



**MINUTES**  
**Planning Commission Meeting**  
**Monday, July 22, 2019 City Hall- Council**  
**Chambers, 39250 Pioneer Blvd., Sandy,**  
**Oregon 97055 7:00 PM**

**COMMISSIONERS PRESENT:** Don Carlton, Commissioner, Ron Lesowski, Commissioner, Hollis MacLean-Wenzel, Commissioner, Jerry Crosby, Commissioner, John Logan, Commissioner, Chris Mayton, Commissioner, and Todd Mobley, Commissioner

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Kelly O'Neill, Planning Director and James Cramer, Associate Planner

**MEDIA PRESENT:**

**1. Roll Call**

**2. Approval of Minutes**

2.1. April 22, 2019 Planning Commission Meeting Draft Minutes.

Moved by John Logan, seconded by Hollis MacLean-Wenzel

***Motion:** To approve minutes for April 22, 2019 with the change Commissioner Mayton noted*

*Moved By: Commissioner Logan*

*Seconded By: Commissioner MacLean-Wenzel*

*Yes votes: All Ayes*

*No votes: None*

*Abstentions: None*

*The motion passed.*

CARRIED.

**3. Requests From the Floor - Citizen Communication on Non- Agenda Items**

**4. OLD BUSINESS**

4.1. 18-026 ANN - Bloom Annexation

Staff Report - 0163

Crosby opened the public hearing on File No. 18-026 ANN (Bloom Annexation) at 7:03 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 Commissioners.

**Staff Report:**

Associate Planner James Cramer summarized the staff report and addressed the background, factual information, public comments staff received, applicable criteria, and presented a brief slide show.

**Applicant Presentation:**

No applicant present.

**Proponent Testimony:**

None

**Opponent Testimony:**

**Donna Lazenby, 19271 Averill Parkway, Sandy, OR 97055**

Concerns about traffic.

**James Cusick, 38806 Jerger Street, Sandy, OR 97055**

Concerns about an existing easement and stormwater runoff.

**Staff Recap:**

Cramer, Doughman and O'Neill addressed concerns from the two people making public comments.

**Applicant Recap:**

None

**Discussion:**

The Commissioners added some context to the public testimony. Commissioner Carlton explained that the Commissioners are reviewing the proposal, but not doing the development. Commissioner Lesowski stated that stormwater and traffic concerns will be evaluated further before the property is developed. Commissioner Mobley and MacLean-Wenzel thanked the public for attending the meeting and encouraged people to participate in the Transportation System Plan (TSP) process and Urban Forestry code modifications.

**Motion:** To Close Public Hearing at 7:27 p.m.

Moved by: Commissioner Carlton

Seconded by: Commissioner Mobley

No votes: None

Abstentions: None

The motion passed.

**Motion:** To recommend approval of File No.18-026 ANN (Bloom Annexation) with the recommendations as stated by Planning staff to City Council.

Moved by: Commissioner Lesowski

Seconded by: Commissioner Mayton

Yes votes: Commissioner Carlton, Lesowski, MacLean-Wenzel, Logan, Mobley, Mayton and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

Moved by Ron Lesowski, seconded by Chris Mayton

Staff Report - 0163

*Staff recommends the Planning Commission hold a public hearing to take testimony on the proposed annexation and forward a recommendation to City Council. If the Planning Commission recommends approval of the annexation request, we suggest adding the following conditions:*

- 1. Prior to the future development of the subject property the standards and criteria of the Flood & Slope Hazard (FSH) Overlay District (Chapter 17.60) shall be applied to the subject property.*
- 2. Prior to the future development of the subject property the Flood & Slope Hazard (FSH) Overlay District map shall be updated to include the subject property.*
- 3. Prior to the future development of the subject property the development shall be limited to no more than 43 single family lots or 388 average daily trips.*
- 4. Prior to the future development of the subject property an applicant, or representative, shall confirm the conditions associated with Case File No. Z0169-19-HL have been fulfilled (Exhibit Q).*

CARRIED.

#### 4.2. 18-046 DR/VAR Stow-A-Way Mini Storage

Staff Report - 0164

Crosby opened the public hearing on File No. 18-046 DR (Stow-A-Way Mini Storage) at 7:38 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. Crosby stated he was not present at the first evidentiary hearing on June 10, 2019 but has reviewed the materials and meeting video and feels comfortable weighing in on the matter.

**Staff Report:**

Associate Planner James Cramer summarized the staff report and addressed the background, factual information, public comments staff received, applicable criteria, and presented a brief slide show.

**Applicant Presentation:**

**Michael Robinson, Attorney with Schwabe Williamson and Wyatt, 1120 NW Couch Street, Portland, OR 97209**

Mr. Robinson stated that the units do not allow for a pitched roof but does not believe that flat roofs as proposed impacts nearby properties. The property is heavily screened, and it is very difficult to see the storage units from Highway 26. He stated the purpose of the I-2 zoning district is to have less visible properties and development. Robinson said the area for the storage units is within 50 feet of the top of bank but is in the same location as previous outdoor storage. He stated the applicant is fine with restoring the area to the west of the storage units with native vegetation and installing a fence.

**Proponent Testimony:**

None

**Opponent Testimony:**

**Susan Drew, 37770 HWY 26, Sandy, OR 97055**

Ms. Drew stated she was happy to hear that staff is recommending the storage units meet the setback requirements to the top of bank for No Name Creek. Also, she would like people to apply for requests prior to coming into City Hall to ask for forgiveness.

**Staff Recap:**

Cramer and O'Neill commented on Mr. Robinson's letter that he submitted and also the deviations, variances, and adjustments that are being requested.

**Applicant Recap:**

Mr. Robinson explained the map and setbacks to top of bank. He suggested that additional vegetation is installed in the area not impacted by the paved surface or buildings. Robinson said he agrees with staff that this site lends itself to flat roofs especially because of the location of the buildings. He also stated that a decision tonight will not set precedence for future projects. The top of bank setback is a line and the addition of the buildings did not impact existing native vegetation.

**Applicant - Lacy Renard, 22611 Van Curen Road, Eagle Creek, OR 97022**

Ms. Renard explained the reason the structures were installed without seeking planning and building approval. She said that the existing storage facility was consistently full and she had a list of people they were turning down for storage units. She stated that the material that was previously on gravel within 50 feet of No Name Creek was potentially more harmful to the wetland than the storage units would be.

Susan Drew asked if the units are on a foundation. Ms. Renard stated the units are on concrete runners or footings.

Commissioner Mayton asked if the containers are mobile. Ms. Renard stated the units are not permanently fixed to the ground.

**Discussion:**

Commissioner Mayton asked if we go back in time and act like the containers are not there would we allow a modification to the top of bank setback requirements? Commissioner Carlton stated that if there is a space to install the structures at 50 feet from the top of bank then yes we would require the structures at 50 feet from the top of bank. Mayton then stated he agrees with staff for the most part in regard to the setback from top of bank, but he does not care about the roof slope. Carlton stated the Sandy Style colors should apply. Staff explained the I-2 zoning district does not require adherence to the Sandy Style color palette.

Lesowski asked if the existing fence is going to be modified per the submitted site plan? Is Exhibit C in the packet correct with the proposed fence location?

**Applicant - Chris Warnock, 37330 Ruben Lane, Sandy, OR 97055**

The fence has been there since about 1992. The fence shown on Exhibit C (site plan) to the south of X-C is not correct. Mr. Robinson added that an additional condition could be that Exhibit C is revised to reflect the existing improvements and proposed improvements.

**Summary of main items during discussion:**

**Design Deviations**

Approve existing siding - No concerns from Commissioners

Approve not having a primary entrance facing a public street - No concerns from Commissioners

Approve not having a connection between the right-of-way and building interior - No concerns from Commissioners

Approve the elimination of sheltered overhangs - No concerns from Commissioners

Deviation to lighting standards - No longer applicable as the applicant has stated they will comply with lighting regulations in Chapter 15 of the Sandy Municipal Code.

**Special Variances**

Setback of 30 feet to the property line - No concerns with from Commissioners

Deny flat roofs as constructed - The Commissioners stated they are fine with the flat roofs and determined they were not in favor of staff's recommendation to modify the roofs.

**FSH Overlay Adjustment**

Deny setback adjustment to the Top of Bank for No Name Creek – Commissioners Carlton and Mayton both stated that they are not comfortable allowing the setback adjustment as it does not meet the code criterion. O'Neill then provided a compromise and suggested the following adjustment: X-B can remain, new asphalt as proposed could be installed, and the portion of X-C in the setback would need to be moved and replaced with native vegetation. Warnock stated they could definitely relocate three of the storage units (8 feet wide each) from X-C in another section of the site outside of the Restricted Setback area to No Name Creek and plant vegetation as recommended.

**Motion:** To Close Public Hearing at 9:28 p.m.

Moved by: Commissioner Lesowski

Seconded by: Commissioner Maclean-Wenzel

No votes: None

Abstentions: None

The motion passed.

**Motion:** To approve File No.18-046 DR (Stow-A-Way) with the following motion:

Approve the design deviations nos. 1-4 as presented in the staff report, approve a special variance for the property line setback and replace gravel located in the Restricted Development Area (RDA), approve a special variance for a flat roof, and approve an adjustment to the FSH Overlay by allowing the relocation of the three most west units of X-C elsewhere on site but the adjustment allows for X-B and asphalt in the RDA with the condition that additional gravel will be replaced with native vegetation. The motion also included the requirement to improve the area between new units and existing pavement with asphalt/concrete and provide an internal circulation plan detailing how the site will limit access to Buildings X-A, X-B, and X-C. All other conditions and findings in the staff report are applicable.

Moved by: Commissioner Carlton

Seconded by: Commissioner Logan

Yes votes: Commissioner Carlton, Lesowski, MacLean-Wenzel, Logan, Mobley, Mayton and Chairman Crosby

No votes: None

Abstentions: None

The motion passed.

Moved by Don Carlton, seconded by John Logan

Staff Report - 0164

*Design Deviations:*

1. **Approve** the requested Design Deviation from Subsection 17.90.130(C)(3).
2. **Approve** the requested Design Deviation from Subsection 17.90.130(E)(1) to allow the development to not include a primary entry facing a public street or designated pedestrian way.
3. **Approve** the requested Design Deviation from Subsection 17.90.130(E)(3) to not include an entrance connecting directly between the right-of-way and the building interior.
4. **Approve** the requested deviation to eliminate sheltered overhangs or porticos at pedestrian entrances for Units A, B and C
5. **N/A.** The applicant has indicated within the submitted narrative (Exhibit N) the criteria of Subsection 17.90.130(H) will be met. Condition 2 in this staff report requires the applicant to provide the materials needed to determine compliance which shall be completed prior to the issuance of the final Certificate of Occupancy.

*Requested Special Variances:*

1. **Approve** the requested special variance (referenced as Variance A within Staff Analysis) to reduce the front (west) yard setback for Unit B to 18-feet and **approve** Unit C to be setback 24-feet from the front (west) property line **with the condition** the applicant replaces the gravel located within the Restrictive Development Area (adjacent to Unit C) with native vegetation and erect a fence along the newly identified Restrictive Development Area setback (25 feet) to discourage future encroachment and bring the site closer into compliance.
2. Staff recommends the Planning Commission make one of the following conditions regarding Variance B:
  - A. **Deny** the request to eliminate the requirement of Subsection 17.90.130(D), or
  - B. **Approve** a special variance to reduce the required roof pitch **with the condition** the structures (Units A, B and C) incorporate sloped roofs with pitches equal to the existing structures on site (IE congruent with the existing Stow-A-Way Mini Storage structures).

*Requested FSH Overlay Adjustment:*

1. Staff recommends the Planning Commission **deny** the Type III FSH Overlay Adjustment request as criterion 1, 2 and 5 have not been met.

*Should the Planning Commission choose to approve the request staff would recommend the approval be **conditioned** upon the applicant*

*replacing the gravel located within the Restrictive Development Area with native vegetation and erect a fence along the newly identified Restrictive Development Area setback (25 foot) to discourage future encroachment and bring the site closer into compliance.*

Staff recommends approval be **conditioned** on the applicant completing option A or B below:

- A. *Improve all driveways, aisles and turnarounds associated with onsite maneuvering for both the existing and proposed storage units/buildings located on the subject property, or*
- B. *Provide an improved aisle between the proposed pavement and existing pavement along with an internal circulation plan as to how the site will limit access to Buildings X-A, X-B and or X-C to the improved aisle(s).*

CARRIED.

**5. NEW BUSINESS**

**6. Items from Commission and Staff**

6.1.

O'Neill presented upcoming items on the August 26th Planning Commission meeting. Carlton asked questions about the new House Bill 2001 regarding housing.

**7. Adjourn**

**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 9:45 p.m.



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Chair, Jerry Crosby



A handwritten signature in blue ink, appearing to read "Kelly O'Neill Jr.", is centered on the page. The signature is fluid and cursive.

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Planning Director, Kelly O'Neill Jr