

Title 17 - DEVELOPMENT CODE
CHAPTER 17.74 ACCESSORY DEVELOPMENT—ADDITIONAL PROVISIONS AND PROCEDURES

Sec. 17.74.40. Fences and retaining walls.

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

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

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

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

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

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

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

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

Sec. 17.74.60. Temporary uses or structures.

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

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

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

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

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

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

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

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