



MINUTES
Planning Commission Meeting
Wednesday, May 27, 2020 Virtual via Zoom
7:00 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill, Development Services Director, Emily Meharg, Senior Planner, David Doughman, City Attorney, and Shelley Denison, Associate Planner

MEDIA PRESENT: None

1. Meeting Format Notice

Note: The Planning Commission will conduct this meeting electronically using the Zoom video conference platform. Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. See the instructions below:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83947809040>

Or Telephone:

+1-669-900-6833

Webinar ID: 839 4780 9040

International numbers available: <https://us02web.zoom.us/j/83947809040>

2. Roll Call

Chairman Crosby called the meeting to order at 7:02 p.m.

3. Approval of Minutes

3.1. Draft Planning Commission Minutes for April 27, 2020

Motion: To approve minutes for April 27, 2020.

Moved By: Commissioner Logan

Seconded By: Commissioner Mayton
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

4. **Requests From the Floor - Citizen Communication on Non- Agenda Items**

ZOOM WEBINAR CHAT:

From Kathleen Walker to All panelists:

“Not sure if this is applicable, but Hollis’s email on the website is incorrect and bounding back emails. So if you used that to send her zoom invite, it may be what is causing problems....KW”

From Kelly O’Neill Jr. to All panelists:

“Okay thanks for the heads up.”

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Commented that Hollis Maclean-Wenzel’s email address on the City of Sandy website is not working. Kelly O’Neill Jr. said that IT can likely look into the email address concerns. Greg Brewster stated that IT can resolve any potential issues with Commissioner Maclean-Wenzel’s email account.

5. **Public Comment**

This meeting will include two public hearings. If you would like to offer testimony during the hearings, see the instructions below:

Testimony for each public hearing will be called for in three groups: testimony in favor of the proposal, testimony opposed to the proposal, and neutral testimony.

If you are participating online, click the "raise hand" button at the appropriate time and wait to be recognized.

If you are participating via telephone, dial *9 to "raise your hand" at the appropriate time and wait to be recognized.

If you choose to submit testimony in written form, please send to planning@ci.sandy.or.us as soon as possible.

Thank you for your flexibility during the COVID-19 public health emergency. Please call City Hall with any questions: (503) 668-5533.

6. **NEW BUSINESS**

6.1. Gunderson Road & Parkland Annexation (20-001 ANN/CPA/ZC):

Chairman Crosby opened the public hearing on File No. 20-001 ANN/CPA/ZC at 7:14 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. Commissioner Mobley abstained. Commissioner Mayton declared he received an email from Kathleen Walker concerning the application. Commissioner Carlton also received an email from Kathleen Walker. The email is included in the record so is not ex parte. Chairman Crosby requested that members of the public send comments to staff only, not to the individual Commissioners. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Development Services Director Kelly O'Neill Jr. summarized the staff report. O'Neill updated the Commission on the UGB expansion hearing dates, which were rescheduled due to COVID-19 concerns and the Bailey Meadows Subdivision decision. O'Neill stated the annexation proposal is for parkland, a road, and associated facilities; there will be no additional housing even though some of the land will be zoned residential. Commissioner Carlton mentioned Kathleen Walker's comment regarding houses facing the park and asked Director O'Neill to pull up a picture of the plat. O'Neill stated the proposal does not include a review of Chapter 17.86. Doughman reiterated that the decision about the parkland was part of the subdivision application and that the criteria in Chapter 17.86 aren't included in tonight's decision.

Applicant Testimony:

Mike Robinson

1211 SW 5th Ave. Suite 1900

Portland, OR, 97204

Robinson alerted staff and the Commissioners that they only received Kathleen Walker's letter. O'Neill clarified that the Fair Housing Council did not submit testimony on this application.

Chris Goodell

12965 SW Herman Rd. Suite 100

Tualatin, OR 97062

Goodell stated the applicant reviewed the staff report and agrees with it.

Proponent Testimony:

None

Opponent Testimony:

Kathleen Walker

15920 SE Bluff Rd.

Sandy, OR 97055

Walker stated the parkland doesn't meet the existing code and that the final staff report didn't address it. Walker explained to the residents of Sandy what kind of park they'll end up with. She stated the park will have no vehicle access, no sidewalks for pedestrian access, won't be graded or seeded, and will be vacant land. Walker stated none of the park requirements have been met.

ZOOM WEBINAR CHAT:

From Kathleen Walker to All panelists:

"It's code not my opinion! They have to pay for half of the road and the sidewalk is only along Gunderson."

From Kathleen Walker to All panelists:

"Who is paying for the road? You as a planning commission, staff, and council failed to document (until long after public comment was closed) to address how Bailey Meadows did or did not meet all of 17.86 code requirements. You and the staff ignored us. You implied that the code could be waived without a variance. So don't tell us that we are not accurately reporting this! You ignored it before and now you decided it is out the scope. Great! :)"

Neutral Testimony:

None

Staff Recap:

O'Neill stated he's reluctant to go into discussion on Chapter 17.86 as that was part of the Bailey Meadows subdivision land use decision. O'Neill stated sidewalks along parks are typically paid for by the City through SDCs. Doughman reiterated that parkland was a matter germane to the subdivision decision.

Applicant Rebuttal:

Mike Robinson
1211 SW 5th Ave. Suite 1900
Portland, OR, 97204

Robinson reiterated that the applicant agrees with the staff report and recommendation of approval. Robinson also reiterated that Chapter 17.86 is not relevant.

Chris Goodell
12965 SW Herman Rd. Suite 100
Tualatin, OR 97062

Goodell stated that he had nothing to add.

Discussion:

Chairman Crosby noted the Commission has more background on this annexation

proposal than is typical of an annexation application. Commissioner Carlton stated he submitted testimony on Bailey Meadows. Carlton stated he was the one who brought up the houses facing the park during the Bailey Meadows subdivision hearing. Carlton stated it appears there's a street adjacent to the park to the west. Lesowski hopes the public realizes the City is trying to make the best out of the situation given the legal confines. Carlton is in favor of the annexation. Logan agreed with what's been said. Mayton stated he listens to the public and reads all the letters but is also bound to follow the code. Mayton and Maclean-Wenzel stated they support the annexation.

Motion: Motion to close the public hearing at 7:57 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Logan

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mayton, and Crosby.

No votes: None

Abstentions: None

The motion passed at 7:57 p.m.

Motion: Motion to forward a recommendation of approval for 20-001 ANN/CPA/ZC Gunderson Road and Parkland Annexation.

Moved By: Commissioner Mayton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mayton, and Crosby.

No votes: None

Abstentions: None

The motion passed at 8:01 p.m.

5-minute recess

6.2. **Chapter 17.78 Annexation Code Amendments (20-010 DCA):**

Chairman Crosby opened the public hearing on File No. 20-010 DCA at 8:08 p.m. Crosby called for any abstentions, conflicts of interest, ex-parte contact, challenges to the jurisdiction of the Planning Commission, or any challenges to any individual member of the Planning Commission. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Senior Planner Emily Meharg summarized the staff report using a PowerPoint presentation. Commissioner Mayton asked if the commission has the opportunity to ask questions on the code changes. Chairman Crosby stated that the Planning Commission will have an opportunity to ask detailed questions regarding the code changes.

Proponent Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Mrs. Walker read her written testimony that she submitted on May 27, 2020.

Erin Findley
37616 Rachel Drive
Sandy, OR 97055

Not too familiar with the planning process. Found it interesting that two former mayors spoke during Bailey Meadows that development should pay for itself. Thanked the Planning Commission and asked for the commission to consider more code changes.

Marie DeBatty
37176 Rachel Drive
Sandy, OR 97055

Would like the Planning Commission to take notice of future annexations. Thinks the City of Sandy should be more careful with future annexations.

Other Testimony:

None

Staff Recap:

Meharg stated the intention of the code changes is to clarify annexations and to require more robust analysis. Changes are to address potential weakness. O'Neill stated that staff is trying to make the regulations more robust. Staff has heard from the public and we want to be more selective about future annexations. Doughman said that annexations are both land use regulatory and political in nature. The question really comes down to do we want to expand our territory or not. Annexation proposals are when local decision makers have more discretion. Voter approved annexations are no longer allowed in Oregon. Since voter approved annexations are no longer allowed a lot of cities in Oregon have revised their municipal code to make standards more robust. Before property is annexed the city can require applicants to prove they can meet master plans and other city codes.

Discussion:

Commissioner Crosby asked is it possible for an applicant to force an annexation into the UGB area. Doughman stated that as long as you have criteria you have the opportunity to deny an annexation request. There have been discussions from both sides of the aisle that the legislature might make changes in the future to the annexation process.

Motion: Motion to close the public hearing at 8:42 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Maclean-Wenzel

Commissioners: All ayes

No votes: None

Abstentions: None

The motion passed at 8:42 p.m.

Commissioner Carlton stated he appreciates public comments. He stated that the UGB expansion analysis was very in-depth and analyzed items, such as city services. He stated that we have a lot of development code regulations to develop your land. Carlton also stated that the proposed language has a lot of subjectivity. Stated that he just heard about the annexation code changes recently. Commissioner Mobley stated there was not a lot of public input and not a lot of public participation. Commissioner Mayton said he was hoping for more analysis. He was surprised there was not more public feedback. Commissioner Lesowski stated he agrees with the other commissioners. He would like to see the code changes to be less subjective. Commissioner Logan said that almost all of the new language that staff has proposed to add are being adopted in other local cities. He said that he would like to see more information and a work group. Commissioner Maclean-Wenzel said she agrees with many of the comments and wants to see responsible growth. She stated it seems that properties that have been added to the UGB have come to expect annexation. She would like to see development pay for itself. Commissioner Logan stated that other cities have 300-foot notification requirements.

Commissioner Lesowski asked if property that is annexed gets any benefits if it's not developed? O'Neill stated that newly annexed property can connect to city utilities (i.e. water and sanitary sewer) and get police service. O'Neill stated that staff is trying to be responsive to requests from the public and the City Council. Staff is trying to be responsive to requests and adopt code quickly. Meharg stated that criterion A in Section 17.78.50 of the proposed annexation code is already in the existing code. Commissioner Maclean-Wenzel asked Doughman to make some clarification. Doughman stated this is a great discussion where policy hits law. Most development code regulations must be clear and objective. However, annexation code can be written very subjective. Cities can choose to exercise a lot of discretion. The proposed code changes are supposed to assist with responsible growth and are supposed to be subjective and allow for discretion for the decision makers. Commissioner Lesowski asked how some of the criteria are very vague and some of the code is very specific.

Commissioner Mayton asked where does 10 years and 1,000 feet come from? Commissioner Carlton stated he would like to see the tree standards related to 5 years remain the same. He elaborated on the meaning of affordable housing and that it creates more traffic. Does the City have to analyze property being brought into the City via island annexations? Commissioner Maclean-Wenzel provided reasons for why the Tree Code Committee has been delayed in making progress. Developers state that tree retention is not financially viable for them. More than a 5 year waiting period for

significant tree removal seems fine. Commissioner Lesowski stated that the code changes are not decreasing regulations. Commissioner Carlton stated that the proposed code changes transposes work from one place to another place. Commissioner Mayton asked staff to clarify how property development works. O'Neill explained that a lot of property development occurs with contracts and contingencies prior to sale. He explained that individual property owners will not necessarily be on the hook for additional analysis. Meharg stated that 17.78.50 (A) is already in the Development Code. Planning Commission stated that (A) should be removed. Doughman stated it was already in the code. He elaborated there will be more analysis required at annexation but does not believe it will make a big difference on future growth. O'Neill stated that we could look at alternative annexation analysis for smaller properties simply looking to connect to city services. Doughman stated that an annexation agreement could take care of some of the concerns. Lesowski stated he was looking for less code criteria for properties with utility issues. Doughman said that the trade for annexation is higher taxes. Meharg stated the notification area is proposed to be increased to allow more public input and participation. Mayton stated he appreciates staff's time on the code changes, is good with an 8 to 10 year waiting period for significant tree removal, is good with the 1,000 feet notification, and moving subsection A. in 17.78.50 into the header. Crosby said he suggests passing it along to City Council for approval with some suggested modifications. He summarized the discussion and asked how they can move forward with a motion. The Commissioners talked about tree retention. Commissioner Maclean-Wenzel said she suggests keeping the tree standard at 5 years and possibly modify the code once the Tree Code Committee forwards decisions. Mobley stated that 17.78.50 (C) should be modified to add the words 'modified if necessary'. Commissioner Carlton encourages staff to notify property owners inside the UGB, but outside city limits. O'Neill stated that staff will consider noticing more property owners prior to the legislative hearing before City Council.

Motion: Motion to move the proposed code changes to Council with leaving A. in 17.78.50 as an introductory sentence, add additional language for property owners looking to annex for utility reasons or smaller lots, modify C. in 17.78.50 to include the words 'modified if necessary', and leave 5 years for trees instead of 10 years.

Moved By: Commissioner Mobley

Seconded By: Commissioner Mayton

Commissioners Carlton, Maclean-Wenzel, Logan, Mobley, Mayton, and Crosby.

No votes: None

Abstentions: Lesowski (no longer part of the meeting because the battery life on his computer expired)

The motion passed at 10:11 p.m.

7. Items from Commission and Staff

Chairman Carlton thanked staff for forwarding the Council report. O'Neill reminded the commission of the meetings in June and July. Commissioner Mayton stated he might miss the June 30, 2020 meeting.

8. Adjourn

Motion: To adjourn

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Carlton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 10:14 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr