



**MINUTES**  
**Planning Commission Meeting**  
**Tuesday, November 19, 2019 City Hall-**  
**Council Chambers, 39250 Pioneer Blvd.,**  
**Sandy, Oregon 97055 6:30 PM**

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

**COMMISSIONERS ABSENT:** Ron Lesowski, Commissioner

**STAFF PRESENT:** Kelly O'Neill, Development Services Director and Emily Meharg, Associate Planner, David Doughman, City Attorney

**MEDIA PRESENT:** None

**1. Roll Call**

**2. Work Session**

Training on House Bills

**2.1.**

David Doughman presented information on House Bills 2001 and 2003.

House Bill 2001 will require duplexes to be allowed anywhere that single family homes are allowed. HB 2001 is effective on June 30, 2021. DLCD will create a model ordinance that is applicable if cities do not adopt their own ordinance modifications by June 30, 2021. With the passing of HB 2001 municipalities cannot require properties with accessory dwelling units (ADUs) to be owner occupied anymore.

House Bill 2003 requires the State of Oregon to conduct a regional housing analysis. HB 2003 will also require cities outside metro to complete a buildable land analysis and a housing needs analysis every 8 years.

Meeting recess at 7:05 PM

**3. Approval of Minutes**

3.1. September 23, 2019 Planning Commission Meeting Minutes

Moved by Don Carlton, seconded by Chris Mayton

*Motion: To approve minutes for September 23, 2019*

*Modification needed on Page 5 of 6 – Modify the motion to show a roll call vote and Commissioner Mayton as a no vote.*

CARRIED.

3.2. October 28, 2019 Planning Commission Work Session Meeting Minutes

Moved by John Logan, seconded by Hollis MacLean-Wenzel

*Motion: To approve minutes for October 28, 2019*

*Modification needed on Page 2 of 3 – Commissioner MacLean-Wenzel asked for staff to modify her statement regarding mixed-used development.*

CARRIED.

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

**5. OLD BUSINESS**

**6. NEW BUSINESS**

**6.1. Sandy Health Clinic Zone Amendment (19-032 ZC)**

Chairman Crosby opened the public hearing on File No. 19-032 ZC at 7:18 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. Crosby explained that the decision tonight is only a recommendation to City Council.

**Staff Report:**

Associate Planner Emily Meharg summarized the staff report and addressed the background, factual information, and presented a brief slide show.

**Applicant Testimony:**

Lori Kellow

Ankrom Moisan

38 NW Davis, Suite 300

Portland, OR 97209

Ms. Kellow is the architect for the project. They request the zone change because they want a less restrictive setback standard and an easier path forward for redevelopment of the site.

Steve Kelly  
Clackamas County Health  
2051 Kane Road, Suite 245  
Oregon City, OR 97045

Mr. Kelly said the medical clinic is negotiating with the Immanuel Lutheran Church for 17 parking spaces leased at the church parking lot.

**Proponent Testimony:**

Fawnda Buck  
39627 Pleasant Street  
Sandy, OR 97055

She stated the zone change will be an asset to the community.

**Opponent Testimony:**

None

**Discussion:**

Commissioner Carlton asked if the main reason for the zone change request is for setbacks. Emily Meharg and Kelly O'Neill Jr. stated that the main reason for the zone change is to accommodate reduced setbacks. Commissioner Carlton asked questions about the parking supply and the transportation impacts. Emily Meharg stated that those items will be evaluated with the design review application.

**Motion:** Close the public hearing  
Moved By: Commissioner Carlton  
Seconded By: Commissioner Logan  
Yes votes: All Ayes  
No votes: None  
The motion passed at 7:35 PM

Moved by John Logan, seconded by Todd Mobley

*The Planning Commission forwards a recommendation of approval to City Council for the proposed Zone Map amendment.*

*Yes votes: Carlton, MacLean-Wenzel, Crosby, Logan, Mobley, Mayton*

*No votes: None*

*The motion passed at 7:36 PM*

CARRIED.

6.2. **Mt. Hood Senior Living Conditional Use (19-027 CUP)**

Chairman Crosby opened the public hearing on File No. 19-027 CUP at 7:37 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 Emily Meharg summarized the staff report and addressed the background, factual information, and presented a brief slide show.

**Applicant Testimony:**

Melissa Meiners  
2117 NE Oregon Street, Suite 201  
Portland, OR 97232

She stated that she represents the applicant as the architect. The fire apparatus turnaround to the rear of the building might have to be modified to accommodate fire trucks. The gravel parking spaces to the rear of the building will be removed and replaced with landscaping.

Mara Carter-Leigh  
16837 Chula Vista  
Sandy, OR 97055

Ms. Carter-Leigh said that for every residential wing there will be 5 to 10 employees.

**Proponent Testimony:**

None

**Opponent Testimony:**

None

**Neutral Testimony:**

Tracy Brown  
17075 Fir Drive  
Sandy, OR 97055

Mr. Brown asked if city staff evaluated the parking based on the parking

numbers presented by the applicant during their testimony. Mr. Brown also asked if the facility operators are licensed and have experience in assisted living care.

**Staff Recap:**

Emily Meharg stated that we will need to evaluate parking based on the new numbers presented by the applicant. Kelly O’Neill Jr. stated that the conditional use permit process doesn’t evaluate if the care facility is licensed with the state, but that will be done during the business license process.

**Applicant Rebuttal:**

Reann Voorhies  
20025 Destiny Court  
Bend, OR 97703

Ms. Voorhies stated that the facility will have state approval. Based on the complete phase buildout the site will contain many employees. She also gave a lengthy explanation on how the facility will be licensed and the safe guards that are regulated by the State of Oregon.

**Discussion:**

Commissioner Carlton stated the applicant should submit a revised parking plan as part of the updated submission. Commissioner Mobley recommends amending Condition 6 labeling 23 parking spaces to recommend the applicant submit a revised off-street parking plan that is evaluated by staff. Carlton stated that this facility is located in a residential neighborhood and we need to minimize impacts to the surrounding neighborhood. Commissioner Mac-Lean Wenzel stated that this use has minimal impact to the surrounding neighborhood and fills a vacant building.

**Motion:** Close the public hearing  
Moved By: Commissioner Carlton  
Seconded By: Commissioner Logan  
Yes votes: All Ayes  
No votes: None  
The motion passed at 8:01 PM

Moved by Don Carlton, seconded by Chris Mayton

*Approve the Conditional Use Permit for Mt. Hood Senior Living with an amendment to Condition 6 requiring the applicant to submit a revised off-street parking analysis for staff review and approval.*

*Yes votes: Carlton, MacLean-Wenzel, Crosby, Logan, Mobley, Mayton*

*No votes: None*

*The motion passed at 8:03 PM*

*Meeting recess at 8:03 PM*

CARRIED.

**6.3. Pleasant Street Duplex (19-028 DR/CUP)**

Chairman Crosby opened the public hearing on File No. 19-028 DR/CUP at 8:08 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:**

Development Services Director Kelly O'Neill Jr. summarized the staff report and addressed the background, factual information, and presented a brief slide show.

**Applicant Testimony**

Kevin Cashatt  
41055 SE Kitzmiller Road  
Eagle Creek, OR 97022

Mr. Cashatt states he is a home builder around the Sandy OR area. They recently completed a multi-family development on Hood Street. He also built a duplex on Hood Street. Mr. Cashatt stated that he met with the City thinking that building a duplex on the site was a possibility based on the meetings.

Tracy Brown  
17075 Fir Drive  
Sandy, OR 97055

Mr. Brown was hired by Kevin Cashatt to complete the land use application. He handed out a copy of the pre-application notes and talked about what is written in the notes. Mr. Brown stated that the property to the west was approved with commercial attached, but that after a short period of time the commercial use ceased. He explained that the notes provided options and they used the option list to submit the application with multi-family design standards. He stated that using 'other uses similar in nature' is an elegant way to approach development of the property. Mr. Brown stated that the Planning Commission needs to determine if a duplex is a use similar in nature to multi-family. Mr. Brown would also like to evaluate the conditions in the staff report

if the Planning Commission decides to approve the conditional use permit.

**Proponent Testimony:**

None

**Proponent Testimony:**

None

**Staff Recap:**

Kelly O’Neill Jr. stated that he agrees with the applicant that the pre-app notes are not written very clearly and that the site is very tight and will be difficult to develop. However, staff does not find a duplex is similar in use to a multi-family development. David Doughman stated that seeking a variance to the maximum density allowed in a zoning district can be processed through a variance, but an applicant cannot request the density be decreased below the minimum density in a zoning district.

**Applicant Rebuttal:**

Kevin Cashatt  
41055 SE Kitzmiller Road  
Eagle Creek, OR 97022

Mr. Cashatt stated that this process has been a very frustrating process and that building a duplex would be very arduous if built in accordance with the drafted conditions. After meeting with staff Mr. Cashatt thought that constructing a duplex was a possibility.

Tracy Brown  
17075 Fir Drive  
Sandy, OR 97055

Mr. Brown stated that he appreciated the attorney’s comments on density. He does not believe that this approval would open the door to allowing multi-family development in single family zoning districts.

**Discussion:**

Commissioner Mac-Lean Wenzel stated this is a commercial zone and the community only has so much commercial land for growth. Mac-Lean Wenzel stated that we should encourage mixed-use on Pleasant Street and more commercial uses. Commissioner Carlton stated that Pleasant Street needs to transition to commercial over time. Carlton stated that the C-1 zoning district does not allow duplexes except duplex units that existed prior to the adoption of the code. Commissioner Mayton stated that not all lots are created equal

and that the property is surrounded by residential uses. Carlton said the code is black and white on this issue, and he does not see a gray area because the code states that duplexes are not allowed. Commissioner Logan asked that if the applicant puts three dwelling units detached from one other on the property could that be considered multi-family? Kelly O'Neill Jr. affirmed that would be considered multi-family. Logan said there is no gray area. Commissioner Crosby said that the Commission is constrained by the code language and that the code was written to not allow duplexes. Carlton said that Pleasant Street will most likely have small boutique commercial on the street. Mac-Lean Wenzel wanted to thank staff for working with the applicant on a fee reduction for the next application on this property. Mayton said that maybe the applicant can apply for a zone change. Carlton said that would create an odd gerrymander of zoning. Crosby said that the Commission grants a lot of variances, but that sometimes that is not an option.

Motion: Close the public hearing  
Moved By: Commissioner Carlton  
Seconded By: Commissioner Mayton  
Yes votes: All Ayes  
No votes: None  
The motion passed at 9:03 PM

Moved by Chris Mayton, seconded by Don Carlton

*The Planning Commission denies the request for a conditional use permit for a duplex.*

*Yes votes: Carlton, Mac-Lean Wenzel, Logan, Mobley, Mayton, Crosby*

*No votes: None*

*Abstention: None*

*The motion passed at 9:05 PM*

CARRIED.

## **7. Items from Commission and Staff**

### **7.1.**

Commissioner Crosby asked if anyone is up for appointment in December 2019. Kelly O'Neill Jr. stated that the next reappointment is in 2020. O'Neill then explained the upcoming meetings and the new staff report format. Commissioner Carlton asked what constitutes a window. O'Neill stated that staff was unaware the windows on the Tractor Supply Store would be adhered to the building and not traditional windows. Doughman said that adhering windows to the exterior of the building is allowed by law. Carlton asked if we



could do design awards again. O'Neill stated that we could start the program again in 2020.

**8. Adjourn**

8.1.

Motion: To adjourn  
Moved By: Commissioner Logan  
Seconded By: Commissioner Carlton  
Yes votes: All Ayes  
No votes: None  
Abstentions: None  
The motion passed.

Chairman Crosby adjourned the meeting at 9:20 p.m.



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Chair, Jerry Crosby



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Planning Director, Kelly O'Neill Jr