

**Sandy Planning Commission  
Regular Meeting  
Monday, November 23, 2020**

Chairman Crosby called the meeting to order at 7:02 p.m.

**1. MEETING FORMAT NOTICE: Instructions for electronic meeting**

**2. ROLL CALL**

Commissioner Carlton – Present  
Commissioner Lesowski – Present  
Commissioner Maclean-Wenzel – Present  
Commissioner Logan – Excused  
Commissioner Mobley – Present  
Commissioner Mayton – Present  
Chairman Crosby – Present

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

**3. APPROVAL OF MINUTES**

**3.1 APPROVAL OF MINUTES – October 26, 2020**

**Motion:** Approve the Planning Commission minutes for October 26, 2020 with corrections noted. The correction was to change the signature line from Crosby to Carlton.

Moved By: Commissioner Lesowski

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: Chairman Crosby

The motion passed.

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

None.

**5. DIRECTOR'S REPORT**

Kelly O'Neill Jr. summarized the director's report. The December Planning Commission meeting will be dependent on the outcome of tonight's meeting. The January meeting will have chair/vice chair appointments, House Bill 2001 code changes, Rogue Fabrication zone change, and Sandy High School batting facility. O'Neill, Crosby, and three council members will meet with the Planning Commission candidates the first week of December.

Carlton asked about vet clinic project. O'Neill stated the vet clinic owner purchased the property and had a pre-app with the intention of eventually constructing a new veterinary clinic for Barlow Trail Veterinary Clinic.

Carlton asked about a project near the library where an accountant used to be. O'Neill thinks it will be a new medical clinic but likely won't trigger land use review.

Maclean-Wenzel thanked staff for the land use application matrix on the website. O'Neill mentioned there will be an interactive map in the future too.

## **6. COMMISSIONER'S DISCUSSION**

Commissioner Carlton asked a question about the new Planning Commission members and having three public hearings for their first meeting and whether there would be any training. O'Neill will send new members a book and info from Beery Elsner and Hammond (BEH). John Morgan might do a training with Council and the Planning Commission in late winter/early spring through his training program, the Chinook Institute. Carlton suggested starting the January meeting early to get acquainted.

## **7. NEW BUSINESS:**

### **7.1 The Views PD (20-028 SUB/TREE/FSH/PD/VAR):**

Chairman Crosby opened the public hearing on File No. 20-028 SUB/TREE/FSH/PD/VAR at 7:17 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. Lesowski mentioned Brad Picking, who owns one of the parcels, is a good friend of his, but they haven't discussed the proposal, he has nothing to gain financially, and Picking is not the developer. Attorney Crean stated he is not concerned about bias.

Crosby stated the Planning Commission's role is to make a recommendation to Council.

### **Staff Report:**

Associate Planner Shelley Denison summarized the staff report and provided an in-depth presentation related to the Planned Development (PD) request. Denison presented an overview of the proposal and focused on the zone map amendment, PD, and special variances. Denison outlined the requested density bonus and "outstanding" design elements as well as the quantifiable deviations the applicant is requesting as part of the PD process. Denison listed comments that were received between the PC hearing and when the staff report was published. Denison finished with a review of questions for the PC to consider. O'Neill mentioned the documents on the website, which include the staff report published on November 16, additional documents/comments received after the staff report was published, additional documents from the applicant that weren't included with the original staff report, requested modifications from the applicant received on November 22, and the letter from the Fair Housing Council of Oregon received on November 23.

### **Applicant Testimony:**

Tracy Brown  
17075 Fir Drive  
Sandy, OR 97055

Mr. Brown introduced the applicant's team.

Mac Even  
PO Box 2021  
Gresham, OR 97030

Mr. Even introduced himself and stated he wants to do a PD to provide a mix of housing types and protect the FSH overlay area. The intent of the proposal is that amenities will be for the surrounding community, not just an exclusive community. A management company will manage

the proposed Homeowner's Association (HOA). Mr. Even intends to retain multi-family units so he has a vested interest in the HOA succeeding.

Mr. Brown presented a slide show summarizing the applicant's proposal and showing images of the proposed site amenities and townhomes.

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

Mr. Moore noted that the on-street parking requirement will be exceeded by 67 parking spaces, including a widened public alley that will provide public parking the entire length. He pointed out that the meandering sidewalk doesn't have any driveways along it. The Highway 26 right-turn lane improvements are not triggered by this development.

O'Neill noted that it's not typical for staff to not follow an ODOT recommendation but in this case, staff feels the current property owner, Brad Picking, already met the requirements of ODOT for future development with a previous application two years ago. Carlton asked what ODOT could do if the Planning Commission and ultimately the City Council doesn't include a condition imposed by ODOT. O'Neill stated ODOT could appeal the decision, but beyond that not much else. Crean agreed with O'Neill and stated that ODOT would have the same appeal rights as anyone else with standing. Lesowski states you need to drop your speed significantly to make a right turn onto Vista Loop Drive from Highway 26. Mobley stated he reviewed all the info and that the slip lane was removed for a safety improvement specified by ODOT and that the objective standards for when a right turn is needed is not warranted based on the applicant's analysis. Maclean-Wenzel asked how soon after that intersection does the speed limit drop. Lesowski said it's after the other end of Vista Loop Drive.

**Proponent Testimony:**

None.

**Opponent Testimony:**

Mary Dyami  
41625 SE Vista Loop Drive  
Sandy, OR 97055

Ms. Dyami stated she has not seen anything about the apartments, which is their biggest issue. Apartments could block their view and jeopardize their American dream. Three houses on Vista Loop Drive are outside the city limits and will lose everything they moved there for. She stated she worked for Johnson RV and you need to come almost to a complete stop to make a right turn onto Vista Loop Drive. Requests multi-family is not approved. Requests a continuance so they can talk to neighbors.

John Barmettler  
41613 SE Vista Loop  
Sandy, OR 97055

Mr. Barmettler said he is concerned about multi-family lot in the Lower Views. Not clear about how many multi-family homes are being proposed. Moved to Sandy because it was a small town in a somewhat rural area but has since seen a trend to build as many houses as possible, which seems contrary to the Sandy look. New homes will increase foot traffic on Vista Loop Drive. Daily traffic back-ups on and off of Highway 26 from Vista Loop Drive is a concern. Not convinced parking won't back up onto Vista Loop Drive. Can utilities handle the load? Rental

properties will destroy nature and value of existing homes. Completely not in favor of the proposal. Too many houses, too close together.

Todd Springer  
18519 Ortiz Street  
Sandy, OR 97055

Mr. Springer said he agrees with prior residents. Asked the Planning Commissioners to drive down Vista Loop Drive and feel lumps in the road and drive down it at night because it's extremely dark. Designed for SFR and that's what it should remain.

Randy Olson  
18515 Ortiz Way  
Sandy, OR 97055

Mr. Olson understands why they're trying to build and expand and that change will happen. Intersection of Ortiz Street and Vista Loop Drive will be a nightmare. Vista Loop Drive is a terrible road. Will affect existing residents adversely. Bought home to retire in and didn't expect 100 plus houses to be added. If ODOT says Highway 26 and Vista Loop Drive needs to be changed, it does. Intersection is dangerous now, especially if there's a second car. Parks are great, but parks will bring more people to an area that's already congested. This area was meant to be a calm neighborhood, not a busy city. Knows development can't be stopped but wants it to be a little more livable and less congested.

John Andrade  
18509 Ortiz Street  
Sandy, OR 97055

Mr. Andrade said he has concerns and would like to see the applicant meet the City code requirements. He is not in favor of the zoning change. Is intent to turn Sandy into Gresham? Mac and Tracy are romanticizing living in the proposed development. Why change zoning to little lots and a dissolved HOA that will be a burden on the city and taxpayers? Is Fire Department ok with this? Area has already been zoned. Is the only way to get things done in the city is to be a large developer and offset infrastructure costs by putting in small houses and impacting current residents?

**Neutral Testimony:**

None

**Staff Recap:**

Denison stated that the apartment design would be reviewed in a separate application. Granting a continuance as requested is up to the discretion of the Planning Commission. Denison clarified there are 122 lots proposed, 120 are proposed to have one single-family home each, while two of the lots are proposed to have apartment complexes, each with 24 units for a total of 168 dwelling units.

O'Neill stated that the Planning Commission has to grant a continuance if it's requested since it's the first evidentiary hearing. O'Neill explained that staff started working with applicant over 2 years ago on this proposal. The Sandy Development Code allows PDs in all zones and row-homes and multi-family are both allowed uses in PDs. Applicant could have come in with a typical SFR subdivision, but we probably would have lost some of the benefits being proposed. O'Neill explained that the applicant has the right to propose a PD so that's what staff needs to evaluate even if staff sympathizes with existing residents. Residents could lobby Council to improve Vista Loop Drive, but otherwise the mechanism for transportation improvements is

concurrent with development. O'Neill explained that if the City didn't grow, current utility rate payers would pay more money to construct the expansion on the sewage treatment plant. He also reminded everyone that the entire area near the proposal is in the UGB and will be developed at some point.

**Applicant Rebuttal:**

Tracy Brown asked Mike Ard to speak about traffic.

Mike Ard  
17790 SW Dodson Drive  
Sherwood, OR 97140

Ard stated that traffic volumes with a PD are lower than what would be expected with SFR development. He reminded everyone that the existing site would allow 159 single family homes. Ard explained that the proposal includes multi-family homes, which generate less traffic than single family homes. ODOT has specific warrants for when right-turn lane would be warranted. Any time there are fewer than 20 right-turn vehicles in an hour then a right-turn lane is not warranted. He explained that the volume of traffic in the outer lane doesn't even warrant a shoulder treatment.

Mr. Brown agreed a continuance needs to be granted and requested it be continued to the December 16 meeting.

**Discussion:**

Chairman Crosby brought up the continuance. Chris Crean stated they could continue the hearing, which would allow more public testimony at the next hearing, or they could close the public hearing and leave the written record open and meet again later to make a recommendation to Council. O'Neill stated the amount of additional staff work associated with closing the hearing and leaving the written record open was not worth the effort and staff would prefer continuing the hearing to allow additional verbal testimony. The Planning Commission proposed to continue the hearing to the December 16 meeting.

Mayton asked about the 120 single family home lots and the difference between row-homes and detached units. Denison explained detached homes are what we typically think of for a house and that while row-houses are attached they are considered single family homes. There will be 88 detached single family homes.

O'Neill stated that once HB 2001 is adopted (by June 2021), single family home zoning in medium-sized cities in Oregon will be over. The Views PD is proposing a lot of lots smaller than 7,500 sq ft. If lots were all kept at 7,500 sq ft, there would probably be the same number of units as there would likely be duplexes. Moving forward, larger lot sizes won't always mean it's just one single family home after HB 2001 is implemented. Chris Crean states law would allow a doubling in density, but that probably won't happen. Lesowski asked clarification about the 21 acres of buildable land and how many lots they could plat if lots were 7,500 square feet or greater. O'Neill mentioned there could be more development in the FSH Overlay. Carlton stated he wants to better understand the Planning Commission's decision space. For example, can the Planning Commission recommend 7.5 foot side yard setbacks instead of 5 feet? Crosby wondered how the Planning Commission should handle questions staff asked at the end of the staff report. O'Neill stated staff wants the Planning Commission's recommendations. Maclean-Wenzel wants clarification on whether the Planning Commission is going to have a discussion tonight or not. Maclean-Wenzel stated she heard the public's concerns and the Planning Commission is trying to follow existing code and do what's in the best interest of the community.

Maclean-Wenzel encouraged commissioners to visit the site. Crosby stated the Planning Commission will focus their attention on the questions at the end of the staff report at the next Planning Commission meeting. Lesowski suggested voting on each one. Crosby stated the Planning Commission could pass along recommendations to Council without making an overarching recommendation. Chris Crean stated that the Planning Commission's role is more advisory in this case. Lesowski wants to know how much latitude or flexibility the Planning Commission gets in their decision making on a Planned Development. O'Neill asked Chris Crean to put together a memorandum with the next staff report that states where the Planning Commission has authority to say no because they don't like it or where they need to find criterion to say no to a request. O'Neill asked if there's anything else the Planning Commission wants to see in a revised staff report. Denison asked the Planning Commission to think about the PD request fundamentally as the PD is inherently subjective. Mayton asked if the staff slide show is public record and if it's available for public viewing. Denison stated the Planning Commission can ask for the slideshow and O'Neill stated it will be part of the next staff report.

**Motion:** Motion to continue the public hearing to December 16, 2020.

Moved By: Commissioner Mobley

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 9:50 p.m.

## 8. ADJOURNMENT

**Motion:** To adjourn

Moved By: Commissioner Maclean-Wenzel

Seconded By: Commissioner Mobley

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 9:51 p.m.

---

Chairman Jerry Crosby

Attest:

---

Kelly O'Neill Jr., Development Services  
Director

Date signed: \_\_\_\_\_