



**MINUTES**  
**Planning Commission Meeting**  
**Tuesday, February 11, 2020 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:** None

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

**MEDIA PRESENT:** Sandy Post

**1. Roll Call**

**2. Approval of Minutes**

2.1. January 23, 2020 Draft Minutes

**Motion:** To approve minutes for January 23, 2020

Moved By: Commissioner Lesowski

Seconded By: Commissioner MacLean-Wenzel

Yes votes: All Ayes

No votes: None

Abstentions: Commissioner Mobley

The motion passed.

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

Richard Sheldon

Mr. Sheldon stated it was unprofessional that Commissioner Mobley recused himself and then sat next to the developer. It did not give the impression that he is impartial.

Kathleen Walker

Mrs. Walker reiterated Richard Sheldon's testimony. She stated that Commissioner Mobley has had to recuse himself because of conflict of interest since he is working

on proposals on behalf of developers, which takes away the position from someone else. It would be nice to have a Commission member who can participate full time.

#### **4. OLD BUSINESS**

##### **4.1. Bailey Meadows Subdivision (19-023 SUB/VAR/TREE):**

Chairman Crosby opened the public hearing on File No. 19-023 SUB/VAR/TREE at 7:06 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.

Commissioner Mobley recused himself as the applicant's transportation engineer.

##### **Staff Report:**

Since the last hearing, there were two open record periods. Development Services Director Kelly O'Neill Jr. stated there are some modified conditions and summarized additional written testimony from the public, the Public Works Director, and the City Attorney.

City Attorney Doughman addressed the needed housing statute (ORS 197.307) and clarified that needed housing includes housing that has been determined to meet the needs of a City over a 20-year period, including, but not limited to, low-income/affordable housing. Doughman also addressed the clear and objective requirement associated with housing applications. Essentially all housing applications are required to be reviewed under clear and objective criteria.

##### **Discussion:**

Commissioner Mayton asked about maximum intersection counts. Commissioner Carlton said there is no maximum in the code. O'Neill stated that staff has interpreted that 1,000 ADT is the maximum and no other applicants have challenged that in the last 9-10 years. A consulting firm told the City to remove certain provisions from the code during the last TSP update. Doughman explained the Silverton case law. Commissioner Carlton stated the traffic counts were less than the worst-case scenario.

Commissioner Carlton stated he wants to see Gunderson Road be constructed and suggested the Commissioners listen to legal counsel. Doughman stated that denying the subdivision is a more difficult route.

Commissioner Lesowski asked about deliberation process. Commissioner Crosby asked for clarification on what happens if Gunderson Road does or doesn't go through. O'Neill stated that the Planning Commission is not bound to any of staff's recommendations or conditions in the report. Commissioner Logan brought up conditioning the UGB expansion as part of this application but acknowledged that could be overturned. Commissioner Mayton asked if there was an impasse with timing of the UGB decision and the decision on the subdivision. Doughman stated the 120-day deadline is April 14, which needs to allow for an appeal to City Council, and that the applicant needs a decision by the end of March. The UGB expansion decision still needs to go through City and County processes. Commissioner Carlton asked if there would be a basis for denying the UGB expansion. Doughman stated he thinks we would know at this point if there was opposition from groups like 1,000 Friends, whose mission is to preserve agricultural land.

Commissioner Lesowski is concerned about livability through the process for the existing residents with all the construction trucks. Commissioner Carlton agrees that Gunderson Road needs to be constructed as soon as possible so construction trucks can enter that way. Commissioner Crosby asked if they could include a condition regarding Gunderson Road. Doughman stated the Planning Commission could condition a different threshold of when Gunderson Road would need to be completed relative to the number of certificates of occupancy issued. Commissioner MacLean-Wenzel encouraged Sandy residents to testify for the Gunderson Road UGB expansion. Commissioner Crosby asked what happens to Condition E. if Gunderson Road is not approved. Doughman explained there would be an easement granted for the Gunderson Road right-of-way and a fee paid for the park if the UGB expansion is not approved and 100 homes are built. Commissioner Carlton asked if they could condition that no more than 30 homes be built before Gunderson is built (replace "certificate of occupancy" with "building permit"). O'Neill stated that most developers won't build many vacant homes because that lowers the value of new home sales. Doughman reiterated that the proposed subdivision is planned in phases. Commissioner Carlton asked if construction traffic could use Ponder Lane. O'Neill stated it could, but it would probably be better to grade and gravel Gunderson Road. Commissioner Lesowski stated that ideally Gunderson would be built at the beginning but noted that's probably not practical.

Commissioner Carlton asked about the City's share for the cost of Gunderson Road. Doughman said the details are still being worked out.

Commissioner Carlton brought up the condition the applicant wants to add. Commissioner Lesowski asked about removing the "if" in the Gunderson Road condition. Doughman stated the applicant would argue the Planning Commission does not have the legal authority and that the applicant doesn't feel they are obligated to do anything.

Commissioner Lesowski brought up the front doors facing Gunderson Road on Lots 55-59. Doughman stated the applicant does not want to apply for a variance. Commissioner Lesowski asked about condition G.22 and wants "Planning Commission" to be changed to "Development Code" since the code requires the trees to be retained. O'Neill explained the applicant is required to retain all the trees that are in healthy condition in order to meet the code without going through a tree variance. Tree removal down the line would need to be done as a separate tree variance request. The Commissioners requested the "As required by the Planning Commission" clause be removed from condition G.22.

**Motion:** Motion to approve 19-023 SUB/VAR/TREE with the edit to condition G.22

Moved By: Commissioner Carlton

Seconded By: Commissioner Logan

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

No votes: None

Abstentions: None

The motion passed at 8:42 p.m.

The Commission entered a recess.

## **5. NEW BUSINESS**

### **5.1. UGB Expansion for Gunderson Road (20-002 UGB):**

Chairman Crosby opened the public hearing on File No. 20-002 UGB at 8:53 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.

Commissioner Mobley previously recused himself from this hearing item during the recusal period for 19-023 SUB/VAR/TREE.

#### **Staff Report:**

Development Services Director Kelly O'Neill Jr. summarized the staff report and addressed the public hearing dates, background, factual information, and presented a brief slide show. O'Neill explained the updated UGB area that includes additional area of Highway 211 related to the jurisdictional transfer from ODOT to the City. The updated UGB expansion area is approximately 6.02 acres.

**Applicant Testimony:**

Chris Goodell  
AKS Engineering and Forestry  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
Chris Goodell presented a brief slideshow.

**Proponent Testimony:**

Erin Findlay  
37616 Rachael Drive  
Sandy, OR 97055  
Best practice is safety.

Paul Owen  
37189 Rachael Drive  
Sandy, OR 97055  
This is all about safety. Gunderson Road is necessary. UGB expansion should be expedited.

Carol Cohen  
37537 Rachael Drive  
Sandy, OR 97055  
Concerned about the status of the development agreement. Who is paying for the road? Developer should be responsible. Does the City have money for the construction? Planning Commission should insist development agreement for Gunderson Road be completed prior to the UGB expansion. Feels deflated and disappointed in development.

Kathleen Walker  
15920 Bluff Road  
Sandy, OR 97055  
Agrees with Carol Cohen. Who's paying for the road to be built? The fact we don't know that and are approving subdivisions and talking about UGB expansions seems upside-down. Is the developer proposing to pay anything

for Gunderson Road for their 100 homes? Are they making a profit on building the road if the City pays? Wants answers before the City Council meeting. Planning Commission should ask City Attorney what language we need in our code to fix this loophole. What happens if the City can't afford to pay for Gunderson Road? Concerned this may set a precedent.

Marie Debatty  
37176 Rachael Drive  
Sandy, OR 97055

For Gunderson Road, but there will still be traffic on Melissa Avenue. Doesn't understand who's in charge of making Melissa Avenue right. Would like to see speed bumps and roundabouts to slow traffic on Melissa Avenue. Would like to see construction traffic not come up Melissa Avenue.

**Opponent Testimony:**

None

**Neutral Testimony**

None

**Staff Recap:**

O'Neill stated the decision of who pays for the road is a City Council decision through a Development Agreement. O'Neill does not know when that document will become public knowledge. Staff does not have information on the proposed payment. Doughman reiterated City Council is still having discussion about how much they will pay for construction. Doughman stated clear and objective standard tied to ADT standards will be researched. O'Neill stated DLCD had no comment on UGB expansion proposal.

**Applicant Rebuttal:**

Goodell thanked staff for a positive report and recommendation.

**Discussion:**

**Motion:** Motion to close the public hearing at 9:23 p.m.

Moved By: Commissioner Logan

Seconded By: Commissioner MacLean-Wenzel

Yes votes: Carlton, Lesowski, Maclean-Wenzel, Crosby, Logan, and Mayton

No votes: None

Abstentions: None

The motion passed at 9:23 p.m.

The commission discussed the UGB expansion proposal.

**Motion:** Motion to recommend the City Council to approve File No. 20-002

Moved By: Commissioner Mayton

Seconded By: Commissioner Lesowski

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed at 9:29 p.m.

**6. Items from Commission and Staff**

Next PC hearing is February 24. Commissioner Carlton stated that any Planning Commissioner can lead the meeting. Commissioner MacLean-Wenzel is thinking about succession planning in terms of Planning Commission leadership. Commissioner Lesowski asked about upcoming code changes.

**7. Adjourn**

**Motion:** To adjourn

Moved By: Commissioner Carlton

Seconded By: Commissioner Mayton

Yes votes: All Ayes

No votes: None

Abstentions: None

The motion passed.

Chairman Crosby adjourned the meeting at 9:34 p.m.



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Chair, Jerry Crosby



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Planning Director, Kelly O'Neill Jr