



MINUTES
Planning Commission Meeting
Monday, September 28, 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 meetings

2. Roll Call

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

3. Approval of Minutes

3.1. APPROVAL OF MINUTES – August 24, 2020

Motion: Approve the Planning Commission minutes for August 24, 2020.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mobley

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

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

Rick and Dona Threadgill
37957 Hamilton Ridge Drive
Sandy, OR 97055

Rick expressed his gratitude for being allowed to speak. He stated that he hopes that future decisions consider impacts from adjacent development. Rick then elaborated on how the Sandy Place Apartments have negatively affected their sale price of their home due to the lack of privacy.

5. Director's Report

Kelly O'Neill Jr. mentioned the code of conduct that was recently adopted by the City Council, the process for reappointments and new appointments for the three Planning Commission seats that are open at the end of 2020, and addressed his sympathy for the Threadgills.

Commissioner Carlton expressed his thoughts on the Sandy Place Apartments and the screening requirements. Commissioner Lesowski said we need to look at both the east and west sides of the Sandy Place apartments site. O'Neill said that staff will look into the Threadgill's concerns.

O'Neill then presented a staff report which detailed needed code changes. The staff report defined code changes as very important, moderately important and least important. Commissioner Maclean-Wenzel asked who the main staff will be to contact for the urban forestry code standards. O'Neill stated that Emily Meharg will be the primary point of contact on the urban forestry code updates. Commissioner Lesowski thanked staff for putting the document together. Commissioner Carlton stated that he believes the urban forestry code should move to the very important list. Chairman Crosby stated that as items move off of the list, we should move the moderately important items up the list to very important.

6. Commissioner's Discussion

Commissioner Lesowski asked if the City Councilors need to also sign the code of conduct. O'Neill stated that elected officials don't have to follow the same code of conduct standards as appointed officials. Doughman stated that the only way to remove an elected official is through the recall process. Commissioner Carlton stated that he has some issues with the code of conduct and wishes the Council would also sign the document. Doughman stated that most boards and commissions are an extension of Council. Commissioner Carlton stated he may or may not sign the code of conduct. O'Neill stated that if a board member or commissioner doesn't sign the code of conduct then that might lead to removal from that particular board or commission.

Commissioner Carlton asked about if we can add deviation criterion to the Development Code and to remind the audience that we do not have 100 percent discretion in making decisions. He added that we should be clear about the process and try to reduce discussion on non-code items that cannot be considered. Chairman Crosby added some information on how he will explain it to the public in the future.

7. NEW BUSINESS

7.1. OAOR Annexation (20-025 ANN):

Chairman Crosby opened the public hearing on File No. 20-025 ANN at 7:57 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 Commission.

Staff Report:

Associate Planner Shelley Denison summarized the staff report and provided an in-depth presentation related to the request. O'Neill stated that we should probably not move forward with an annexation on a property that has outstanding code violations, and that it could likely lead to an issue with the Urban Growth Management Agreement (UGMA). Doughman said that we should probably continue the hearing so that the applicant, the County, and the City can discuss the outstanding code issues. O'Neill added that if OAOR never received approval from Clackamas County for the religious institution then there may have never been a chance for the public to comment. Commissioner Mobley asked about TPR analysis and if it was completed for this application. O'Neill stated that the TPR analysis was not completed as this property was inside the UGB prior to the 2017 Urban Growth Boundary expansion. Doughman stated that ODOT has exempted property that was already in the UGB prior to the 2017 expansion, but that we could require TPR findings.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown stated he was hired in January 2020 to help the applicant with a pre-app at Clackamas County to resolve the code violations. Mr. Brown became aware of the utility connections and reached out to the Public Works Director to find out more information. He found out from the Public Works Director that the City of Sandy wanted the property annexed per the annexation agreement from 2017. He stated there is an issue with a manufactured home on the site that needs to be resolved, some grading issues that need to be resolved, and no proof the septic tank was decommissioned. Mr. Brown stated that the code enforcement officer from Clackamas County stated that if the code issues are resolved then they are fine with the land use at the site. He then elaborated on the annexation and it being contiguous to the City of Sandy.

Kris Iskandar
817 Leavenworth Avenue NE
Olympia, WA 97876

Wants the property to be a residence for the monks of OAOR. He said the current intent is to have residents at the property and to give instruction to people on how to complete meditation. One or two times a year they have 100 or more people attend events at the property.

Proponent Testimony:

None

Opponent Testimony:

Stephen Chellis
38842 SW Highway 211
Sandy, OR 97055

Mr. Chellis stated that he has concerns with the property being annexed as it opens the possibility of the property being redeveloped further in the future. He also stated that he has never had an opportunity to speak about OAOR in the past. Since the property is currently zoned RRFF-5 the redevelopment opportunity is not the same as if the property were annexed. Mr. Chellis also explained that Highway 211 and Dubarko Road is very dangerous and he has concerns about increased traffic at the OAOR site.

Neutral Testimony:

None

Staff Recap:

Denison provided some additional details on the Clackamas County violations. O'Neill elaborated on the outstanding code issues and how to resolve the code issues. Doughman also elaborated on the issues and that delaying a recommendation is probably the best way to move forward with a recommendation by the Planning Commission.

Applicant Rebuttal:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown stated he feels it is a headscratcher also. He stated that the annexation procedure is the opportunity for public testimony. He explained that code enforcement is not a noticed land use decision. Mr. Brown also

agreed that pausing the hearing and waiting to make a decision is probably the best way to move forward.

Kris Iskandar
817 Leavenworth Avenue NE
Olympia, WA 97876

He stated he thinks working through the issues and then coming back before the planning Commission is probably the best course of action.

Discussion:

Chairman Crosby asked a few questions about a continuance. Doughman stated that continuing the hearing to no date certain is fine so long as the city re-notices the next hearing date. Commissioner Mayton asked a question about denying the annexation request. O'Neill reminded the commission that the city requested the annexation per the annexation agreement. Doughman elaborated on the denial. Commissioner Carlton stated the property would be zoned R-1 and is located in the Bornstedt Village Overlay (BVO). He asked which use it would be defined as. Doughman stated it would be defined as a community service. Commissioner Carlton asked if the facility would need to be approved through the conditional use permit process once it is annexed. Doughman stated that it may need a conditional use permit once annexed if the use is not approved by Clackamas County. Commissioner Lesowski stated that he finds Commissioner Mobley's point about the traffic study to be valid and that future development of the property could lead to something other than a religious facility. Commissioner Mobley explained what the reasonable worst-case scenario with the Transportation Planning Rule (TPR) defines and the differences with a traffic study. O'Neill explained some of the benefits with the City of Sandy assuming jurisdictional control over a portion of Highway 211, one of which may be reduced traffic speeds.

At 9:12 p.m., Chairman Crosby stated a recommendation will not be heard and the public hearing will be heard at a future date.

8. Adjourn

Motion: To adjourn

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 9:16 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