



# STAFF REPORT

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**Meeting Type:** City Council  
**Meeting Date:** March 16, 2026  
**From:** Kelly O'Neill Jr., Development Services Director  
**Subject:** Chapter 17.74 Work Session

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## DECISION TO BE MADE:

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

## APPLICABLE COUNCIL GOAL:

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

## BACKGROUND / CONTEXT:

### Temporary Uses / Structures

In 2023, there was a kitchen fire at the Sandy Family Restaurant which also serves food for Ria's Bar. Staff worked with the property owner to quickly approve and install a food cart to act as the kitchen for Ria's Bar while Sandy Family Restaurant was remodeled. During this time, City Administration asked for staff to work on updates to the temporary use and temporary structure code in Section 17.74.60. The existing temporary use and temporary structure code is very short and doesn't adequately cover many situations. The proposed code modifications incorporate standards that are commonly integrated into the findings and conditions for temporary uses and structures.

### Fences / Retaining Walls

In 2015, City staff held a work session with the Planning Commission to discuss code amendments to fences and retaining walls. Due to variable topography throughout Sandy, many lots have yards which make strict adherence to fence height regulations challenging. Staff occasionally receive requests from property owners wanting to exceed the eight-foot combined height for fences and retaining walls in the side or rear yard. There have been rare 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 these regulations. Also, there are no design standards for fences or retaining walls in Section 17.74.40. which has led to issues with retaining walls being made of unstable materials, such as tires. In one such instance to the south of Dubarko Road a tire retaining wall was constructed and has subsequently failed.

### Meeting History:

- November 23, 2015: The Planning Commission held a [work session](#) to discuss municipal code amendments, including fences and retaining walls.
- November 27, 2023: The Planning Commission held a [work session](#) to discuss municipal code amendments. The work session included prioritization of code amendments, which included input from the Commission that code amendments from the City Council and City Administration should be completed first.
- On June 10, 2024: The Planning Commission held a [work session](#) to discuss code amendments for fences/retaining walls and temporary uses/structures.
- On May 27, 2025: The Planning Commission held a [second work session](#) to discuss the code amendments for fences/retaining walls and temporary uses/structures.

As recommended by the City Attorney we are also recommending repealing [Section 8.16.070](#), as it violates [ORS 195.870](#) and conflicts with Chapter 17.74. ORS 195.870 requires the City to allow certain types of electric fences in certain areas. Specifically, electric fences must be allowed in all areas not “zoned or used for residential use.”

### **KEY CONSIDERATIONS / ANALYSIS:**

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.

### Temporary Uses

The primary edits are related to the following:

- Added that fabric structures may be permitted with the temporary use permit approval.
- Added parking lot, ADA parking, and traffic disruption provisions.
- Added references to Title 8 for amplified music and Title 15 for signage.
- Added fabric structure provisions as they relate to temporary uses.
- Added Oregon Fire Code provision.
- Added clarity to the renewal process and the maximum number of extensions that can be granted by the Director.

### Temporary Structures

The primary edits are related to the following:

- Expanded allowances for temporary structures such as for construction of parks and in conjunction with an emergency.
- Added that the Building Official has discretion to waive ingress and egress requirements.
- Added that utility services and plans are only required if utilities are needed.
- Added that temporary structures shall not be recreational vehicles and shall be maintained in good condition as requested by the Commission.
- Added that temporary structures may 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.

- Added clarity to the renewal process and the maximum number of extensions that can be granted by the Director.

### Portable Outdoor Storage Units

The primary edits are related to the following:

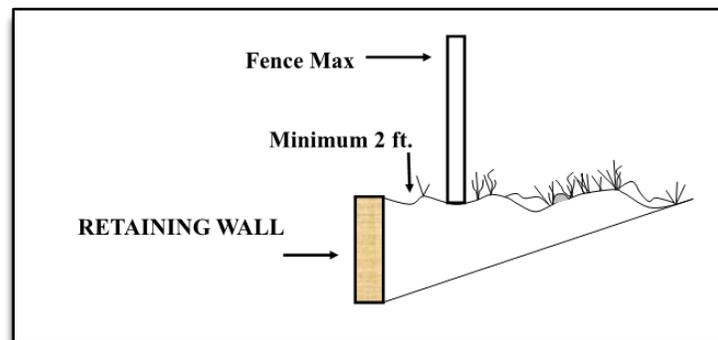
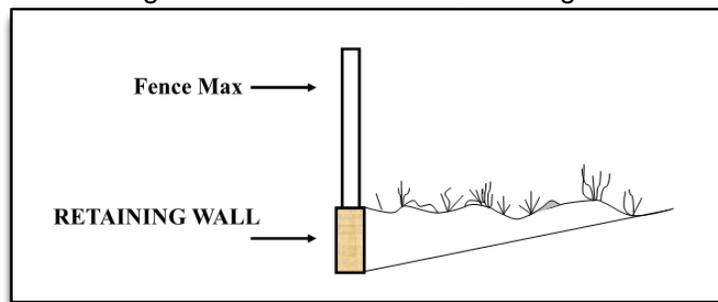
- Added a definition for portable outdoor storage units as requested by the Commission.
- Added clarity on where portable outdoor storage units may be placed.

### Fences and Retaining Walls

The primary edits are related to the following:

- 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 as recommended by the City Attorney.
- Added new standards to allow a fence/retaining wall combination in a side or rear yard to exceed the eight-foot height. 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:



- 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.
- Added that fence regulations for recreation areas in Section 17.74.40.C. are only associated with Community Services Uses as requested by the Commission. *Note: Community Service Uses include schools, churches, community centers, fire stations, libraries, parks and playgrounds, cemeteries, and government buildings.*

- Added fence regulations for swimming pools and hot tub areas in Section 17.74.40.D. consistent with the International Swimming Pool and Spa Code in accordance with the 2023 Oregon Residential Specialty Code.
- 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 and as recommended by the City Attorney.
- Added a subsection G. in Section 17.74.40. for fence and retaining wall design standards, including the following:
  - Added clarity that 'galvanized finish' is not allowed for front yard fences, except for barbless hog wire framed with wood. 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:



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

**BUDGET IMPACT:**

Staff and City Attorney expenses that have already been incurred.

**RECOMMENDATION:**

Staff recommend that the City Council discuss the proposed code modifications and provide staff with suggested edits.

**LIST OF ATTACHMENTS / EXHIBITS:**

- Exhibit A. Section 17.74.60. modifications

- Exhibit B. Section 17.74.40. modifications
- Exhibit C. Section 8.16.070. modifications