

**Sandy Planning Commission
Regular Meeting
Monday, January 28, 2019**

Chairman Jerry Crosby called the meeting to order at 7:00 p.m.

1. ROLL CALL

Commissioner Carlton – Present
Commissioner Lesowski – Excused
Commissioner MacLean Wenzel – Present
Commissioner Logan – Present
Commissioner Mobley – Present (arrived at 7:19 p.m.)
Chairman Crosby – Present

Others present: Associate Planner James Cramer, Associate Planner Emily Meharg, City Attorney David Doughman (via telephone), Planning Assistant Rebecca Casey

2. APPROVAL OF MINUTES – October 29, 2018

Motion: To approve minutes for October 29, 2018

Moved By: Commissioner Logan

Seconded By: Commissioner Carlton

Yes votes: Commissioners Carlton, Logan, Mobley and Chairman Crosby

No votes: None

Abstentions: Commissioner MacLean Wenzel

The motion passed

3. APPOINTMENTS: – Planning Commission Chair and Vice-Chair

Chairman Crosby and Commissioner Carlton were both nominated and re-appointed.

Motion: To re-appoint Chairman Crosby as Chairman and Commissioner Carlton as Vice-Chairman for another year.

Moved By: Commissioner Carlton

Seconded By: Commissioner Logan

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

No votes: None

Abstentions: None

The motion passed

Commissioner Lesowski was not in attendance, but his letter stating support for both Commissioner Carlton as Vice Chairman and Chairman Crosby as Chairman was read into the record.

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

None

NEW BUSINESS

5. PUBLIC HEARING – Type III Special Variance for Setbacks at 1850 Rachel Dr. (18-051 VAR) Chairman Crosby opened the public hearing on File No. 18-051 VAR (RV Storage Setback) at 7:04 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:

Associate Planner James Cramer summarized the staff report and addressed the background, factual information, public comments staff received, applicable criteria, and went over a brief slide show. Cramer finished his report with the summary and conclusion and staff's recommendation to approve the variance request with modifications that were recommended in the staff report.

Applicant Presentation:

Robert Mottice, Owner, 18050 Rachel Dr, Sandy, OR 97055

Mr. Mottice handed out pictures to the Commission of his property and explained the background behind building the RV storage. Mr. Mottice stated that he recently purchased his home due to the fact it had an existing RV storage area. He said he had to slope the roof to cease the rain water from flooding the neighbor's backyard. Mr. Mottice said the height of the structure is due to having a truck camper that needs to be raised in order for him to pull his truck out. He also said they worked hard at making the structure "fit in".

Chairman Crosby asked Mr. Mottice why he didn't go with a gabled roof and gutters. Mr. Mottice said in hindsight it could have been done that way.

Proponent Testimony:

None

Opponent Testimony:

None

Testimony:

None

Staff Recap:

Associate Planner James Cramer followed up and mentioned that the applicant does plan on putting gutters on the south side of the RV storage structure.

Before the discussion, Commissioner Carlton asked if Commissioner Mobley could vote on this hearing since he arrived late. City Attorney David Doughman explained that Mobley could still vote as long as he read the material ahead of time and feels comfortable voting on the agenda item.

Discussion:

Commissioner Maclean-Wenzel asked Mr. Mottice how his neighbors to the north feel about the storage structure. Mr. Mottice said they told him they understand that it's tall, but they are grateful there isn't water dumping in their backyard anymore making a mud pit.

Chairman Crosby stated that he would have liked to have seen a gabled roof, but as staff has stated, the applicant meets the height requirements and Mr. Mottice is only asking for a Variance on the setbacks.

Commissioner Carlton said the structures height is quite imposing and could have been built shorter. Commissioner Maclean-Wenzel said she shares empathy for the applicant, but she also shares Commissioner Carlton's concerns about setting a precedent. Maclean-Wenzel also stated she feels the applicant has tried to do the right thing.

Maclean-Wenzel asked the applicant if he plans on painting the structure to match his house and Mr. Mottice replied yes.

Commissioner Logan said he empathizes with the applicant, but agrees with Commissioner Carlton's concerns.

Motion: To Close the Public Hearing at 7:29 p.m.

Moved by: Commissioner Maclean-Wenzel

Seconded by: Commissioner Carlton

No votes: None

Abstentions:

The motion passed.

Motion: To approve File No.18-051 VAR (RV Storage Setback Variance at 18050 Rachel Dr.) as presented by staff in the staff report.

Moved by: Commissioner Maclean-Wenzel

Seconded by: Commissioner Carlton

Yes votes: Commissioner Maclean-Wenzel and Chairman Crosby

No votes: Commissioners Carlton and Logan

Abstentions: Commissioner Mobley (he arrived at 7:19 p.m. and did not feel comfortable voting)

The motion Failed.

City Attorney David Doughman was asked what happens during a tie vote. Doughman explained that the Motion fails during a tie. He said that more discussion between the Commission could happen if they feel they could come to a consensus. Commissioner Maclean-Wenzel asked Commissioner Carlton what it would take to get his vote of approval. Carlton said the structure is "just too big" and thinks the applicant needs to come up with something a little less imposing. Associate Planner Cramer said the applicant can appeal this decision to City Council due to the motion failing. Chairman Crosby explained to the applicant they will get the appeal paperwork from staff.

NEW BUSINESS

6. PUBLIC HEARING – Type III Tree Variance City Townhomes Subdivision (19-001 TREE)

Chairman Crosby opened the public hearing on File No. 19-001 TREE (Tree Variance - City Townhomes Subdivision) at 8:00 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:

Associate Planner Emily Meharg summarized the staff report and addressed the background, factual information, public comments staff received, applicable criteria, and went over a brief slide show. Meharg finished her report with the summary and conclusion and staff's recommendation to approve the Variance request with modifications that were recommended in the staff report.

Applicant Presentation:

Bruce Erickson, 22035 SE Firwood Dr, Sandy, OR 97055

Mr. Erickson stated that he read the staff report and agrees with the analysis and recommendations staff has presented.

Motion: To Close Public Hearing at 8:22 p.m.

Moved by: Commissioner Carlton

Seconded by: Commissioner Logan

No votes: None

Abstentions:

The motion passed.

Motion: To approve File No.19-001 TREE (Tree Variance for City Townhomes Sub.) as

presented by staff in the staff report with modifications and the condition related to aeration of compacted soils.

Moved by: Commissioner Logan

Seconded by: Commissioner Maclean-Wenzel

Yes votes: Commissioner Carlton, Maclean- Wenzel, Logan, Mobley and Chairman Crosby

No votes: None

Abstentions: None

The motion Passed

7. ITEMS FROM COMMISSION AND STAFF

Staff stated that there will be a meeting in February. Chairman Crosby said that the Planning and Building Director Kelly O'Neill had mentioned there will be many upcoming applications.

Commissioner Carlton inquired about the empty position that former Commissioner Abrams held. Staff explained that Crosby and O'Neill will get together to discuss the next step moving forward.

Commissioner Logan and Mobley both said they will have a conflict with the regular scheduled March meeting date due to spring break.

8. ADJOURNMENT

Motion: To adjourn

Moved By: Commissioner Logan

Seconded By: Commissioner MacLean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chair Crosby adjourned the meeting at 8:34 p.m.

Chairman Jerry Crosby

Attest:

Kelly O'Neill Jr., Planning & Building
Director

Date signed: _____