malone said that she's in favor of removing both the cupola requirement and the faux wood grain paint on the I-beams requirement. Commissioner O'Leary also agreed on removing the faux wood grain paint requirement on the I-beams. The Commission then discussed the concrete bases for the structure and asked if they could be enhanced.

Tiana Rundell, Parks and Recreation Director, City of Sandy

Rundell stated that the concrete bases were dyed with brown as required by the Planning Commission, so they are not standard grey concrete.

Depa stated that with the tan columns, black gable ends, and green metal roof, it makes this structure stand out and presents different shades of color deliberately to make it attractive and fit into the environment. He said that in his opinion it doesn't call for more design elements. Deems agreed with Depa and said there was a deliberate intent with the incorporation of the Sandy Style colors to make this structure stand out and attractive.

Commissioner O'Leary said that the park is already looking fantastic and everyone working on this project should be commended. Commissioner Zawaski said that he doesn't think the faux paint would add anything to the structure and agreed with Commissioner O'Leary that the City has made great use of the land.

Chair Wegener stated that he's fine with removing both requirements (cupolas and faux paint) but believes another "architectural interest piece" should be included on the structure. Commissioner Crosby said that he's fine with the removal of both items and doesn't feel the need to install additional design elements.

Deems stated the Parks Department held several rounds of community engagement along with various rounds of review with the City Council. He said the Parks and Recreation Department conducted a very robust community involvement process prior to construction of the park.

Motion: Motion to close the public hearing at 7:54 p.m.

Moved By: Commissioner Crosby

Seconded By: Commissioner Malone

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Move that the major modification to File No. 25-037 DR/VAR be approved to rescind the conditions to paint the I-beam gable ends with a faux wood pattern due to the required amount of design elements for the basketball court shelter being met, and to approve the variance to Section 17.90.120.C.4 to omit the secondary roof form requirement.

Moved By: Commissioner Crosby

Seconded By: Commissioner Malone

Yes votes: Commissioner Zawaski, Commissioner Malone, Commissioner O'Leary, Commissioner Crosby

No votes: Chair Wegener

Abstentions: None

8. ADJOURNMENT

Chair Wegener adjourned the meeting at 7:56 p.m.

Chair Linda Malone

Attest:

Kelly O'Neill Jr.,
Development Services Director

Date signed: _____

DRAFT



STAFF REPORT

Planning Commission

Item # 2.

Meeting Type: Planning Commission
Meeting Date: March 30, 2026
From: Kelly O'Neill Jr., Development Services Director
Subject: Director's Report for March 2026

Next Meetings:

April 27 at 6:30 PM – Nothing tentatively scheduled at this time

May 26 (Tuesday) at 6:30 PM – Nothing tentatively scheduled at this time (Kelly cannot attend)

June 22 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/>

Wastewater System Update:

The City Council is expected to receive the draft wastewater facility plan amendment at their meeting on May 4, 2026. The Commission is encouraged to attend that meeting to get the most up to date information on our wastewater improvements.

Additionally, the City is continuing to make progress towards completing the necessary improvements in order to obtain the next allotment of ERUs (the conditional 190 ERUs). A program for how to allocate those ERUs will be released later this spring.

Tentative Upcoming Code Amendments:

April 20 City Council meeting

- Work Session on Chapter 8.20 (Unnecessary Noise and 'new' Solicitation code section)
- Public Hearing for Chapter 15.32 Sign Code

May 4 City Council meeting

- Public Hearing for Pre-HB 2005 compliance amendments (Commission hearing on March 30)

Pending City Council code amendment items (meeting dates not yet determined)

- Work Session #2 for Temporary Uses/Structures and Fences/Retaining Walls
- Work Session for Infraction Code Modifications (discussed by the Commission on March 30)



STAFF REPORT

Meeting Type: Planning Commission
Meeting Date: March 30, 2026
From: Kelly O'Neill Jr., Development Services Director
Subject: Pre-House Bill 2005 Compliance Amendments

DECISION TO BE MADE:

Hold a legislative public hearing to discuss proposed code amendments for pre-House Bill 2005 (HB 2005) compliance in Chapters 17.10, 17.34, 17.36, 17.38, 17.40, 17.44, and 17.46 of the Sandy Municipal Code.

APPLICABLE COUNCIL GOAL:

6.9: Ensure compliance with state legislative and regulatory mandates through code amendments that are responsible and reflect the community's values.

BACKGROUND / CONTEXT:

In 2025, the Oregon legislature adopted HB 2005 (2025) dealing with a wide range of mental-health related issues. Only a small portion of the bill relates to land use issues, but those changes are significant.

Most provisions in HB 2005 are not housing laws, except for sections amending ORS Chapter 197A and 197.660 to 670, which are housing laws as they relate to residential development and impose a mandatory duty on a local government. The bill also requires local governments to allow the co-location of a "crisis stabilization center" and "mental or psychiatric hospital" without requiring a plan amendment, zone change, or conditional use permit on land within an urban growth boundary.

- For a crisis stabilization center, the property must be owned by a public body and adjacent to an existing or pending mental or psychiatric hospital.
- For a mental or psychiatric hospital, the property must be zoned for commercial, employment, public lands, or industrial uses and adjacent to an existing or pending crisis stabilization center.

With adoption of HB 2005 the City Attorney reviewed Title 17 of the Sandy Municipal Code and noticed a few provisions that were not aligned with ORS 197.660-667. Prior to HB 2005, and already in effect, are the requirements of ORS 197.660-667, specifically the following:

- ORS 197.660 defines "residential facility" and "residential home."
- ORS 197.665 requires the City to allow residential homes as a permitted use in any residential zone and in any commercial zone that allows a single-family dwelling, and to generally apply the same requirements to residential homes as it does to single family dwellings.
- ORS 197.667 requires the City to allow residential facilities as a permitted use in any zone where multifamily is a permitted use, and as a conditional use in any zone where multifamily is a conditional use.

KEY CONSIDERATIONS / ANALYSIS:

City staff were advised by the City Attorney that compliance with pre-HB 2005 requirements could be accomplished by taking the following steps:

- Define “residential home” in 17.10 by referencing ORS 197.660.
- Modify the definition of “residential facility” in Chapter 17.10 by referencing ORS 197.660.
- Add “residential home” as a permitted use in all residential zones, and in all commercial zones that allow a single-family dwelling.
- Add “residential facility” as a permitted use in all zones that allow multifamily as a permitted use, and as a conditional use in all zones that allow multifamily as a conditional use.
- Remove the references to “residential care facility” in the various zones where it is currently listed.

With these revisions, the City would be in compliance with the requirements that pre-dated HB 2005. However, these proposed amendments will not bring the City into compliance with the requirements of HB 2005. To come into compliance with HB 2005 the City will likely need to adopt a new code section or sections in Title 17 that mirrors the language of HB 2005. However, there is pending litigation around HB 2005, so staff are waiting for the litigation to resolve prior to adopting additional code provisions into the Sandy Municipal Code.

BUDGET IMPACT:

Staff and City Attorney expenses that have already been incurred.

RECOMMENDATION:

Staff recommend that the Planning Commission hold a legislative public hearing, discuss the proposed code modifications, and provide staff with suggested edits.

LIST OF ATTACHMENTS / EXHIBITS:

Draft Ordinance No. 2026-03

- Exhibit A. Chapter 17.10 modifications
- Exhibit B. Chapters 17.34, 17.36, 17.38, and 17.40 modifications
- Exhibit C. Chapters 17.44 and 17.46 modifications
- Exhibit D. Findings



ORDINANCE NO. 2026-03

AN ORDINANCE UPDATING THE CITY’S REGULATIONS ON PRE-HOUSE BILL 2005 COMPLIANCE IN CHAPTERS 17.10, 17.34, 17.36, 17.38, 17.40, 17.44, AND 17.46

WHEREAS, in 2025, the Oregon legislature adopted HB 2005 (2025) dealing with a wide range of mental-health related issues; and

WHEREAS, with adoption of HB 2005 the City Attorney reviewed Title 17 of the Sandy Municipal Code and noticed a few provisions that were not aligned with ORS 197.660-667; and

WHEREAS, with these revisions, the City would be in compliance with the requirements that pre-dated HB 2005; and

WHEREAS, the Planning Commission held a public hearing on March 30, 2026, allowing the public an opportunity to provide testimony on the proposed code amendments; and

WHEREAS, the City Council held a public hearing on May 4, 2026, allowing the public an opportunity to provide testimony on the proposed code amendments.

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

Section 1. Sandy Municipal Code Chapters 17.10, 17.34, 17.36, 17.38, 17.40, 17.44, and 17.46 are hereby amended as detailed in Exhibits A-C, attached and incorporated by reference.

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

Section 3. This Ordinance shall become effective 30 days from the date of adoption.

This ordinance is adopted by the City Council of the City of Sandy on this _____ day of _____, 2026.

Kathleen Walker, Mayor

ATTEST:

Jeffrey Aprati, City Recorder

Sec. 17.10.30. Meaning of specific words and terms.

The listed specific words and terms are defined as follows:

.....

Residential facility: A residential care facility, means a residential care or residential training facility, as those terms are defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential 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.~~

Residential home: A residential home means a residential treatment or training home, as defined in ORS 443.400 (Definitions for ORS 443.400 to 443.455), a residential facility registered under ORS 443.480 (Definitions for ORS 443.480 to 443.500) to 443.500 (Investigation of registered facilities) or an adult foster home licensed under ORS 443.705 (Definitions for ORS 443.705 to 443.825) to 443.825 (Disposition of penalties recovered) that 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. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

CHAPTER 17.34 SINGLE-FAMILY RESIDENTIAL (SFR)¹

Sec. 17.34.00. Intent.

This district is intended to implement the Low Density Residential Comprehensive Plan designation by providing for low-density residential development in specific areas of the city. The purpose of this district is to primarily allow single-family dwellings and duplexes, as urban services become available. Density shall not be less than three or more than 5.8 units per net acre.

(Ord. No. 2022-07, § 5(Exh. E), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.34.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. Duplex~~;~~;
3. Single room occupancy with up to six SRO units~~;~~;
4. [Residential home.](#)

B. *Accessory Uses Permitted Outright:*

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
3. Family day care, as defined in Chapter 17.10 subject to any conditions imposed on the residential dwellings in the zone;
4. Home business subject to the provisions in Chapter 17.74;
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
6. Minor utility facility;
7. Other development customarily incidental to the primary use.

(Ord. No. 2021-03, § 3(Exh. C), 5-17-2021; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024; Ord. No. 2025-32, § 1(Exh. A), 11-17-2025)

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

Sec. 17.34.20. Minor conditional uses and conditional uses.**A. Minor Conditional Uses:**

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
3. Other uses similar in nature.

B. Conditional Uses:

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

(Ord. No. 2021-03, § 3(Exh. C), 5-17-2021; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.34.30. Development standards.

Type	Standard	
A. Minimum Lot Area	Single detached dwelling or duplex	7,500 square ft.
	Other permitted uses	No minimum
B. Minimum Average Lot Width	Single detached dwelling or duplex	60 ft.
C. Minimum Lot Frontage		20 ft.
D. Minimum Average Lot Depth	No minimum	
E. Setbacks (Except Garage/Carport)	Front yard	10 ft. minimum
	Rear yard	20 ft. minimum
	Side yard (interior)	7.5 ft. minimum
	Corner Lot	10 ft. minimum on side abutting the street ¹
F. Setbacks (Garage/Carport)		22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to street

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(Supp. No. 5, Update 3)

	5 ft. minimum for alley or rear access
<i>G. Projections into Required Setbacks</i>	See Chapter 17.74
<i>H. Accessory Structures in Required Setbacks</i>	See Chapter 17.74
<i>I. Structure Height</i>	35 ft. maximum
<i>J. Building Site Coverage</i>	No minimum
<i>K. Off-Street Parking</i>	See Chapter 17.98

Footnote:

¹ Shall comply with the vision clearance area requirements of Chapter 17.74.

² Single room occupancies shall meet the standards applicable to single detached dwellings.

(Ord. No. 2021-03, § 3(Exh. C), 5-17-2021; Ord. No. 2022-07, § 5(Exh. E), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.34.40. Minimum requirements.

- A. Shall connect to municipal water in accordance with the 2022 Water System Master Plan.
- B. Shall connect to municipal sewer if service is currently within 200 feet of the site, as measured from the nearest property line. Sites more than 200 feet from municipal sewer, shall only be approved to connect to an alternative disposal system provided all of the following are satisfied:
 - 1. A county septic permit is secured and a copy is provided to the City;
 - 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements required under Chapter 17.84;
 - 3. The minimum size of the property is one acre or is a pre-existing legal lot, as determined by the City;
 - 4. Site consists of a legal lot(s) created through dividing property in the city, which is less than five acres in size.
- C. Shall have frontage or approved access to public streets.

(Ord. No. 2022-07, § 5(Exh. E), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.34.50. Additional requirements.

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. Lots with alley access may be up to ten percent smaller than the minimum lot size of the zone.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

CHAPTER 17.36 LOW DENSITY RESIDENTIAL (R-1)²

Sec. 17.36.00. Intent.

This district is intended to implement the Low Density Residential Comprehensive Plan designation by providing low-density residential development. It is to be used as a transition between the Single-Family Residential zone and the higher density zones. The uses are to be fully serviced by public facilities. Density shall not be less than five or more than eight units per net acre.

(Ord. No. 2022-07, § 6(Exh. F), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.36.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Single detached dwelling (subject to design standards in Chapter 17.90);
2. Single detached or attached zero lot line dwelling;
3. Duplex;
4. Row houses;
5. Manufactured dwelling parks (see Chapter 17.96~~);~~;
6. Single room occupancy with up to six SRO units~~;~~;
7. [Residential home.](#)

B. *Accessory Uses Permitted Outright:*

1. Accessory dwelling unit;
2. Accessory structure, detached or attached in accordance with specified size limitations (see Chapter 17.74);
3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
4. Home business (see Chapter 17.74);
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;
6. Minor utility facility;
7. Other development customarily incidental to the primary use.

²Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024; Ord. No. 2025-32, § 1(Exh. A), 11-17-2025)

Sec. 17.36.20. Minor conditional uses and conditional uses.

A. Minor Conditional Uses:

1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
3. Other uses similar in nature.

B. Conditional Uses:

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

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.36.30. Development standards.

Type	Standard	
A. Minimum Lot Area	Single detached dwelling or duplex ³	5,500 square ft.
	Single detached zero lot line	5,000 square ft.
	Other permitted uses	No minimum
B. Minimum Average Lot Width	Single detached dwelling or duplex ³	50 ft.
	Single detached zero lot line dwelling	40 ft.
	Single attached zero lot line dwelling	30 ft.
	Other permitted uses	No minimum
C. Minimum Lot Frontage		20 ft.
D. Minimum Average Lot Depth		No minimum
E. Setbacks	Front yard	10 ft. minimum

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(Supp. No. 5, Update 3)

	Rear yard	15 ft. minimum
	Side yard (interior)	5 ft. minimum ¹
	Corner Lot	10 ft. minimum on side abutting the street ²
	Garage	22 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street 5 ft. minimum for alley or rear access
Projections into Required Setbacks		See Chapter 17.74
Accessory Structures in Required Setbacks		See Chapter 17.74
Structure Height		35 ft. maximum
Building Site Coverage		No minimum
Off-Street Parking		See Chapter 17.98

Footnotes:

¹Excluding zero-lot line development.

²Shall comply with the vision clearance area requirements of Chapter 17.74.

³Single room occupancies shall meet the standards applicable to single detached dwellings.

(Ord. No. 2022-07, § 6(Exh. F), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.36.40. Minimum requirements.

- A. Shall connect to municipal water in accordance with the 2022 Water System Master Plan.
- B. Shall connect to municipal sewer if service is currently within 200 feet of the site, as measured from the nearest property line. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
 - 1. A county septic permit is secured and a copy is provided to the City;
 - 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements required under Chapter 17.84;
 - 3. The minimum size of the property is one acre or is a pre-existing legal lot, as determined by the City;
 - 4. Site consists of a legal lot(s) created through dividing property in the city, which is less than five acres in size.
- C. Shall have frontage or approved access to public streets.

(Ord. No. 2022-07, § 6(Exh. F), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.36.50. Additional requirements.

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.

-
- C. Lots with alley access may be up to ten percent smaller than the minimum lot size of the zone.
 - D. *Zero Lot Line Dwellings*: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five feet in width.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

CHAPTER 17.38 MEDIUM DENSITY RESIDENTIAL (R-2)³

Sec. 17.38.00. Intent.

This district is intended to implement the Medium Density Residential Comprehensive Plan designation by providing for medium density single-family and multi-family uses in suitable locations, where public sewer, water, and other services are readily accessible. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, and parks. Density shall not be less than eight or more than 14 units per net acre.

(Ord. No. 2022-07, § 7(Exh. G), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.38.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Single detached dwelling (subject to design standards in Chapter 17.90);
2. Single detached or attached zero lot line dwelling (subject to design standards in Chapter 17.90);
3. Row house;
4. Duplex;
5. Multi-family dwelling;
6. Manufactured dwelling parks (see Chapter 17.96~~);~~_i;
7. Single room occupancy with up to six SRO units on a lot, or up to 14 SRO units per net acre, whichever is greater~~;~~_i;
8. [Residential home](#);
9. [Residential facility](#).

B. *Accessory Uses Permitted Outright:*

1. Accessory dwelling unit subject to the provisions in Chapter 17.74;
2. Accessory structure, detached or attached subject to the provisions in Chapter 17.74;
3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone (see Chapter 17.74);
4. Home business (see Chapter 17.74);
5. Livestock and small animals, excluding carnivorous exotic animals: The keeping, but not the propagating, for solely domestic purposes on a lot having a minimum area of one acre. The structures

³Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

for the housing of such livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;

- 6. Minor utility facility;
- 7. Other development customarily incidental to the primary use.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024; Ord. No. 2025-32, § 1(Exh. A), 11-17-2025)

Sec. 17.38.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

- 1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
- 2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- 3. Other uses similar in nature.

B. *Conditional Uses:*

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

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.38.30. Development standards.

Type		Standard
Minimum Lot Area		No minimum
Minimum Average Lot Width	Single detached dwelling or duplex	50 ft.
	Single detached zero lot line dwelling	40 ft.

	Single attached zero lot line dwelling	30 ft.
	Other permitted uses	No minimum
Minimum Lot Frontage		20 ft.
Minimum Average Lot Depth		No minimum
Setbacks	Front yard	10 ft. minimum
	Rear yard	15 ft. minimum
	Side yard (interior)	5 ft. minimum ¹
	Corner Lot	10 ft. minimum on side abutting the street ²
	Garage	20 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street 5 ft. minimum for alley or rear access
Projections into Required Setbacks		See Chapter 17.74
Accessory Structures in Required Setbacks		See Chapter 17.74
Multi-family	Landscaping	25% minimum
Structure Height		35 feet maximum
Building Site Coverage		No minimum
Off-Street Parking		See Chapter 17.98

Footnotes:

¹Excluding zero lot line development.

²Shall comply with the vision clearance area requirements of Chapter 17.74.

(Ord. No. 2022-07, § 7(Exh. G), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.38.40. Minimum requirements.

- A. Shall connect to municipal water in accordance with the 2022 Water System Master Plan.
- B. Shall connect to municipal sewer if service is currently within 200 feet of the site, as measured from the nearest property line. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
 - 1. A county septic permit is to be secured and a copy is provided to the City.
 - 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements required under Chapter 17.84.
 - 3. The minimum size of the property is one acre or is a pre-existing legal lot, as determined by the City.
 - 4. Site consists of a legal lot(s) created through dividing property in the city, which is less than five acres in size.
- C. Shall have frontage or approved access to public streets.

(Ord. No. 2022-07, § 7(Exh. G), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.38.50. Additional requirements.

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. *Zero lot line dwellings.* Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five feet in width.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

CHAPTER 17.40 HIGH DENSITY RESIDENTIAL (R-3)⁴

Sec. 17.40.00. Intent.

This district is intended to implement the High Density Residential Comprehensive Plan designation by providing for housing in close proximity to retail, public amenities; major transportation routes and transit services where public sewer, water and other services are readily accessible. R-3 uses are designed to be a transition area between commercial and industrial uses and low density single family uses. Pedestrian connections are required to ensure a direct walking route to retail shops. All development shall also provide access to the surrounding neighborhood with excellent linkage between residential areas, schools, parks, and commercial. Density shall not be less than ten or more than 20 units per net acre.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.40.10. Permitted uses.

A. *Primary Uses Permitted Outright:*

1. Single Detached, if located on an existing legal lot;
2. Single Attached Zero Lot Line;
3. Duplex;
4. Row houses;
5. Multi-family dwellings;
6. Manufactured dwelling parks;
7. [Residential home](#);
- ~~78.~~ Residential facility;
- ~~89.~~ Single room occupancy with up to six SRO units on a lot, or up to 20 SRO units per net acre, whichever is greater.

B. *Accessory Uses Permitted Outright:*

1. Accessory dwelling unit (see Chapter 17.74);
2. Accessory structure, detached or attached (see Chapter 17.74);
3. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone;
4. Home business (see Chapter 17.74);
5. Livestock: The keeping, but not the propagating, of one horse, or one cow, or two sheep for solely domestic purposes on a lot having a minimum area of one acre. The structures for the housing of such

⁴Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

livestock shall be located within the rear yard and at a minimum distance of 100 feet from an adjoining lot in any residential zoning district;

- 6. Minor utility facility;
- 7. Other development customarily incidental to the primary use.

(Ord. No. 2021-16, § 5(Exh. E), 8-16-2021; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.40.20. Minor conditional uses and conditional uses.

A. *Minor Conditional Uses:*

- 1. Accessory structures for agricultural, horticultural or animal husbandry use in excess of the size limits in Chapter 17.74;
- 2. Projections or free-standing structures such as chimneys, spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, aerials, cooling towers and similar structures or facilities not used for human occupancy exceeding 35 feet in height;
- 3. Other uses similar in nature.

B. *Conditional Uses:*

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

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.40.30. Development standards.

Type	Standard	
Minimum Average Lot Width	Single detached dwelling	40 ft.
	Single detached zero lot line dwelling	30 ft.
	Single attached zero lot line dwelling	20 ft.

	Other permitted uses	No minimum
Minimum Lot Frontage		20 ft.
Minimum Average Lot Depth		No minimum
Setbacks	Front yard	10 ft. minimum
	Rear yard	15 ft. minimum
	Side yard (interior)	5 ft. minimum ¹
	Corner Lot	10 ft. minimum on side abutting the street ²
	Garage	20 ft. minimum for front vehicle access 15 ft. minimum if entrance is perpendicular to the street 5 ft. minimum for alley or rear access
Projections into Required Setbacks		See Chapter 17.74
Accessory Structures in Required Setbacks		See Chapter 17.74
Structure Height		35 ft. maximum
Building Site Coverage		No maximum
Landscaping		25% minimum (See Chapter 17.92)
Off-Street Parking		See Chapter 17.98

Footnotes:

¹Excluding zero lot line development.

²Shall comply with the vision clearance area requirements of Chapter 17.74.

(Ord. No. 2022-07, § 8(Exh. H), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.40.40. Minimum requirements.

- A. Shall connect to municipal water in accordance with the 2022 Water System Master Plan.
- B. Shall connect to municipal sewer if service is currently within 200 feet of the site, as measured from the nearest property line. Sites more than 200 feet from municipal sewer, may be approved to connect to an alternative disposal system provided all of the following are satisfied:
 - 1. A county septic permit is to be secured and a copy is provided to the City.
 - 2. The property owner executes a waiver of remonstrance to a local improvement district and/or signs a deed restriction agreeing to complete improvements required under Chapter 17.84.
 - 3. The minimum size of the property is one acre or is a pre-existing legal lot, as determined by the City.
 - 4. Site consists of a legal lot(s) created through dividing property in the city, which is less than five acres in size.
- C. Shall have frontage or approved access to public streets.

(Ord. No. 2022-07, § 8(Exh. H), 5-2-2022; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.40.50. Additional requirements.

- A. Design review as specified in Chapter 17.90 is required for all uses.
- B. Lots with 40 feet or less of street frontage shall be accessed by a rear alley or a shared private driveway.
- C. *Zero lot line dwellings*: Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and the abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five feet in width.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

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

CHAPTER 17.44 GENERAL COMMERCIAL (C-2)¹

Sec. 17.44.00. Intent.

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

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.44.10. Permitted uses.

A. *Primary Uses Permitted Outright—Residential:*

1. Multi-family dwellings above a commercial business;~~;~~
2. Residential facility above a commercial business.

B. *Primary Uses Permitted Outright in buildings with less than 60,000 square feet of gross floor area:*

1. Retail businesses, including but not limited to:
 - a. Automotive fueling station;
 - b. Automotive, trailer, recreational vehicle, and motor cycle sales and rental;
 - c. Convenience market/store;
 - d. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATM, restaurants, car wash, quick vehicle servicing, and similar uses);
 - e. Eating and drinking establishments including fast-food and high-turnover sit down restaurants;
 - f. Grocery store or supermarket.
2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution;
 - g. Medical facility (e.g., clinic, hospital, laboratory);

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

- h. Professional or general business office;
 - i. Social organization.
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to:
 - a. Brewery, distillery, or winery, with or without pub or tasting room.
 4. Bus station or terminal.
 5. Group care and assisted living.
 6. Minor public facility.
 7. Nursery/greenhouse.
 8. Outdoor recreation.
 9. Overnight lodging.
 10. Park and ride station.
 11. Parking lot or garage (when not an accessory use).
 12. Public park, plaza, playground or recreation area, and buildings.
 13. Trucking terminal, distribution center, or transit center.
 14. Warehousing and distribution facilities for wholesale merchandise.
 15. Wholesale lumber or building materials yard.
 16. Other uses similar in nature.
- C. *Accessory Uses Permitted Outright:*
1. A use customarily incidental and subordinate to a use permitted outright;
 2. Outdoor product display or storage of merchandise covering no more than 20 percent of the total lot area;
 3. Parking lot or garage (when associated with development).

(Ord. No. 2022-26, § 4(Exh. D), 1-17-2023; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.44.20. Minor conditional uses and conditional uses.

- A. *Minor Conditional Uses:*
1. Outdoor product display or storage of merchandise covering greater than 20 percent of the total lot area.
 2. Other uses similar in nature.
- B. *Conditional Uses:*
1. Buildings designed for one or more occupants with more than 60,000 square feet of gross floor area.
 2. Major public facility.
 3. Traveler accommodation facilities including campgrounds, overnight travel parks, and recreational vehicle parks.

4. Other uses similar in nature.

(Ord. No. 2021-16, § 6(Exh. F), 8-16-2021; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.44.30. Development requirements.

A.

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

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

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

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

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

CHAPTER 17.46 VILLAGE COMMERCIAL (C-3)²

Sec. 17.46.00. Intent.

The intent of the village commercial district is primarily oriented to serve residents of the village and the surrounding residential area. The Village Commercial zoning district is intended to help form the core of the villages. Allowing a mixture of residential uses beside and/or above commercial uses will help create a mixed-use environment, which integrates uses harmoniously and increases the intensity of activity in the area. The orientation of the uses should integrate pedestrian access and provide linkages to adjacent residential areas, plazas and/or parks, and amenities.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.46.10. Permitted uses.

A. *Primary Uses Permitted Outright—Residential:*

1. Residential dwellings above a commercial business;~~;~~
2. [Residential facility above a commercial business.](#)

B. *Primary Uses Permitted Outright—Commercial (in buildings with up to 7,500 square feet of gross floor area):*

1. Retail uses, including but not limited to:
 - a. Automotive, trailer, recreational vehicle, motorcycle sales and rental;
 - b. Convenience market/store;
 - c. Eating and drinking establishment including fast-food and high-turnover sit down restaurant but excluding drive-through;
 - d. Grocery store or supermarket.
2. Service and professional businesses and organizations, including but not limited to:
 - a. Athletic club, indoor recreation, or entertainment;
 - b. Automotive repair and service;
 - c. Commercial day care facility;
 - d. Community services;
 - e. Education facility (e.g., pre-school, school, college);
 - f. Financial institution excluding drive-through;
 - g. Medical facility (e.g., clinic, hospital, laboratory);

²Editor's note(s)—Pre-republication, this chapter was last revised by Ord. No. 2013-11, effective December 18, 2013. Any amendments occurring post-republication have a history note in parenthesis at the bottom of the amended section.

- h. Professional or general business office;
 - i. Social organization.
3. Manufacturing, assembly, processing, and production that do not produce significant levels of noise or odor beyond the boundaries of the site, including but not limited to;
 - a. Brewery, distillery, or winery with pub/tasting room.
 4. Bus station or terminal.
 5. Group care and assisted living.
 6. Minor public facility.
 7. Overnight lodging.
 8. Park and ride station.
 9. Parking lot or garage (when not an accessory use).
 10. Other uses similar in nature.
- C. *Accessory Uses Permitted Outright:*
1. A use customarily incidental and subordinate to a principal use permitted outright.
 2. Outdoor display or storage of merchandise covering no more than ten percent of the total retail sales area.
 3. Accessory dwelling units, detached or attached.
 4. Accessory structures.
 5. Family day care homes, subject to any conditions imposed on the residential dwellings in the zone.
 6. Home businesses.
 7. Parking lot or garage (when associated with development).

(Ord. No. 2021-03, § 4(Exh. D), 5-17-2021; Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.46.20. Minor conditional uses and conditional uses.

- A. *Minor Conditional Uses:*
1. Congregate living.
 2. Nursery/greenhouse.
 3. Outdoor product display or storage of merchandise covering greater than ten percent of the total retail sales area.
 4. Outdoor recreation.
 5. Public park, plaza, playground or recreational area, and associated buildings.
 6. Other uses similar in nature.
- B. *Conditional Uses:*
1. Automotive fueling stations.
 2. Buildings designed for one or more occupants with more than 7,500 square feet of gross floor area.

3. Drive-through facilities in conjunction with a bank, savings and loan, credit union, or an eating and drinking establishment on a site abutting a state highway, subject to all other applicable provisions of the Sandy Development Code and the following special conditions:
 - a. No drive-through facility will be permitted unless the development site is at least two acres in size and only one drive-through facility shall be allowed on each development site.
 - b. Each drive-through facility shall be oriented to the adjacent public street and shall be otherwise designed to prioritize pedestrian access and circulation over vehicular access and circulation. Pedestrians shall not have to cross drive-through lanes to access entry doors.
 - c. A drive-through facility may be conditioned to operate during hours that do not negatively impact adjacent residential uses in terms of noise and lighting.
 - d. Each drive-through facility may have only one drive-through lane, which shall not be positioned between the primary building and a local residential street.
4. Major public facility.
5. Other uses similar in nature.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Sec. 17.46.30. Development standards.

A.

Type	Standard
Lot Area	No minimum or maximum
Lot Width	No minimum
Lot Depth	Maximum 100 ft.
Lot Coverage	No maximum
Setbacks ¹	No minimum; maximum 20 ft.
Structure Height	45 ft. maximum
Landscaping	10% minimum (includes required civic space per 17.90.110.)
Off-Street Parking	See Chapter 17.98
Design Review Standards	See Section 17.90.110

Footnote:

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

- B. Special Setbacks—Side or Rear Yard Abutting a More Restrictive District
 1. Property abutting a more restrictive zoning district shall have the same yard setback as required by the abutting district. An additional ten feet shall be added for each ten foot increment in building height over 35 feet;
 2. Measurement of the height transition area shall be made between the foundation of the proposed building and the property line of the abutting district. When the proposed structure has different sections that have different heights, the height transition area shall be measured for each vertical surface as if it were to be free-standing. The building then must be located on the site so that no section is closer to the abutting property line than it would be if the section was free-standing;

-
3. The required buffering and screening and utilities may be located within the height transition area. Off-street parking, accessory structures and incidental development may be located within the height transition area but not any areas designated as buffering and screening area.

(Ord. No. 2024-01, § 1(Exh. A), 2-20-2024)

Ordinance 2026-03 Findings

Goal 1: Citizen Involvement

This goal calls for "the opportunity for citizens to be involved in all phases of the planning process."

Findings: The City held public hearings before both the Planning Commission and City Council to afford the public the opportunity to be involved. Notice of the two hearings was published in the Sandy Post, posted on the City's website, and on the City Facebook account. Notice was provided to the Department of Land Conservation and Development on February 13, 2026.

Conclusion: *Goal 1 Public Involvement requirements are met.*

Goal 2: Land Use

This goal requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. Cities and counties must build their comprehensive plans on a factual basis and follow their plan when making decisions on appropriate zoning.

Findings: The proposed code amendments provide the development community with a clear understanding of an approval process that was previously not aligned with ORS 197.660-667 for residential development. These amendments will update the local municipal code to align with ORS requirements that serve a portion of the population that require assistance in residential facilities and residential homes. With approval of these amendments the City will now be in compliance with ORS 197.660-667, pre-HB 2005.

Conclusion: *Goal 2 Land Use requirements are met.*

Goal 10: Housing

This goal calls for an adequate housing supply to ensure opportunity for and promotion of the provision of adequate numbers of needed housing units and the efficient use of land within a city's urban growth boundary. Additionally, this goal aims to promote safe, accessible, and affordable housing options for all Oregonians in their communities of choice, in alignment with the Affirmatively Furthering Fair Housing mandate.

Findings: These amendments update the City's regulations to allow residential treatment homes/facilities by right in areas zoned for residential and commercial uses, subject to specific criteria. The amendments will comply with ORS 197.660, and associated administrative rules, which impose a mandatory duty on local governments relating to residential development. The amendments in Ordinance 2026-03 will allow residential homes as a permitted use in any residential zone and in any commercial zone that allows a single-family dwelling, and to generally apply the same requirements to residential homes as it does to single family dwellings. The amendments in Ordinance 2026-03 will allow residential facilities as a permitted use in any zone where multifamily is a permitted use, and as a conditional use in any zone where multifamily is a conditional use.

Conclusion: *Goal 10 Housing requirements are met.*



STAFF REPORT

Meeting Type: Planning Commission
Meeting Date: March 30, 2026
From: Kelly O’Neill Jr., Development Services Director
Subject: Civil Infractions Work Session

DECISION TO BE MADE:

Hold a work session to discuss proposed code amendments related to civil infractions in 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:

At the City Council Work Session on October 7, 2024, staff outlined several chapters within the Sandy Municipal Code (SMC) that would be brought forth for modification as recommended by the Code Enforcement Task Force. On December 2, 2024, the City Council adopted Ordinance No. 2024-23 (Exhibit C.), which removed Chapter 1.16 and modified Chapter 1.18. The modifications to Chapter 1.18 included infraction classifications consistent with other municipalities and a fine escalation clause for repeat offenders.

At the time of adoption of Ordinance No. 2024-23, staff had stated that a future code modification process would identify outdated code references to Chapter 1.16 and would also standardize violation references to a Class A, B, or C, as permissible. While the Planning Commission will not be part of the public hearing process for these code amendments as they are outside of Title 17, staff are seeking input from the Commission to incorporate into the proposal for City Council consideration.

KEY CONSIDERATIONS / ANALYSIS:

The infraction table in Exhibit A. identifies all violation references in the Sandy Municipal Code, except for Title 17. The table defines current code language and proposed code language, highlighting the dollar amount of each proposed infraction classification.

A few proposed modifications of note:

- Staff have removed references that each day constitutes a separate violation as Section [1.18.050](#). states, “Each day a violation continues or occurs shall constitute a separate infraction.”

- Staff have mirrored the infraction classification to the dollar amount in the existing code when possible. For example, if a code section currently states the violation is \$500 then the proposed infraction classification is a Class B which is currently set at \$500.
- Staff have set new infraction classifications as close to the dollar amount in the existing code, as possible. For example, if a code section currently states the violation is \$100 then the proposed infraction classification is a Class C which is currently set at \$250.
- Staff are recommending removal of Chapter [1.20](#) as the City does not hold jury trials.
- Staff have removed ‘imprisonment’ as a potential penalty as the City does not have jury trials nor a defense counsel.
- Staff are recommending removal of references to ORS in Chapters [8.34](#) and [8.35](#) for violations as the City Attorney recommends referring to the City’s violation schedule instead of ORS. The only limitation is that the City’s fines cannot be higher than they would be under state law, which they are not proposed to exceed.
- Staff are recommending removal of Section [8.34.080.E](#), as the minimum fine language in this subsection establishes a floor for the fine the court can impose, while the amounts in Chapter 1.18 provide a ceiling (“not exceeding...”). Establishing a floor is not common as it’s generally just left to the discretion of the court.

Staff have also included a jurisdictional violation matrix (Exhibit B.) which identifies violation amounts for different violations by jurisdiction. *Note: This matrix only identifies violation amounts for code enforcement violations that are enforced by the Development Services Department.*

BUDGET IMPACT:

Staff and City Attorney expenses that have already been incurred.

RECOMMENDATION:

Staff recommend that the Planning Commission discuss the proposed code modifications and provide staff with suggested edits prior to holding a work session with the City Council.

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A. Infraction Table
- Exhibit B. Jurisdictional Violation Matrix (SMC chapters/sections enforced by the Development Services Department)
- Exhibit C. Ordinance No. 2024-23

Code Section	Title	Existing Code Language	Proposed Code Language	Proposed Amount
1.20.110.	Trial by Jury	The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than \$100.00 or by imprisonment in the city or county jail for not more than 30 days, or by both such fine and imprisonment.	Delete Chapter 1.20 in its entirety.	N/A
2.80.090.	Emergency Planning	Any person, firm, corporation, association or entity who violates any emergency measure taken by the city council under authority of this chapter shall be subject, upon conviction, to a fine of not more than \$500.00 per offense.	Any person, firm, corporation, association, or entity who violates any emergency measure taken by the city council under authority of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
3.28.180.	Transient Lodging Tax	A violation of this chapter is a Class "A" infraction under Chapter 1.18. Each day that a violation remains uncured is a separate infraction.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
5.04.120.	Occupations, Professions, and Business Licenses	Any person violating any of the provisions of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. Each day on which a violation occurs or continues shall be considered a separate violation.	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
5.05.240.	Public Transportation and Self Employment Tax	Any person, firm, corporation or association committing any violation described in this section shall, upon conviction, be fined not less than \$100.00, nor more than \$2,500.00, for each offense, and shall be subject to one year in jail.	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
5.24.020.	Advertisements on Utility Poles	Any person violating any provision of this chapter shall upon conviction thereof be punished by a fine not to exceed \$50.00.	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
5.28.020.	Bingo and Lotto	A violation of this chapter shall be punishable by a fine not to exceed \$500.00, by imprisonment not to exceed six months, or by both.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
6.04.130.	Animal Control	Violation of this chapter is deemed to be a Class C infraction.	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
6.08.040.	Apiaries, Livestock and Fowl	A person violating any of the provisions of this chapter shall, upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
8.28.010.	Nuisances Penalty (Chapter 8.04 through 8.24)	A person violating any of the provisions of Chapters 8.04 through 8.24 shall, upon conviction thereof, be guilty of a Class A infraction and subject to the penalties provided in Chapter 1.18	Violation of any provision of Chapters 8.04 through 8.24 shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
8.32.170.	Nuisances Explosives	Any person violating any of the provisions of this chapter shall upon conviction be punished by imprisonment for not to exceed ten days, or by a fine not to exceed \$300.00, or both.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
8.34.080.	Sandy Graffiti Code	A. Applying graffiti in violation of this Chapter is a Class B violation. Under ORS 153.018, a Class B violation is punishable by a maximum fine not to exceed \$360.00. B. Unlawfully possessing a graffiti implement is a Class D violation. Under ORS 153.018, a Class D violation is punishable by a maximum fine not to exceed \$90.00. E. Upon conviction for unlawfully applying graffiti the court shall impose a minimum fine of at least \$100.00. Upon conviction for unlawfully possessing graffiti implement, the court shall impose a minimum fine of at least \$50.00.	A. Applying graffiti is a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. B. Unlawfully possessing a graffiti implement is a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. E. Delete as the minimum fine language establishes a floor for the fine the court can impose, while the amounts in Chapter 1.18 provide a ceiling (“not exceeding...”). Establishing a floor is not common as it’s generally just left to the discretion of the court.	A. \$500 B. \$250 E. delete
8.34.100.	Sandy Graffiti Code (abatement warrant)	F. 4. Any violation of this Subsection is punishable upon conviction by a fine of not more than \$500.00.	F. 4. Violation of any provision of this subsection shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
8.35.030.	Camping Prohibited in Certain Places	Violation of this chapter is a Class "D" violation per ORS Chapter 153. Each day that a violation occurs will be considered a separate offense.	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
9.01.03.	Social Hosting (unruly gatherings)	C. A person who violates subsection A. of this section shall be subject to a fine prescribed by subsection A. of section 9.01.04 of this Code. In addition, a person who is convicted of violating subsection A. of this section for a second time, and for any additional time, within a 12-month period shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection D. of section 9.01.03 of this Code.	C. A person who violates subsection A. of this section shall be subject to a fine prescribed by subsection A. of Section 9.01.04 of this chapter. In addition, a person who is convicted of violating subsection A. of this section for a second time, or any additional times within a 12-month period, shall pay an administrative civil penalty in the amount of response costs, regardless of whether the offense occurred at the same or a different property, as provided in subsection D. of Section 9.01.03. of this chapter.	N/A
9.01.04.	Social Hosting (penalties specific)	Violation of the following sections is punishable by fine not to exceed \$1,000.00 or confinement in jail, or both, up to the amounts indicated opposite each.	Violation of any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
9.01.05.	Social Hosting (administrative civil penalty)	Second and subsequent violations of subsection A. of section 9.01.03 of this Code within a 12-month period are subject to the imposition of response costs as defined in section 9.01.02 of this Code.	Second and third violations of subsection A. of Section 9.01.03. of this chapter within a 12-month period are subject to the imposition of response costs as defined in Section 9.01.02 of this chapter.	N/A
9.01.06.	Social Hosting (administrative civil penalty continued)	Upon fourth and any subsequent violation of subsection A. of section 9.01.03 of this Code within a 12-month period, at a property as defined in section 9.01.02 of this Code, the owner of the property is subject to the imposition of response costs as defined in section 9.01.02 of this Code.	Upon fourth and any subsequent violation of subsection A. of Section 9.01.03. of this chapter within a 12-month period, at a property as defined in Section 9.01.02. of this chapter, the owner of the property is subject to the imposition of response costs as defined in Section 9.01.02 of this chapter.	N/A
9.01.07.	Social Hosting (enforcement and penalties)	A. Violations of any of the provisions of this Chapter are declared civil violations and shall be enforced pursuant to the provisions of Sandy Municipal Code 1.18 B. Fines for violations of the provisions of this Chapter shall be in the amounts specified.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
9.07.030.	Alarm Permit	A. Fines and fees associated with this chapter shall be set by resolution of the City of Sandy Council. B. Fees must be paid upon demand and fines must be paid within 14 days of the date of notice that a fine is due or the fine will double.	No proposed modification as fines and fees are defined in the master fee schedule.	In fee schedule
10.24.120.	Parking	Violation of Sections 10.24.010 to 10.24.130 is punishable by fine as set by resolution.	Violation of any provisions of Sections 10.24.010. to 10.24.130. is punishable by fine as set in the master fee schedule.	In fee schedule
10.30.020.	Stakeboards, Roller Skates, Etc. on Public Sidewalks	Unlawful use of public sidewalks and property is a Class B infraction.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500

Code Section	Title	Existing Code Language	Proposed Code Language	Proposed Amount
10.34.010.	Public Rights-of-Way Obstructions (unlawful street obstruction)	Unlawful street obstruction is a Class B infraction.	Violation of any provision of this section shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
10.34.020.	Public Rights-of-Way Obstructions (unlawful street marking)	Unlawful street marking is a Class A infraction.	Violation of any provision of this section shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
10.44.010	Penalties (Sections 10.12.030 through 10.12.050, Chapter 10.16, Chapter 10.20, and Chapters 10.28 through 10.32)	A. Violation of Sections 10.12.030 through 10.12.050 and Chapters 10.16 and 10.20 (except Section 10.20.100 thereof), is punishable by fine not to exceed \$100.00, or confinement in the city or county jail not to exceed ten days, or both fine and imprisonment. B. Violation of Chapter 10.28 through 10.32 and Section 10.20.100 is punishable by fine not to exceed \$50.00.	A. Violation of any provision of Sections 10.12.030. through 10.12.050. and Chapters 10.16 and 10.20 (except Section 10.20.100. thereof), shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. B. Violation of any provision of Chapters 10.28 through 10.32 and Section 10.20.100. shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
10.48.060	Commercial Vehicle Size and Weight Limits	Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00 or by imprisonment not to exceed six months, or by both fine and imprisonment.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
10.56.040.	Auto Wrecking and Dismantling	Any person violating any of the provisions of this chapter shall upon conviction be fined a sum not to exceed \$500.00, or by imprisonment not to exceed six months, or by both fine and imprisonment.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
12.02.170.	Utility Facilities in Public Rights-of-Way	Any violation of the provisions of this Chapter or the license shall be a civil infraction that may be subject to a penalty of not more than \$500.00 for each offense.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
12.08.160.	Sidewalk, Curb and Driveway Construction	A person cited for a violation of any provisions of this Chapter shall be fined per Chapter 1.18 of this Code. Each day that a violation exists shall be considered a separate violation.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
12.12.030.	Rules of Conduct and Exclusion from Public Property	Violation of an exclusion notice issued in accordance with this chapter is a Class A infraction punishable under Chapter 1.18 of this Code. A violation of any other provision of this chapter is a Class C infraction punishable under Chapter 1.18 of this Code. A violation of an exclusion notice issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by state law and any other applicable provisions of this Code.	A. Violation of an exclusion notice issued in accordance with this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. B. Violation of any other provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. C. A violation of an exclusion notice issued in accordance with this chapter constitutes criminal trespass in the second degree and is punishable as provided by state law and any other applicable provisions of this Code.	A. \$1,000 B. \$250 C. no change
12.18.090.	Street Trees	Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to it is subject to a fine of \$500.00 for each separate violation.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
13.04.220.	Water and Sewer (Regulations pertaining to inadequate supply or shortages of water)	The following penalties may be imposed if violations continue: Second violation: \$100.00 fine Third violation: \$300.00 fine Fourth and subsequent violations: \$500.00 fine	No proposed modification.	unique code provision
13.04.250.	Water and Sewer (Violation - Penalty)	Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff or any other part of the water system belonging to the city, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court of said city be fined in the sum of not more than \$100.00 for each offense, or by imprisonment for a period of not more than ten days, or by both fine and imprisonment.	Any person who shall in any way interfere with, change, alter, or damage any water main, pipe, conduit, shutoff, or any other part of the water system belonging to the City of Sandy, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court be declared in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
13.06.070.	Cross Connections	Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the city, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine in a sum not exceeding \$500.00 or imprisonment for a term not exceeding ten days, or by both fine and imprisonment.	Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the City of Sandy, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be declared in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
13.08.090.	Water System - Connection Charges and Rates	Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
13.12.170.	Sanitary Sewer System - Rules and Regulations	Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed \$300.00, or by imprisonment for not more than 100 days, or both.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
13.16.100.	Sanitary Sewer System - Connection Fees and Charges	A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed \$300.00 or by imprisonment for not more than 100 days, or both B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed \$100.00 or imprisonment of not to exceed ten days, or both.	A. Violation of any provision of Section 13.16.070. shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050. B. Violation of any provision of this chapter, except Section 13.16.070., shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	A. \$500 B. \$250
13.20.110.	Stormwater Utility	Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
15.04.150.	Building Code	Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 per violation. Each day that a violation exists is a separate offense.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
15.10.080.	Derelict Buildings and Structures (procedure for enforcement)	I. If nuisance still exists, staff issues a citation with a possible fine up to \$500.00 per day, mandatory appearance in Municipal Court, or initiates the abatement process.	I. If a nuisance still exists, staff shall declare the nuisance a violation of a Class B Civil Infraction, subject to the Forfeitures defined in Section 1.18.050.	\$500
15.10.110.	Derelict Buildings and Structures (citation)	Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 per violation.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
15.12.090.	Movement of Buildings	Any person, firm or corporation violating any of the provisions of this chapter shall be punished by a fine of not more than \$500.00 or by imprisonment in the jail for a period of not to exceed six months, or by both such fine and imprisonment.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500

Code Section	Title	Existing Code Language	Proposed Code Language	Proposed Amount
15.22.150.	Underground Utility Districts	Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be guilty of a violation punishable by a fine of not to exceed \$1,000.00. Each day during any portion of which a violation of any of the provisions of this Chapter is committed, continued, or permitted shall constitute a separate offense.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
15.28.160.	System Development Fees (prohibited connection)	Violation of this section constitutes a Class A infraction and subjects the violator to the penalties provided in Chapter 1.18.	Violation of any provision of this chapter shall be in violation of a Class A Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$1,000
15.30.100.	Dark Sky Ordinance	See Section 1.16.010 of the Sandy Municipal Code	Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
15.32.190.	Sign Code	Upon conviction, any person who violates any of the provisions of this chapter is guilty of a Class B infraction and subject to the penalties provided in ORS 153.110 through 153.310, as now constituted. A. A person cited for a violation shall be fined up to \$100.00.	Note - Already proposed in a separate code modification process: Violation of any provision of this chapter shall be in violation of a Class C Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$250
15.34.030	Disposal of Debris from Construction Sites	Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.00.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500
15.44.160.	Erosion Control Regulations	Each violation of any provision of this section, or any failure to carry out the conditions of any approval granted pursuant to this section, shall be unlawful and a civil infraction subject to the enforcement provisions of Section 1.16.010 of this Code.	Violation of any provision of this chapter shall be in violation of a Class B Civil Infraction and is subject to the Forfeitures defined in Section 1.18.050.	\$500

**Jurisdictional Violation Matrix
(SMC chapters/sections enforced by the Development Services Department)**

EXHIBIT B.

Item # 4.

SMC Title and Chapter Specific Violation	5 Business License	8.16 Abandoned Icebox	8.16 Attractive Nuisance	8.16 Snow and Ice Removal	8.16 Weeds and Noxious	8.16 Scattering Rubbish
Sandy Current	250	1000	1000	1000	1000	1000
Wilsonville	500	1000	1000	1000	1000	1000
Lake Oswego	1000	1000	1000	1000	1000	1000
Gladstone	720	720	720	720	720	720
Milwaukie	200	500	500	500	500	500
Happy Valley	500	2500	2500	2500	2500	2500
West Linn	500	440	440	440	440	440
Estacada	500	500	500	500	500	500
Bend	750	750	750	200	750	750
Hillsboro	5% per mo	500	500	500	500	500
Tualatin	500	500	500	500	500	500
Ashland	500	500	325	138	500	325
Astoria	1000	1000	1000	1000	1000	1000
Aurora	500	500	500	500	500	500
Baker City	500	500	500	500	500	500
Corvallis	300	1000	1000	1000	1000	1000
Oregon City	300	300	300	300	300	300
Salem	500	500	500	500	500	500
Sherwood	250	250	250	250	500	250
Troutdale	300	1000	1000	1000	1000	1000
Hood River	500	500	500	500	500	500
Beaverton	250	500	500	500	500	500
Newport	500	500	500	500	500	500
Boardman		250	250	250	250	250
Carlton	100	300	300	300	300	300
Coquille	250	440	440	440	440	440
Dallas	500	500	500	500	500	500
Dayton	250	100	100	100	100	100
Elgin	500	500	500	500	500	500
Enterprise	500	3000	3000	3000	3000	3000
Gervais	500	500	500	500	500	500
Hines	500	250	250	250	250	250
Independence	75	250	250	250	250	250
Keizer		100	100	100	100	100
St Helens	1000	500	500	500	500	500

SMC Title and Chapter	8.16	8.16	8.16	8.16	12.08	12.1
Specific Violation	Trees	Fences	Drainage	Junk Accumulation	Sidewalk Construction	Sidewalk Maintenance
Sandy Current	1000	1000	1000	1000	100	
Wilsonville	1000	1000	1000	1000		500
Lake Oswego	1000	1000	1000	1000	1000	1000
Gladstone	720	720	720	720		720
Milwaukie	500	500	500	500	250	250
Happy Valley	2500	2500	2500	2500		2500
West Linn	440	440	440	440		
Estacada	500	500	500	500	500	500
Bend	400		750	750		
Hillsboro	500	500	500	500	500	500
Tualatin	500	500	500	500		
Ashland	200	200	325	325	500	500
Astoria	1000	1000	1000	1000	1000	1000
Aurora	500	500	500	500	500	500
Baker City	500	500	500	500	500	500
Corvallis	1000	1000	1000	1000	250	
Oregon City	300	300	300	300	300	300
Salem	500	500	500	500	250	250
Sherwood	250	250	250	250	500	500
Troutdale	1000	1000	1000	1000	1000	1000
Hood River	500	500	500	500		
Beaverton	500	500	500	500	500	500
Newport	500	500	500	500	500	500
Boardman	250	250	250	250		250
Carlton	300	300	300	300	150	150
Coquille	440	440	440	440	100	100
Dallas	500	500	500	500	250	250
Dayton	100	100	100	100		
Elgin	500	500	500	500		
Enterprise	3000	3000	3000	3000	3000	3000
Gervais	500	500	500	500	250	250
Hines	250	250	250	250		
Independence	250	250	250	250		250
Keizer	100	100	100	100	100	100
St Helens	500	500	500	500	100	

SMC Title and Chapter	12.18	15.04	15.1	15.13	15.32	15.34
Specific Violation	Street Trees	Building Code	Derelict Buildings	Dark Sky Ordinance	Sign Code	Construction Disposal
Sandy Current	500	1000	500	500	100	500
Wilsonville	500	5000		500	500	
Lake Oswego	1000	1000	1000	1000	1000	1000
Gladstone	720				720	720
Milwaukie	500	1000	1000		0	1000
Happy Valley	2500	1000	500/day	2500	2500	
West Linn	440	1000	1000			
Estacada	500	1000	500		500	500
Bend	750	750	750	750	750	
Hillsboro	500	500	500	500	500	500
Tualatin	100	1000	1000			
Ashland	500		500		500	500
Astoria	1000	1000	1000	1000	1000	1000
Aurora	500	1000	500			
Baker City	500	500	500			500
Corvallis	100	5000	1000		100	500
Oregon City	300	300	300	300	300	300
Salem	250	250	250		250	250
Sherwood	500	1000			500	
Troutdale	1000	1000	1000	1000	1000	
Hood River		500			1010	
Beaverton	500	500	500	500	500	
Newport	500	500	500	500	500	500
Boardman					250	250
Carlton	150	300				500
Coquille	50	500	500			
Dallas	1250	1000	500	500	500	500
Dayton		250	250		100	250
Elgin		100	500			
Enterprise		3000	250			500
Gervais	500	500	500	500		500
Hines		500	2000			
Independence	500		500			
Keizer						
St Helens		1000				



ORDINANCE NO. 2024-23

AN ORDINANCE TO STANDARDIZE CODE ENFORCEMENT PROCESSES THROUGH UPDATING CIVIL INFRACTION PROCEDURES

WHEREAS, the City Council requested changes to the Sandy Municipal Code to standardize enforcement processes and timelines and update fine amounts across the various chapters; and

WHEREAS, as a result of updating the Sandy Municipal Code, Chapter 1.16 General Penalty shall be deleted and absorbed into Chapter 1.18 Civil Infraction Procedure (Exhibit A); and

WHEREAS, the City's intent is to align penalty amounts with regional averages for similar infractions; and

WHEREAS, enforcement procedures are defined for repeat offences, fine escalation, and irreversible infractions; and

WHEREAS, the City believes standardizing enforcement procedures will ensure equality in practice; and

WHEREAS, the City Council held a public hearing on December 2, 2024, allowing the public an opportunity to provide testimony on the proposed code amendments.

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

Section 1. The amended Chapter 1.18 Civil Infraction Procedure, attached as Exhibit A to this Ordinance, is hereby adopted in its entirety and replaces the existing Chapter 1.18 of the Sandy Municipal Code.

Section 2. Chapter 1.16 is hereby repealed in its entirety.

Section 3. This ordinance shall take effect thirty days after its enactment.

This ordinance is adopted by the City Council of the City of Sandy this 2nd day of December, 2024.

A handwritten signature in black ink, appearing to read "Stan Pulliam", is written over a horizontal line.

Stan Pulliam, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Jeffrey Aprati", is written over a horizontal line.

Jeffrey Aprati, City Recorder

CHAPTER 1.16 GENERAL PENALTY

~~Sec. 1.16.010. Designated.~~

~~Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the ordinances of the city is guilty of a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine of not more than \$500.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provisions of the ordinances of this city is committed, continued or permitted by any such person, and he shall be punished accordingly.~~

~~(Ord. No. 14-75, 1975)~~

CHAPTER 1.18 CIVIL INFRACTION PROCEDURE

Sec. 1.18.010. Establishment and purpose; applicability.

- A. This chapter is enacted to provide a procedure to handle violations of city ordinances as civil infractions, subject to the provisions set forth below, is established, pursuant to the home rule powers granted the city by Article IV, Section 1, and Article XI, Section 2 of the Oregon Constitution and by Sections 4 and 5 of the Sandy City Charter.
- A.B. The doing of any act or thing prohibited, or the failure to do an act or thing commanded to be done, by this code or any order, permit, license, approval, or condition authorized by this code within the corporate limits of the City of Sandy, is hereby declared to be an offense against the public peace, safety, health, morals, and general welfare of the people of the City of Sandy.
- ~~BC. A civil infractions procedure has been established for the purpose of decriminalizing penalties for violations of certain civil ordinances and for the purpose of providing a convenient and practical forum for the civil hearing and determination of cases arising out of said violations.~~The provisions of this chapter shall apply to all violations of the ordinance of the City, except when those ordinance prescribe different enforcement procedures or penalties.
- D. This Chapter shall not be construed to prohibit in any way any alternative remedies set out in ordinances which are intended to abate or alleviate ordinance violations, nor shall the City be prohibited from recovering, in a manner prescribed by law, any expense incurred to it in abating or removing ordinance violations pursuant to said ordinances.

(Ord. No. 22-79, § 1, 1979)

Sec. 1.18.020. Definitions.

For the purpose of this chapter, the following definitions apply:

City Civil infractions. An offense against the City in the form of a violation of any provision of the Sandy Municipal Code which provides no specific penalty or provides a penalty other than imprisonment, or a violation of any order, permit, license, approval, or condition authorized by ordinance. Conviction of a civil infraction does not give rise to any disability or legal disadvantage based on conviction of a crime.~~All infractions shall be handled in~~

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~~accordance with the procedures established by this chapter. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist and separate citations may be filed for each such infraction.~~

~~*Forfeiture; forfeiture schedule.* The only penalty to be imposed for an infraction is a monetary penalty called a forfeiture. The municipal court shall, however, possess the additional enforcement powers set forth in Section 1.18.040. The appropriate forfeiture to be assessed for a specific infraction will be determined from the forfeiture schedule in Section 1.18.050. The procedure prescribed by this chapter shall be the exclusive procedure for imposing forfeiture; however, this section shall not be read to prohibit in any way any other alternative remedy set out in ordinances covered by this infraction procedure which is intended to abate or alleviate ordinance violations, nor shall the eCity be prohibited from recovering, in a manner prescribed by law, any expense incurred to it in abating or removing ordinance violations pursuant to said ordinances.~~

~~*Person.* The term "person," as used in this chapter, shall be construed to include any person, firm, partnership, corporation, or association of persons.~~

(Ord. No. 22-79, § 2, 1979; Ord. No. 11-85, § 1, 1985)

Sec. 1.18.030. Infraction procedure.

~~A. — *Reporting.* All reports of infractions covered by this chapter will be made to the city manager or his designated representative.~~

~~B.A. *Uniform Infraction Citation and Complaint.*~~

1. A uniform infraction citation and complaint signed by the eCity mManager or his/her designated representative may be filed with the municipal court, charging the recipient with a civil infraction and setting a date for said person to appear before the municipal court to answer said complaint.
2. The eCity mManager or his/her designated representative shall prescribe the form of the uniform infraction citation and complaint, but it shall consist of at least three parts. Additional parts may be inserted for administrative purposes by those charged with the enforcement of the ordinances. The required parts are:
 - a. The complaint;
 - b. The city department record;
 - c. The summons.
3. Each of the three parts shall contain the following information:
 - a. The name of the court and the court's file number;
 - b. The name of the person or persons cited;
 - c. The infraction with which the person is charged, the date, time, and place the infraction occurred, or if the infraction is of a continuing nature, the date, time, and place the infraction was observed by the eCity mManager or his/her designated representative, ~~and~~ the date on which the citation was issued, and the name of the person issuing the citation, ~~and the name of the complainant;~~
 - d. The ~~scheduled forfeiture~~ maximum fine for the alleged infraction;
 - e. The time and place at which the person cited is to appear in court.

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4. The complaint shall contain a form of verification by the ~~city administrator~~City Manager or his/her designated representative that he/she swears that he/she has reasonable grounds to believe, and does believe, that the person cited committed the infraction.
5. The summons shall also contain notice to the person cited that a civil complaint will be filed in the municipal court of Sandy.

B. Service.

Service of summons may be made by any of the following means:

1. Personal Service. Service may be made by personally delivering the citation to the person named therein.
2. Service by Mail. Service may be made by mailing a copy of the citation by certified mail, return receipt requested, to the person's last known mailing address. Service by mail shall be deemed to occur three days after mailing within the State, and seven days after mailing outside the State. Default may be entered against a person served by mail on submission of evidence of receipt, nonacceptance, or rejection of the certified mail by the person served.
3. Service by Posting. If the alleged infraction relates to real property, the citation may be served by posting the citation at the main entry to an occupied residence or office on the property if the person to whom the citation is issued is not present. A copy of the citation shall be mailed by certified mail, return receipt requested, to the person at the mailing address of the property no later than the end of the business day following posting. Service shall be completed upon mailing.
4. Other Methods of Service. Service may be made by any means authorized by Oregon Rules of Civil Procedure (ORCP) 7, and service on entities, minors, and incapacitated persons shall be as provided in ORCP 7.

DC. Answer.

1. A person who receives a summons for an infraction shall answer such summons by personally appearing to answer at the time and place specified therein, except an answer may be made by mail or personal delivery within ten days of the date of the receipt of the summons as provided in ~~e~~Divisions 2 and 3 of this subsection.
2. If a person alleged to have committed an infraction admits the infraction or otherwise desires to pay the ~~forfeiture-fine~~ without appearing in municipal court, he/she may complete the appropriate answer on the back of each summons and forward the summons to the municipal court. A check or money order in the amount of the ~~forfeiture-fine~~ for the infraction alleged as shown on the face of the summons shall also be submitted with the answer.
3. If the person alleged to have committed the infraction denies part or all of the infraction, he/she may request a hearing by completing the appropriate answer on the back of the summons and forwarding the summons to the municipal court. Upon receipt, the answer shall be entered, and a hearing date shall be established by the municipal court. The municipal court shall notify the person alleged to have committed the infraction by mail, of the date of the hearing.
4. The court may, in any case, after notice, require the cited person to appear for a hearing.

ED. Hearing.

1. Every hearing to determine whether an infraction has occurred shall be held before the municipal court without a jury.
2. The hearing shall be limited to the production of evidence only on the infraction alleged in the complaint.

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- a. Oral Evidence. Oral evidence shall be taken only on oath or affirmation.
 - b. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
 - c. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
 - d. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.
3. The defendant shall have the right to present evidence and witnesses in his/her favor, to cross-examine witnesses who testify against him/her, and to submit rebuttal evidence.
 4. The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the municipal court at least ten business days prior to the hearing date, ~~excluding weekends and holidays.~~
 5. The city shall have the burden of proving the alleged ordinance infraction by a preponderance of the evidence.
 6. After due consideration of the evidence and arguments presented at the hearing, the court shall determine whether the infraction as alleged in the complaint has been established. When the infraction has not been established, an order dismissing the complaint shall be entered in the municipal court records. When a determination is made that an infraction has been established or if an answer admitting the infraction has been received, or the forfeiture otherwise paid by the defendant, an appropriate order shall be entered in the municipal court records.
 7. Unless otherwise provided by ordinance, upon a finding that an infraction has occurred, the court shall assess the ~~forfeiture fine shown on the schedule~~ established in accordance with this chapter plus court costs.
 8. There shall be no administrative appeal or legal review from a determination by the municipal court of an infraction violation.

(Ord. No. 22-79, § 4, 1979)

Sec. 1.18.040. Enforcement.

- A. If a cited person fails to answer the summons or appear at a scheduled hearing as provided in this chapter, the municipal court may enter a default judgment for the ~~scheduled forfeiture~~ fine applicable to the charged infraction, or it may issue a warrant for the arrest of the cited person for reason of his/her nonappearance, or it may do both of the above actions.
- B. After a hearing and determination by the municipal court that an infraction has occurred, the court shall assess the ~~scheduled forfeiture~~ applicable ~~to~~ fine for the determined infraction.
- C. Delinquent ~~forfeitures~~ finest and those brought to default judgment which were assessed for infractions occurring on real property or for improper use of real property may be held as eCity liens against said real property and collected in the same manner as other such debts owing to the eCity.
- D. Nothing in this section shall limit the eCity from revoking or denying any eCity license or permit held or desired by a person owing a ~~forfeiture fine~~ to the eCity.

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- E. Nothing in this section shall limit the inherent power of the municipal court to impose criminal penalties for contempt of court in cases where it deems such sanctions appropriate.

(Ord. No. 22-79, § 5, 1979)

Sec. 1.18.050. ~~Forfeiture~~Penalties.

- A. Civil infractions are classified for the purpose of determining penalties into the following categories:
1. Class "A" infractions;
 2. Class "B" infractions;
 3. Class "C" infractions.
- B. Conviction of a civil infraction shall be punishable by a sentence to pay a fine in an amount fixed by the court, not exceeding as follows:
1. One thousand dollars (\$1,000) for a Class "A" infraction;
 2. Five hundred dollars (\$500) for a Class "B" infraction;
 3. Two hundred and fifty dollars (\$250) for a Class "C" infraction.

~~All assessment of a forfeiture for an infraction shall be an amount not to exceed \$500.00.~~

- C. A violation of the Sandy Municipal Code where no class of infraction is specified shall be treated as a Class B infraction.
- ~~B~~D. Each day a violation continues or occurs shall constitute a separate infraction.
- E. When a person is convicted of a civil infraction for violation of a particular provision of the Sandy Municipal Code, each subsequent violation of that same provision of the Sandy Municipal Code by that person within one-hundred eighty (180) calendar days of the prior violation shall be punishable by a fine of up to double the amount set forth in Section 1.18.050(B).
- F. When a provision of the Sandy Municipal Code prescribes a specific fine amount, the specified fine amount shall apply in lieu of Section 1.18.050(B).
- G. The penalties described herein are in addition to, and not in lieu of, any other remedy provided by law.

(Ord. No. 12-85, § 2, 1985)