



**MINUTES**  
**City Council Meeting**  
**Tuesday, February 16, 2021 6:00 PM**

**COUNCIL PRESENT:** Stan Pulliam, Mayor, Jeremy Pietzold, Council President, Laurie Smallwood, Councilor, Richard Sheldon, Councilor, Kathleen Walker, Councilor, Carl Exner, Councilor, and Don Hokanson, Councilor

**COUNCIL ABSENT:**

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

**MEDIA PRESENT:** Sandy Post

**1. MEETING FORMAT NOTE**

The City Council conducted this meeting electronically using the Zoom video conference platform. A video recording of the meeting is available on the City's YouTube channel: [https://www.youtube.com/channel/UCbYEclgC6VW\\_mV2UJGyvYfg](https://www.youtube.com/channel/UCbYEclgC6VW_mV2UJGyvYfg)

**2. CITY COUNCIL WORK SESSION - 6:00 PM**

**2.1. Public Meetings / Ethics / Land Use Hearings Training**

Staff Report - 0377

Chris Crean, attorney with Beery, Elsner and Hammond, LLP (the firm retained by the City to provide City Attorney services), delivered a training presentation on public meetings, ethics, and land use hearing requirements under state law. He provided several reference materials that were included in the agenda packet. Particular focus was given to quasi-judicial land use procedures, in which the Council must act as a judge applying the law without bias.

Additional issues discussed included:

- Actual vs. potential conflicts of interest
- Land use application deadlines and review criteria
- Public meetings requirements
- Public records requirements

**3. CITY COUNCIL REGULAR MEETING - 7:00 PM**

**4. Pledge of Allegiance**

**5. Roll Call**

**6. Changes to the Agenda**

**7. Public Comment**

Linda Malone, 17740 Bluff Rd.: suggested that the Council authorize free rides on SAM during severe weather events.

**8. Response to Previous Public Comments**

The **City Manager** noted that this will be a recurring item on agendas going forward, with the goal of providing a regular time to respond to previous questions from the public that need more time to research. He reiterated a response to a public comment from the last meeting about the Public Safety Fee. He also noted that the City Manager Report can be used to respond to items raised by Councilors that do not result in items being added to the agenda.

**9. Presentation**

9.1. **Audit Presentation - Fiscal Year Ended June 30, 2020**

Staff Report - 0374

Tonya Moffitt with Marina and Co. presented the findings from the City's most recent audit. The audit included no findings. Links to the complete published audit documents were included in the agenda packet.

**10. Consent Agenda**

10.1. **City Council Minutes** - February 1, 2021

10.2. **Renewal of Oregon Public Works Emergency Response Cooperative Agreement**

Staff Report - 0373

**Moved by Carl Exner, seconded by Richard Sheldon**

***Approve the Consent Agenda.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,

Richard Sheldon, Kathleen Walker, Carl Exner, and Don Hokanson

**11. Old Business**

**11.1. Planning Commission Appointment**

Staff Report - 0376

The **City Manager** summarized the staff report.

The Council discussed the relative merits of the three candidacies related to factors including temperament, views on growth and development, freshness of perspective, knowledge and experience, trust and honesty, and consistency with recent electoral movements.

The Council also discussed concerns raised about the fairness of the recruitment and interview process, and particularly whether applicants should be provided with interview questions in advance. It was noted that Jan Lee had recently participated on a Planning Commission interview panel as a Councilor. The consensus of the Council was that interview questions should be updated with each recruitment process and distributed in advance to interviewees in the future.

**Moved by Kathleen Walker**

***Reopen the recruitment process for a new round of applications and interviews.***

**(motion not seconded)**

**Moved by Laurie Smallwood, seconded by Carl Exner**

***Appoint Jan Lee to Planning Commission Seat 4, as recommended by a majority of the interview panel.***

**CARRIED. 4-3**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood, and Carl Exner

Nays: Richard Sheldon, Kathleen Walker, and Don Hokanson

**11.2. PUBLIC HEARING: The Views Planned Development**

Land Use File: 20-028 The Views SUB TREE FSH PD

Staff Report - 0375

Abstentions: none

Conflicts of Interest:

- **Councilor Exner** noted that he is a realtor, but cannot predict whether he may ever have business involvement in any developed properties.

Ex Parte Contact:

- **Councilor Exner** visited the site.
- **Mayor Pulliam** declined to discuss the matter with those who tried to engage with him.
- **Councilor Walker** visited the site with members of the tree committee in late 2019 or early 2020. She discussed the matter with the Parks and Trails Advisory Committee; those meeting minutes are in the record. She talked with a member of the public about concerns about an apartment building beyond her backyard. All of these interactions took place before her election. She listened to the Planning Commission meetings in November and December.
- **Councilor Sheldon** visited the site. He viewed Planning Commission meetings on the matter before his election.

Challenges to the Hearing Body: none

Staff Report:

The **Associate Planner** and **Development Services Director** delivered the staff report, which was included in the agenda packet. Councilors asked clarifying questions about the staff presentation on topics including open space and walking paths, homeowners' association maintenance and liability, and review criteria for planned developments.

Applicant Presentation:

Mac Even and Michael Robinson delivered the applicant presentation. They expressed their intention to create an inclusive development that benefits the community, and provided additional clarification regarding sidewalk construction, attached garages, and the homeowners' association. Mr. Robinson suggested the planned development would provide more amenities than a traditional subdivision, such as a dog park, basketball court, and open space. He asserted that the application meets a majority of the intent statements in the relevant code chapter. He stated that the traffic impacts of

the development would not result in unsafe conditions. He indicated that their proposal has been amended to respond to concerns raised by neighbors, including view impacts.

Public Testimony:

In Favor:

- Cassidy Moore, 1912 SW 6th Ave, Portland: will be graduating from college soon and believes the proposed development would be a great place to live. Urged the Council to look past the idea that these would simply be apartments in someone's back yard.
- Kristina Molina, 40304 Therese St: has lived in Sandy for many years, and is an agent. Has many clients who want to live in Sandy, but few homes are available at affordable prices for new homebuyers. Praised the proposed amenities.
- Buzz Ortiz, 41525 SE Vista Loop: Has lived in Sandy for many years, and believes this is a well planned development that would enhance the community. Suggested the alternative would be worse.

Opposed:

- Makoto Lane, 37828 Rachel Drive: suggested the applicant's attorney is exploiting loopholes in the code, and that planned developments simply supersede the regular code. Suggested this could be similar to the Bailey Meadows situation. Suggested too many variances are being requested. Urged that the city suspend the planned development section of the code until it can be amended.
- Greg Becker, 14585 Bluff Rd: opposed to variances from the development code. Concerned about public safety related to traffic, especially without a traffic light. Asked whether the Department of State Lands has been notified of wetlands on the property.
- John Andrade, 18509 Ortiz St: expressed concern related to small lot sizes and skepticism related to the viability of the homeowners' association. Stated that the basketball court and dog park would attract non-residents. Suggested that the development would be too similar to Gresham.
- Lisa Hull, 18265 SE Vista View Ct: concurred with Mr. Andrade. Asked about the length of the meandering sidewalk. Suggested that property values in the area would be negatively affected and views would be obstructed. Suggested lowering speed limits in the area, and raised concerns about the right turn lane.
- Randy Olson, 18515 Ortiz St: expressed disagreement with statements made by those expressing agreement with the proposal. Expressed

- concern about traffic impacts and safety in the 55 mph area.
- John Barmettler, 41613 SE Vista Loop Dr: expressed surprise that a planned development would be allowed in this area. Stated that the proposed amenities do not justify adding the development. Stated that the units would be placed too closely together. Stated that the amenities would attract non-residents. Stated concern about emergency services accessing the area. Expressed opposition to the proposed apartments and extension of Knapp St.
  - Sue Gabriel, 19300 SE Longstreet Lane: longtime resident, reiterated traffic concerns and the difficulty of turning onto the highway safely. Raised safety concerns for pedestrians and cyclists. Reiterated concerns regarding impacts to wildlife in the area. Urged against granting variances to the code.

Staff Recap and Recommendation:

Staff stated that planned developments are a common tool with trade offs that need to be weighed, and that variances are allowed under the existing code. Staff suggested that some homebuyers may have interest in small homes on small lots, and stated that the traffic analysis was reviewed and confirmed by multiple independent parties. Staff questioned whether the Intent portion of the code chapter can be used as review criteria. Staff stated that the safety of the intersection of Hwy 26 and Vista Loop Drive will be specifically studied as part of the TSP update project, but that ODOT declined to pay for a speed zone study as part of the TSP.

Applicant Rebuttal:

The applicant's attorney, Mr. Robinson, asserted that the Intent portion of the code chapter can be used as review criteria, and that they meet the majority of them. He spoke in defense of what occurred during the Bailey Meadows development process. He stated planned developments are common tools and the two requested variances are justified and desirable for the community. He stated that the reviewing agencies do not object to the proposal, and that Mr. Even is trying to do the right thing. Mr. Even stated the meandering pathway would extend the length of the property, and that he is the one paying Mr. Robinson. He stated they would protect all the wetlands on the property. He questioned why ODOT previously wanted the right turn lane removed. He thanked everyone. The applicant waived final written argument.

Council Discussion:

Several Councilors indicated they have a number of additional questions about the development. Staff and Council inquired as to whether the applicant would be willing to extend the 120-day deadline, which is due to expire on March 1st, to allow questions to be addressed adequately. Mr. Robinson stated the applicant is willing to extend the 120-day clock to March 15th; when asked for a longer extension, he declined.

The Council chose to continue the hearing at its meeting on March 1, 2021. The hearing will resume at the stage at which the Council can still ask questions of staff and the applicant, but with the public testimony period concluded. The Council indicated their intention to forward their questions in writing to staff to allow staff and/or the applicant to prepare responses in advance of March 1st.

**Moved by Don Hokanson, seconded by Laurie Smallwood**

***Continue the public hearing at a future meeting and submit questions to staff in advance to allow time to prepare responses.***

**CARRIED. 6-1**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Kathleen Walker, Carl Exner, and Don Hokanson

Nays: Richard Sheldon

**Moved by Carl Exner, seconded by Kathleen Walker**

***Close the public testimony period.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**Moved by Don Hokanson, seconded by Jeremy Pietzold**

***Designate March 1st as the date to continue the public hearing.***

**CARRIED. 7-0**

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,  
Richard Sheldon, Kathleen Walker, Carl Exner, and Don  
Hokanson

**12. New Business**

**13. Report from the City Manager**

The **City Manager** summarized the next steps for the goal setting process, and suggested adding additional meetings in the coming months. He asked whether the Council would like to take a formal position on possible changes to Vehicle Registration Fee funding distribution. The consensus of the Council was to take no formal position. He recapped the City response to the recent winter storm.

**14. Committee /Council Reports**

**Councilor Sheldon** asked about reopening City facilities to the public. The City Manager referred to plans to open access to the Library on March 1.

**Councilor Exner** praised public works and SandyNet staff.

**Councilor Walker** referred to pending state legislation regarding homelessness. She stressed the importance of transparent meeting agendas and minutes.

**Councilor Hokanson** asked about when new committees could begin their work, and the Mayor encouraged him, as Chair, to begin at his discretion.

**Councilor Smallwood** referred to the recent Parks and Trails meeting. She urged that individual Council Members should refrain from advocating before the Legislature without the concurrence of the rest of the Council.

**Council President Pietzold** thanked staff, and suggested updating a list of local residents able to provide assistance during major storm events.

**Mayor Pulliam** thanked staff, and stressed the importance of agreeing on a legislative advocacy agenda. The Council discussed rules and expectations regarding representing Council positions with other governmental bodies.

**15. Staff updates**

15.1. [Monthly Reports](#)

**16. Adjourn**



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Mayor, Stan Pulliam



A handwritten signature in black ink, appearing to read "Jeff Aprati". The signature is written in a cursive, flowing style.

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City Recorder, Jeff Aprati