



MINUTES
Planning Commission Meeting
Monday, March 29, 2021 Virtual via Zoom
6:30 PM

COMMISSIONERS PRESENT: Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, Chris Mayton, Commissioner, Jan Lee, Commissioner, and Steven Hook, Commissioner

COMMISSIONERS ABSENT:

STAFF PRESENT: Kelly O'Neill, Development Services Director, Emily Meharg, Senior Planner, Shelley Denison, Associate Planner, and Jeff Aprati, City Recorder, and Chris Crean, City Attorney

MEDIA PRESENT:

1. MEETING FORMAT NOTICE

Instructions for electronic meetings.

2. ROLL CALL

Chairman Crosby called the meeting to order at 6:31 p.m.

3. NEW PLANNING COMMISSIONER INTRODUCTION - JAN LEE

Chairman Crosby introduced Commissioner Lee. Commissioner Lee said she was happy to be on the commission. All Commissioners welcomed Commissioner Lee.

4. LAND USE TRAINING PRESENTED BY CHRIS CREAN

City Attorney Chris Crean presented land use items, including but not limited to the following: review requirements for quasi-judicial land use decisions; residential permits (i.e., clear-and-objective versus discretionary standards); limited land use decisions; and, constitutional standards. The Commissioners asked questions and staff and Mr. Crean provided answers to the questions.

5. APPROVAL OF MINUTES

5.1. Draft Minutes for January 25, 2021

Motion: Approve the Planning Commission minutes for January 25, 2021.

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

5.2. Draft Minutes for February 22, 2021

Motion: Approve the Planning Commission minutes for February 22, 2021.
Moved By: Commissioner Carlton
Seconded By: Commissioner Maclean-Wenzel
Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

6. REQUESTS FROM THE FLOOR - CITIZEN COMMUNICATION ON NON-AGENDA ITEMS

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Thanked the Commission for the training by Mr. Crean. Ms. Walker expressed her concerns with Portland centric information and wants Sandy focused information presented in the future. She then explained some data that is located in the existing urbanization study. Ms. Walker also stated that if people do not want future emails, she would be glad to not include them on emails in the future.

7. DIRECTOR'S REPORT

Development Services Director O'Neill explained the Director's Report and answered questions regarding upcoming meetings and the report.

Associate Planner Denison introduced the concept of choosing Planning Commissioners for committee assignments in regard to the Comprehensive Plan.

The following Planning Commissioners were chosen for committee selection:

Consultant selection committee – Commissioner Hook
Public engagement committee – Commissioner Maclean-Wenzel

8. PLANNING COMMISSIONER DISCUSSION

Chairman Crosby asked questions about calling people commissioner versus their names. Staff and commissioners discussed the merits of using the more formal reference.

Break at 7:55 p.m.

9. NEW BUSINESS

9.1. 38797 & 38799 Creekside Loop Appeal (21-001 AP):

Chairman Crosby opened the public hearing on File No. 21-001 AP at 8:04 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:

Senior Planner Meharg summarized the staff report and provided an overview of the proposal, history of the project, and explained the appeal.

Applicant Testimony:

Jeff Newberry

40110 SE Meadow Song Road

Boring, OR 97055

Spent a lot of time trying to develop the property especially considering its irregular size. Mr. Newberry believes he did a good job in creating a nice product.

Appellant Testimony:

Aryn Ferguson

PO Box 10

Sandy, OR 97055

Presenting on behalf of Mr. William Trimble. Ms. Ferguson stated their biggest concern is impacts to the on-street parking availability. She then shared some pictures of Creekside Loop and existing on-street parking issues.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

None

Staff Recap:

Meharg stated that blocking the sidewalk is a code violation and also clarified some additional staff requirements in the decision.

Applicant Rebuttal:

Jeff Newberry
40110 SE Meadow Song Road
Boring, OR 97055

Mr. Newberry stated that when the duplex was planned they created three off-street parking spaces for each unit to try to provide as much parking as possible.

Motion: Motion to close the public hearing at 8:31 p.m.

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Lesowski

Yes votes: All Ayes

No votes: None

Abstentions: None

Discussion:

Commissioner Carlton said he listened to the testimony and doesn't fully understand why the applicant needs 20 feet. He stated that we should follow the code. Commissioner Hook asked if the code allows for larger space size requirements. Staff explained that the larger spaces were required since staff supported the adjustment. Commissioner Lee asked a question about off-street parking. O'Neill explained the number of parking spaces for the other duplexes on Creekside Loop. Commissioner Maclean-Wenzel stated she agrees with Commissioner Lee. Commissioner Mayton said he believes the code is being met and the applicant asked for the adjustments which meets the code requirements. Mayton stated he agrees with MacLean-Wenzel and Lee. Commissioner Lesowski stated he agrees with Maclean-Wenzel, Lee, and Mayton. Chairman Crosby asked Meharg a few clarifying questions. Meharg added some clarifying details. Crosby stated he is in favor of upholding the staff decision. Commissioner Carlton and Commissioner Hook both asked why the adjustment is being requested. Staff explained that adjustments usually do not have robust analysis that accompanies adjustment requests. Commissioners Mayton and Carlton explained sizes of different vehicle types. Commissioner Maclean-Wenzel asked about how the appellant found out about the request. Chairman Crosby and O'Neill provided clarity on why the matter is before the Commission.

Motion: Motion to deny the appeal and affirm the staff decision for the Type I

Adjustments at 38797 and 38799 Creekside Loop.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Lesowski, Maclean-Wenzel, Lee, Hook, Mayton, and Crosby

No votes: Carlton

Abstentions: None

The motion passed at 8:52 p.m.

9.2. **Mairin's Viewpoint Tree Variance (21-004 TREE/VAR):**

Chairman Crosby opened the public hearing on File No. 21-004 TREE/VAR at 8:53 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:

Senior Planner Meharg summarized the staff report and provided an overview of the proposal, history of the project, and explained the variance request.

Commissioner Maclean-Wenzel asked if the \$3,000 is paid where does the money go. Meharg and O'Neill explained the process of how the mitigation tree account is used and protected. Commissioner Carlton asked if street trees can count for mitigation trees. Meharg provided clarity that street trees are a separate requirement and cannot count for mitigation trees. Commissioner Lee asked questions about where the trees can be planted. Commissioner Mayton thanked staff and supports staff direction on the tree variance issue.

Applicant Testimony:

Mary Giersch
16050 SW Waxwing Way
Beaverton, OR 97007

Ms. Giersch explained why a tree can improve in condition over time. She then explained her arborist assessment in detail and explained the risk of trees in Mairin's Viewpoint.

Proponent Testimony:

Jennifer Mannor
37787 Olson Street
Sandy, OR 97055

Ms. Mannor supports the staff recommendation and would like to see the

trees removed.

Opponent Testimony:

Kathleen Walker
15920 Bluff Road
Sandy, OR 97055

Ms. Walker said the proposed stand of trees has been there for the 34 years she has lived in Sandy. She stated she is disappointed that some of the Doug fir and cedar trees could not be salvaged/saved. She would like Tree #539 to be preserved. Ms. Walker also stated that English Ivy could be mitigated.

Neutral Testimony:

None

Staff Recap:

Meharg stated she appreciated the additional information from Mary and also appreciated the recommendation from Ms. Walker. Meharg also explained some additional details from the subdivision approval. O'Neill explained some additional constraints that staff has faced with not having robust code language.

Applicant Rebuttal:

Mary Giersch
16050 SW Waxwing Way
Beaverton, OR 97007

Ms. Giersch stated that she and Mr. Mahaffy are very concerned with retaining Tree #539.

Discussion:

Commissioner Lee said she agrees with the arborist and would prefer to go with the staff report. Commissioner Maclean-Wenzel asked what staff needs to save more trees. O'Neill explained that staff needs a carrot and a stick and needs support from leadership to retain groupings of large trees.

Commissioner Hook asked a question about English Ivy and how to stop its growth. Ms. Giersch stated that you must cut the ivy at its base to kill the ivy. The ivy then needs to be removed by hand. Commissioner Hook asked if the Commission could ask for removal of the ivy. Meharg stated that we can certainly condition removal of ivy. Commissioner Carlton stated that developers have rights to develop their land and that retaining large trees can be problematic especially when surrounded by development/houses. Commissioner Lesowski stated he likes trees but thinks that discussing trees

for 45+ minutes is not the best use of everyone's time. He also stated that we should incentivize tree retention and possibly have a robust tree planting program. Commissioner Lee said that when she was on the City Council that modifying the tree requirements was something that was supposed to be considered. She also stated that we could consider clustering of houses to incentivize tree retention.

Motion: Motion to close the public hearing at 9:46 p.m.

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Motion to approve the tree variance based on staff's recommendation and conditions.

Moved By: Commissioner Carlton

Seconded By: Commissioner Lesowski

Yes votes: Carlton, Lesowski, Maclean-Wenzel, Lee, Hook, Mayton, and Crosby

No votes: None

Abstentions: None

The motion passed at 9:48 p.m.

10. ADJOURNMENT

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 9:49 p.m.



Chair, Jerry Crosby

A handwritten signature in blue ink, appearing to read "Kelly O'Neill Jr.", is centered on the page. The signature is fluid and cursive.

Planning Director, Kelly O'Neill Jr