



MINUTES
Planning Commission Meeting
Monday, February 27, 2023 Hybrid - 39250
Pioneer Blvd. and Zoom 6:30 PM

COMMISSIONERS PRESENT: Jerry Crosby, Commissioner, Steven Hook, Commissioner, Jan Lee, Commissioner, Breezy Poulin, Commissioner, Darren Wegener, Commissioner, and Kristina Ramseyer, Commissioner

COMMISSIONERS ABSENT: Noah Mhyrum, Commissioner

STAFF PRESENT: Kelly O'Neill Jr., Development Services Director, Emily Meharg, Senior Planner, and Josh Soper, City Attorney

COUNCIL LIAISON PRESENT: Chris Mayton

1. MEETING FORMAT NOTICE

Instructions for electronic meeting

2. ROLL CALL

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

3. INTRODUCTION TO NEW PLANNING COMMISSIONERS

Chairman Crosby welcomed Commissioner Ramseyer to the Planning Commission. Commissioner Ramseyer thanked Chairman Crosby.

4. APPROVAL OF MINUTES

4.1. Draft Minutes for January 30, 2023

Chair Crosby asked for any edits. With no requested edits, Crosby declared the minutes approved.

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

None

6. DIRECTOR'S REPORT

Development Services Director O'Neill provided an update on everything happening with the Development Services Department, including recent employee changes.

7. COUNCIL LIAISON & PLANNING COMMISSIONER DISCUSSION

Commissioner Wegener thanked Marisol Martinez and Emily Meharg for their service to the City of Sandy.

8. NEW BUSINESS

8.1. Water System Master Plan Adoption (22-052 CPA):

Chair Crosby opened the public hearing on File No. 22-052 CPA at 6:39 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 provided background in the form of a presentation in regard to the Water System Master Plan adoption. Assistant Public Works Director AJ Thorne provided a high-level overview of the master plan and the primary projects within the plan.

Chairman Crosby asked a question about utility extensions outside the city limits but within the Urban Growth Boundary. Thorne stated that utility extensions outside city limits will be decided by future development related to individual properties. Development Services Director O'Neill stated that individual property development utility expansion is similar to local streets in the Transportation System Plan (TSP).

Commissioner Lee stated that a number of cities are placing hydroelectricity development in their pipe work. Thorne addressed Commissioner Lee's question around hydroelectricity.

Public Testimony:

None

Staff Recap:

None

Motion: Motion to close the public hearing at 6:52 p.m.

Moved By: Commissioner Wegener

Seconded By: Commissioner Hook

Yes votes: All Ayes

No votes: None

Abstentions: None

Motion: Motion to forward a recommendation of approval to the City Council for File No. 22-052 CPA.

Moved By: Commissioner Wegener
Seconded By: Commissioner Lee
Yes votes: Wegener, Ramseyer, Lee, Hook, Poulin, and Crosby
No votes: None
Abstentions: None
The motion passed at 6:53 p.m.

8.2. State Street Homes Mixed-Use Development (22-031 DR/VAR/TREE):

Chair Crosby opened the public hearing on File No. 22-031 DR/VAR/TREE at 6:55 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. Commissioner Lee stated that she had contact with one person and Lee told her to contact staff and go to the hearing. Commissioner Wegener stated that he drove by the site numerous times. No challenges were made.

Staff Report:

Senior Planner Meharg provided background in the form of a presentation in regard to the State Street Homes proposal. Development Services Director O'Neill explained the options that the Planning Commission has tonight. Chairman Crosby asked if the storage units are for the tenants or are commercial spaces. Meharg stated that in accordance with the permitted uses the storage units are available to the public. Also, this application was submitted prior to self-service storage being removed as an allowed use in the C-2 zoning district.

Applicant's Presentation:

Mark Wilde
Principal with State Street Homes
30688 SE Country Living Lane
Boring, OR 97009

Mr. Wilde stated that the mixed-use project is located on a lot that State Street Homes is looking to purchase next to Paola's Pizza Barn. He then provided an overview of the project, including an overview of the indenture of access to Highway 26. Mr. Wilde stated that the stormwater easement is not secured yet, but they are negotiating the easement. He also stated that the applicant is in agreement with staff's recommendations and conditions in the staff report.

Mercedes Butchas
Studio 3 Architecture
275 Court Street NE
Salem, OR 97301

Ms. Butchas explained that the Paola's Pizza Barn site has additional space available for a landscape area along Highway 26 if the existing landscape buffer were to be removed.

Public Testimony in favor:

None

Public Testimony against:

Elizabeth Kitsoulis
38105 Highway 26
Sandy, OR 97055

Ms. Kitsoulis stated that her relatives constructed the house that she currently lives in. She stated that she has concerns with the overall height of the proposed structure and has concerns with additional traffic generated by the use. In addition, she had concerns about tree retention and preserving what is existing.

Dennis Petross
17115 Bluff Road
Sandy, OR 97055

Mr. Petross's main concern was the retaining wall that is proposed abutting his property and the inconsistencies with the plans that were submitted for review. He also stated that construction of the retaining wall is nearly impossible without access onto his property due to the proximity of the wall in relation to his property. In addition, he stated that he has concerns with stormwater drainage on to his property, especially at joints in the wall. Mr. Petross also said he is concerned about congestion related to the proposal. He asked for additional time to review.

Susan Drew
37770 Highway 26
Sandy, OR 97055

Ms. Drew stated that she has been living near the site for a long time and was surprised that a four-story high building was proposed on the vacant land. She also stated that she was surprised that additional traffic analysis was not performed and is worried about traffic accidents. Ms. Drew also said she is for tree preservation and worried about lighting in the parking lots.

Shawn McCamman
37875 Meeker Street
Sandy, OR 97055

Ms. McCamman stated that she has concerns about Sandy Fire District being able to extinguish a fire in a four-story building. She also stated she has concerns about tree retention, stormwater, driveway access to Highway 26, illegal parking in the neighborhood, and other items.

Public Testimony neutral:

None

Staff Recap:

Senior Planner Meharg stated that the proposal is in the C-2 zoning district so the height and uses meet the municipal code. She also said the number of parking spaces meets the code requirements, but the space sizes need to be modified. Ms. Meharg also elaborated on comments from ODOT, the Fire Marshal, and other code criteria including mailing notice distance. Development Services Director O'Neill elaborated on the proposal and the public testimony.

Applicant Rebuttal:

Mark Wilde stated that as a developer he is sympathetic to adjacent homeowner concerns and that proposed projects are only proposed after research and analysis. He stated that he had a traffic analysis completed and the analysis was provided with the application. He stated that the proposed retaining walls will be designed by a civil engineer and that if impacts are proposed to adjacent properties, then they will have to negotiate with surrounding property owners. Mr. Wilde elaborated on traffic impacts, access rights, tree impacts, fire apparatus access, and a few other items.

Mercedes Butchas stated that she did not have any additional comments to add.

Kelli Grover
Firwood Design Group LLC
359 E Historic Columbia River Highway
Troutdale, OR 97060

Ms. Grover explained that the grading sheets are accurate for the wall heights, but the site plan is not accurate. The walls will most likely be ultra-block walls and be constructed from the development site without needing access onto adjacent properties. Ms. Grover explained that it would be nice to retain the trees along Highway 26 and that maybe there could be further discussion with ODOT on the access location.

Discussion:

Chairman Crosby explained why the public hearing will remain open. Commissioner Wegener asked the applicant if there is a plan to safely move customers from the parking lot north of Paola's Pizza Barn into the Paola's Pizza Barn building. Mark Wilde stated that there are no modifications proposed to the access of the Paola's Pizza Barn facility, but there will be a delineated walkway.

Commissioner Lee stated that she would like the Commission to have additional time to review all of the information prior to making the decision. Attorney Soper stated that the Commission can continue the hearing so long as there is adequate time with the 120-day clock. Development Services Director O'Neill stated that the earliest we could hold the continuance is April 24, 2023. Chairman Crosby asked Mark Wilde if the applicant would be willing to toll the 120-day clock. Mark Wilde stated he is not the majority principal of the company and cannot make a decision on tolling the clock without additional input from partners.

Chairman Crosby declared a 10-minute recess at 8:23 p.m.

Chairman Crosby asked Mark Wilde if he had anything to report. Mark Wilde asked when they could get a grading permit. O'Neill explained the process for obtaining permits after the land use decision has been made. Mark Wilde stated that they would agree to toll the 120-day clock. Attorney Soper stated that tolling the clock has to be done in writing.

Chairman Crosby explained the process and the options that the Planning Commission have to proceed. Chairman Crosby asked the Commissioners what items they would like to review prior to making a decision. Commissioner Wegener asked for additional analysis of the site plan including a larger setback to the south property line, additional square footage for parking spaces, updated recreation plan for the common outdoor area, additional information on retaining wall heights and how they are designed, and location of mechanical and electrical equipment. Commissioner Ramseyer would like additional information on the retaining wall design and materials, and hours of operation for the storage units. Commissioner Lee would like to see the landscaping maintained and tree retention. Commissioner Poulin would like more information on retaining wall heights, additional landscaping along the flag lot, and additional discussion with ODOT. O'Neill stated that an easement could be recorded at the location of the proposed driveway as suggested by ODOT or at an alternative location to the west.

Chairman Crosby asked a few questions about tree retention. Meharg explained why she wrote some of the findings and conditions with alternative options. Chairman Crosby asked the other commissioners if they would be open to approving retention of some trees below 11-inches DBH. Commissioner Poulin agreed that she is open to alternative tree retention sizes, but that the applicant is responsible for tree retention. Commissioner Wegener asked for the temperature on driveway location. All Commissioners agreed that they want tree retention along Highway 26 and for the driveway to be located at its existing location. Commissioner Wegener would like undergrounding of utilities to limit impacts to trees on the property to the east and would also like additional articulation on the ground floor of the building. Commissioner Wegener also asked what constitutes a primary entrance and would like to make sure the staircases to the upper levels have a pedestrian shelter. Meharg stated that the code requirement is to have a minimum of five feet over all primary entries. Commissioner Wegener would like to see updated elevations for the Commission review in April, specifically referencing Condition of Approval A. 2.

Commissioner Hook would like additional information on screening for mechanical, electrical, and communication equipment. Meharg explained the additional conditions around screening.

Motion: Motion to continue the public hearing to April 24, 2023.

Moved By: Commissioner Wegener
Seconded By: Commissioner Ramseyer
Yes votes: Wegener, Ramseyer, Lee, Hook, Poulin, and Crosby
No votes: None
Abstentions: None

9. ADJOURNMENT

Chair Crosby adjourned the meeting at 9:09 p.m.



Chair, Jerry Crosby



Planning Director, Kelly O'Neill Jr