



STAFF REPORT

Planning Commission

Work Session

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

DECISION TO BE MADE:

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

APPLICABLE COUNCIL GOAL:

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

BACKGROUND / CONTEXT:

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

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

Fences and retaining walls.

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

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

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

Temporary uses and structures.

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

KEY CONSIDERATIONS / ANALYSIS:

The following information outlines the primary proposed code modifications:

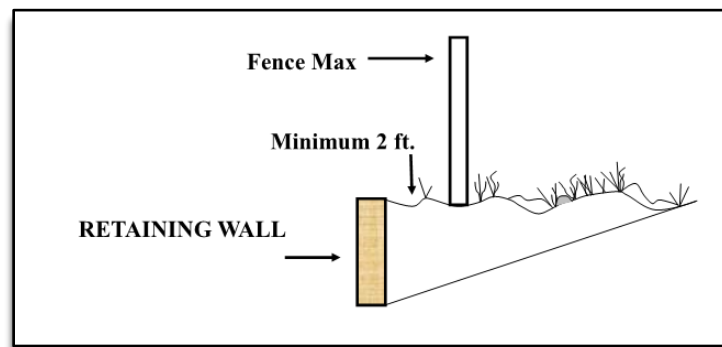
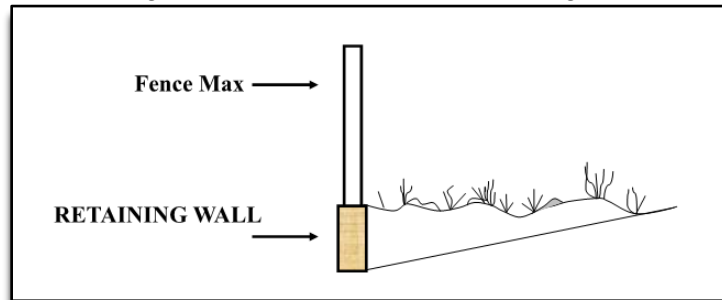
Section 17.74.40. Fences and retaining walls:

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

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

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

Diagram of combined fence/retaining wall:



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

Picture of barbless hog wire framed with wood:



Section 17.74.60. Temporary uses or structures:

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

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

RECOMMENDATION:

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

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A. Chapter 17.74 markup