



MINUTES
Planning Commission Meeting
Monday, November 22, 2021 Zoom 6:30
PM

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

COMMISSIONERS ABSENT: None

STAFF PRESENT: Kelly O'Neill Jr., Development Services Director, Emily Meharg, Senior Planner, and Shelley Denison, Associate Planner, and Spencer Parsons, City Attorney

COUNCIL LIAISON EXCUSED: Rich Sheldon, Councilor

1. MEETING FORMAT NOTICE

Instructions for electronic meetings.

2. Roll Call

Chairman Crosby called the meeting to order at 6:33 p.m.

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

None

4. DIRECTOR'S REPORT

Development Services Director O'Neill went over the upcoming meetings.

5. NEW BUSINESS

5.1. The Pad Townhomes (21-046 DR/VAR/ADJ/FSH):

Chairman Crosby opened the public hearing on File No. 21-046 DR/VAR/ADJ/FSH at 6:37 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. No challenges were made, and no declarations were made by the Planning Commission.

Staff Report:

Associate Planner Shelley Denison completed a presentation outlining the proposal, the adjustments and variances, and the staff recommendation.

Applicant Testimony:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown briefed the Planning Commission on the proposal and explained the reasonings for the adjustment and variance requests.

Steve Maguire
Axis Design Group
11104 S.E. Stark Street
Portland, OR 97216

Mr. Maguire explained the multiple iterations of the site plan and why the applicant is proposing 10 multi-family dwelling units. He also explained that the buildings have been designed with the SandyStyle in mind.

Mr. Brown then explained four conditions that the applicant would like to see the Planning Commission modify. The requested modifications were to conditions A.1., A.3., A.4., B.1., and D.6.

Commissioner Maclean-Wenzel asked a clarifying question about how the construction equipment will access the site. Mr. Brown said that construction access will have to be on the north side or west side of the property.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

None

Staff Recap:

Denison stated that the applicant and staff talked about the condition concerns prior to the Planning Commission hearing and agreed with the applicant that the conditions can be modified as requested by the applicant.

O'Neill explained the reasons for access to Highway 211 and the reasons for the sanitary sewer options to the right-of-way or through Meinig Park.

Applicant Rebuttal:

Mr. Brown explained that the applicant is excited to move forward and appreciates the review by City staff and the flexibility with sanitary sewer access.

Discussion:

Commissioner Mayton thanked Denison for her staff report. He then stated that he has some confusion about access but likes the development proposal overall. Commissioner Mayton then made additional comments about access and had some additional questions of staff. Staff made some clarifications about existing and proposed access. Commissioner Carlton said that he is excited about the development of the site and that it will provide access to downtown via walking. He then explained that he had the same concerns about access as Commissioner Mayton. Commissioner Carlton then added that this is one of the first projects that the City of Sandy is granting access to Highway 211. Commissioner Lee said that her thoughts were similar to Mr. Carlton's comments. She then said that she prefers the pork-chop recommendation. Denison and O'Neill explained how the pork-chop option works.

Motion: Motion to close the public hearing at 7:26 p.m.

Moved By: Commissioner Mayton

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Motion to approve File No. 21-046 DR/VAR/ADJ/FSH with staff recommendations and conditions, with modifications to the four conditions as presented by the applicant and agreed to by staff.

Moved By: Commissioner Mayton

Seconded By: Commissioner Lesowski

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

No votes: None

Abstentions: None

The motion passed at 7:28 p.m.

5.2. **Sandy Woods II Subdivision (21-037 SUB/VAR/ADJ/TREE):**

Chairman Crosby opened the public hearing on File No. 21-037 SUB/VAR/ADJ/TREE at 7:28 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.

Staff Report:

Senior Planner Emily Meharg completed a presentation outlining the proposal, the adjustments and variances, and the staff recommendation.

Commissioner Maclean-Wenzel and Commissioner Mayton asked questions about the retaining wall and fence. O'Neill and Meharg explained the purpose of the retaining wall. Commissioner Lesowski said that the retaining wall and fence height question should just be specific to the Sandy Woods II application. City Attorney Parsons explained that a quasi-judicial decision does not legally obligate the Planning Commission to make the same decision on the combined retaining wall height and fence for future applications. He then said that the Planning Commission should limit the decision to the specific facts in this land use application, and not make a City wide interpretation.

Applicant Testimony:

Margo Clinton
SGS Development, LLC
62765 Powell Butte Hwy
Bend, OR 97701

Ms. Clinton introduced the applicant team. She asked for clarification and modifications to a few conditions, such as: the boring of the utilities in Condition A.5.c and D.14., removal of Tree #2057 referred to in Condition A.5.e, Condition A.5.g related to the ultimate number of trees to be retained and the number of mitigation trees at a 4:1 ratio per finding 108, Condition C.8. related to the Clackamas County design modification for Kelso Road, Condition D.2.A. related to Kelso Road sidewalk width, Condition D.2.d. to add language regarding Clackamas County design modifications, Condition F.12. related to the height of the fence or material permitted, and Condition 4 in section G related to Clackamas County frontage improvements and the design modification.

Proponent Testimony:

None

Opponent Testimony:

None

Neutral Testimony:

Joseph Plitt
312 Beechcliff Court
Winston-Salem, NC 27104

Mr. Plitt stated that he owns a property to the east of the subject site and wants to know what can be done to protect his property from trespassing, such as a fence.

Staff Recap:

Meharg summarized the applicant's requested modifications to the conditions and provided additional input and thoughts. O'Neill provided some additional details about Kelso Road design and said he would be open to allowing Clackamas County to make design deviations in their right-of-way. Mr. O'Neill also said that the Planning Division does not require fences at the common lot line of two private properties. City Attorney Parsons stated that conditions/requirements have to be tied to the Sandy Development Code, so absent those conditions/requirements the City cannot condition fences along a common private property line.

Applicant Rebuttal:

Pat Sisul
375 Portland Avenue
Gladstone, OR 97027

Mr. Sisul stated that the retaining wall will be below the road elevation and that the fence at the road elevation is only proposed at 42 inches in height. He then said that the Clackamas County design exceptions related to a narrower sidewalk and a curb tight sidewalk are to protect the wetlands.

City Attorney Parsons explained that the County's obligation is to make sure the Kelso Road improvements are completed to their standards and the City's obligation is to make sure that development within the City of Sandy jurisdictional limits adheres to the Sandy Development Code.

Discussion:

Commissioner Carlton stated that the fences in the rear yards to protect the wetlands should be 8-foot-high black chain link fences. He explained that he wants a permanent fence solution. Commissioner Carlton asked Meharg a question related to the number of trees that the applicant is proposing. Meharg stated they are proposing to retain more than the required number of retention trees. Commissioner Lesowski said that he thinks a 6-foot-high fence

seems adequate. He thanked the applicant for working with the existing natural features and providing pedestrian access.

O'Neill asked the Commission for direction on tree retention, the Clackamas County Road design deviations, and the combined height of the retaining wall/fence along Tract K.

Commissioner Carlton and Commissioner Maclean-Wenzel stated they would like a condition to allow the applicant to work with the Director on tree retention.

Commissioner Lesowski asked for straw poll on the three items mentioned by O'Neill. The Commission stated they were fine with creating a condition related to the applicant working with staff on tree retention, they were fine with the Clackamas County Road design deviations, and were fine with the retaining wall and fence exceeding a combined front yard retaining wall/fence height standard. The Commission also stated they would like the fences in rear yards to be black chain link fences at least 6 feet in height.

Meharg said maybe the fence could be on the tract instead of on private property. Commissioner Lesowski agreed that the fence could be on the tract. City Attorney Parsons and O'Neill said that the applicant could use a restrictive covenant, or a plat note regarding the fence requirement. Chairman Crosby likes the idea to place the fence on the City property.

Commissioner Hook asked does the City Council have to approve the fence located on City property. City Attorney Parsons said that the City Council does not need to approve the fence and the Planning Commission can condition it.

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

Moved By: Commissioner Carlton

Seconded By: Commissioner Hook

Yes votes: All Ayes

No votes: None

Abstentions: None

O'Neill stated that staff still needs direction on tree retention and mitigation.

Commissioner Carlton said that he would like the conditions regarding tree retention to be flexible so that staff can work with the applicant.

Commissioner Maclean-Wenzel asked for more clarity on the number of trees that are being proposed to be retained. Meharg provided additional information on tree retention and the number of trees that are being

proposed to be retained. Maclean-Wenzel said that if the applicant goes below 117 trees as required by the Sandy Development Code, then she would like the application to come back before the Commission. Commissioner Lesowski said that he would like to provide flexibility and that maybe allowing the applicant to reduce the number to 110 trees and mitigate the other 7 trees at a 4:1 ration would be fine with him. However, if the 117 trees are the minimum retention standard than maybe the Commission should not allow anything less. Commissioner Hook agreed with Commissioner Lesowski that the approval shall not be less than 117 retention trees.

Motion: Motion to approve File No. 21-037 SUB/VAR/ADJ/TREE with the recommendations in the staff report and as discussed by the Commission.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Lee

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

No votes: None

Abstentions: None

The motion passed at 8:57 p.m.

6. **PLANNING COMMISSION DISCUSSION**

Commissioner Carlton asked if a City Councilor can participate or attend a Planning Commission meeting and then potentially participate at a hearing on appeal before the City Council. City Attorney Parsons said that if the City Council liaison does attend a meeting with an item that is then appealed, the Councilor can simply declare their attendance at the Planning Commission meeting.

7. **ADJOURNMENT**

Motion: To adjourn 9:04 p.m.

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 9:04 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr