

**Sandy Planning Commission
Regular Meeting
Monday, September 24, 2018**

Chairman Jerry Crosby called the meeting to order at 7:03 p.m.

1. ROLL CALL

Commissioner Carlton – Present
Commissioner Lesowski – Present
Commissioner MacLean Wenzel – Present
Commissioner Logan – Absent
Commissioner Mobley – Present
Commissioner Abrams – Present (arrived at 7:06 pm)
Chairman Crosby – Present

Advisor Daisy Meade - Present

Others present: Planning & Building Director Kelly O'Neill Jr., Associate Planner Emily Meharg, Planning Assistant Rebecca Casey

2. APPROVAL OF MINUTES – July 30, 2018

Motion: To approve minutes for July 30, 2018

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

APPROVAL OF MINUTES – August 27, 2018

Motion: To approve minutes for August 27, 2018

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Abrams and Chairman Crosby

No votes: None

Abstentions: Commissioner Mobley

The motion passed.

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

None

OLD BUSINESS

4. PUBLIC HEARING – Bloom Annexation (18-026 ANN) Chairman Crosby opened the public hearing on File No. 18-026 ANN (Bloom Annexation) at 7:08 p.m. Crosby noted that this is a quasi-judicial public hearing. He 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. With no declarations noted, Crosby went over the public hearing procedures for a quasi-judicial public hearing and called for the staff report.

Staff Report:

Planning and Building Director Kelly O'Neill Jr. said staff has been working with the applicant and ODOT and said the applicant is in the process of putting together the Transportation Planning Rule (TPR) findings. O'Neill explained that since the last meeting the applicant requested an

extension of an additional 245 days, which is the most they can request by the Oregon Revised Statutes (ORS). O'Neill said staff will re-notice all the parties and agencies that were sent notice originally when the application is ready to move forward for another hearing. O'Neill recommended that the Planning Commission make a motion to approve the continuance of file 18-026 ANN not to extend beyond May 27, 2019.

Motion: To approve a continuance of file 18-026 ANN (Bloom Annexation) not to extend beyond May 27, 2019 or 245 days.

Moved by: Commissioner Maclean-Wenzel

Seconded by: Commissioner Mobley

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, Abrams and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

NEW BUSINESS

5. PUBLIC HEARING – Development Code Modifications to Chapters 17.22, 17.28, 17.80, 17.82, and 17.102 (18-039 DCA) Chairman Crosby opened the public hearing on File No. 18-039 DCA (Development Code Modifications to Chapters 17.22, 17.28, 17.80, 17.82, and 17.102) at 7:11 p.m. Crosby noted that this is a legislative public hearing. He 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. With no declarations noted, he went over the public hearing procedures for a legislative public hearing and called for the staff report.

Staff Report:

CHAPTER 17.22 - Notices

Associate Planner Emily Meharg started with the staff report and explained the reason for the proposed changes to the five chapters in the Development Code of Title 17 of the Sandy Municipal Code. Planning & Building Director Kelly O'Neill Jr. followed and explained that City Attorney David Doughman reviewed all the code changes before the Planning Commission and if the Commission decides at the end of the presentation to move forward with a recommendation on all five chapters tonight it would go to City Council as one Ordinance. He also explained that even if three or four of the Code chapters were recommended for approval tonight they could still send to City Council as one Ordinance and then revisit the chapters that were not recommended for approval at a later date.

Associate Planner Emily Meharg started on Chapter 17.22 (Notices) and explained the only change is extending the distance from 200 feet to 300 feet for a Type II Quasi-Judicial Notice and from 300 feet to 500 feet for a Type III Quasi-Judicial Notice.

Commissioner Carlton said he would like the wording to state “under the discretion of the director” under 17.22.10 (Type II Notices) as it states this in Section 17.22.20 (J).

Commissioner Lesowski asked for clarification on striking out “at least 45 days” under Section 17.22.30 (Type IV Legislative Hearing Notice). O'Neill explained the City is following the Oregon Administrative Rules (OAR) and cited their code section so as state requirements are modified it will remain correct in the City's code.

Carlton also asked that when speaking of “days” it is noted to say either “work days” or “calendar days” to be consistent. Staff agreed to be consistent.

CHAPTER 17.28 - Appeals

Associate Planner Emily Meharg explained that the primary proposed change in Chapter 17.28 (Appeals) is increasing the Type III Appeal period from 10 calendar days to 12 calendar days which the Type I and II appeal already states. The Commission agreed with staff's corrections.

CHAPTER 17.80 - Additional Setbacks on Collector and Arterial Streets

Associate Planner Emily Meharg explained that staff removed the list of street names on Minor Arterials, Collector Streets and Residential Minor Arterial Streets and instead proposes to make reference to the Sandy Transportation System Plan (TSP). She explained this is done because the list tends to change, and this will ensure the most updated accurate information for the TSP is referenced in this chapter. Meharg said they are also asking to exempt the Central Business District from the regulations to allow zero setback in the C-1 zoning area. The Planning Commission recommended approval of these changes.

CHAPTER 17.82 – Special Setbacks on Transit Streets

Meharg explained that this chapter has been a “nightmare” for staff to administer. She explained this chapter was also created before Chapter 17.90 (Design Standards) existed and once that section was created it was supposed to “take over” regarding the commercial activities. Meharg explained they removed all the references to commercial structures and uses and then focused on the building orientation for residences.

O'Neill explained that this is an important chapter as residents get upset about the orientation of their house and the location of their front door and on-street parking. O'Neill also said he would like the Commission to make a quick resolve of this and then look at this Chapter more in depth going into the future as there is too much confusion as currently written.

Commissioner Lesowski stated that as long as this code change helps make staff's time easier and better he is behind it, but he would ultimately like to see a work session for a more detailed solution to this chapter.

CHAPTER 17.102 – Urban Forestry

Meharg explained that staff is trying to make this chapter more internally consistent and believes a bigger dialogue should happen at a work session in the near future. Meharg said staff recommends the retention trees are located in tracts or conservation easements as it was done in the Marshall Ridge Subdivision.

Meharg showed the Planning Commission pictures of failed situations (i.e. Zion Meadows, Next Adventure, City Townhomes, Birdsong Subdivision, Mt.View Ridge)

Commissioner Maclean-Wenzel asked staff if the new homeowners are given any paperwork on how to care for these trees on their property. Meharg stated that staff does not at this time give the homeowner the directions for tree care, but when they purchase the house the tree protection covenant is part of the paperwork they receive from their loan officer. O'Neill also explained that the mitigation trees need to be watered for three years and during that time if the house sells, the City is unaware of the new ownership and is not able to educate the new owners on how to care for these trees.

Commissioner Lesowski agreed with staff about putting the trees in tracts and not in homeowner's backyards and Commissioner Carlton suggested planting seedlings instead.

O'Neill said he would like the City to collect the money from the builders and then staff can take over planting of the mitigation trees and ensure their maintenance over the first three years after tree planting so the builders and homeowners would not be penalized anymore for a lack of maintenance.

The Commission and staff discussed the different changes to this chapter including changing the regulation of tree removal on properties from 10,000 sq. ft. to a half acre, and defining a tree as 6 inches DBH or greater instead of 11 inches.

Commissioner Carlton also suggested changing the wording from “trunk” to “stem” since the trunk refers to only the base or bottom section of the tree. He explained the difference and O’Neill said staff would make that change.

Commissioner Carlton also asked if Section 17.102.30 A.1 should refer to the UGB and not just the city limits. O’Neill stated that staff will need to seek advice from City Attorney David Doughman about making that change.

Staff continued through the chapter line by line explaining the changes such as changing homeowner notifications from 300 to 500 feet, charging for third-party reviews to determine compliance with Chapter 17.102, and extending the expiration of tree removal permits from one year to two years.

It also was recommended by Planning Commission that all retention trees should be saved in a tree preservation tract or conservation easement. Carlton asked what happens when the property being developed is completely void of trees and there are plans to develop it. O’Neill said the City does not have a section in the municipal code that addresses this and at this time the developer would be “off the hook”. Carlton followed up and asked if the development does not meet the minimum tree retention standards because of natural past history, does the city want to require them to maintain some minimum level of tree planting beyond street trees? O’Neill said he thinks that is a good idea and it is something that has not been evaluated before.

Meharg then explained the updated tree protection measures staff is requesting. She stated staff wants to see chain link fence protection and signs that say, “Tree Protection Zone”.

Motion: To Close Public Hearing at 10:30 p.m.

Moved by: Commissioner Carlton

Seconded by: Commissioner Maclean-Wenzel

No votes: None

Abstentions: None

The motion passed.

Motion: To forward staff’s report with the code revisions to City Council with the Commissions notations.

Moved by: Commissioner Lesowski

Seconded by: Commissioner Abrams

Yes votes: Commissioners Carlton, Lesowski, Maclean-Wenzel, Mobley, Abrams and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

6. ITEMS FROM COMMISSION AND STAFF

Planning and Building Director Kelly O’Neill Jr. stated that there will be a Planning Commission meeting next month on October 29 and so far the only thing on the agenda is a special variance for utility connections for a potential gas station (Space Age Fuel) at Orient Drive and Hwy 26.

7. ADJOURNMENT

Motion: To adjourn

Moved By: Commissioner Lesowski

Seconded By: Commissioner Maclean-Wenzel

Yes votes: All Ayes
No votes: None
Abstentions: None
The motion passed.

Chair Crosby adjourned the meeting at 10:34 p.m.

Chairman Jerry Crosby

Attest:

Kelly O'Neill Jr., Planning & Building
Director

Date signed: _____