



MINUTES
City Council Meeting
Monday, November 30, 2020 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor, Jeremy Pietzold, Council President, John Hamblin, Councilor, Laurie Smallwood, Councilor, Jan Lee, Councilor, and Carl Exner, Councilor

COUNCIL ABSENT: Bethany Shultz, Councilor

STAFF PRESENT: Jordan Wheeler, City Manager, Tanya Richardson, Community Services Director, Jeff Aprati, City Recorder, David Doughman, City Attorney, Tyler Deems, Deputy City Manager / Finance Director, Ernie Roberts, Police Chief, Shelley Denison, Associate Planner, Greg Brewster, IT/SandyNet Director, and Kelly O'Neill, Development Services Director

MEDIA PRESENT: none

1. MEETING FORMAT NOTE

The City Council conducted this meeting electronically via the Zoom platform. A video recording of the meeting is available on the City's YouTube channel:
https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg

2. Pledge of Allegiance

3. Roll Call

4. PUBLIC HEARING - BULL RUN TERRACE

4.1. LAND USE FILE: 19-050 CPA ZC SUB SAP TREE

Bull Run Terrace

Type IV Zone Map Amendment, Comprehensive Plan Map Amendment, Specific Area Plan Overlay, and development of a 7 lot subdivision for two parcels totaling approximately 15.91 acres.

Staff Report - 0343

Mayor Pulliam opened the public hearing at 6:05 p.m.

Abstentions: none

Conflicts of Interest: none

Ex Parte Contacts

- **Council President Pietzold:** talked to staff previously, and watched the informational video about the application created by staff available on the City's YouTube channel:
https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg.
Stated he served on the Planning Commission when the site was originally approved 15 years ago.
- **Councilor Hamblin:** watched the YouTube video created by staff.
- **Councilor Exner:** visited the property when the project was originally proposed.
- **Councilor Smallwood:** watched the YouTube video created by staff.
- **Councilor Lee:** watched the YouTube video created by staff and attended both recent Planning Commission hearings.
- **Mayor Pulliam:** watched the YouTube video created by staff; observed social media conversations about the proposal but did not participate.

Challenges to the Hearing Body: none

Staff Report

The **Associate Planner** presented the staff report; her presentation slides were included in the agenda packet. The **Development Services Director** added that because the proposal at issue includes a Comprehensive Plan amendment, the Council may consider whether the proposal constitutes a public benefit, such as developing park land and constructing road connections in the Transportation System Plan.

Applicant Presentation

Tracy Brown delivered a presentation on behalf of the applicant. He stated that an original subdivision approval and zone change was approved on the site in 2006. The approval expired in 2008, was reinstated in 2013, and expired again in 2015. He stated the site is challenging due to the adjacent roads. He stated that a commercial area was added to the original proposal, and that Lot 5 of the proposal was modified from high density residential to medium density based on feedback during the public hearing process. He stated a landscape buffer was added between the proposed development and

the adjacent existing homes. He noted multiple locations in which trees are proposed to be preserved. He noted the significance of extending Dubarko Road and of dedicating and working to develop the park. He noted the Planning Commission's unanimous approval of the proposal.

Public Testimony

- Testimony in Favor: none
- Testimony in Opposition
 - Ann Ruhl - 18368 Meadow Ave: thanked the developer for the improvements to the proposal compared to the initial version. Against the amount of high density housing being proposed, including in the proposed commercial area. Stated duplex owners would be more likely to keep their properties up compared to apartment complexes. Asked the Council to minimize the high density area. Noted that there are apartments on the other side of Highway 26.
 - Richard Sheldon - 39610 Wall Street: noted that the City has discretion in whether to approve this proposal. Stated the developer will act in the interest of their profit margin. Suggested there may be other more beneficial ways to develop the property. Stated adjacent property owners had purchased homes expecting the see single family homes on this property. Raised parking and traffic concerns. Noted that possible low income residents would be residing far from available resources.
 - Cam Strey - 18197 Antler Avenue: recently purchased his property assuming there would be only R1 zoning in the area. Thinks Sandy is growing very quickly. Agrees with the previous speakers.
 - Kathleen Walker - 15920 SE Bluff Road: stated the compilation of public comments included in the staff presentation does not fully reflect the concerns expressed by residents. Raised concern about whether the proposal meets Oregon Land Use Goal #2 regarding creating predictable outcomes for the community; suggested rezoning areas undermines this predictability. Noted the Council has the discretion to deny the proposal. Stated that Specific Area Plans as defined in the code are conceived as Council-initiated, rather than initiated through a development proposal with no advisory committee or community input. Stated that park land would have to be dedicated regardless of how the property is zoned; this is not an added benefit for the community.

- Zoey McKensie - 18428 Meadow Avenue: concerned about the proposed high density housing. Agrees with the comments of Ms. Walker.
- Linda Malone - 17740 Bluff Road: agreed with Ms. Walker's comments and the others in opposition. Stated that in the past the City has mistakenly trusted developers to act in the best interests of the City; developers are concerned with their own best interests, not the community's. Concerned that allowing a range of volume or density would result in the greatest possible number of dwelling units. Concerned about the impact on crowded schools; noted the Council's discretion in deciding the matter.
- Don Hokanson - 39340 Glover Ct: the last election raised concerns in the community regarding development and government transparency. Noted that three of the individuals testifying are Councilors-elect. Stated that public comments should be responded to by the City. Noted the technical concerns raised by Ms. Walker and stated that following prescribed processes correctly is very important.
- Neutral Testimony: none

Staff Recap and Recommendation

The **Associate Planner** stated that the proposal would include 4 single family units, a maximum of 14 units in the medium density residential area, and a maximum of 130 units in the high density residential area for a total of 148, plus what might be proposed in the commercial area. With respect to Goal 2, she stated that the Comprehensive Plan, enacted in 1997, is in need of updating. She stated the public comments were summarized in a succinct manner for brevity; public comments are welcomed and useful. Stated that planning staff are subject to AICP ethics rules and strictly avoid conflicts of interest. Stated that the public interest and developer profits are not necessarily mutually exclusive.

The **Development Services Director** added that the current zoning of the site includes R-2 areas, which already allow multifamily units (though less than R-3). With respect to Specific Area Plans, he noted that the municipal code is unclear on how such plans should be created and evaluated, and that they historically have not been created despite the requirement in the Comprehensive Plan. The inclusion of a plan in this proposal was a result of an effort to adhere to the requirement as much as is feasible.

Councilor Smallwood asked how many more units would be allowed under the new proposal compared to the existing zoning for the site. The **Associate Planner** stated that the increase in allowable units under the proposal is 14, plus what would be allowed in the commercial area.

Mayor Pulliam asked about the impact of Oregon House Bills 2001 and 2003 on this site. The **Development Services Director** stated that under HB 2001, duplexes will have to be allowed in R-1 zones. Under HB 2003, the City's buildable lands inventory will have to be updated every 8 years to assess how the city is approaching density, affordable housing, and other housing needs; and whether an urban growth boundary expansion is warranted.

Councilor Exner stated that the increase in allowed units under the proposal is less than he anticipated. He expressed concern about increased traffic if Dubarko is connected to Highway 26.

Councilor Smallwood asked whether the city currently has enough high density housing. The **Development Services Director** stated he understands there is demand for more housing of all types in the city. **Councilor Exner** concurred that demand for all housing types is high and the supply is low.

Council President Pietzold asked about stacking on the north side of Highway 26. The **Development Services Director** explained the traffic engineering process that accompanied this proposal, including the roles of Mike Ard (representing the developer) and John Replinger (representing the City).

Council President Pietzold asked whether the intersection of Dubarko and Highway 26 would need to be located further to the east to accommodate stacking on the north side of Highway 26.

Applicant Rebuttal

Michael Robinson (applicant attorney) noted that despite the traffic concerns regarding increased density, development on the site would be subject to the trip cap limit. He noted that neither ODOT nor Mr. Replinger have not issued any adverse comments on the proposal; nor have any service providers such as fire, transportation, or utilities. He stated that the proposal includes a mix of housing types, and that apartments are a needed and beneficial type of housing. He stated that all approval criteria for the proposal have been met. He noted the park dedication portion of the proposal, and the commitment of the developer to develop the park rather than simply pay a fee in lieu. He noted the benefits of connecting Dubarko to Highway 26. He stated that they have listened to the public feedback and have improved the proposal as a

result. He stated that DLCD has not held that the proposal does not meet statewide planning goals, and he noted that Goal 2 does not prevent cities from making zoning changes, providing that proper processes are followed. He stated that 'spot zoning' does not exist as a legal concept in Oregon, and that zoning in communities should never be assumed to be static forever.

Councilor Exner asked about traffic impacts and possible improvements to Dubarko to alleviate wait times to proceed through the intersection with Highway 26. Mr. Ard noted the volume to capacity ratios at existing intersections under the proposal. He noted the trip cap that will limit the traffic levels

generated by the property to what is allowed under the existing zoning. He noted that as volume increases, traffic would indeed move onto other area roads. He stated that the difficulty of making left turns from Dubarko onto Highway 26 would limit such traffic. He stated that ODOT was opposed to any turn limitations at the intersection, but that a center turn lane on 26 is anticipated.

Councilor Smallwood asked what the distance is between the intersection of Langensand and Highway 26 and the proposed intersection of Dubarko and Highway 26. Mr. Ard stated the distance would be 0.43 miles.

In response to **Council President Pietzold**, Mr. Ard stated that ODOT wants the Dubarko alignment to be directly opposite Vista Loop Drive on the other side of the highway. Mr. Brown provided additional explanation regarding traffic stacking on the north side of the intersection on Vista Loop Drive, and stated that the south side alignment is the same as was approved previously.

Council Discussion

Councilor Lee stated the the difference in allowable units is relatively small, and that the interests of people looking to move to the community should be considered as well. A mix of housing types is needed because not all people can afford to buy single family homes. She indicated her support for the proposal.

Councilor Exner stated he is impressed with the improvements made to the proposal, including tree retention. He expressed empathy for the concerns of neighbors regarding traffic and previous expectations for area zoning. He stated support for a traffic light at the intersection of Dubarko and Highway 26. He indicated his support for the proposal, despite his concerns, because of the need for lower cost housing options.

Mayor Pulliam asked whether Oregon DEQ has expressed any views on additional connections to the city wastewater system. The **City Manager** stated DEQ review would occur after the land use process is complete. The **City Attorney** concurred.

Councilor Exner asked about the construction timeline. Mr. Brown suggested construction may begin in 2022, though this is only an approximation. **Councilor Exner** noted that development would occur before the city's wastewater system improvements are completed.

Council President Pietzold noted that he lives nearby the proposed development on Dubarko Road. He expressed concerns about traffic impacts, but he noted the need for additional housing in the city. He noted the state encouragement of density and affordable housing. He suggested it may be possible to add traffic calming measures in the future. He stated that connecting Dubarko would benefit the overall city transportation system. He noted that the city has been interested in acquiring additional park land in this area for many years. He stated the current proposal is much improved compared to what was proposed previously. He thanked staff for creating the informational video for the public.

Mayor Pulliam emphasized the need to update the City's Comprehensive Plan, and stated he has pushed for this for multiple years. He stated that engaging the community in a larger conversation about the future of the city would be preferable to piecemeal consideration of development proposals with limited public input. He expressed concern about traffic impacts on Dubarko Road, and impacts to the city's wastewater system. He expressed caution about the volume of multi-family housing coming into the community recently. He expressed extreme frustration that even if begun soon, a Comprehensive Plan update will take substantial time to complete.

The **Associate Planner** noted staff's plans for robust community engagement in a Comprehensive Plan update process.

The **City Attorney** advised the Council to consider whether the proposal satisfies public needs, and noted that the Council has discretion in the matter.

Mr. Robinson requested that the **Mayor** affirm he is able to decide in an impartial manner despite his proximity to the subject location; **Mayor Pulliam** did so, as did **Council President Pulliam** and **Councilor Exner**.

Mr. Moore noted there have been no adverse comments received regarding wastewater, and that further review would occur later.

*** The Public Hearing was closed at this point - see motion below. ***

Councilor Exner expressed support for the proposal despite his traffic and wastewater concerns, and noted the relatively low number of additional units that would be allowed under the changed zoning.

Council President Pietzold asked about the impact of HB 2001 with respect to R-1 areas. The **City Attorney** stated that the bill requires cities to allow duplexes in any area with R-1 zoning. Other residential zones already allow more density. Only 4 lots are proposed to carry R-1 zoning in this project.

Councilor Smallwood inquired about widening streets to accommodate emergency vehicles. The **Development Services Director** pointed to the opportunity to make such adjustments during the Transportation System Plan update.

Moved by John Hamblin, seconded by Jeremy Pietzold

Close the public hearing.

CARRIED. 6-0

Ayes: Stan Pulliam, Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, and Carl Exner

Absent: Bethany Shultz

Moved by John Hamblin, seconded by Carl Exner

Approve the first reading of Ordinance 2020-25. (The reading was performed by the City Recorder).

CARRIED. 5-1

Ayes: Jeremy Pietzold, John Hamblin, Laurie Smallwood, Jan Lee, and Carl Exner

Nays: Stan Pulliam

Absent: Bethany Shultz

5. Adjourn



Mayor, Stan Pulliam



City Recorder, Jeff Aprati