



MINUTES
Planning Commission Meeting
Monday, August 24, 2020 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, Shelley Denison, Associate Planner, and David Doughman, City Attorney

MEDIA PRESENT: None

1. Meeting Format Notice

Instructions for electronic meeting

2. Roll Call

Chairman Crosby called the meeting to order at 7:01 p.m.

3. Approval of Minutes

3.1. Approval of Minutes – July 27, 2020

Motion: Approve the Planning Commission minutes for July 27, 2020.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

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

None

5. Director's Report

Kelly O'Neill Jr. stated that we have seven pre-application meetings coming forward and several large Planned Developments (PD) being proposed. We also have other land use applications that will require hearings. He then elaborated on upcoming meetings through the end of 2020.

6. Commissioner's Discussion

Commissioner Lesowski stated that he would like to consult with City staff regarding upcoming code changes and have workshops regarding upcoming code changes. O'Neill stated that House Bill 2001 will have a work session prior to a hearing. Commissioner Maclean-Wenzel stated she agrees with Commissioner Lesowski and would like to reconvene the tree code committee. Commissioner Carlton said that he would like to see deadlines created for code changes and stick to the deadlines. He stated that not everyone needs to agree on the code changes, but that everyone can live with. Commissioner Lesowski stated that he would like to see a bulleted list of upcoming code changes. O'Neill stated he would be glad to include a bulleted list with the Director's Report for September. Commissioner Mayton asked about the expiration of terms for commissioners. O'Neill said he would ask City Recorder Aprati to send information regarding Planning Commissioner terms. Chairman Crosby reiterated what was being asked for.

7. Old Business

7.1. Chapters 17.10, 17.84, and 17.100 Code Amendments (20-023 DCA):

Chairman Crosby opened the public hearing on File No. 20-023 DCA at 7:20 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, proposed code amendments and provided a presentation related to the code proposal.

Public Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

She asked the Planning Commissioners to reconsider if Mr. Mobley should be participating in decision. Mrs. Walker then read her letter that she submitted to the Planning Commission.

Richard Sheldon

37552 Rachael Drive
Sandy, OR 97055

He stated that Mr. Mobley has to recuse himself too often and gives the perception that he is only for developers. Finds that the regulations are too pro-development. Regulations need to be understandable. The proposed code changes are lazy. We need to be focused on the citizens that already live in Sandy.

Staff Recap:

O'Neill summarized the code changes and thanked Commissioner Mobley for his time spent on the proposed code changes. David Doughman seconded what Mr. O'Neill said about Mr. Mobley and thanked him for his involvement as a transportation engineer. He also stated that he is glad to discuss his memorandum in more detail. Emily Meharg reiterated that we are relying on the transportation engineer experts for their advice.

Motion: Motion to close the public hearing

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 7:42 p.m.

Discussion:

Chairman Crosby stated that he has no problems with Mr. Mobley participating in the code changes. Commissioner Logan said that Mr. Mobley is a professional engineer and abides by ethics. Commissioner Carlton stated that Mr. Mobley is professional and that some of the members of the public should think about apologies to Mr. Mobley. He then stated that the comments are totally unacceptable. Commissioner Mayton said he supports Mr. Mobley as an engineer and as a Planning Commissioner and encourages people to get more involved. Commissioner Lesowski echoes the comments that everyone else has made and believes that Mr. Mobley believes he has the public's best interest at heart. Commissioner Maclean-Wenzel wanted to echo what the other commissioners stated. Commissioner Mobley stated there is nothing nefarious with his proposed code changes and that he got onto the Planning Commission to help the city. He elaborated that he does not believe there is a conflict of interest and thanked the commissioners for their support.

Commissioner Carlton asked why the ADT caps are being removed. Meharg said that in talking with John Replinger and Todd Mobley that ADT standards

are not typically applied to anything but local streets. Commissioner Mobley said that collectors and arterials are almost never overloaded and that ADT standards are typically just applicable to local streets. He also elaborated on why the C-1 zoning district is exempt. Commissioner Carlton asked questions about why C-2 and C-3 are not exempt, and why 1,000 ADT is being used. He went on to explain why he thinks Melissa Avenue is a collector street. O'Neill said that 1,000 ADT is the standard in the Transportation System Plan (TSP) and that some of the streets that were mentioned by Mr. Carlton are not local streets. Commissioner Logan said that the 1,000 ADT seems like a hard line in the sand. O'Neill, Commissioner Carlton, and Doughman stated that 1,000 ADT may be varied through a variance or adjustment procedure. Doughman elaborated on the clear and objective standards related to housing applications. Commissioner Carlton explained the use of the word 'typical' and that the 1,000 ADT standards are stricter than the TSP.

Commissioner Mayton asked is there a specific advantage to leave words such as typical and gender specific words. Doughman said that changing gender specific words would not be an issue or concern. Commissioner Mayton also asked if the City uses an editorial program for code writing. O'Neill elaborated on how the review is completed and elaborated on why 1,000 ADT was chosen in the TSP. Commissioner Mobley said the number 1,000 is kind of arbitrary and that some codes have 1,500 ADT. Commissioner Carlton said that numbers have impact and that numbers are important to define.

Commissioner Lesowski and Commissioner Maclean-Wenzel said they would like to remove one (1) year from the plat extension language to make it a maximum of three years with the extension only granted by the Director, not the Planning Commission. The Commission was unanimous in removing the plat extension proposal to be approved by the Planning Commission. Commissioner Maclean-Wenzel stated she would like to see a gender-neutral code.

Commissioner Carlton asked questions about the City Engineer making code decisions even though the engineer is not an employee. Doughman said that the City Engineer can be relied upon to make some decisions, but not make all the land use decision. Commissioner Mayton asked why the word 'traffic engineer' is struck so often in the proposed code changes. Commissioner Mobley stated that the word 'engineer' can be used pretty broadly and that removal of the word 'traffic' before engineer should be fine.

Motion: Motion to recommend approval of the code changes with a change to reduce plat approval to two years with just one extension by the Director, to

be more inclusive of gender, and to include David Doughman's modifications in his memo that was dated August 20, 2020.

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mayton

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

No votes: None

Abstentions: None

The motion passed at 8:28 p.m.

Recess from 8:28 PM to 8:37 PM

8. New Business

8.1. Bull Run Terrace (19-050 CPA/ZC/SUB/SAP/TREE):

Chairman Crosby opened the public hearing on File No. 19-050 CPA/ZC/SUB/SAP/TREE at 8:37 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 Mayton declared that he read a comment on Facebook by a Sandy resident stating that other residents should say no to the Bull Run Terrace proposal. No challenges were made, and only the declaration by Commissioner Mayton was made by the Planning Commission.

Staff Report:

Associate Planner Shelley Denison summarized the staff report and provided an in-depth presentation related to the request. O'Neill elaborated on the process and the additional testimony received by the applicant, the public, ODOT, and the Fair Housing Council of Oregon.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown thanked staff for the positive staff report and said that overall, they were very happy with the staff report and recommended conditions. He then elaborated on the history of the property and the proposal that is being heard tonight.

Ray Moore
All County Surveyors and Planners, Inc.

PO 955
Sandy, OR 97055

Mr. Moore thanked staff for the positive staff report. He stated the applicant is intending to save 11 more trees than the code requires. He also explained why Dubarko Road and the other streets are proposed in their locations and explained the proposed utilities.

Mike Ard
17710 Dodson Drive
Sherwood, OR 97140

Mr. Ard explained the traffic analysis and stated that the transportation system will support the proposed traffic with the proposed zone changes. He elaborated on ODOT's comment letter and explained why the acreage totals are different.

Proponent Testimony:

None

Opponent Testimony:

Kathleen Walker
15925 Bluff Road
Sandy, OR 97055

Mrs. Walker said there was not enough time to read through the staff report and all of the materials. She asked for the record to remain open. She stated that testimony submitted was not outside the code and should be considered. Mrs. Walker elaborated on her written testimony that she submitted and the needs for more high-density zoning. She stated the comprehensive plan integrity should be highly regarded.

O'Neill asked Mrs. Walker if she is asking for an open record period or a continuance. She stated she definitely wants more opportunity for public comments.

Ann Ruhl
18368 Meadow Avenue
Sandy, OR 97055

The proposal is located right next to her property. Would like to see more single family residential than multi-family housing.

Makoto Lane
37828 Rachel Drive

Sandy, OR 97055

He asked who in the city is promoting high density residential development and he feels the City of Sandy is giving developers whatever they want. Mr. Lane also asked why Todd Mobley is on the Planning Commission.

Nicola Skinner
18422 Meadow Avenue
Sandy, OR 97055

Ms. Skinner said she realizes there will be growth in Sandy and understands that development will occur. She is concerned about the removal of trees and how that will impact her trees and nesting hawks that live in the woods.

Erin Findley
37616 Rachel Drive
Sandy, OR 97055

Ms. Findley echoes Mrs. Walker's concerns and would like the record to remain open. She asked the Planning Commission to carefully consider growth.

Neutral Testimony:

None

Staff Recap:

Denison briefed the Planning Commission regarding the letter from Tracy Brown, public comments, and other information that was sent by written testimony or by verbal comment.

Applicant Rebuttal:

Mike Robinson
Schwabe, Williamson, and Wyatt
1211 SW 5th Avenue, Suite 1900
Portland, OR 97204

Mr. Robinson asked whether the record will be left open or a continuance will be granted. He stated that the burden of proof has been met that the application is complete. The Fair Housing Council of Oregon letter can be handled as described by O'Neill. Spot zoning is not a regulatory standard in Oregon. He then elaborated on the Statewide Oregon Goals and how the goals are met. He said the applicant would like to wait on additional testimony until the next hearing.

Tracy Brown

17075 Fir Drive
Sandy, OR 97055

He stated that he would like to work with staff on revising some of the conditions.

Discussion:

Commissioner Lesowski asked questions regarding the density increases and why staff is supportive of the zone change. He asked if the proposal is being supported because supporting infrastructure. Commissioner Carlton stated that House Bill 2001 will remove single family homes and allow more duplex development. O'Neill stated that during the pre-application meetings with the applicant the staff asked the applicant to install single family along the entire west property line of the proposed subdivision, with the exception of the parkland, and additional tree retention along the common property line. Commissioner Carlton said he believes the application is complete and that we need a mixture of single-family homes and multi-family homes. He said he found it interesting that during Bailey Meadows people wanted affordable housing and now people do not want multi-family housing. He also said that just because you live in an apartment doesn't mean you are a criminal. Mr. Carlton said he found the condition of a visually attractive vegetative screen and requiring buildings to face the parkland to be contradictory.

Commissioner Maclean-Wenzel said that higher density doesn't mean higher crime. We live in a very expensive place to live and we need a variety of housing. She said we need all types of housing. She said we need metal fencing to protect trees. O'Neill said that 6 foot tall metal fencing will be required.

Chairman asked for clarity on the process moving forward. Doughman explained the open record period and the continuance process. Historically the City of Sandy has left the record open and had a continuance at another meeting. Commissioner Logan said we should do what makes it easier on staff. Commissioner Mayton said he would prefer to offer public testimony at the next meeting. Commissioner Maclean-Wenzel agreed with Mayton. O'Neill stated that October 26, 2020 is probably the next meeting date that is available.

Mike Robinson stated that October 26, 2020 would likely work. Tracy Brown got a consensus from the applicant's team that October 26, 2020 would work for a continuance.

Commissioner Mayton asked a clarifying question about spot zoning. Denison and Doughman explained that spot zoning is not a concept recognized in

Oregon. O'Neill stated that following a 1997 comprehensive plan and not allowing any zone changes is too rigid and not great planning.

Commissioner Mayton said he would like more information on why the zoning is proposed along the proposed lines and would like more information on how it impacts existing residents. Chairman Crosby said that a realtor back in the 'day' would have likely been right to say they didn't think the property would be developed with R-3 zoning. Commissioner Lesowski said that maybe development in Sandy is too expensive and the city needs to reconsider the practice of having development pay solely for itself. Commissioner Carlton said that he doesn't think that the proposal is that much different than the existing zoning of R-2. He said that developers have rights and what they are proposing is not that unreasonable. Commissioner Lesowski said that the proposal could have a big impact on the existing residents. Commissioner Mayton said the difference between R-2 and R-3 is a big difference based on the density that could be installed.

Motion: Motion to continue the public hearing to October 26, 2020.

Moved By: Commissioner Mayton

Seconded By: Commissioner Lesowski

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

No votes: None

Abstentions: None

The motion passed at 10:51 p.m.

9. **Adjourn**

Motion: To adjourn

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 10:52 p.m.

A handwritten signature in blue ink that reads "Jerry Crosby". The signature is written in a cursive style with a large initial "J".

Chair, Jerry Crosby

A handwritten signature in blue ink that reads "Kelly O'Neill Jr". The signature is written in a cursive style with a large initial "K".

Planning Director, Kelly O'Neill Jr