



MINUTES
Planning Commission Meeting
Monday, June 27, 2022 Hybrid - 39250
Pioneer Blvd. and Zoom 6:30 PM

COMMISSIONERS PRESENT: Hollis MacLean-Wenzel, Commissioner, Chris Mayton, Commissioner, Jan Lee, Commissioner, Breezy Poulin, Commissioner, and Darren Wegener, Commissioner

COMMISSIONERS EXCUSED: Jerry Crosby, Commissioner, and Steven Hook, Commissioner

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

COUNCIL LIAISON PRESENT: Rich Sheldon, Councilor

1. MEETING FORMAT NOTICE

Instructions for the meeting.

2. ROLL CALL

3. APPROVAL OF MINUTES

3.1. Draft Minutes for April 25, 2022

Vice Chair Maclean-Wenzel asked for any edits. With no requested edits, Maclean-Wenzel declared the minutes approved.

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

None

5. DIRECTOR'S REPORT

Development Services Director O'Neill summarized the director's report. Mr. O'Neill told the Commission that the 4th Monday of the month, August 22, 2022, did not work for staff. The Commission agreed that August 29, 2022, would be the tentative date for the August Planning Commission meeting.

6. PLANNING COMMISSION DISCUSSION

Associate Planner Denison provided an overview of what a community conversation is about and how it could be accomplished at the Planning Commission. Denison then

introduced Anais Mathez with 3J Consulting. Mathez provided an overview of what a community conversation is and how the process would work at the meeting. All of the commissioners provided input on the questions in the staff report. The information from the Commissioners was captured by Denison.

Commissioner Lee asked if the Commission could create a deadline for written testimony submission. Vice Chair Maclean-Wenzel, Development Services Director O'Neill, and City Attorney Crean explained that testimony, whether oral or written, can be submitted at any point prior to the hearing, or during the scheduled applicant testimony and/or public comment periods.

7. OLD BUSINESS

7.1. The Bornstedt Views Subdivision (21-021 SUB/VAR/TREE/HD):

Vice Chair Maclean-Wenzel opened the public hearing on File No. 21-021 SUB/VAR/TREE/HD at 7:10 p.m. Maclean-Wenzel 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 provided an overview of the staff report with a presentation. Commissioner Mayton asked a question in regard to lot orientation. Meharg stated that the applicant could elaborate on lot orientation. Commissioner Mayton also asked a question about landscaping associated with the retaining wall. Meharg said you could require landscaping in front of the retaining wall but that the wall is below grade and the applicant could elaborate. Commissioner Mayton also asked a question about the fire turnarounds. Meharg stated that the 50/50 financial split for the fire turnarounds just seemed equitable.

Applicant Presentation:

Tracy Brown
17075 Fir Drive
Sandy, OR 97055

Mr. Brown provided a summary of the applicant team. He then elaborated on the written testimony and pointed out a technical difference for the trail to the south of Maple Street. Mr. Brown then went through the recommended conditions document dated June 27, 2022.

Peter van Oss

Teragan and Associates Inc.
3145 Westview Circle
Lake Oswego, OR 97035

Mr. van Oss addressed the addendum to the tree protection plan, dated June 25, 2022, including the root protection zone and also the protection related to the trees along the north property line.

Public Testimony In Favor:

None

Public Testimony Opposed:

Michael Modica
19040 Bornstedt Road
Sandy, OR 97055

He stated that he is opposed to the proposal because of the transportation impacts and the speed of traffic on Bornstedt Road. Also has concerns about how the development will affect the trees. Wants to have a great community for children and not worry about crime.

Public Testimony Neutral:

Kylie Modica-Oey
19040 Bornstedt Road
Sandy, OR 97055

Repeated what her father stated and reiterated that there is a lot of speeding traffic in the area that has her concerned. She said that she would like to see some affordable housing built in Sandy.

Becky Hausken
39164 Amherst Street
Sandy, OR 97055

Moved from California because of all of the growth. She would like the City of Sandy to grow in a much smarter fashion. She also stated that removal of the trees would be terrible.

Vice Chair Maclean-Wenzel called a recess at 8:18 PM to review written testimony from the applicant. The hearing resumed at 8:36 PM.

Staff Recap:

Senior Planner Meharg and Development Services Director O'Neill provided a recap of the applicant's points presented in the applicant presentation.

Applicant Rebuttal:

Garrett Stephenson
Schwabe, Williamson, and Wyatt
1211 SW 5th
Portland, OR 97204

Mr. Stephenson stated that he is happy that staff is agreeable to the majority of the condition modifications, but that some of the conditions they hope to have modified as per the written testimony submitted to the Planning Commission on June 27, 2022. He then stated that some of the trees could be placed into tracts.

Mac Even
Even Better Homes
PO Box 2021
Gresham, OR 97030

Mr. Even stated that he is a local developer and lives close to Sandy. He elaborated on the conditions list and the proposed modifications that the applicant would be amenable to with an approval. Mr. Even also explained that fire suppression systems would cost approximately \$10,000 per house, which would be passed on to the future homeowner. He then stated he is okay with removal of the driveway apron in the right-of-way and planting of a street tree, but that removal of the asphalt on the private property could be problematic. Mr. Even said that instead of counting the 13 trees in question maybe the applicant could provide some mitigation trees at a 2:1 ratio.

Commissioner Mayton asked what if the applicant removed some of the lots along Maple Street.

Ray Moore
All County Surveyors and Planners
PO Box 955
Sandy, OR 97055

Mr. Moore elaborated on the tree retention considerations and what the applicant analyzed when considering tree retention. He also stated that the applicant could remove Street B, reconfigure some of the lots along Maple Street, and lose a few of the proposed lots. Mr. Moore then stated that lots at the intersection of two local streets can face either local street.

Commissioner Mayton asked for clarification on the retaining walls on Lots 10 and 11.

Mr. Moore stated that the area on Lots 10 and 11 may or may not be a

wetland, and therefore a retaining wall might be needed to preserve the natural area. Commissioner Mayton said that he would like the path north of Maple Street, but that it might be difficult due to grade and the retaining wall.

Discussion:

Vice Chair Maclean-Wenzel stated that the discussion with the applicant is closed for June 27, 2022, and that she would like to hear from the commissioners.

Commissioner Wegener stated he would like to see tree tracts, wants to see more spacing between driveways, and also would like more information on fire turnarounds.

Commissioner Mayton stated he would like to see the conditions move forward. He would like to see the trees preserved as proposed and would like additional mitigation trees. He also stated he would like more information on the road grade and the fire code. City Attorney Crean stated that the development code requirements are the binding code requirements, not the Fire Code.

Commissioner Maclean-Wenzel stated she would like to see the trees preserved, additional spacing between driveways, and some of the turnaround aprons eventually replaced with planter strip and street trees. She then elaborated on tree preservation and that all of the trees that are being preserved need to survive, and that tree tracts give the most potential success for tree health. Commissioner Mayton then provided additional information on tree preservation and that some of the trees will live, but there is no guarantee that all of the trees will survive. Vice Chair Maclean-Wenzel then reminded everyone of the potential density increases with HB 2001.

Commissioner Poulin said that she wants to understand the fire turnaround issues better and that she wants to understand more about payments related to the eventual fire turnaround removal. She also said that she would like additional information on tree preservation and the root protection area on abutting properties.

Meharg then elaborated on trees, including the critical root zones and the importance of protecting the roots that are critical for preservation of the trees. Commissioner Mayton then asked for additional information on tree preservation and clarity on the tree variance process. Meharg elaborated on the tree variances.

Commissioner Lee stated that she likes the option to plant new mitigation trees along the creek and wetland areas. She also agreed with the other commissioners on the previous points.

The applicant's attorney, Garrett Stephenson, asked if he could speak again. Vice Chair Maclean-Wenzel approved the request and stated that the discussion with the applicant is back open. Garrett Stephenson stated that the applicant is committed to preserving 38 of the trees, planting 26 mitigation trees in the tracts, would like to leave the fire turnarounds on the private lots, agrees with the City Attorney on the road grade being adequate per the City Development Code, and would like to keep the driveways as proposed. Mr. Stephenson then stated that instead of modifying the layout again they would like to propose some modifications to be reviewed by staff prior to the Commission hearing the matter again.

Vice Chair Maclean-Wenzel then closed the record but continued the public hearing. Mr. O'Neill and Ms. Meharg then elaborated on what input they still needed and asked some questions of the City Attorney on procedure.

Instead of reconvening to make a decision on the subdivision, the Commission decided they would pass a motion to approve the subdivision with the following modifications to the findings and conditions:

- Trees. Condition that 38 healthy trees are retained but include the planting of 26 trees at the size and species of mitigation trees in the two tree retention tracts (north end of Lot 27 and wetland/stream/tree area on Lots 10 and 11).
- Fire Turnarounds. Collect half of the payment as agreed by the City Engineer for the eventual removal of the driveway aprons, installation of curb and planter strip, and planting of street trees. Also, condition that drain systems are installed to collect runoff from the asphalt section of the turnarounds on the private lots so that water does not sheet flow across the sidewalk.
- Driveways. Require that street trees are spaced every 30 feet per the Development Code with enough soil space for adequate tree growth. Applicant will need to adjust driveway width and/or location as needed to accommodate 30 foot spacing.
- Fence Gates. Condition the installation of gates in the fences along Bornstedt Road for Lots 14-18.
- Retaining walls. Permit retaining walls on Lots 26, 10, and 11 to exceed the 4-foot maximum height in a front yard and condition the maximum height "as approved by the City Engineer with construction plan

review.”

- Maple Street grade. 12 percent on the road grade is fine as it does not exceed the 15 percent in the Development Code.

Motion: Motion to close the public hearing at 10:15 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Motion to approve The Bornstedt Views with the findings and conditions in the staff report with the amendments as discussed with staff.

Moved By: Commissioner Poulin

Seconded By: Commissioner Wegener

Yes votes: Wegener, Poulin, Lee, Mayton, Maclean-Wenzel

No votes: None

Abstentions: None

The motion passed at 10:17 p.m.

8. ADJOURNMENT

Vice Chair Maclean-Wenzel adjourned the meeting at 10:18 p.m.



Vice Chair, Hollis Maclean-Wenzel



Planning Director, Kelly O'Neill Jr