



MINUTES
Planning Commission Meeting
Tuesday, June 30, 2020 City Hall- Council
Chambers, 39250 Pioneer Blvd., Sandy,
Oregon 97055 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, Shelley Denison, Associate Planner, Emily Meharg, Senior Planner, Jeff Aprati, City Recorder, and Greg Brewster, IT/SandyNet Director, and Spencer Parsons, City Attorney

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/81660200390>

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Webinar ID: 816 6020 0390

International numbers available: <https://us02web.zoom.us/u/kZXUQz8av>

2. Roll Call

3. Approval of Minutes

3.1. Approval of Minutes – May 27, 2020

Motion: Modify the adjournment section of the minutes. Approve the Planning Commission minutes for May 27, 2020.

Moved By: Commissioner Carlton

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

None

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. Jewelberry Ridge Subdivision Extension (20-021 EXT):

Chairman Crosby opened the public hearing on File No. 20-021 EXT at 6:35 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 recused himself from the agenda item. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Senior Planner Emily Meharg summarized the staff report and provided a brief presentation related to the request.

Applicant Testimony:

John Schmidt

PO Box 189
Boring, OR, 97009

Mr. Schmidt stated he is looking for an extension because the developer that wanted to purchase the property has temporarily backed out of negotiations. Mr. Schmidt said that the subdivision will likely be constructed in the spring through fall of 2021 so if the Planning Commission can provide an extension past July 12, 2020 that would be preferred.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

None

Staff Recap:

Meharg and O'Neill both stated that a November 2021 extension deadline is not a concern with staff. Commissioner Carlton asked if the Planning Commission can grant the extension request. O'Neill stated that a strict reading of the development code would likely not allow the Planning Commission to grant an extension; however, staff is proposing code changes to the Planning Commission in July 2020 that will enable the Planning Commission to grant extensions to subdivisions. O'Neill also mentioned that staff is trying to be flexible during times of economic uncertainty. Therefore staff is comfortable with Planning Commission granting an extension similar to the extension that was granted for Mairin's Viewpoint earlier in 2020.

Applicant Rebuttal:

Mr. Schmidt stated that he did not need a rebuttal.

Motion: Motion to close the public hearing at 6:47 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Logan

Yes votes: All Ayes

No votes: None

Abstentions: Mobley

The motion passed at 6:47 p.m.

Discussion:

The Commissioners decided that granting an extension to November 12, 2021 was fine to allow the construction of the subdivision to occur in the summer and early fall of 2021.

Motion: Motion to approve an extension of the subdivision to November 12, 2021.

Moved By: Commissioner Carlton

Seconded By: Commissioner Maclean-Wenzel

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

No votes: None

Abstentions: Mobley

The motion passed at 6:50 p.m.

6.2. **Clackamas County Health Clinic (20-006 DR/VAR/DEV/ADJ):**

Chairman Crosby opened the public hearing on File No. 20-006 DR/VAR/DEV/ADJ at 6:50 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 Carlton stated that he drives by the site every day. No challenges were made, and no declarations were made by the Planning Commissioners.

Staff Report:

Senior Planner Emily Meharg summarized the staff report and provided a presentation related to the request. Commissioner Carlton asked several questions that were answered by Meharg. Commissioner Carlton asked if design deviations have criterion within the Sandy Municipal Code. O'Neill explained that the existing Sandy Style code in Chapter 17.90 does not define criterion for design deviations. O'Neill stated that staff can explore creation of criterion for design deviations when the Sandy Style code revisions are proposed.

Applicant Testimony:

Lori Kellow

38 NW Davis

Portland, OR 97209

Ms. Kellow stated she represents Clackamas County and provided a summary of the proposal, including but not limited to why privacy is necessary for the proposed facility and how the need for privacy influenced the building design. The architects tried to use a blend of materials and colors to create an interesting building design.

Scott Soukup

38 NW Davis

Portland, OR 97209

Mr. Soukup provided additional information for the siding that is proposed. The siding that appears like redwood is fiber cement siding and should be more durable than cedar.

Commissioner Carlton and Chairman Crosby asked a few questions that were answered by Ms. Kellow and Mr. Soukup.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Ms. Walker stated there is too much stuff in the record to review prior to the meeting and said she wished the PowerPoint presentation could be posted prior to the meeting for public review and interpretation. She stated that the base stonework looks like dark cement.

Mr. Soukup stated the stone is a rough cut. Chairman Crosby said this part of the meeting is not time for question and answer. Ms. Walker stated the base doesn't look very good as it's too dark and the vertical siding is also not very SandyStyle.

Staff Recap:

Meharg stated that the vertical panel siding is not allowed by the code and is a legitimate item for the Commission to discuss. O'Neill stated the base material meets the SandyStyle code and that the color is in the eye of the beholder, but the vertical panel siding is a deviation request so the Planning Commission could require a change to the siding.

Applicant Rebuttal:

Ms. Kellow stated the SandyStyle code prefers changes in relief on the building elevations and that is why the siding materials were chosen. She also stated that the two different variations in siding will provide additional interest. The base is rusticated and is an interpretation of the stone that is outlined in the development code. Mr. Soukup stated that the applicant can evaluate the colors in further detail. Commissioner Carlton asked the applicant to review the color of the base materials further. Commissioner Mayton asked what percentage of the facades is vertical panel siding? Mr. Soukup explained the percentages of siding.

Discussion:

Chairman Crosby asked the Commission to focus the attention on the items that were presented by staff that were identified as deviations, adjustments, and variances. Commissioner Lesowski stated he feels the building lacks the Cascadian feel that has been presented in other applications and that the design lacks the items in Section 17.90.110 (B)(3) e. Commissioners Carlton and Mayton agreed that the items in Section 17.90.110 (B)(3) e. are missing. Commissioner Carlton elaborated on the missing SandyStyle items. O'Neill stated the applicant has stated on multiple

occasions that their design is a modern interpretation of the SandyStyle. Commissioner Mobley asked for the applicant to participate and provide more feedback. Chairman Crosby stated the public record is still open so the applicant can still participate. Commissioner Logan stated the elephant in the room is the missing items from Section 17.90.110 (B)(3) e. Commissioner Maclean-Wenzel said she thinks it is a beautiful building, but agrees that design elements are missing and would like to hear from the architects.

Mr. Soukup stated the proposal does not include any exposed heavy timbers, but the proposal does include natural wood trim around the windows, metal canopies facing the different streets, and natural wood color siding. O'Neill stated that the proposal is a modern interpretation of the SandyStyle and the Commission needs to determine if they are comfortable with the proposed design or if they would like to see additional SandyStyle elements. Commissioner Mayton said he would like to see additional horizontal siding on the Highway 26 side of the building. Commissioner Lesowski stated that he would like to see some additional modifications to the building and then proposed back to the Commission. Commissioner Mobley stated he believes it meets Section 17.90.110 (B)(3) e. as it provides three of the six items. Commissioner Maclean-Wenzel stated she believes the design meets the code requirements. O'Neill stated the Commission could reference the development code diagrams for further assistance on interpreting the SandyStyle. Meharg explained in further detail how she believes the building design meets Section 17.90.110 (B)(3) e. and that she could add more detail to the findings prior to issuing the final order. Commissioner Maclean-Wenzel stated the variation in the building is what it makes it so interesting. O'Neill stated the building is incorporating a true pitched roof and not an applied pitched roof like a lot of development that has occurred around Sandy. A true pitched roof is more expensive than an applied pitched roof. Commissioner Lesowski stated he does not believe the building design is being proposed to cut costs.

Commissioner Mayton said he is not in favor of the siding proposal. Chairman Crosby stated the Commission will make individual decisions on each adjustment/variance/deviation request.

O'Neill stated the Commission could continue the discussion to a future meeting, but if the applicant does not extend the 120-day clock then there could be issues with meeting the 120-day rule. Commissioner Lesowski stated he would like revised renderings proposed before the Planning Commission at a future meeting. Commissioner Carlton suggested swapping the siding materials so there is more cedar siding and less vertical gray siding. Commissioner Lesowski said he would like revised renderings submitted for his review before making a decision. The Commission, staff, and attorney Parsons discussed the options to proceed.

Motion: Motion to close the public hearing at 8:36 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None
Abstentions: None
The motion passed at 8:36 p.m.

Adjustment to not include base material on 18 percent of the façade.
Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mobley, Mayton, and Crosby.
No votes: None

Design Deviation to use vertical grooved sheet siding.
Yes votes: Commissioners Maclean-Wenzel, Logan, Mobley, and Crosby.
No votes: Commissioners Carlton, Lesowski, and Mayton.

Design Deviation to not provide a primary entrance at the corner.
Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mobley, Mayton, and Crosby.
No votes: None

Design Deviation to not provide a primary entrance that faces a public street.
Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mobley, Mayton, and Crosby.
No votes: None

Special Variance to not meet the percentage of windows on the street frontages.
Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Logan, Mobley, Mayton, and Crosby.
No votes: None

Commissioner Logan asked if the decision is being made on the renderings or the building elevations. Commissioner Mobley stated the elevations are newer and that should be what the decision is based on, not the renderings. Commissioner Lesowski said the proposed building does not meet the SandyStyle code. Commissioner Carlton reiterated what Commissioner Lesowski stated and thanked Meharg for adding additional findings.

Motion: Motion to approve File No. 20-006 DR/VAR/DEV/ADJ Clackamas County Health Center findings of facts and the approved adjustment, design deviations, and special variance.

Moved By: Commissioner Logan

Seconded By: Commissioner Mobley

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

No votes: Commissioners Carlton, Lesowski, and Mayton.

Abstentions: None

The motion passed at 8:58 p.m.

Break for 5 minutes.

6.3. 5G Small Cell Code Amendments (20-012 DCA):

Chairman Crosby opened the public hearing on File No. 20-012 DCA at 9:05 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:

Associate Planner Shelley Denison summarized the staff report, proposed code amendments and provided a presentation related to the code proposal. O'Neill and Parsons elaborated on FCC rules/orders, why the code is not being proposed in Title 17 of the Sandy Municipal Code, and the plan to bring forth before the City Council in a July work session.

Commissioner Mayton asked a question about fees and who pays the infrastructure changes for modifying right-of-way fixtures. Mr. Parsons said that the City of Sandy and its residents will be subsidizing the processing of the applications. The industry will have to pay for the modifications to the right-of-way fixtures. Commissioner Carlton asked what is the role of Exhibit A? O'Neill explained the difference between the code revisions to Chapter 12 and Exhibit A which would be design criteria.

IT Director Greg Brewster stated that the different 5G facilities throughout town will be interconnected by fiber. Some frequencies go through homes and trees and some do not. If a 5G carrier comes to Sandy there will be some major construction for fiber throughout Sandy. Commissioner Mayton asked about if 5G signals have any health or safety issues. Brewster said that he would stand by the FCC that there has been no scientific evidence that 5G causes any health or safety concerns. Denison stated that her research into 5G has not identified any relationship between 5G and negative health effects.

Testimony:

Brian Fletcher via Zoom Q&A:

9:30 PM – “Tells us about the safety of the 5G signals.”

9:37 PM – “The city can no longer collect utility franchise fees?”

9:37 PM – “those FCC standards are old an not updated to recent technology”

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Mrs. Walker stated she is very frustrated that companies are not going to collocate and that every pole could have these facilities. Is this SandyNet fiber or other fiber?

There are a lot of questions related to health and fiber infrastructure and how this affects Sandy and its citizens.

Staff Recap:

Denison recapped her presentation. O'Neill and Parsons added some additional information to consider. Parsons stated that even if the City of Sandy commissioned a health study that showed a negative health effect related to 5G it would only be valid if the federal government recognized the health study and declared it valid. We cannot deny a small cell application based on what we believe are health effects. It is important to expediate the code regulations, so the City of Sandy has regulations in case the City gets an application.

Motion: Motion to close the public hearing at 9:57 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Lesowski

Commissioners: All ayes

No votes: None

Abstentions: None

The motion passed at 9:57 p.m.

Discussion:

Chairman Crosby asked about the bold language on page 6 in Chapter 12.20.050. Parsons said he wanted input on whether the Planning Commission would prefer undergrounding language. Commissioner Lesowski and Carlton said they would like to move forward with a recommendation of approval to City Council. O'Neill said he would like additional undergrounding requirements related to the cabinets underground especially in the downtown. Commissioner Maclean-Wenzel said she would like to forward a recommendation that includes colocation when possible and undergrounding when possible.

Motion: Motion to move the proposed code changes forward to Council with additional considerations for undergrounding for cabinets and equipment.

Moved By: Commissioner Carlton

Seconded By: Commissioner Maclean-Wenzel

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

No votes: None

Abstentions: None

The motion passed at 10:10 p.m.

7. Items from Commission and Staff

O'Neill provided information on upcoming meetings and applications that have been recently submitted. Commissioner Carlton provided information on Dutch Bros and the pride the new employees seem to have related to the building and site. O'Neill added that Dutch Bros will be using the SandyStyle model at several locations in southern California. Commissioner

Lesowski said that Shelley Denison did a great job presenting to Planning Commission.

8. Adjourn

Motion: To adjourn

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 10:16 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr